Regents Policy Manual (RPM)

The Regents Policy Manual is the collection of policy statements, formally approved by the New Mexico State University Board of Regents, which govern the University at the highest level. The Regents have granted authority to the University administration to adopt additional rules and procedures as may be appropriate and necessary to implement the Regent's policies. Those additional rules and procedures, published as the "Administrative Rules and Procedures" (ARP) have the force and effect of policy as long as the rules and procedures are consistent with the policy directives from the Regents as contained in this Regents Policy Manual.

Title 1. Institutional Governance

Title 2. Institutional Organization and Affiliated Entities

Title 3. Ethics, Equity and Equal Opportunity

Title 4. Curriculum and Course Management

Title 5. Student Life and Conduct

Title 6. Human Resources

Title 7. Reserved - No Content

Title 8. Reserved - No Content

Title 9. Reserved - No Content

Title 10. Reserved - No Content

Title 11. Research and Intellectual Property

Title 12. Physical Asset Management

Title 13. Financial Resource Management

Title 14. Business Operations

Title 15. Information Management and Data Security

Title 16. Safety and Risk Management

Title 17. Intercollegiate Athletics

Title 18. Community and Governmental Relations

Appendices

Recompilation 2017

Equal Opportunity/Affirmative Action Statement

New Mexico State University, in compliance with applicable laws and in furtherance of its commitment to fostering an environment that welcomes and embraces diversity, does not discriminate on the basis of age, ancestry, color, disability, gender identity, genetic information, national origin, race, religion, retaliation, serious medical condition, sex (including pregnancy), sexual orientation, spousal affiliation, or protected veteran status in its programs and activities, including employment, admissions, and educational programs and activities. Inquiries may be directed to the Executive Director, Title IX and Section 504 Coordinator, Office of Institutional

Equity, P.O. Box 30001, 1130 E. University Avenue, Las Cruces, NM 88003; 575-646-3635; equity@nmsu.edu

NMSU is committed to providing reasonable accommodations to qualified individuals with disabilities upon request. To request an accommodation, please contact Student Accessibility Services, Corbett Center Student Union, Room 2008, Las Cruces, NM 88003; 575-646-6840 or sas@nmsu.edu or the Office of Institutional Equity, O'Loughlin House, 1130 E. University Avenue, Las Cruces, NM 88003; 575-646-3635 or equity@nmsu.edu. One week advance notice is appreciated. To request this document in an alternate form, please contact the NMSU General Counsel at the Office of University General Counsel, gencounsel@nmsu.edu or 575-646-2446.

(v080917)

Go to ARP

RPM Crosswalk

Search for:

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RPM Maintenance

The Regents Policy Manual is maintained by **University General Counsel.**

Inquiries should be directed to **gencounsel@nmsu.edu**

RPM History

Policy Maintenance

The Regents Policy Manual is maintained by University General Counsel. Inquiries should be directed to **gencounsel@nmsu.edu.**

Proposals Under Review

Proposals for new and revised policies are available to NMSU stakeholders on the UGC SharePoint site.

UGC SharePoint Site

Related Sites

University General Counsel

Administrative Rules and Procedures

Business Procedures Manual

Other University Regulations

Board of Regents

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Title 1 | Institutional Governance

Subsections of Title 1

- 1.00 NMSU History and Mission
- 1.01 Establishment and Governance
- 1.02 Board of Regents Authority and Responsibility
- 1.04 Regent Membership on Boards of Affiliated Entities
- 1.05 Regents Awards and Recognition
- 1.06 Permitted Use of NMSU Official Seal
- 1.10 NMSU System Policies and Rules
- 1.30 Delegation of Authority
- 1.35 Board of Regents Role in Administrative Appointments
- 1.36 Role of University General Counsel
- 1.70 Shared Governance and the Role of the Faculty Senate

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RPM Crosswalk

RPM Contents

Titles 1 - 5

New Mexico State University
All About Discovery!

1.00 NMSU History and Mission

rpm.nmsu.edu/1-00

A. History

New Mexico State University was founded in 1888 as Las Cruces College. The Territorial Legislature of 1889 established the land-grant Agricultural College and Experiment Station, which officially opened on January 21, 1890.

During its first full academic year, the college became known as the New Mexico College of Agriculture and Mechanic Arts, the first degree granting institution in the Territory. Under the provisions of the Morrill Act of 1862 and subsequent federal legislation, the special mission of land-grant institutions has been to provide a liberal and practical education for students and to sustain programs of research, extension education, and public service.

In 1960, New Mexico College of Agriculture and Mechanic Arts became New Mexico State University. Since that time, while sustaining excellence in those programs traditionally associated with land-grant institutions, New Mexico State has become a comprehensive doctoral level university offering a wide variety of programs through the Graduate School and the colleges: Agriculture and Consumer and Environmental Sciences, Arts and Sciences, Business Administration, Education, Engineering, and Health and Social Services.

B. Mission

New Mexico State University is the state's land-grant university, serving the educational needs of New Mexico's diverse population through comprehensive programs of education, research, extension education, and public service.

Details

Scope: NMSU System
Source: RPM Title 1 | Institutional Governance

Policy Administrator: General Counsel

Last Updated: 03/06/2017

Related

Cross-Reference:
Revision History:

Recompiled 2017.

03/06/2017 Policy Adopted by the Board of Regents.

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1.01 Establishment and Governance

rpm.nmsu.edu/1-01

The New Mexico Constitution establishes New Mexico State University as one of the state's postsecondary educational institutions, and requires the legislature to provide for the control and management of the institution through a five member Board of Regents, which serves as the governing body for both New Mexico State University as well as for the New Mexico Department of Agriculture (NMDA). (See Appendix RPM 1.01 – A)

Details

Scope: NMSU System
Source: RPM Title 1 | Institutional Governance

Policy Administrator: General Counsel

Last Updated: 03/06/2017

Related

Cross-Reference:
Appendix RPM 1.01 - A

Revision History:

Recompiled 2017.

03/06/2017 Policy adopted by Board of Regents.

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1.02 Board of Regents Authority and Responsibility

rpm.nmsu.edu/1-02

The authority and responsibility of the Regents to control and manage the institution is prescribed by the legislature in state statutes. In order to fulfill those responsibilities the Board has adopted and shall be governed by the Bylaws of the Regents of New Mexico State University. (See Appendix RPM 1.02 – A .) The Bylaws provide internal operating rules for the Board. Upon request of any Regent, a proposal to amend the Bylaws shall be placed upon the agenda and considered at the next regularly scheduled open meeting of the Regents occurring more than 14 days after the proposal is first presented to the Board Chair by any Regent.

Details

Scope: NMSU System
Source: RPM Title 1 | Institutional Governance

Policy Administrator: Board of Regents Staff

Last Updated: 03/06/2017

Related

Cross-Reference:
Appendix RPM 1.02 - A

Revision History:

Recompiled 2017.

03/06/2017 Policy adopted by Board of Regents.

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1.04 Regent Membership on Boards of Affiliated Entities

rpm.nmsu.edu/1-04

A. NMSU Foundation, Inc.

The Board of Regents shall elect one of its members to serve on the board of directors of the NMSU Foundation, Inc. during the annual election of officers in even-numbered years.

B. Arrowhead Center, Inc.

Annually, the board shall also name two of its members to the board of directors of the Arrowhead Center, Inc, formerly called the NMSU Technology Transfer Corporation, Inc., and as merged with the NMSU Research Park Corporation, Inc.

Details

Scope: NMSU System
Source: RPM Title 1 | Institutional Governance

Policy Administrator: Board of Regents Staff

Last Updated: 03/06/2017

Related

Cross-Reference:
Revision History:

Recompiled 2017, formerly NMSU PM 1.05, Board of Regents-Affiliated Entities
03/06/2017 Policy adopted by BoR, formerly Policy 1.05.20 A. and B.
10/19/2016 Amendment approved by Board of Regents.

03/16/2016 Amendment approved by Board of Regents.
05/10/2013 approved by Board of Regents.
07/20/2010 approved by Board of Regents.

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1.05 Regents Awards and Recognition

rpm.nmsu.edu/1-05

A. Regents Medal

The Regents Medal shall be awarded on suitable occasions and with appropriate ceremonies to persons who have made outstanding contributions to the university, to the State of New Mexico, or to the United States. Documented nominations may come from any group or individual through the administration, for consideration for this honor by the board.

B. Regents Award for Outstanding Service to Its Community Colleges

The Regents Award for Outstanding Service to its community colleges is a means to honor distinguished citizens, within a community college district, who have made outstanding contributions to one or more of the university's community colleges. It shall be awarded on suitable occasions and with appropriate ceremonies. Documented nominations may come from any group or individual, which have been forwarded through the administration, including the appropriate community college campus president, for consideration for this honor by the Board of Regents. The award will be in the form of a plaque.

Details

Scope: NMSU System
Source: RPM Title 1 | Institutional Governance

Policy Administrator: Board of Regents Staff

Last Updated: 03/06/2017

Related

Cross-Reference:
Revision History:

Recompiled 2017, formerly NMSU PM 1.04
03/06/2017 Adopted by Board of Regents (formerly 1.05.20 D. and 1.05.95 D.)

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1.06 Permitted Use of NMSU Official Seal

rpm.nmsu.edu/1-06

A. Purpose

To establish parameters regarding use of the official university seal.

B. Definition and Description of Seal

The established and official symbol or stamp which authenticates official action taken, award bestowed, and/or signatures of the members of the NMSU Board of Regents. Adopted in December 1962 by the New Mexico State University Board of Regents, the circular design of the NMSU Seal has the words New Mexico State University and the date, 1888, around the edge of the circle and a Zia, with the letters N, M, S, U, in the four corners of the Zia symbol within the circle as shown here:

Official Seal of New Mexico State University

C. Use of Seal

Restricted Use/Authorization to Use Seal: The seal is restricted for use by and for the NMSU Board of Regents and the Office of the Chancellor, with limited exceptions as they may authorize.

Prohibition of Alteration of Seal: As the university's official indicia/insignia, it shall not be altered, except by formal action of the NMSU Board of Regents.
Permissible Use(s) of Seal: Use of the university seal is prohibited without written consent from the Office of the Chancellor. The official university seal shall be used only for formal university business, including but not limited to, the diplomas issued to NMSU graduates, select and official university documents and commemorative items and awards.

D. Procedural Guidelines

To facilitate the administration and enforcement of this policy, the policy administrator may develop and issue supplemental procedural guidelines (includes protocols, forms, etc.), consistent with the policy and with approval from the chancellor. Procedural guidelines shall either be published in the Administrative Rules and Procedures or shall be posted on an appropriate website and linked from this section.

Details

Scope: NMSU System
Source: RPM Title 1 | Institutional Governance

Policy Administrator: Chancellor Chief of Staff

Last Updated: 03/06/2017

Related

Cross-Reference:
Revision History:

Recompiled 2017, formerly "New Mexico State University Seal"
03/06/2017 Board of Regents Amended (formerly Policy 1.22)
10/21/2015 Approved by Board of Regents.

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1.10 NMSU System Policies and Rules

rpm.nmsu.edu/1-10

Pursuant to the authority granted under the New Mexico Constitution and related statutes, the Board of Regents governs New Mexico State University and the New Mexico Department of Agriculture (collectively the "NMSU System") through the adoption of policies, rules and procedures ("policies'). These policies provide direction relating to the mission and goals for the NMSU System, as well as the Board's delegation or reservation of authority. The purpose of this policy is to establish a framework for the adoption of the NMSU System policies and to authorize the development of enforceable operational rules and procedures as may be necessary to achieve the goals and directives established by the Board of Regents.

A. Regents Policy Manual (RPM)

Policies approved by the Board of Regents, referred to as regents policies, shall be maintained in a document titled "Regents Policy Manual" (RPM), formerly titled, the "NMSU Policy Manual", which may take the form of an online website.

B. Scope of Application

Regents policies apply to the entire NMSU system, unless otherwise provided in the policy.

C. Revisions to RPM

Revisions to the Regents Policy Manual, except as otherwise provided below, are effective upon approval by the Board of Regents in open meeting, or on such other date as reflected in the Board's motion or approved policy. In those instances where there is a compelling need for an immediate policy change,

the chancellor may adopt and implement provisional policy, provided that the provisional policy is presented to the Board of Regents for ratification in open meeting as soon as practicable.

D. Implementing Rules

The chancellor is authorized to adopt operational rules and procedures as may be appropriate and necessary to implement the policies adopted by the Board of Regents, and to ensure efficient and effective organizational/transactional control. Those rules and procedures which have been formally adopted and approved by the Chancellor shall be maintained in a document entitled "Administrative Rules and Procedures of NMSU" (ARP) which may take the form of an online website. The ARP shall apply throughout the NMSU system unless otherwise provided. The university shall include in the ARP a process that provides adequate opportunity for university stakeholders to provide comment regarding proposals to amend, repeal, or propose new policies or ARP provisions.

E. Shared Governance

Policy and rule proposals which involve the academic mission and matters of shared governance, as defined in **RPM 1.70**, shall be reviewed and approved by the Faculty Senate before submission to the chancellor for final approval. Any such proposal not approved by Faculty Senate shall become effective only upon approval from the Board of Regents.

F. Non-Contractual Policies/Rules

Provisions contained in the Regents Policy Manual and Administrative Rules and Procedures shall not create any type of contract, implied or otherwise, between the regents and its employees or any other individual or entity. Regents policies and rules in the ARP may be amended or revoked at any time in accordance with this policy and **ARP 1.10**. The rules in the ARP have the same force and effect as the policies approved by the Regents provided that such rules are not in conflict with the regents policies.

Details

Scope: NMSU System
Source: RPM Title 1 | Institutional Governance

Policy Administrator: General Counsel

Last Updated: 06/29/2018

Related

Cross-Reference:
RPM 1.70 - Shared Governance and the Role of Faculty Senate

ARP 1.10 – Procedures to Revise NMSU Policies and Rules

Revision History:

06/29/2018 Amendment approved by Board of Regents
Recompiled 2017
10/21/2015 Amendment approved by Board of Regents
06/20/2013 Amendment approved by Board of Regents
07/20/2010 Amendment approved by Board of Regents

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New Mexico State University
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1.30 Delegation of Authority

rpm.nmsu.edu/1-30

A. Delegation of Authority at New Mexico State University

The chancellor shall administer, execute and implement the directives and policy decisions of the board of regents as they relate to the academic mission of New Mexico State University (NMSU or university). The board delegates to the chancellor its authority for the internal management of the university, and all decisions and actions related thereto, except as reserved to the board of regents by policy. The chancellor is authorized to sign contracts for the university on behalf of the board of regents. The chancellor may delegate the authority to other university administrators as may be necessary or proper to fulfill these responsibilities.

B. Delegation of Authority at New Mexico Department of Agriculture

The director, also referred to as a cabinet secretary, shall administer, execute and implement the statutory duties of the New Mexico Department of Agriculture (NMDA or department of agriculture) and the directives and policy decisions of the board as they relate to the NMDA. The director is authorized to sign contracts and other documents on behalf of the department of agriculture as may be necessary and appropriate to fulfill these duties. The director may also delegate authority to staff as may be necessary or proper to fulfill these responsibilities.

C. Personnel Administration

Except as otherwise provided by RPM 1.35, the employment, advancement, dismissal and other personnel actions relating to all administrators, faculty, and other university personnel are delegated to the chancellor and to whomever the chancellor delegates such authority. All administrators serve at the pleasure of the chancellor.

D. Board's Role in Personnel Matters

Except as otherwise provided by RPM 1.35, the board will not actively nor directly participate in the hiring or other personnel actions relating to university personnel, however, the board may review any particular hiring by the administration, to determine compliance with the university's hiring policies.

Details

Scope: NMSU System
Source: RPM Title 1 | Institutional Governance

Policy Administrator: Chancellor

Last Updated: 03/06/2017

Related

Cross-Reference:
Revision History:

Recompiled 2017, former NMSU PM 1.05.30, Chancellor of NMSU

03/06/2017 Policy adopted by Board of Regents, superseding former Policy 1.05.30, Chancellor of NMSU.
(NOTE: former Policy 1.30, Information Technology Governance, renumbered as Policy 15.30)

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New Mexico State University
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1.30 Delegation of Authority

rpm.nmsu.edu/1-30

A. Delegation of Authority at New Mexico State University

The chancellor shall administer, execute and implement the directives and policy decisions of the board of regents as they relate to the academic mission of New Mexico State University (NMSU or university). The board delegates to the chancellor its authority for the internal management of the university, and all decisions and actions related thereto, except as reserved to the board of regents by policy. The chancellor is authorized to sign contracts for the university on behalf of the board of regents. The chancellor may delegate the authority to other university administrators as may be necessary or proper to fulfill these responsibilities.

B. Delegation of Authority at New Mexico Department of Agriculture

The director, also referred to as a cabinet secretary, shall administer, execute and implement the statutory duties of the New Mexico Department of Agriculture (NMDA or department of agriculture) and the directives and policy decisions of the board as they relate to the NMDA. The director is authorized to sign contracts and other documents on behalf of the department of agriculture as may be necessary and appropriate to fulfill these duties. The director may also delegate authority to staff as may be necessary or proper to fulfill these responsibilities.

C. Personnel Administration

Except as otherwise provided by RPM 1.35, the employment, advancement, dismissal and other personnel actions relating to all administrators, faculty, and other university personnel are delegated to the chancellor and to whomever the chancellor delegates such authority. All administrators serve at the pleasure of the chancellor.

D. Board's Role in Personnel Matters

Except as otherwise provided by RPM 1.35, the board will not actively nor directly participate in the hiring or other personnel actions relating to university personnel, however, the board may review any particular hiring by the administration, to determine compliance with the university's hiring policies.

Details

Scope: NMSU System
Source: RPM Title 1 | Institutional Governance

Policy Administrator: Chancellor

Last Updated: 03/06/2017

Related

Cross-Reference:
Revision History:

Recompiled 2017, former NMSU PM 1.05.30, Chancellor of NMSU

03/06/2017 Policy adopted by Board of Regents, superseding former Policy 1.05.30, Chancellor of NMSU.
(NOTE: former Policy 1.30, Information Technology Governance, renumbered as Policy 15.30)

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1.35 Board of Regents Role in Administrative Appointments

rpm.nmsu.edu/1-35

A. Chancellor of New Mexico State University

The board of regents shall appoint the chancellor of the university system from a panel of finalists, in accordance with applicable law (See NMSA 1978, §21-1-16.1). The process of selecting the finalists to present to the board for consideration shall be determined by the board. The chancellor shall serve as president of NMSU-Las Cruces and chief executive officer of the university system, including its Alamogordo, Doña Ana, Carlsbad and Grants community colleges. The chancellor reports to the board of regents.

B. Director of New Mexico Department of Agriculture

The board of regents shall appoint the director of the department of agriculture who shall serve at the pleasure of the board pursuant to New Mexico law. The director also serves as a representative of agriculture on the governor's executive cabinet and is also referred to as the secretary of agriculture. The director of the department of agriculture reports to the board of regents.

C. Board of Regents Staff

The board may establish or abolish from time to time such offices and positions as may be necessary to support the board in their governance and policy-making roles on behalf of the university and the NMDA. Those positions established to support the board of regents shall report administratively to the chair of the board of regents who shall be responsible for fulfilling the regular duties of supervisors at NMSU with respect to those positions, as well as mandatory training and related duties. The staff serving in positions reporting to the board of regents shall serve at the will of the board. The board will make all decisions regarding the selection, evaluation and retention of staff in these positions.

D. Executive Vice President and Provost

The chancellor shall, upon consultation with the chair of the board of regents, select an executive vice president and provost who shall serve as the senior academic administrator and, in the absence of the chancellor, shall serve as the acting chief executive officer of the university system with all the authority and duties as are vested in the chancellor. The selection of the executive vice president and provost shall be from a panel of finalists. The chair may appoint up to two regents to serve on the search committee; in all other regards the process of selecting the panel of finalists shall be consistent with the university's policies and procedures regarding recruitment of employees.

E. Senior Vice President for Administration and Finance

The chancellor shall, upon consultation with the chair of the Board of Regents, select a senior vice president for administration and finance who shall serve as the chief business officer of the university system and, in the absence of both the chancellor and executive vice president and provost, shall serve as the acting chief executive officer of the university system with all the authority and duties as are vested in the chancellor. The selection of the senior vice president for administration and finance shall be from a panel of finalists. The chair may appoint as many as two regents to serve on the search committee; in all other regards the process of selecting the panel of finalists shall be consistent with the university's policies and administrative rules and procedures regarding recruitment of employees.

Details

Scope: NMSU System
Source: RPM Title 1 | Institutional Governance

Policy Administrator: Board of Regents Staff

Last Updated: 03/06/2017

Related

Cross-Reference:
Revision History:

Recompiled 2917, formerly Policy 1.40

03.06.17 Adopted by Board of Regents.

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1.36 Role of University General Counsel

rpm.nmsu.edu/1-36

A. General Counsel Role and Reporting

The University General Counsel (UGC) attorneys represent the interests of the Regents of New Mexico State University (NMSU) as a constitutionally recognized legal entity, acting through its Board of Regents (Board). The general counsel, also referred to as chief legal affairs officer, reports functionally to both the Board of Regents and to the chancellor, and reports administratively to the chancellor. The general counsel is selected by the chancellor, upon consultation with the chair of the Board of Regents.

B. UGC Authority and Responsibilities

The general counsel and attorneys in the UGC office are authorized to fulfill the following functions and responsibilities, consistent with university policy and the law:

1. Advise and assist the Board in its governance responsibilities for both New Mexico State University and the New Mexico Department of Agriculture (NMDA), including compliance with state and federal statutes regulating same;
2. Inform the Board regarding any legal matters which involve significant legal or reputational risk to the institution, either by confidential memorandum or during a closed meeting of the Board;
3. Provide legal advice to the NMSU chancellor, executive vice president and provost, executive management, and the NMDA Director/Secretary (and other university administrators and staff as they may direct or authorize);
4. Coordinate the development and maintenance of university policies (Regents Policy Manual) and rules (Administrative Rules and Procedures);
5. Advise NMDA regarding promulgation of regulations within its statutory authority;
6. Represent NMSU in any litigation or administrative proceeding in which NMSU is a party, either directly or by retaining outside counsel, as necessary;
7. Provide legal defense or representation for individual officials, employees and volunteers named in litigation as a result of the performance of duties for NMSU;

8. Accept service of process for summons and complaints, garnishments, and other legal documents;
9. Serve as the registered agent for any corporate entity authorized and controlled by NMSU;
10. Initiate legal proceedings, as authorized by the chancellor, as may be necessary to protect the interests of NMSU; and
11. Undertake such other related responsibilities as shall be assigned by the Board or the Chancellor.

Details

Scope: NMSU System
Source: RPM Title 1 | Institutional Governance

Policy Administrator: General Counsel

Last Updated: 05/11/2018

Related

Cross-Reference:
Revision History:

05/11/2018 Amendment approved by Board of Regents (formerly RPM 16.40)
Recompiled 2017, formerly Policy 2.40.

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1.70 Shared Governance and the Role of the Faculty Senate

rpm.nmsu.edu/1-70

A. Shared Governance

Shared governance refers to the governance of the university in which responsibility is shared among the Board of Regents, the faculty and the administration. As used in this policy, "faculty" refers to the general faculty, defined as all tenured, tenure track and college faculty at all of the university's campuses. For purposes of this policy, the Chancellor and the executive vice president and provost, and their respective direct reports, shall be collectively referred to as "administration". Shared governance shall remain a central tenet of academic decision making at New Mexico State University.

By law, the Board of Regents governs the NMSU system, under the advice of faculty, by the enactment of policies and by its delegation of operational authority through the Chancellor.

Consistent with the principles of the American Association of University Professors (AAUP), the faculty, represented through the Faculty Senate and other faculty representatives, shall be involved in personnel decisions, selection of administration, preparation of budget, and determination of educational policies. The faculty shall have primary responsibility for curriculum and subject matter and methods of instruction, research, faculty status and those aspects of student life which related to the educational process. Faculty shall have primary responsibility for developing and applying policies affecting the university's academic mission in regard to education, research, and service, subject to the authority of the Board of Regents, the Chancellor, and the executive vice president and provost.

The faculty shall also be involved in administrative planning processes. To facilitate this, faculty members serve on the many and varied administrative committees.

The chair of the Faculty Senate shall be a member of the Academic Deans Council and of the Administrative Council.

The vice chair of the Faculty Senate shall be a member of the Associate Deans Academic Council.

As directed by administration, members of the general faculty serve on other advisory committees, including but not limited to: the University Budget

Committee, the University Research Council, and the President's Associates Board. Moreover, the Faculty Senate may select the requisite faculty representative; in addition, administration may select a member of the faculty directly.

B. Faculty Senate

The Faculty Senate has legislative jurisdiction over policies affecting the university's academic mission in regard to education, research, and service, including the definitions of purpose and objectives. The Faculty Senate is elected by the faculty at large. The NMSU Faculty Senate Constitution provides specifications relating to the Faculty Senate's composition, elections, terms of office, officers, committees, meetings, legislative processes, and methods to amend the constitution. See Appendix 1-G. Additional details about the operation of the Faculty Senate are contained in the Faculty Senate Bylaws. The chair of the Faculty Senate will have 50 percent assigned time for Faculty Senate work, based on the teaching load. The vice chair of the Faculty Senate will have 25 percent assigned time.

The Faculty Senate shall key its propositions that affect academic policy to the corresponding provision in the Regents Policy Manual, Administrative Rules and Procedures of NMSU, or other policy document(s).

Propositions affecting academic policy approved by the Faculty Senate are subject to acceptance or veto by the Chancellor.

If the Chancellor approves a proposition, it will be placed on the next agenda of the Board of Regents for consideration and approval.

If the Chancellor does not accept or vetoes the proposition within 40 working days from the receipt, the proposition will be placed on the next agenda of the Board of Regents for consideration and approval.

If the Chancellor vetoes a proposition, a two-thirds vote of the present and voting Faculty Senate may return the proposition to the Chancellor and, if the Chancellor does not rescind the veto within five (5) working days, the proposition will be placed on the next agenda of the Board of Regents for consideration and approval.

Faculty Senate legislation will become effective upon approval by the Board of Regents, or upon such other date as may be specified in the legislation or by the Chancellor's provisional authority.

Details

Scope: NMSU System

Source: RPM Title 1 | Institutional Governance

Policy Administrator: Executive VP and Provost

Last Updated: 03/06/2017

Related

Cross-Reference:
Appendix RPM 1.70 - A - Constitution of the Faculty Senate

Revision History:

Recompiled 2017 Recompilation, formerly Policy 1.70
03/06/2017 Policy relocated from Policy 1.05.70
08/22/2011 Policy approved by Board of Regents.

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Title 2 | Institutional Organization and Affiliated Entities

rpm.nmsu.edu/title-2

Subsections of Title 2

- 2.00 Organizational Charts and Reporting Relationships
- 2.20 NMSU Community Colleges
- 2.30 University Boards
- 2.40 University Administrative Council
- 2.41 Academic Deans Council
- 2.42 NMSU Employee Council
- 2.43 Community College Faculty Council
- 2.44 Associated Students of New Mexico State University ("ASNMSU")
- 2.50 Affiliated Legal Entities

Details

Scope: NMSU System
Source: RPM Title 2 | Institutional Organization and Affiliated Entities

Policy Administrator:
Last Updated: 06/01/2017

Related

Cross-Reference:
Revision History:

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2.00 Organizational Charts and Reporting Relationships

rpm.nmsu.edu/2-00

The hierarchical organizational structure of NMSU and NMDA and their components shall be set forth in one or more organizational charts which shall be available via the institution's website. The organizational charts shall indicate reporting relationships. A solid line connecting a specific position or unit to another higher level position or unit typically indicates both administrative and functional reporting to the same higher level individual or position. Where a unit or position also has a dotted line connecting it to a different higher level position or unit, the dotted line shall indicate the functional reporting relationship, while the solid line indicates the administrative reporting relationship.

The administrative reporting relationship establishes a clear line of authority between positions or units in the organizational hierarchy. The actions of the subordinate are subject to the direction and/or approval of the next higher level of management, irrespective of the autonomy the latter may choose to grant to, or withhold from, subordinate levels. Subordinate positions never report administratively to more than one higher level supervisor.

The functional reporting relationship establishes a connection between positions or organizational units at different management levels based on the specialized nature of the function for which a mutual responsibility is shared. In this type of situation, often referred to as an indirect reporting relationship, the higher level position or unit provides functional guidance and support to positions or units lower in the organizational structure.

Details

Scope: NMSU System
Source: RPM Title 2 | Institutional Organization and Affiliated Entities

Policy Administrator: AVP Human Resource Services

Last Updated: 03/06/2017

Related

Cross-Reference:
Revision History:

Recompiled 2017.

03/06/2017 Policy adopted by Board of Regents, superseding former 1.05.40, Organizational Chart.
(Note: Former Policy 2.00, Risk Management, Safety and Security, renumbered as 16.00)

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2.20 NMSU Community Colleges

rpm.nmsu.edu/2-20

A. Land Grant Mission

The special mission of the university as a land-grant institution established under the provisions of the Morrill Act is to provide a liberal and practical education for students and to sustain programs of research, extension education and public service. The provisions of the Branch Community College Act of the State of New Mexico (NMSA 1978 Sec. 21-14-1 et seq) enable institutions of higher education to establish branch community colleges at the request of communities to meet their educational needs. The university has a long history of success in serving the citizens of New Mexico through its community colleges. The benefits to students for access to quality education through the NMSU community colleges have been documented and recognized. The Board of Regents supports, endorses, and recognizes the reciprocal benefits of its relationship to its community colleges and recommends the continuity of this partnership as one which contributes significantly to the educational and economic development of the state of New Mexico.

B. Policy Statement

The NMSU Board of Regents pledges full cooperation in the further development of its community college programs to ensure that the higher educational needs of the several communities are fully met. Each of the community colleges will develop its own mission and purpose statement, which shall be brought forward periodically for review by the Board of Regents.

C. Administration of Community Colleges

Each community college is administered by a campus president under the cognizance of the NMSU Chancellor. Community college academic issues are administered by their respective campus president, with oversight by the executive vice president and provost. (See ARP 9.06 – Administrative Reviews).

Responsibilities of Community College Presidents: The community college campus presidents are responsible for providing leadership for their campuses in the following areas:

- Educational Programs
- Faculty and Staff Appointments
- Student Services
- Community Relations
- Maintenance and Care of Physical Plant
- Facility Planning (See ARP 12.7 – Use of Facilities and APR 12.75 Space Management)
- Assessment/Accreditation
- Campus Budgeting (a shared responsibility with the main campus Office of Administration and Finance)

Course Approvals: All new and revised community college courses are submitted for approval to the executive vice president and provost, who circulates the proposed changes to the appropriate Las Cruces campus colleges and committees.

Program Approvals: New designated associate degree programs proposed by the university's community colleges are submitted for approval to the executive vice president and provost, who prepares the proposal for review and approval by the appropriate Las Cruces campus college, the Associate Deans Academic Council, the Academic Deans Council, the Faculty Senate, and the Board of Regents.

Semester End Dates: Whenever possible, the end of semester in the community colleges shall be coordinated with the end of the semester on the Las Cruces campus so that it is possible to report grades of students simultaneously.

Faculty Credentials: (See ARP 6.50 – Faculty Credentials Required of NMSU Instructors of Record)

Transfer of Students to NMSU Las Cruces Campus: Community college students who meet the admission requirements may transfer to the Las Cruces campus at any point or at the completion of the freshman and sophomore years. Use of Community College Facilities: See ARP 12.7 – Use of Facilities and APR 12.75 Space Management.

Details

Scope: NMSU System
Source: RPM Title 2 | Institutional Organization and Affiliated Entities

Policy Administrator: Chancellor

Last Updated: 03/06/2017

Related

Cross-Reference:

ARP 6.50 - Faculty Credentials Required of NMSU Instructors of Record

ARP 9.06 - Administrative Reviews

ARP 12.7 - Use of Facilities

APR 12.75 Space Management

Revision History:

Recompiled 2017, formerly Policy 1.04.95.
03/06/2017 Amended by Board of Regents (former Section D, "Regents Award for Outstanding Service to Community Colleges", relocated to Policy 1.04
07/20/2010 Policy approved by Board of Regents.

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2.30 University Boards

rpm.nmsu.edu/2-30

Much of the work of the university is accomplished through committees or other bodies consisting of the diverse and dedicated members from the university and local community. This policy provides guidance relating to the creation, "lifespan", and cessation of these bodies that serve NMSU in advisory, investigatory, adjudicatory or other capacities. For purposes of this policy, the term "board" refers to any official body established to serve a university business purpose, whether it is referred to as a board, commission, committee, council, panel, task force, or other title. Because these boards are typically informal, advisory in nature, made up of volunteers or employees taking on duties in addition to their regular job duties, and not incorporated, they are not separate legal entities from the university.

A. Types of NMSU Boards

Due to the great number of boards utilized for a variety of functions, they will be distinguished by whether or not they serve the entire university community or a part thereof.

University Board: A university board is a body formally established by university policy or by directive from the Board of Regents, Chancellor, or executive vice president and provost.

College and Departmental Boards: A college, departmental or administrative unit board is a body appointed by a community college president, dean, vice president, associate dean, division or department head or other executive or academic administrator, whose work furthers the interest of the college, department or administrative unit by providing collective work product, advice, and/or recommendations.

B. Role in Policy Development

Any policy recommendations made by NMSU boards will be subject to the policy adoption protocol outlined in Title 1 of the Regents Policy Manual and in the Administrative Rules and Procedures of NMSU.

C. Formal Creation of Board

At the time any university board is created, the following shall be indicated:

The name of the board, and the authorizing body or official;
The type of board and scope of work (i.e. whether standing or ad hoc, and whether the scope of the board's work will impact the NMSU System or only a particular campus);
The purpose and authority of the board;
The membership, including whether the members are appointed by position or by individual, any special selection procedures (i.e. election by another university constituency or selection by that constituency's chair), the term of each member's appointment, whether terms are staggered, whether there are any ex-officio (non-voting) or other continuous members, and whether the appointed member may utilize a designee who will vote on the member's behalf;
How the board's chair is to be selected;
Whether or not a particular office will provide administrative support to the board;
Guidance relating to meetings, if appropriate.
The date at which the board creation is effective

For university boards, this creation document shall be distributed to all members of the University Administrative Council.

D. Upkeep

All university boards, which include neither those sub-committees of the Faculty Senate, Employee Council or other university boards, nor those corporate entities which may be affiliated with NMSU, shall be listed in the NMSU Official List of University Boards, maintained by the Chancellor's chief of staff. The Chancellor's chief of staff is responsible for ensuring processes are in place to update the listings to keep them current as of 30 September each year. See Official List of University Boards

All ad hoc university boards shall have a term of no longer than one year, and within that year shall be reviewed by the official(s) who established it, to determine whether or not the board's term should be extended. When it has been determined that the task for which the board was created has been completed or otherwise discontinued, the authorizing body or official shall direct the cessation of the board in writing to members of the University Administrative Council and reference to the board will be removed from the Official List of University Boards

If there is any doubt regarding the status of any university board, and after consultation with the chair of the Board of Regents or key personnel (as appropriate), the Chancellor or the executive vice president and provost (as appropriate) will provide direction to the Chancellor's chief of staff.

All standing university boards shall provide an annual report to the authorizing board or official no later than June 30 of each year, including the most current list of members.

All college, departmental and other administrative unit boards shall be maintained by the office of their respective appointing officials. The college, departmental and other administrative unit boards shall not be listed in the Official List of University Boards.

The chair of each university board is required to ensure that all positions are properly filled in accordance with the guidance provided at the time of board creation. Chairs are to notify the Chancellor's chief of staff immediately upon a position vacancy and assist in nominating names of appropriate individuals for consideration to the authorizing body or official.

The authorizing body or official is free to alter or change the nature, membership, role or responsibility of any university board at any time by notifying the University Administrative Council and current board members in writing.

Details

Scope: NMSU System
Source: RPM Title 2 | Institutional Organization and Affiliated Entities

Policy Administrator: Chancellor Chief of Staff

Last Updated: 01/01/2011

Related

Cross-Reference:
Revision History:

Recompiled 2017, formerly Policy 1.05.90
01/31/2011 Policy approved by Board of Regents.

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2.40 University Administrative Council

rpm.nmsu.edu/2-40

A. Recognition of Council and Purpose

The Board of Regents recognizes the University Administrative Council as an advisory body, to be utilized at the Chancellor's discretion, for discussion and/or recommendations on matters of university business.

B. Membership of Council

At the discretion of the Chancellor, the membership includes the executive vice and provost, senior vice presidents, community college presidents, vice presidents, associate vice presidents, athletics director, deans, faculty senate chair, ASNMSU president, graduate student council president, chair of the Employee Council, university general counsel, chief audit executive (ex officio) and others as may be invited by the Chancellor.

C. Conduct of Meetings

The Chancellor chairs the University Administrative Council. In the Chancellor's absence, the executive vice president and provost acts in this capacity. Minutes of each meeting will be distributed to the council members prior to the next meeting, or as soon as practicable.

Details

Scope: NMSU System
Source: RPM Title 2 | Institutional Organization and Affiliated Entities

Policy Administrator: Chancellor

Last Updated: 01/01/2011

Related

Cross-Reference:

Revision History:

Recompiled 2017, formerly Policy 1.05.50
01.31.11 Amendment Approved by Board of Regents.
09.08.06 Amendment approved by Board of Regents.

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2.41 Academic Deans Council

rpm.nmsu.edu/2-41

A. Recognition and Purpose

The functions of the Academic Deans Council are as follows:

Provide an administrative vehicle for the dissemination of information, provide ready pooling of ideas, and provide a testing ground for the matters of concern to the administration of the university.
Make recommendations and discuss with the Chancellor problems relating to improvement in the administration of the institution.
Act as a sounding board and evaluation body for new ideas emanating from the staff or administration.
Consider ways and means of improving the academic quality and other aspects of the institution, including proposals dealing with academic policies and programs.
Coordinate efforts of the various deans and provide for desirable uniformity in carrying out institutional policy.
Provide administration-level coordination between the various agencies, colleges, and schools of the university.
Stimulate other official groups in the full development of action within respective areas.
Establish, from time to time, special committees and groups to render specialized service in developing recommendations in given areas.
Consider recommendations emanating from the NMSU Employee Council when appropriate.

B. Membership

The Academic Deans Council is composed of the Chancellor, the executive vice president and provost, the vice president for research, the academic deans, the dean of the university Library, the community colleges campus executive officers, and the chair of the Faculty Senate.

Details

Scope: NMSU System
Source: RPM Title 2 | Institutional Organization and Affiliated Entities

Policy Administrator: Executive VP and Provost

Last Updated: 11/11/1111

Related

Cross-Reference:
Revision History:

Recompiled 2017, formerly Policy 1.05.60

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2.42 NMSU Employee Council

rpm.nmsu.edu/2-42

A. Recognition of Council and Purpose

The NMSU Employee Council exercises the following functions:

Investigates matters involving the policies and procedures of the administration.
Makes recommendations based on such investigations to the Chancellor of the university system.
Establishes and maintains an organization of staff for providing communication between the staff and the administration and for providing communication among the several parts of the staff.

B. Membership

Members of the NMSU Employee Council are elected from the full-time staff and represent various groups, i.e., faculty and staff employees, both on and off main campus.

Details

Scope: NMSU System
Source: RPM Title 2 | Institutional Organization and Affiliated Entities

Policy Administrator: Chancellor

Last Updated: 11/11/1111

Related

Cross-Reference:
Appendix 2-B Employee Council Constitution and Bylaws

Revision History:

Recompiled 2017, formerly Policy 1.05.80 and Appendix 1-E

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2.43 Community College Faculty Council

rpm.nmsu.edu/2-43

A. Policy Statements

The purpose of the Community College Faculty Council is to provide a forum for communication among the faculties of the four NMSU community colleges and with the executive vice president and provost. Membership is comprised of eight faculty members: two faculty from each community college. The committee members from Alamogordo, Carlsbad and Doña Ana must be the sitting faculty senators, as well as Grants' faculty senator and an additional elected tenure-track faculty member from the Grants campus. The chair will rotate as follows: Alamogordo, Carlsbad, Doña Ana, Grants. The executive vice president and provost is an ex officio member of the Community College Faculty Council.

Details

Scope: NMSU System
Source: RPM Title 2 | Institutional Organization and Affiliated Entities

Policy Administrator: Executive VP and Provost

Last Updated: 05/13/2016

Related

Cross-Reference:
Revision History:

Recompiled 2017, formerly Policy 1.05.96
05/13/2016 Amendment approved by Board of Regents.
07/20/2010 Amendment approved by Board of Regents.

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2.44 Associated Students of New Mexico State University ("ASNMSU")

rpm.nmsu.edu/2-44

All main campus students are members of the Associated Students of New Mexico State University ("ASNMSU"). The ASNMSU government is divided into the executive, legislative, and judicial branches. Members of the legislative branch (student senate) are elected; the executive offices of president and vice president are elected; and members of the judicial branch are appointed by the president of ASNMSU. The dean of students and the Student Legal Aid Program attorney serve as advisors to ASNMSU. The vice president for student affairs and enrollment management, in cooperation with student leaders and other appropriate university officers, shall advise and administer university policy, regulations, and procedures established and necessary to achieve the goals and objectives of ASNMSU and the university. ASNMSU's constitution and law book outlines the organization and responsibilities of ASNMSU. University regulations establish procedures within which ASNMSU funds are expended and accounted for and activities are conducted. ASNMSU has supervision over budgeting and expenditure of all activity monies allocated to ASNMSU; the Publications and Communications Board; the Intramural Board; the Student Activities Committee and other such boards and committees which are created from time to time. All of ASNMSU's accounts are channeled through the ASNMSU Comptroller's Office under the supervision of the Office and Administration and Finance. All recognized student organizations, except for fraternities and sororities, must conduct their financial affairs through the Office of the ASNMSU Comptroller.

A. Leadership Scholarships

Students who meet the criteria outlined below and who are either: (a) elected to ASNMSU student senate in a campus-wide, student body election, or (b) elected by their respective college councils and recommended to serve as a semester-long appointee to fill a vacant ASNMSU student senate position are eligible each semester to receive a financial award amounting to at least 75 percent of the dollar value of an academic semester in-state tuition and fees scholarship. This financial award is subject to the conditions and processes governing all financial aid awards administered by the Office of Financial Aid and Scholarship Services. As such, students may be awarded only one tuition scholarship in any given semester. **The criteria for the initial award of the Leadership Scholarship are**:

1. Undergraduate students must have an overall grade point average of at least 2.5 and, in the semester previous to taking office, have successfully completed 15 or more grades credits with at least a 2.5 grade point average.

2. Graduate students must have an overall grade point average of at least a 3.5 and have, in the semester previous to taking office, successfully completed 9 or more grades credits with at least a 3.0 grade point average and must serve the entire semester as a senator.
3. Undergraduate students must be currently enrolled in at least 15 credits and graduate students in at least 9 credits. Both undergraduate and graduate students must serve the entire semester as a senator to remain eligible for existing and future awards. Resignation, termination, or impeachment from the student senate prior to the completion of the semester voids any award made for that semester and holds the student liable for repayment of the amount awarded.
4. **Renewal awards**:
    a. Undergraduate students must have an overall grade point average of at least 2.5 and must have successfully completed 15 credit hours the previous semester.
    b. Graduate students must have an overall grade point average of at least 3.5 and must have successful completed 9 credit hours the previous semester.
5. Policy exceptions for termination and repayment of an award include cooperative education programs, medical withdrawals from the university, death, or any situation approved as an exception by the Office of the Associate Vice Provost for Student Affairs and Community Colleges.

B. ASNMSU

Students Club Endowment Policy: Establishes a policy for maintaining a Club Endowment and a separate Club Account.

1. **Purpose of Policy**: The Club Endowment is established to provide stable funding for recognized organizations. The income earned from this endowment is to be allocated to recognized organizations to provide consistent funding for them regardless of the financial picture of the ASNMSU.
2. **Deposits**: Beginning Fall 1991, $1 for each full time student, and $.50 for each part-time student shall be deposited in the Club Endowment each fall and spring semester.
3. **Endowment Management**: The Club Endowment shall be a permanently treated endowed fund of the NMSU Foundation, Inc. The principal shall be invested and reinvested in a common investment trust fund for endowments in accordance with the investment policies of the Foundation. The principal shall remain permanently invested and cannot be withdrawn without board's approval. Income earned from the Club Endowment shall annually be transferred to the Club Account in the student account business office according to the policy of the NMSU Foundation.
4. **Withdrawals**: The ASNMSU senate, by a simple majority, may withdraw funds from the Club Account for recognized organizations. This shall be done through the normal appropriations process.
5. **Transfers**: The ASNMSU senate, by a 3/4 vote, may transfer money out of the Club Account to the Activity Surplus Account or the Major Expense Fund, providing the July 1 balance of the Club Account is a minimum of $20,000. An amount no greater than the July 1 balance minus $20,000 can be transferred. This shall be done through normal appropriation methods.

Details

Scope: NMSU System
Source: RPM Title 2 | Institutional Organization and Affiliated Entities

Policy Administrator: VP Student Affairs and Enrollment Management

Last Updated: 12/08/2006

Related

Cross-Reference:
Revision History:

12/07/2018 Amended by Board of Regents
Recompiled 2017, formerly Policy 1.05.85
12/08/2006 Amendment approved by Board of Regents

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2.50 Affiliated Legal Entities

rpm.nmsu.edu/2-50

A. Arrowhead Center, Inc. (f/k/a NMSU Technology Transfer Corporation, Inc.)

In order to properly focus the development of research technology, the Board of Regents authorized the establishment of the Arrowhead Center. Inc., under the Research Park Act, as a not-for-profit corporation to assist and foster the development and marketing of selected university technology and intellectual properties. Members of the corporation include two regents, the chancellor, the executive vice president and provost, the vice president for research, and the senior vice president for administration and finance. The chief operating officer will be the vice president for research.

B. New Mexico State University Research Park Corporation, Inc.

The purpose of the Research Park is to serve as an important adjunct to the university and its programs of instruction, research, and service and to provide resources for the overall benefit of the institution and its constituencies. Any leasing or management arrangements must be under conditions which protect the interests of the university and are approved by the Board of Regents. The board authorized the president to establish, on behalf of the board, the NMSU Research Park Corporation, Inc., as a not-for-profit corporation under the University Research Park Act. The initial board of directors of the NMSU Research Park Corporation, Inc., shall be two regents determined by the board, the Chancellor, the executive vice president and provost, the vice president for research, and the senior vice president for administration and finance. The purpose of the corporation is to develop the Arrowhead Research Park. The board has approved the Operating Policy Agreement between the Board of Regents and the Board of Directors of the NMSU Research Park Corporation.

Details

Scope: NMSU System
Source: RPM Title 2 | Institutional Organization and Affiliated Entities

Policy Administrator: VP Economic Development

Last Updated: Not Available

Related

Cross-Reference:
Revision History:

Recompiled 2017, formerly Policies 2.68 and 2.92

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Title 3 | Ethics, Equity, and Equal Opportunity

rpm.nmsu.edu/title-3

Subsections of Title 3

- 3.00 Conflict of Interest-Ethical Conduct
- 3.25 Equal Opportunity and Prohibition of Unlawful Discrimination
- 3.63 Freedom of Expression
- 3.80 Prohibition of Hazing and Hostile Misconduct

Details

Scope: NMSU System
Source: RPM Title 3 | Ethics, Equity and Equal Opportunity

Policy Administrator:
Last Updated: 06/01/2017

Related

Cross-Reference:
Revision History:

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3.00 Conflict of Interest-Ethical Conduct

rpm.nmsu.edu/3-00

A. General Statement

Inherent within the responsibility for educating the future leaders of our society is the obligation to adhere to the highest ethical standards and principles. New Mexico State University is committed to maintaining the highest standards of ethics and integrity in all of its academic and administrative operations, by promoting such standards among its regents, administrators, faculty, staff, students and others acting on behalf of the university (including those acting on behalf of university controlled entities) and by striving to ensure a level of accountability appropriate for a public institution.

B. Principles of Ethical Conduct

Members of the university community are expected to exercise and demonstrate personal and professional honesty and to respect the rights, values and contributions of others.

Members of the university community are expected to be aware of and comply with relevant laws, regulations, contract requirements and university policies and procedures. An unethical practice should never be condoned on the grounds that it is "customary" or that it serves a worthy goal.

Individuals with access to confidential, proprietary or private information must never use or disclose such information except where authorized or legally obligated to do so.

All members of the university community are responsible for avoiding, where possible, real or potential conflicts of interest and commitment between personal and professional responsibilities, including relationships that have the appearance of a conflict.

The university's interests should be foremost in all official decision making and employees and others acting on behalf of the university shall remove themselves from decision-making roles that involve them in any personal capacity or which involve their friends or family members.

All individuals acting on behalf of the university have a responsibility to ensure that funds and other assets received are used in an ethical manner. Assets of the university (including personnel), whether tangible or intangible, may not be used for illegal purposes or personal gain.
Members of the university community shall strive to present all information, including financial information and research data and results, completely and accurately.

C. Addressing Concerns relating to Ethical Conduct

Individuals who have concerns about the propriety of a situation or about the conduct of a university employee or someone acting on behalf of the university, are expected to consult with appropriate university officials (that is, the person to whom the individual whose conduct is in question directly reports or, in the case of someone acting on behalf of the university, the chair of the Committee on Conflicts of Interest in Sponsored Activities, or when a regent is involved, the Chancellor). Confidentiality about individuals reporting violations of these standards will be maintained whenever possible and employees shall be free from retaliation for voicing concerns.

Details

Scope: NMSU System
Source: RPM Title 3 | Ethics, Equity and Equal Opportunity

Policy Administrator: AVP Human Resource Services

Last Updated: 11/11/1111

Related

Cross-Reference:
Revision History:

Recompiled 2017, formerly Policies 3.19.10, 3.19.20, and 3.19.30

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3.25 Equal Opportunity and Prohibition of Unlawful Discrimination

rpm.nmsu.edu/3-25

A. Equal Opportunity and Non-Discrimination

Equitable treatment in employment and academic opportunities for faculty, staff and students encourages diversity and is recognized as a source of human excellence, cultural enrichment and social strength. Accordingly, New Mexico State University (NMSU) aspires to develop and support an inclusive university community. NMSU will provide equal opportunities in areas of employment, admission, academics, and access to programs and facilities, without regard to age, ancestry, color, disability, gender identity, genetic information, national origin, pregnancy, race, religion, serious medical condition, sex, sexual orientation, spousal affiliation or protected veteran status, as set forth in federal and state anti-discrimination statutes. NMSU prohibits all forms of illegal discrimination, including harassment, sexual misconduct, interpersonal violence, and retaliation are prohibited; such conduct interferes with the achievement of NMSU's educational mission.

B. Discrimination Reporting and Complaint Processes

NMSU maintains the Office of Institutional Equity (OIE) whose mission shall be to address reports and complaints of discrimination or sexual harassment or sexual misconduct in a prompt, impartial and equitable manner. Where discrimination is found to have occurred, NMSU will act to stop the reported conduct, to prevent its recurrence, to remedy its effects, and to hold accountable through corrective or disciplinary action those found to be responsible for the misconduct. OIE is also authorized to address systemic issues which may be detected during the review and resolution of reports and complaints. Further, OIE is responsible for providing training, information and guidance to the NMSU community regarding rights and responsibilities as they relate to this policy.

C. Gender Equity

NMSU affirms the sex and gender equality of all individuals and is committed to providing sex and gender equity within the NMSU community. NMSU adheres to Title IX of the Education Amendments of 1972, which provides that "no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance".

D. Title IX Coordinator

The director of the Office of Institutional Equity is designated as the university's Title IX Coordinator. The Title IX Coordinator oversees all reports and complaints of discrimination on the basis of sex, including disparate treatment, sexual harassment, stalking, sexual assault and other forms of sexual violence, as well as retaliation. Additional Deputy Title IX Coordinators may be designated to work closely with OIE regarding all matters covered by Title IX.

E. Disability Accommodations

Qualified individuals with disabilities are protected from discrimination in hiring, promotion, discharge, pay, job training, and other aspects of employment. New Mexico State University (NMSU) is dedicated to providing equal opportunity through reasonable accommodations for qualified NMSU students, employees and applicants in accordance with state and federal laws.

F. ADA Coordinator

The University will designate one or more individuals to serve as ADA Coordinator(s) to facilitate the University's efforts to provide reasonable accommodations to qualified NMSU students, employees and applicants in accordance with state and federal laws.

G. Constitutionally Protected Free Expression and Illegal Discrimination

Harassing and other discriminatory misconduct in the workplace or in the academic environment, irrespective of whether it rises to the level of a violation of this policy or federal or state law, compromises the tradition of intellectual freedom and the aspirational values of mutual respect and civility honored by the institution. NMSU respects the rights of all and

strongly encourages its students, faculty, staff and visitors to treat each other with respect and civility within the university community. At the same time, NMSU is also committed to the principles of free inquiry and freedom of expression. The right to zealous discussion and debate, even when such discussion includes disparaging or offensive remarks, is a fundamental right protected by the U.S. Constitution. Thus, there is an inherent tension between the important public rights to equal opportunity and non-discrimination, and the right to freedom of expression. NMSU will seek to protect these rights consistent with the U.S. Supreme Court and Tenth Circuit case law interpreting the Constitution and applicable federal and state statutes.

H. Administrative Rules and Procedures

In order to fully implement this policy, the university administration shall adopt administrative rules and procedures that are consistent with this policy.

Details

Scope: NMSU System
Source: RPM Title 3 | Ethics, Equity and Equal Opportunity

Policy Administrator: Executive Director Institutional Equity

Last Updated: 06/27/2016

Related

Cross-Reference:
ARP 3.26 Gender Equality and Statement of Principles

ARP 3.25 - Discrimination, Harassment and Sexual Misconduct on Campus

ARP 3.40 - Process for Disability Accommodation

ARP 18.85 - Religious Denominations

Revision History:

Recompiled 2017

06/27/2016 Amendment approved by BoR

03/10/2014 Amendment approved by BoR

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3.63 Freedom of Expression

rpm.nmsu.edu/3-63

A. Purpose

The purpose of this policy is to recognize, respect, and encourage the free exchange of ideas through written, spoken, and other forms of expression, including the right to peaceful assembly, as guaranteed by the First Amendment to the U.S. Constitution and the New Mexico Constitution. Furthermore, this policy clarifies application throughout the NMSU system by identifying the distinct types of forums, as well as to describe the reasonable restrictions, if any, which may be imposed in order to protect the university's teaching, research and service operations, and student activities from significant disruption and interference.

B. Scope

This policy applies to all people, and throughout the NMSU system (at all campuses, facilities and other real property under the operation and control of the NMSU Board of Regents, to include university sponsored events off-premises). Commercial solicitation is not covered by this policy and is governed by ARP 3.09.

C. Policy Administrator

The President at each campus shall have primary responsibility for the administration of this policy, on behalf of the NMSU Board of Regents. Parties responsible for implementing and applying this policy also include, but are not limited to:

Provost and Executive Vice President
Deans of the Colleges and Libraries and Graduate School
Dean of Students, including the Office of Campus Activities
Associate Vice President of Facilities and Services
Director of Athletics
Director of Housing and Campus Life

Director of Special Events
Manager or Building Monitor within any university facility

D. Definitions

For purposes of administering this policy, the following definitions apply:

Affix means to stick, to anchor, or to fasten to something else, regardless of whether or not it leaves a mark or causes damage.

Commercial Speech is speech that proposes a commercial transaction; the audience consists of prospective consumers, and the content of the message is business related in character.

Content Neutral means without regard to the viewpoint or message. Content neutral restrictions are those based on reasonable time, place, and manner rather than the content or viewpoint of the message.

Forum is a term used by the U.S. Supreme Court to help describe the extent to which content neutral restrictions on free expression may legally be applied. The three types described in this policy are: traditional open public forum; limited public forum and non-public forum. These terms apply not only to physical areas, but also to electronic communication and websites. The type of forum will be determined by the nature of the space being used, its traditional usage, official designations, and the circumstances relating to the nature of an event or function taking place in that location. For example, if a normally public forum were reserved for a specific event (following applicable university procedures) that might convert the location to a limited or non-public forum during the event for which it was reserved; conversely, areas such as special collections within the university are typically non-public forums, but may become limited public forums for certain special events.

Social Media means computer- mediated tools that allow people to create, share, or exchange information, ideas, videos, and pictures in virtual communities and networks.

Speech is written, spoken, and other forms of expression of thoughts, ideas, or positions, generally related to issues of public interest.

University Premises, sometimes referred to simply as "campus," means all campuses, facilities, land, buildings, or other indoor or outside space owned, leased or otherwise under the operational control of NMSU. University owned property leased to other entities and not under the operational control of NMSU are not considered university premises for purposes of this policy.

Unprotected Speech means speech that is not afforded First Amendment protection, such as commercial speech that is false or misleading. Other examples include fighting words, child pornography, defamation, and libel.

E. Policy Statements

New Mexico State University aspires to be an intellectually open campus. Free exchange of ideas is a reflection of the university's public land-grant heritage, interest in diverse points of view, and commitment to excellence in education and research. NMSU encourages free expression and peaceful assembly, provided they do not disrupt the university missions or functions. The type of forum, described below, will determine the level of restriction, if any, which may be imposed on free expression activities within the forum. Restrictions must be content neutral, typically geared to time, place and manner. The type of forum for a given location may vary, based on the circumstances relating to the nature of an event or function scheduled to occur at the location.

Public Forums are areas that traditionally have been open to the public, such as parks, sidewalks, and lobbies as well as other areas that become public forums by university designation. Free expression and civil discourse are encouraged in public forums, and any regulation of expression within a public forum must be narrowly tailored to serve a compelling state interest.

Limited Public Forums are areas open to the public or a segment thereof (including through the purchase of admission), but where there is a specific purpose. The necessities of confining a forum to the limited and legitimate purpose for which it was created may justify some limitations that are narrowly tailored to allow the event or activity to continue and/or achieve its intended purpose. Any limitations must be consistent with the spirit of this policy. Legitimate limitations include subject matter and classification of participants (students, student government representatives, faculty, etc.). Limitations must be reasonably related to a definite and substantial university interest. Any limitations must be content neutral, and aimed solely at reducing or preventing disruption to the activity that would cause a definite and measurable interruption to the intended purpose, or protecting other clearly compelling university interests (e.g., public safety). If a limited public forum serves more than one purpose, the university may prioritize the purposes for which it may be used, e.g. a campus auditorium may give priority to theater productions. Expression within a limited public forum is permitted consistent with the Procedural Guidelines administered by the Office of Campus Activities.

Non-Public Forums are areas not open to the general public and where expression by those permitted to be there may be reasonably limited, in a content neutral manner, to that which is compatible with the purpose and nature of the location. (Examples include faculty and administrative offices, classrooms, residence hall rooms, and archive and special collections of libraries.)

Disruption of university functions or activities: Regardless of the type of forum, free expression activities and events shall not materially or unreasonably interfere

with the education, research, public service, and outreach missions of the university, office operations, or sleep of residents.

Modes of Free Expression: The university recognizes that there are many different modes of free expression, including distribution and posting of literature; group speech activities such as rallies, parades and demonstrations; electronic sound amplification, chalk, symbolic speech (e.g. nudity, fire, and/or weapons); and electronic communication. The limitations described in the Procedural Guidelines pertaining to the various types of expression are intended to safeguard personal safety and the university's missions, and not to hamper freedom of expression. See ARP 3.63, Section G.

Respect for Rights of Others:

Prohibition of Third Party Interference with Right to Free Expression: Except as provided elsewhere in this policy, university employees, students, and other members of the public shall not interfere with the rights of freedom of expression by others permitted by this policy. Alleged violations of rights afforded by the U.S. and N.M. Constitutions, recognized by this policy, will be taken seriously and investigated promptly and objectively.

Retaliation Prohibited: Retaliation against individuals who have exercised the rights granted by the First Amendment, recognized through this policy, is strictly prohibited. Any such claim should be reported immediately to an appropriate university official to register a complaint. Generally, the Office of the Dean of Students and the Office of Human Resource Services-Employee and Labor Relations administer student and employee grievances, respectively. Such claims will be taken seriously, investigated independently, and if substantiated, will be grounds for corrective or disciplinary action, appropriate to the circumstances.

Respect for University Property and Functions: In exercising the right of free expression and peaceful assembly, individuals must also accept the responsibility of following the laws related to the safety of people and property. Outdoor and indoor activities must follow all applicable fire codes and other local, state, and federal laws. See ARP 3.63 – Freedom of Expression, Section G. which may clarify limitations intended to safeguard missions and personal safety, and not to hamper free expression.

Interface with other laws and regulations: There is inherent tension that exists between competing public policies affecting individual rights. A detailed examination of statutes and regulations which protect individuals from sexual harassment, discrimination, hostile environment and other discriminatory conduct is beyond the scope of this Freedom of Expression policy. This policy is not intended to insulate persons from accountability for their actions if their conduct discriminates, harasses or otherwise creates a hostile environment based on any class protected by federal and state anti-discrimination laws. (See also ARP 3.25, Discrimination, Harassment and

Sexual Misconduct on Campus). Nothing in this policy is intended to provide a defense in any action against a third party by an alleged victim of defamation, libel, slander, invasion of privacy, assault, or any other civil or administrative claim.

Dispute Resolution: The successful implementation of this policy will depend upon the university community's education and engagement, including but not limited to understanding which types of planned activities require advance permission, and what to do if an event or expressive activity is questioned. As authorized by Section F., hypothetical scenarios are posed within the Frequently Asked Questions (FAQ's) posted at http://campusactivities.nmsu.edu/policies/ to provide guidance about how this policy should be applied. Because time will often be of the essence when issues arise involving this policy, the informal methods listed below are available to supervisors, students, employees and members of the public in order that individuals may seek a policy clarification or interpretation in advance, in order to resolve issues in a mutually professional and amicable manner, rather than through more adversarial grievance or litigation methods. These methods include and are not limited to:

A single point person will be designated by each NMSU campus president to serve as the liaison between members of the university community and/or the public and the Policy Administrators listed under Section C, in order to resolve issues expeditiously.

Individuals may request clarification of the policy or the Procedural Guidelines by contacting the designated point person. The designated point person will promptly respond to acknowledge the inquiry, and as appropriate or needed, may consult with any of the Policy Administrators prior to providing an interpretation to the individual.

If the individual(s) wishes to appeal the interpretation provided by the designated point person, such notification must be given to the point person either in writing or via email. The point person will then call a meeting of the Policy Administrators (or any subset, depending upon availability) and the individual(s) as soon as practicable, which meeting may be conducted telephonically or electronically. The decision of the Policy Administrators will be rendered within one working day of the meeting and communicated to the individual via email or other contact information supplied by the individual.

Students and employees also have recourse to file grievances against those who they feel may have restricted their rights under this policy, and shall follow the applicable student or employee grievance policy if the above steps have not resolved the dispute.

Sanctions:

Individual Consequences for Conduct Not Protected by Constitution or This Policy: Nothing in this policy protects expressive activities which:

constitute criminal, defamatory, or discriminatory misconduct;

contain true threats of violence or imminent harm; or

seek to incite, or intentionally incite, a fight.

Individuals engaging in such conduct may face criminal prosecution, civil lawsuit, and/or disciplinary action. (For example, see RPM 3.25, EEO and Prohibition of Unlawful Discrimination and ARP 16.21 – Campus Access, Prohibited, Restricted, 10.50 – Faculty Discipline and Appeal Processes, and 10.10 – Staff Disciplinary Action/Involuntary Termination). This policy does not provide a defense to individual liability for such prohibited conduct.

Disclaimer of Liability: NMSU shall not be liable for any injuries to participants or third parties caused by individuals or groups engaging in freedom of expression activities.

Damage or Injury: If property damage or personal injury occurs, individuals or groups determined to be responsible may be subject to appropriate administrative, civil, or criminal action, for the purpose of covering the university's costs associated with the damages. Additionally, while generally NMSU wishes to facilitate free discussion, nothing in this policy is intended to eliminate any rights of persons to pursue any legal remedies they may have under local, state, or federal law.

Unattended or abandoned materials: Materials used for free expression activities (literature, signage, etc.) shall not be left unattended. Any items that are left unattended for more than thirty (30) minutes may be removed by the university at the owner's expense. Signage promoting or providing directions to an event are allowed on the preceding day for a morning event or on the day of an afternoon or evening event, will not be considered to have been left unattended, and shall be removed by the event organizers at the conclusion of the event. Permission for posting or leaving of materials outside of the above restrictions may be granted on a case-by-case basis by the Office of Campus Activities.

F. Procedural Guidelines

To facilitate the implementation, administration and enforcement of this policy, the policy administrators identified above may develop and issue supplemental Procedural Guidelines consistent with this policy, which may include protocols, FAQ's, forms, flowcharts, etc. The Procedural Guidelines utilized in the application or enforcement of this policy shall be either outlined below in this Section, and/or posted at an appropriate NMSU website, and linked from this section. With the approval from the policy administrators, other related reference material relating to freedom of expression, anti-discrimination laws, hate crimes, etc. may also be listed below or linked from this Section.

Details

Scope: NMSU System
Source: RPM Title 3 | Ethics, Equity and Equal Opportunity

Policy Administrator: Campus Presidents

Last Updated: 07/21/2015

Related

Cross-Reference:
ARP - 3.09 - Sales and Solicitation

ARP - 3.25 - Discrimination, Harassment and Sexual Misconduct on Campus

ARP - 3.63 - Freedom of Expression

ARP - 16.21 - Campus Access, Prohibited, Restricted

ARP - 10.50 - Faculty Discipline and Appeal Processes

ARP - 10.10 - Staff Disciplinary Action/Involuntary Termination

Revision History:

Recompiled 2017.

Effective Nov. 5, 2015, 45 calendar days from date of approval by the BoR.

07/21/2015 Amendment approved by Board of Regents.

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3.80 Prohibition of Hazing and Hostile Misconduct

rpm.nmsu.edu/3-80

A. Policy Overview

New Mexico State University promotes a safe environment where students, faculty, staff and visitors may reside on campus, participate in university sponsored activities and be members of organizations recognized by NMSU without compromising health, safety, or wellness. It is therefore the University's policy to prohibit any act or omission which constitutes hazing, bullying or other hostile misconduct, as well as retaliation against persons who report misconduct pursuant to this policy. In the event an allegation of hazing, bullying, hostile misconduct or retaliation is substantiated after objective investigation, appropriate corrective or disciplinary action will be taken to ensure that the offensive behavior does not recur.

B. Definitions

Bullying. "Bullying" is an act or omission that intimidates or mistreats a person, typically a person perceived to be weak or vulnerable.

Hazing. "Hazing" is an act committed by one or more individuals, on or off campus, where the following apply:

The act was committed in connection with student or employee status or in connection with an initiation into, an affiliation with, or the maintenance of membership in, any organization. For the purpose of this policy, "organization" means an intercollegiate or intramural athletic team; chartered student organization; or other association, order, society, corps, cooperative, club, department, unit, division or similar group that is officially affiliated with the university and whose membership consists primarily of enrolled students or employees of the university; and

The act creates unreasonable risk of emotional or physical harm, or causes actual physical harm, mental duress or degradation, or interferes with a person's academic endeavors or progress, or work environment.

Hostile Misconduct. "Hostile Misconduct" is an act or failure to act, which is sufficiently severe, pervasive or persistent so as to interfere with or limit a person's

ability to participate in academic opportunities or activities, or to work productively in the workplace. The hostile misconduct prohibited by this policy need not be based on any protected class, which is similarly prohibited by the university's anti-discrimination policies.

Retaliation. "Retaliation" for purposes of this policy is retribution in any form against a person who has in good faith: (a) opposed the misconduct prohibited by this policy; (b) filed a complaint of hazing, bullying or other hostile misconduct with their supervisor, the Office of Human Resource Services department or other appropriate office with jurisdiction; (c) assisted with or participated in an investigation, proceeding or hearing related to enforcement of this policy. Retaliation in and of itself, if substantiated by investigation, will result in disciplinary action, up to and including termination.

C. Discriminatory Misconduct/Report to OIE

An act of hazing, bullying or other hostile misconduct may also constitute illegal discrimination if it is based upon age, ancestry, color, mental or physical disability, gender, genetics, serious medical condition, national origin, race, religion, sexual orientation, gender identity, spousal affiliation, or veteran status. In this event, it shall be reported to the Office of Institutional Equity for action under the university's anti-discrimination policies, which also prohibit retaliation.

D. Hate Crimes/Report to NMSU Police

An act of hazing, bullying or other hostility may also constitute a hate crime under the laws of New Mexico, and shall be reported to the NMSU Police Department for potential criminal investigation and prosecution.

E. Acquiescence Not a Defense

It is a violation of this policy even if the recipient of the misconduct consented to or acquiesced in the hazing, bullying or other hostile act or omission.

F. Examples

Examples of hazing, bullying and other hostile misconduct may include, and are not limited to:

Verbal acts and name calling; graphic and written statements, which may include the use of cell phones or the internet;
Threats of, or actual harm or humiliation;
Physical abuse, such as whipping, beating, branding, pushing, shoving, or tackling, use of physical restraints, etc;
Forced physical activity, such as consumption of food, liquor or drugs, or sleep deprivation;
Theft and/or destruction of property under any circumstance;
Yelling, screaming, or calling members (prospective or actual) demeaning names, or restricting normal routine social interaction;
Engaging in behavior that a reasonable, similarly situated, person would consider humiliating and or degrading to others;
Forcing, requiring or endorsing new members to violate university policies, organization/association bylaws, team rules and/or any local, state, or federal law.

G. Exclusions

This policy is not intended to prohibit the following conduct:

Customary public athletic events, contests or competitions as sponsored by the University;
Activity or conduct that furthers the goals of NMSU educational curriculum, extracurricular program, military training program, or other official university function or program.

H. Duty to Report

Prevention of hazing, bullying, hostile misconduct and retaliation is the responsibility of every member of the university community. Each organization, association, athletic team, department, unit, division, as well as each individual, has the obligation to report incidents that are believed to be associated with hazing, bullying, hostile misconduct, or retaliation, to the Office of Student Judicial Services, the Office of Institutional Equity, the NMSU Police Department, or other university supervisor or official independent from the offensive conduct.

I. Prompt Investigation and Corrective Action

All alleged incidents of hazing, bullying and other non-discriminatory hostile misconduct or retaliation addressed by this policy will be taken seriously, shall be investigated and when warranted, corrective or disciplinary action will be taken.

An objective, confidential investigation will be conducted by the supervisor, in consultation with the Office of Human Resource Services, into each complaint received.

The actions or omissions subject of a complaint and substantiated by investigation will be assessed based on the totality of the circumstances, and will involve making a determination whether the alleged hostile misconduct was sufficiently severe, pervasive or persistent such that a similarly situated reasonable person would be significantly and adversely impacted in his or her ability to benefit from the educational or work opportunities provided by the institution.

Substantiated violations will result in administrative, civil and/or criminal sanctions to the offending employee, student or student organization.

One or more of the following offices or processes may be involved in affording relief to the person who has experienced the hazing, bullying, hostile misconduct or retaliation: the Employee Assistance Program, Counseling Center, Employee Health Services, Student Health Center, the Office of Student Judicial Services, the administrative review process of the Department of Campus Activities, the Social Misconduct Review Board of the Department of Athletics, the Office of Housing and Residential Life, the appropriate supervisor in coordination with the Office of Human Resource Services in accordance with the applicable NMSU grievance and /or disciplinary process, as well as through the appropriate local, state, and/or federal law enforcement agencies.

Details

Scope: NMSU System
Source: RPM Title 3 | Ethics, Equity and Equal Opportunity

Policy Administrator: AVP Human Resource Services

Last Updated: 03/11/2011

Related

Cross-Reference:
Revision History:

Recompiled 2017, formerly Policy 3.99
03/14/2011 Amendment approved by BoR.
07/20/2009 Policy approved by BoR.

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Title 4 | Curriculum and Course Management

rpm.nmsu.edu/title-4

Subsections of Title 4

4.00 Academic Matters

Details

Scope: NMSU System
Source: RPM Title 4 | Curriculum and Course Management

Policy Administrator:
Last Updated: 06/01/2017

Related

Cross-Reference:
Revision History:

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4.00 Academic Matters

rpm.nmsu.edu/4-00

A. Policy Statements

As the state's land grant university, NMSU serves the educational needs of New Mexico's diverse population through comprehensive programs of education, research, extension education and public service. In the academic arena, the university's focus is on empowering NMSU students to achieve success in the classroom and realize their goals of becoming productive and contributing members of society. To accomplish this mission, NMSU is committed to the following objectives: (1) promoting timely degree completion through a supportive environment, (2) providing quality academic programs through continuous innovation and evaluation, and (3) guiding enrollment composition through effective recruitment, retention and proactive advising.

B. Authorization

The Regents of New Mexico State University authorize the Executive Vice President and Provost, as the university system's chief academic officer, with the faculty through the Faculty Senate, to formulate and amend the Administrative Rules and Procedures (Rules) addressing academic matters to support the policy stated above. Such Rules must be consistent with this policy, enacted in accordance with RPM 1.10 and ARP 1.10, and consistent with the shared governance provisions of RPM 1.70.

C. Reservation of Authority

Under the New Mexico Constitution, the Board of Regents is vested with the authority to provide for the control and management of NMSU. Further, the Board is statutorily authorized to prescribe the courses of study at NMSU, under the advice of the faculty, and to confer degrees and grant diplomas. In order that the Board may ensure that these obligations are properly met, each of the following actions or events requires approval of the Regents prior to implementation:

Proposals to create, reorganize, relocate, or eliminate an academic organizational unit such as a college, school, academic department, or a library.
Proposals to establish or eliminate any degree or major field of study.
Proposed rules establishing student admission criteria.
Award of degrees and diplomas.

D. Repeal of Related Policies

By previous action of the Board of Regents on October 21, 2015, the contents of the former NMSU Policy Manual were replicated in the Administrative Procedures of NMSU (the ARP) and remain in full force and effect. Upon adoption of this policy, the academic related policies in Title 6 of the Regents Policy Manual will be superseded by this policy and will be repealed from the Regents Policy Manual, but remain in effect in the ARP until amended or repealed.

Details

Scope: NMSU System
Source: RPM Title 4 | Curriculum and Course Management

Policy Administrator: Executive VP and Provost

Last Updated: 12/09/2016

Related

Cross-Reference:
Chapter 6 of the Administrative Rules and Procedures of NMSU (ARP)

Revision History:

Recompiled 2017, formerly Policy 6.00
12/09/2016 Policy adopted by BoR

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Title 5 | Student Life and Conduct

rpm.nmsu.edu/title-5

Subsections of Title 5

- 5.20 Authorization of Student Social Code of Conduct
- 5.40 Student Educational Records-FERPA Compliance

Details

Scope: NMSU System
Source: RPM Title 5 | Student Life and Conduct

Policy Administrator:
Last Updated: 06/01/2017

Related

Cross-Reference:
Revision History:

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5.20 Authorization of Student Social Code of Conduct

rpm.nmsu.edu/5-20

A. Purpose

To assist students in becoming responsible members of the community, through notice of their rights and responsibilities, including the university's expectations for student conduct, and provision of fair investigative hearing and appeal processes by which students will be held accountable for their actions.

B. Policy Administrator; Required Periodic Review

The Office of the Dean of Students shall serve as the primary policy administrator, who will work closely with other officials who administer student discipline in the community colleges and other university programs, regarding promulgation, implementation and application of the Student Social Code of Conduct.

C. Definitions

See Part VI of the Student Social Code of Conduct.

D. Policy Statements

The responsibility of administering the student discipline system for misconduct not related to academic integrity is delegated to the Office of the Dean of Students. For central reporting purposes, as well as for consistency in sanctions generally, this office shall serve as the university's central administrative authority. Officials who administer student discipline in the community colleges and other university programs, shall coordinate with the Office of the Dean of Students as they administer student discipline.

The Office of the NMSU Dean of Students is authorized to promulgate and effectuate a Student Social Code of Conduct, to provide notice to students about their rights and

responsibilities, including the expectations for student conduct and potential consequences for violations. The code will be developed in collaboration with the community colleges' vice presidents of student services or equivalent, the office of general counsel, and be subject to approval by the Vice President of Student Affairs and Enrollment Management and the Executive Vice President and Provost.
The Student Social Code of Conduct will address topics including, but not limited to: the administration of student discipline, generally; students' rights and responsibilities; standards of conduct; the range of possible sanctions; victim rights; fact finding hearing procedures; and appeal hearing procedures.
The Student Social Code of Conduct shall be available on line at the website of the Office of the Dean of Students and may be printed or summarized in student handbooks at the discretion of the officials administering student discipline. The link to the code may also be included in written materials and on the websites of the community college offices of student support services.
The Office of the Dean of Students, in collaboration with the community college vice presidents of student services or equivalent shall jointly review and recommend updates/revisions to the Student Social Code of Conduct and associated procedural guidelines at least every two years.

E. Procedural Guidelines

To facilitate the implementation, administration and enforcement of the Student Code of Social Conduct authorized by this policy, the Office of the Dean of Students may develop supplemental procedural guidelines, forms, templates, flowcharts, FAQ's consistent with this policy and the Student Social Code of Conduct, to facilitate common understanding and consistent application of the code. The Student's Social Code of Conduct, and corresponding procedural guidelines, if any, will be posted on the Dean of Students' website, and linked from this section.

Details

Scope: NMSU System
Source: RPM Title 5 | Student Life and Conduct

Policy Administrator: Dean of Students

Last Updated: 07/14/2015

Related

Cross-Reference:
Revision History:

Recompiled 2017, formerly Policy 3.101
07/21/2015 Policy adopted by BoR, with an effective date of August 16, 2015.

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5.40 Student Educational Records-FERPA Compliance

rpm.nmsu.edu/5-40

A. Policy Statements

NMSU respects its students' right to privacy as it relates to their educational records. The administration shall adopt rules and procedures in compliance with the Family Educational Rights and Privacy Act of 1974 ("FERPA"). FERPA generally provides that students' educational records will be maintained confidentially as private records, except as otherwise provided in the Act; that students and eligible parents may access and review the student's individual educational records; and that the university provide a process by which the educational record may be amended or supplemented.

Details

Scope: NMSU System
Source: RPM Title 5 | Student Life and Conduct

Policy Administrator: Registrar

Last Updated: 05/13/2016

Related

Cross-Reference:
ARP 5.40 - Access to Student Educational Records - FERPA Compliance

Revision History:

Recompiled 2017, formerly Policy 2.90.20.
05/13/2016 Amendment approved by BoR.

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Title 6 | Human Resources

rpm.nmsu.edu/title-6

Subsections in Title 6

- 6.00 Human Resources
- 6.03 Succession Planning
- 6.10 Faculty and Academic Administrators
- 6.11 Academic Freedom
- 6.20 Administrator Rights and Responsibilities
- 6.93 Public Affairs Participation

Details

Scope: NMSU System
Source: RPM Title 6 | Human Resources

Policy Administrator:
Last Updated: 06/01/2017

Related

Cross-Reference:
Revision History:

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6.00 Human Resources

rpm.nmsu.edu/6-00

A. Purpose

NMSU seeks to attract and retain a highly qualified workforce, to provide for fair and equitable treatment of all employees, and to ensure compliance with laws and regulations governing the workplace. To accomplish these goals, NMSU shall maintain comprehensive rules and procedures implementing this human resource policy.

B. Equal Employment Opportunity

New Mexico State University is dedicated to providing equal employment opportunities without regard to age, ancestry, color, disability, gender identity, genetic information, national origin, race, religion, serious medical condition, sex, sexual orientation, spousal affiliation or protected veteran status as provided in federal and state anti-discrimination laws. This dedication extends to recruiting and hiring, promotion and other human resources actions such as compensation, benefits, transfers, layoffs, termination, training, education, tuition assistance, social and recreational programs. NMSU's shall maintain a comprehensive affirmative action program designed to support this effort.

Further, NMSU prohibits any unlawful harassment in the academic and work environments controlled by NMSU, as well as any illegal practice which has the effect of creating a hostile environment.

NMSU administration shall provide for rules and procedures for enforcement of this equal opportunity policy which are in compliance with all relevant federal and state laws and regulations.

C. Authorization for Specific Human Resource Rules and Procedures

The administration is directed to ensure that NMSU adopts and maintains specific rules and

procedures providing for the following:

Grievance procedures or review/appeal processes for non-discrimination based complaints, including rules establishing the types of matters which may be grieved.
Hiring and separation, including the establishment of employment categories.
Employee conduct and discipline.
Compensation, subject to budget approval by the Board of Regents.
Performance evaluation and changes in job status.
Benefits and leaves, subject to the restrictions set forth in Section D of this policy.
Professional development.

The listing of topics for operational rules and procedures set out above is not intended to exclude other rules or procedures on human resource topics which the administration may deem necessary and appropriate for the benefit of the institution.

D. Restrictions on Benefits and Leave

NMSU offers its employees a range of benefits including medical insurance, paid leaves of absence, paid holidays and others. The administration is authorized to continue offering those benefits presently offered and to adopt rules and procedures for administering those benefits. Any proposal which would alter the type or nature of benefits offered, or which would result in a significant increase in the cost of such benefits (beyond the changes in cost due to fluctuation in pricing and the number of employees) must be approved by the Board of Regents prior to implementation.

E. Union Contract

Rules and procedures adopted pursuant to this policy shall not conflict with or abrogate rights of employees provided in a valid collective bargaining agreement.

Details

Scope: NMSU System
Source: RPM Title 6 | Human Resources

Policy Administrator: AVP Human Resource Services

Last Updated: 12/11/2015

Related

Cross-Reference:
Administrative Rules and Procedures of NMSU

Revision History:

Recompiled 2017, formerly Policy 4.00
12/11/2015 Policy adopted by BoR.

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6.03 Succession Planning

rpm.nmsu.edu/6-03

The Regents of NMSU recognize that one of the university's greatest assets is its employees. To enhance the strength and the continued growth of the institution, the Board of Regents seeks to continuously hire, develop, and retain highly talented individuals, as well as to provide mechanisms which will further enhance their talents, maximize their value to the institution, and maintain a culture of advancement, in alignment with the strategic goals of the institution. Whether selected and identified by management or by self-nomination, incumbent employees shall be provided the encouragement to aspire to advance into leadership positions in multiple roles in leading NMSU. By maintaining an environment of motivation and engaging service, NMSU will continue its extensive history of successes.

Details

Scope: NMSU System
Source: RPM Title 6 | Human Resources

Policy Administrator: Board of Regents Staff

Last Updated: 12/12/2013

Related

Cross-Reference:
Revision History:

Recompiled 2017, formerly Policy 1.14
12/13/2013 Policy adopted by BoR.

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6.10 Faculty and Academic Administrators

rpm.nmsu.edu/6-10

A. Policy Statements

Faculty and academic administrators have an important role in the governance of a university. In recognition of that role, distinct rules and procedures must be maintained which establish the unique rights and responsibilities of faculty. This policy and the rules and procedures authorized herein apply only to individuals holding faculty appointments or faculty rank. The HR Rules authorized in **RPM 6.00** and reflected in the ARP also apply to those holding faculty appointments or faculty rank, unless otherwise stated.

B. Authorization

The Regents of New Mexico State University authorize the Executive Vice President and Provost, as the university system's chief academic officer, in consultation with the faculty through the Faculty Senate, to formulate and amend the Administrative Rules and Procedures (Rules) addressing the rights and responsibilities of the individuals appointed to faculty or academic administrator positions. Such Rules shall be consistent with this policy, and shall be enacted in accordance with **RPM 1.10** and **ARP 1.10**, and consistent with the shared governance provisions of **RPM 1.70**. **Such Rules will include, but are not limited to the following**:

1. The establishment of various types and ranks of faculty appointments and the qualifications, roles and responsibilities of each.
2. The regulation of faculty work assignments, including the rules governing outside consulting and conflicts of interest.
3. The process or methodology by which decisions are made relating to faculty compensation and awards, subject to the Board's authority to approve the budget.
4. The process by which faculty may seek redress for grievances.
5. A requirement that the work performance of all faculty shall be evaluated annually by the appropriate dean or other academic administrator.

6. The process and criteria required for promotion amongst the faculty ranks.
7. The process and criteria required for an award of tenure following the probationary period.
8. The process by which tenured faculty who demonstrate less than satisfactory work performance will be reviewed, mentored and supervised more frequently than the annual performance evaluation process.
9. The establishment of the qualifications, and roles and responsibilities of academic administration.
10. The process and criteria for the search, appointment, periodic performance evaluation, and reassignment of academic administrators other than the chancellor.
11. The processes by which suspected or alleged faculty misconduct may be investigated; additionally, the process by which discipline will be imposed if misconduct is substantiated, including the right to appeal from the investigative findings and/or the level of discipline.
12. The process for nonrenewal of a faculty contract and termination of a faculty appointment.
13. Establishing the rights and responsibilities of faculty with respect to research, sponsored projects and intellectual property.

C. Repeal of Related Policies

By previous action of the Board of Regents on October 21, 2015, the contents of the former NMSU Policy Manual were replicated in the Administrative Procedures of NMSU (the ARP) and remain in full force and effect. Upon adoption of this policy, the faculty related policies in then Title 5 of the Regents Policy Manual, with the exception of Academic Freedom, then Policy 5.05, will be superseded by this policy and will be repealed from the Regents Policy Manual, but will remain in effect in the ARP until amended or repealed.

Details

Scope: NMSU System
Source: RPM Title 6 | Human Resources

Policy Administrator: Executive VP and Provost

Last Updated: 05/13/2016

Related

Cross-Reference:

ARP Chapter 5 | Student Life and Conduct

Revision History:

Recompiled 2017, formerly Policy 5.00
05/13/2016 Policy adopted by Board of Regents

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6.11 Academic Freedom

rpm.nmsu.edu/6-11

The quest for truth often leads the scholar into difficult and untried territory. As a dealer in ideas, the teacher or researcher comes often in conflict with prevailing belief of large segments of society and even with those of colleagues. Yet, because of the practical benefits of scholarly activity, it is profoundly important that this diversity of ideas be not only tolerated, but encouraged. The right to support unorthodox positions, arrived at through scholarly investigation, free from coercion or reprisals, is fundamental to the continued progress of society. The right to pursue unpopular lines of inquiry and express new and unaccepted ideas falls within the framework of a special set of guarantees called academic freedom. In granting these guarantees, society expresses a willingness to risk the consequences because history confirms that the risk is outweighed by the benefits stemming from such a policy. Scholars are entitled to full freedom in the conduct of their research and publication of the results, and full freedom in the classroom to discuss those topics in which they are professionally experts as determined by their credentials. The exercise of this freedom carries with it the burden of corollary responsibilities. Scholars must not knowingly misrepresent facts. They must be careful in their teaching not to introduce controversial matter bearing no relationship to their subjects. They must exercise appropriate restraint and guard against distortions and inaccuracies. Outside their academic roles, as private citizens, scholars have no special privileges. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As persons of learning and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution. Institutions of higher education are conducted for the common good and not to further the interest of either the individual scholar or the institution as a whole. The Board of Regents recognizes that it is not possible to define, with any great precision, the limits of academic freedom in the complex world of ideas. The gray areas are practically endless and the final judgment of what is acceptable and reasonable must be left by society to the academic community itself. The scholar's own colleagues and institution must bear the brunt of public criticism, have the most to lose from withdrawal of public trust, and are, therefore, in the best position to balance the issues of academic freedom and responsibility.

Details

Scope: NMSU System
Source: RPM Title 6 | Human Resources

Policy Administrator: No Administrator Listed

Last Updated: 11/11/1111

Related

Cross-Reference:
Revision History:

Recompiled 2017, formerly Policy 5.05

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6.20 Administrator Rights and Responsibilities

rpm.nmsu.edu/6-20

A. Policy Statements

NMSU's academic and non-academic administrators are entrusted with the day-to-day management and stewardship of this academic enterprise. Through delegations from the Board of Regents to the Chancellor and to the Executive Vice President and Provost, and from these officials to the individual administrators, NMSU's administrators are vested with the power, authority and responsibility to make important decisions on behalf of the institution and to lead the faculty and staff who are critical to our success. Great responsibility is placed in the hands of these individuals, and accordingly, they are to be held accountable for upholding the highest standards of ethical conduct, good judgment, inclusiveness, fairness, loyalty and dedication to the duties of their position. Accordingly, the following principles govern the employment of academic and non-academic administrators:

Those administrators who report directly to the Chancellor or to the Executive Vice President and Provost, as well as those who hold the title of Vice President, Associate Vice President and Assistant Vice President, serve at the will of the Chancellor and may be removed from their positions at any time, without cause or implication of criticism.

Those individuals holding faculty positions who accept an administrative role of any type hold such administrative appointment at the will of the Executive Vice President and Provost, and may be removed from their administrative positions at any time, without cause or implication of criticism, but in such cases the individual may retreat to a nine-month faculty position, in the academic department in which their tenure was granted or their discipline is represented, at a salary commensurate with the salaries of other faculty of the same rank in their discipline in such department. Removal of at will employees from administrative positions shall be final, without any right of appeal or further recourse.

As an exception to this Policy, the Athletic Director and athletic coaches may be hired on a contract basis for a period not to exceed five years.

B. Authorization

The Regents of New Mexico State University authorize the Office of Human Resources, in coordination with the Chancellor and Executive Vice President and Provost, to formulate and amend the Administrative Rules and Procedures (Rules), in accordance with RPM 1.10 and ARP 1.10, to support the policy stated above.

C. Reservation of Authority

Any proposal or document purporting to establish any other employment relationship, or create additional employment rights for individuals holding the positions described in this policy shall be effective only upon approval of the Board of Regents.

Details

Scope: NMSU System
Source: RPM Title 6 | Human Resources

Policy Administrator: AVP Human Resource Services

Last Updated: 03/06/2017

Related

Cross-Reference:
Revision History:

Recompiled 2017, formerly Policy 10.00

03/06/2017 Adopted by BoR

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6.93 Public Affairs Participation

rpm.nmsu.edu/6-93

The policy of the Board of Regents is that faculty and staff have the same citizens' rights as other people. However, employees seeking elective office or serving in an elective office must not allow campaign and service activities to interfere with university responsibilities. Employees elected to the state legislature will be placed on leave without pay during the term of such office. Any possible conflict of interest shall be reported by the employee or by any other concerned employee to the administration through the appropriate channels. Unresolved issues shall be referred to the appropriate Faculty Grievance Review Board. It shall be the responsibility of the employee to report appointment or election to public bodies and/or conflict of interest situations. Such reports shall be sent to the Office of the President. The written notification shall include the type of employment or type of office, the commencing and terminating dates or period of service, and, when applicable, the nature of the conflict of interest situation. The Chancellor has discretion to approve requests to serve on international, national, state, and local committees and commissions.

Details

Scope: NMSU System
Source: RPM Title 6 | Human Resources

Policy Administrator: AVP Human Resource Services

Last Updated: 11/11/1111

Related

Cross-Reference:
Revision History:

Recompiled 2017, formerly Policy 4.60

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Title 7 | No Content

rpm.nmsu.edu/title-7

This Title has no current or planned content and was intentionally left blank to allow the RPM and the ARP to retain an aligned numbering system. Title 6 of the RPM includes all of the Regents policy statements relating to Human Resource issues, while four Chapters in the ARP (6, 7, 8 and 9) were needed to organize the many Human Resource regulations and procedures.

Details

Scope: No Content
Source: RPM Title 7 | Employee Benefits

Policy Administrator:
Last Updated: 06/05/2017

Related

Cross-Reference:
Revision History:

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Title 8 | No Content

rpm.nmsu.edu/title-8

This Title has no current or planned content and was intentionally left blank to allow the RPM and the ARP to retain an aligned numbering system. Title 6 of the RPM includes all of the Regents policy statements relating to Human Resource issues, while four Chapters in the ARP (6, 7, 8 and 9) were needed to organize the many Human Resource regulations and procedures.

Details

Scope: No Content
Source: RPM Title 8 | Staff Roles and Responsibilities

Policy Administrator:
Last Updated: 06/05/2017

Related

Cross-Reference:
Revision History:

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Title 9 | No Content

rpm.nmsu.edu/title-9

This Title has no current or planned content and was intentionally left blank to allow the RPM and the ARP to retain an aligned numbering system. Title 6 of the RPM includes all of the Regents policy statements relating to Human Resource issues, while four Chapters in the ARP (6, 7, 8 and 9) were needed to organize the many Human Resource regulations and procedures.

Details

Scope: NMSU System
Source: RPM Title 9 | Faculty Roles and Responsibilities

Policy Administrator:
Last Updated: 06/01/2017

Related

Cross-Reference:
Revision History:

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Title 10 | No Content

rpm.nmsu.edu/title-10

This Title has no current or planned content and was intentionally left blank to allow the RPM and the ARP to retain an aligned numbering system. Title 6 of the RPM includes all of the Regents policy statements relating to Human Resource issues, while four Chapters in the ARP (6, 7, 8 and 9) were needed to organize the many Human Resource regulations and procedures.

Details

Scope: NMSU System
Source: RPM Title 10 | Administrator and Supervisor Roles and Responsibilities

Policy Administrator:
Last Updated: 06/01/2017

Related

Cross-Reference:
Revision History:

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Title 11 | Research and Intellectual Property Management

rpm.nmsu.edu/title-11

Subsections in Title 11

11.05 Intellectual Property Management

Details

Scope: NMSU System
Source: RPM Title 11 | Research and Intellectual Property

Policy Administrator:
Last Updated: 06/01/2017

Related

Cross-Reference:
Revision History:

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11.05 Intellectual Property Management

rpm.nmsu.edu/11-05

A. Policy Statements

The Board of Regents recognize and maintain the culture of innovation at NMSU, in which the discovery, research and development, and entrepreneurism efforts of creators are supported through education, protection of intellectual property rights, and access to commercialization programs and resources. NMSU's community members (faculty, staff, and students) are the individuals who create commercially valuable intellectual property as part of their teaching, scholarship, research, and service duties. The purpose of this policy is to:

Ensure transparency and support the most efficient, streamlined process possible for all parties involved.
Establish a formula or formulas by which net earnings from commercialization of IP owned by the university will be allocated between creator(s) and NMSU.
Authorize the Intellectual Property (IP) Office to provide advice and assistance to creators by entering into cost and benefit sharing IP agreements, and by assuring compliance with such agreements.
Protect NMSU's interests as it makes significant investments in intellectual property development, protection, and commercialization.
Authorize the Office for Economic Development, including Arrowhead Center to oversee the activities relating to the evaluation and protection of intellectual property, technology transfer and commercialization activities, consistent with this policy and corresponding Rules.
Authorize and Recognize the Intellectual Property and Commercialization Board (IPAC Board) as a standing university board which assists the university by evaluating the market and commercial potential of disclosed inventions and by assisting with the resolution of disputes which arise concerning intellectual property and commercialization.

B. Authorization

The Board of Regents authorizes the Executive Vice President and Provost to formulate rules and procedures which will both promote innovation and entrepreneurship, and protect NMSU's financial and other interests associated with NMSU faculty, students and staff innovations and creations.

Details

Scope: NMSU System
Source: RPM Title 11 | Research and Intellectual Property

Policy Administrator: VP Economic Development

Last Updated: 03/06/2017

Related

Cross-Reference:
RPM 6.10 - Faculty and Academic Administration

ARP 11.05 - Intellectual Property Management.

Revision History:

Recompiled 2017.

03/06/2017 Policy adopted by BoR

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Title 12 | Physical Asset Management

rpm.nmsu.edu/title-12

Subsections in Title 12

- 12.00 Real Estate, Capital Improvements and other Physical Resources
- 12.50 Art, Archives and Other Collections

Details

Scope: NMSU System
Source: RPM Title 12 | Physical Asset Management

Policy Administrator:
Last Updated: 06/02/2017

Related

Cross-Reference:
Revision History:

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12.00 Real Estate, Capital Improvements and other Physical Resources

rpm.nmsu.edu/12-00

A. Policy Statement

NMSU is dedicated to the responsible stewardship of its extensive physical resources including real estate, water rights, buildings, other capital improvements, and a wide variety of personal property including equipment and materials. Legal title to all physical assets, real and personal, is vested in the Board of Regents as the body corporate (NMSA 1978 §§ 21-3-4 et seq.), without regard to the academic or administrative entity that occupies or otherwise uses the asset. NMSU shall preserve adequate land holdings and water rights to meet all current and foreseeable academic and support needs. NMSU shall seek to enhance and maximize the productivity of those assets which exceed the current needs of university operations in a prudent manner that is designed to provide as much benefit to the university as feasible.

B. Reservation of Authority

The Regents are responsible for ensuring the efficient and appropriate acquisition, use, maintenance, and disposition of the University's physical resources. **Toward that end, each of the following actions or events require approval of the Regents**:

1. The purchase, acquisition, sale, lease, encumbrance or mortgage of real estate or water rights.
2. Any transaction which would permanently affect NMSU's rights in real estate or water rights.
3. Any capital project which results in the addition of building square footage, whether from the construction of new facilities or addition to existing facilities or purchase of portable structures.
4. Any proposal to issue bonds for capital improvements.
5. Any alteration or site improvement costing over $300,000.
6. Any demolition of all or any portion of an existing building.

7. Any increase of more than 10% of the budget or reduction of more than 10% in the gross square footage of an approved capital project.
8. Proposals for the use of any funds derived from the sale, lease or transfer of real estate interests or water rights.
9. Any proposal for disposition of obsolete, worn-out or unusable tangible personal property on the university capital asset list.
10. The adoption of campus master plans for each campus.

Note: State Law requires certain approvals from and notifications to state agencies for certain transactions relating to real estate and capital improvements. ***Appendix 12.00-A*** *provides a summary of these legal requirements.*

C. Rulemaking Authorization

The Regents of New Mexico State University authorize the Chancellor to formulate and amend the Administrative Rules and Procedures (Rules) addressing the management of the university's real estate, water rights, capital improvement projects, construction projects, campus space and use planning, maintenance and repair of university facilities and grounds, equipment and supply inventory. Such Rules shall be consistent with this policy.

D. Delegation of Authority

Notwithstanding the reservation of authority set forth in section B above, the Board of Regents delegates authority and responsibility for reviewing, approving and executing the following types of transactions to the Chancellor or designee:

1. Real estate transactions involving a term of less than ten (10) years, including any options to extend;
2. Real estate transactions which involve a total university cost or liability (excluding operating expenses) of no more than $100,000 per year; and
3. Real estate easements which grant a specific, limited use of real property for a term not to exceed ten (10) years. Such uses shall include agreements relating to access, utilities installations, data/telecommunications facilities, rights of way, ingress, egress, sanitary sewers, pipelines and drainage.

E. Repeal of Related Policies

By previous action of the Board of Regents on October 21, 2015, the contents

of the former NMSU Policy Manual were replicated in the Administrative Rules and Procedures of NMSU (the ARP) and remain in full force and effect. Upon adoption of this policy, the remaining policies in Title 9 of the Regents Policy Manual are repealed from the Regents Policy Manual, but remain in effect in the ARP until amended or repealed.

Details

Scope: NMSU System
Source: RPM Title 12 | Physical Asset Management

Policy Administrator: Chancellor

Last Updated: 10/26/2018

Related

Cross-Reference:
ARP Chapter 9 | HR - Performance Evaluation, Promotion and Tenure

Revision History:

10/26/2018 Appendix 12.00-A added
Recompiled 2017, formerly Policy 9.00
03/16/2016 Policy adopted by Board of Regents

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CHAPTER 9- FACILITIES AND SERVICES

9.00 Real Estate, Capital Improvements and Other Physical Resources

A. Policy Statements: NMSU is dedicated to the responsible stewardship of its extensive physical resources including real estate, water rights, buildings, other capital improvements, and a wide variety of personal property including equipment and materials. Legal title to all physical assets, real and personal, is vested in the Board of Regents as the body corporate (NMSA 1978 §§ 21-3-4 et seq.), without regard to the academic or administrative entity that occupies or otherwise uses the asset. NMSU shall preserve adequate land holdings and water rights to meet all current and foreseeable academic and support needs. NMSU shall seek to enhance and maximize the productivity of those assets which exceed the current needs of university operations in a prudent manner that is designed to provide as much benefit to the university as feasible.

B. Reservation of Authority: The Regents are responsible for ensuring the efficient and appropriate acquisition, use, maintenance, and disposition of the University's physical resources. Toward that end, each of the following actions or events require approval of the Regents:

1. The purchase, acquisition, sale, lease, encumbrance or mortgage of real estate or water rights.
2. Any transaction which would permanently affect NMSU's rights in real estate or water rights.
3. Any capital project which results in the addition of building square footage, whether from the construction of new facilities or addition to existing facilities or purchase of portable structures.
4. Any proposal to issue bonds for capital improvements.
5. Any alteration or site improvement costing over $300,000.
6. Any demolition of all or any portion of an existing building.
7. Any increase of more than 10% of the budget or reduction of more than 10% in the gross square footage of an approved capital project.
8. Proposals for the use of any funds derived from the sale, lease or transfer of real estate interests or water rights.
9. Any proposal for disposition of obsolete, worn-out or unusable tangible personal property on the university capital asset list.
10. The adoption of campus master plans for each campus.

C. Rulemaking Authorization: The Regents of New Mexico State University authorize the Chancellor to formulate and amend the Administrative Rules and Procedures (Rules) addressing the management of the university's real estate, water rights, capital improvement projects, construction projects, campus space and use planning, maintenance and repair of university facilities and grounds, equipment and supply inventory. Such Rules shall be consistent with this policy.

D. Delegation of Authority: Notwithstanding the reservation of authority set forth in section B above, the Board of Regents delegates authority and responsibility for reviewing, approving and executing the following types of transactions to the Chancellor or designee:

1. Real estate transactions involving a term of less than* ten (10) years, including any options to extend;
2. Real estate transactions which involve a total university cost or liability (excluding operating expenses) of no more than $100,000 per year; and
3. Real estate easements which grant a specific, limited use of real property for a term not to exceed ten (10) years. Such uses shall include agreements relating to access, utilities installations, data/telecommunications facilities, rights of way, ingress, egress, sanitary sewers, pipelines and drainage.

* error Corrected 9/10/2018 when discovered. Affected RPM Editions 3rd – 16th Cnote: starting w/ 12th Ed RPM, this policy became 12.00 (recompilation)

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12.00 Real Estate, Capital Improvements and other Physical Resources

rpm.nmsu.edu/12-00

A. Policy Statement

NMSU is dedicated to the responsible stewardship of its extensive physical resources including real estate, water rights, buildings, other capital improvements, and a wide variety of personal property including equipment and materials. Legal title to all physical assets, real and personal, is vested in the Board of Regents as the body corporate (NMSA 1978 §§ 21-3-4 et seq.), without regard to the academic or administrative entity that occupies or otherwise uses the asset. NMSU shall preserve adequate land holdings and water rights to meet all current and foreseeable academic and support needs. NMSU shall seek to enhance and maximize the productivity of those assets which exceed the current needs of university operations in a prudent manner that is designed to provide as much benefit to the university as feasible.

B. Reservation of Authority

The Regents are responsible for ensuring the efficient and appropriate acquisition, use, maintenance, and disposition of the University's physical resources. Toward that end, each of the following actions or events require approval of the Regents:

The purchase, acquisition, sale, lease, encumbrance or mortgage of real estate or water rights.
Any transaction which would permanently affect NMSU's rights in real estate or water rights.
Any capital project which results in the addition of building square footage, whether from the construction of new facilities or addition to existing facilities or purchase of portable structures.
Any proposal to issue bonds for capital improvements.
Any alteration or site improvement costing over $300,000.
Any demolition of all or any portion of an existing building.

Any increase of more than 10% of the budget or reduction of more than 10% in the gross square footage of an approved capital project.
Proposals for the use of any funds derived from the sale, lease or transfer of real estate interests or water rights.
Any proposal for disposition of obsolete, worn-out or unusable tangible personal property on the university capital asset list.
The adoption of campus master plans for each campus.

C. Rulemaking Authorization

The Regents of New Mexico State University authorize the Chancellor to formulate and amend the Administrative Rules and Procedures (Rules) addressing the management of the university's real estate, water rights, capital improvement projects, construction projects, campus space and use planning, maintenance and repair of university facilities and grounds, equipment and supply inventory. Such Rules shall be consistent with this policy.

D. Delegation of Authority

Notwithstanding the reservation of authority set forth in section B above, the Board of Regents delegates authority and responsibility for reviewing, approving and executing the following types of transactions to the Chancellor or designee:

Real estate transactions involving a term exceeding ten (10) years, including any options to extend;
Real estate transactions which involve a total university cost or liability (excluding operating expenses) of no more than $100,000 per year; and
Real estate easements which grant a specific, limited use of real property for a term not to exceed ten (10) years. Such uses shall include agreements relating to access, utilities installations, data/telecommunications facilities, rights of way, ingress, egress, sanitary sewers, pipelines and drainage.

E. Repeal of Related Policies

By previous action of the Board of Regents on October 21, 2015, the contents of the former NMSU Policy Manual were replicated in the Administrative Rules and Procedures of NMSU (the ARP) and remain in full force and effect. Upon adoption of this policy, the remaining policies in Title 9 of the Regents Policy Manual are repealed from the Regents Policy Manual, but remain in effect in the ARP until amended or repealed.

Details

Scope: NMSU System
Source: RPM Title 12 | Physical Asset Management

Policy Administrator: Chancellor

Last Updated: 03/16/2016

Related

Cross-Reference:
Chapter 9 of the Administrative Rules and Procedures of NMSU

Revision History:

Recompiled 2017, formerly Policy 9.00
03/16/2016 Adopted by BoR

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12.50 Art, Archives and Other Collections

rpm.nmsu.edu/12-50

A. Policy Statements

The acquisition, ownership, display and professional preservation of NMSU's collections of art, archival records, cultural artifacts and natural history specimens are integral to the support of the teaching, research, and community engagement components of the university's mission. Decisions and the administrative rules and procedures regulating the acquisition, management, and de-accession of art, and other cultural, historic or scientific objects or collections shall give due consideration to a variety of stakeholder perspectives and concerns, consistent with applicable state, federal and international laws.

B. Rulemaking Authorization

The Board of Regents authorizes administration, including but not limited to the directors of the university museum, art gallery, library archives; and directors and curators of the natural history collections and other university museums, to promulgate and amend the Administrative Rules and Procedures (Rules) to implement this policy. Such rules shall include but are not limited to provisions relating to each of the following:

Designation of a specific department or unit to serve as custodian for each collection, or object if not part of a collection, and the specific responsibilities of each custodian.
Approvals necessary to acquire additional objects, or collections, by gift, loan or purchase, and the appropriate documentation and record keeping for such acquisitions.
Approvals necessary for de-accession of objects, collections or any item from a collection.
Requirements relating to appraisals for various purposes, care and preservation, displays, inventory and insurance protocols, loans of objects or collections (both outgoing and incoming), and research access.

C. Reservation of Authority

Notwithstanding the foregoing authorization, the following actions or events will require prior approval of the Board of Regents, and may also require additional approvals based on state, federal or international law:

Funding for the acquisition, restoration or preservation, or improvements required for the proper display or handling of any item or collection which will require expenditure of additional NMSU funds in excess of those budgeted.
Acceptance of donor gifts which in the opinion of administration will adversely impact the stewardship of the university's existing collections or includes onerous or lengthy restrictions or commitments regarding the display or deaccession of the gifted object (s).
Deaccession of items, collections or pieces from a collection which requires formal action by the Board of Regents and/or additional action by other state entities or offices;
Deaccession of an individual item, a collection, or any part of a collection which in the opinion of the majority of the members of the official custodian and fellow scholars has extraordinary monetary, historical, cultural, scientific or historical value and significance.

D. Repeal of Related Policies

By previous action of the Board of Regents on October 21, 2015, the contents of the former NMSU Policy Manual were replicated in the Administrative Rules and Procedures of NMSU (the ARP) and remain in full force and effect. Upon adoption of this policy, Policy 2.03 is repealed from the Regents Policy Manual, but shall remain in effect in the ARP until amended or repealed.

Details

Scope: NMSU System
Source: RPM Title 12 | Physical Asset Management

Policy Administrator: Executive VP and Provost

Last Updated: 05/13/2016

Related

Cross-Reference:
ARP - 12.50 - Art Archives and other Collections

Revision History:

Recompiled 2017, formerly Policy 9.80.
05/13/2016 Policy adopted by BoR

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Title 13 | Financial Resource Management

rpm.nmsu.edu/title-13

Subsections in Title 13

- 13.10 Investment of University Funds
- 13.15 Reserves
- 13.30 Bonds – Post-Issuance Tax Compliance
- 13.33 Bonds – Post Issuance Continuing Disclosures

Details

Scope: NMSU System
Source: RPM Title 13 | Financial Resource Management

Policy Administrator:
Last Updated: 06/02/2017

Related

Cross-Reference:
Revision History:

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13.10 Investment of University Funds

rpm.nmsu.edu/13-10

A. Policy Statement

NMSU seeks to manage and prudently invest cash balances, and to maximize the efficiency of the university's cash management system. The goal of this policy is to ensure investment of funds in a manner which provides for the safety of principal and adequate liquidity, while maximizing investment income. This policy will apply to all cash balances of the university, with the sole exception of those cash balances associated with the university's Endowment Funds, which are invested under a revocable trust agreement by the NMSU Foundation, Inc. All investment decisions will be made with due care and judgment, taking into consideration principal preservation in addition to income maximization, and not for speculative purposes.

B. Permitted Investments

Cash balances of the university may be held in interest and noninterest bearing demand and interest-bearing time deposits of financial institutions, or invested in investment grade securities and/or other financial instruments. The university will invest in conformity with federal and state laws and regulations applicable to an instrumentality of a political subdivision. These laws and regulations include, but are not limited to NMSA 1978, §6-10-10, NMSA 1978, §§46-9 A -1 through 46-9 A-10, and Internal Revenue Code, Section 148 (Arbitrage).

C. Ethics and Conflicts of Interest

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair the ability to make impartial investment decisions.

D. Authority

The Board of Regents is granted authority under state statute to manage the investment of its cash balances. Within the university, the senior vice president for administration and finance (SVPAF) is delegated the authority to make investment decisions. Investments decisions shall be made by the SVPAF in consultation with internal advisors from the Office of the Controller. Investment decisions will be reviewed with the Chancellor on a regular basis, at least semi-annually. The administration is authorized to adopt Rules as may be necessary and proper for the implementation of this policy. No such Rule may be implemented without the concurrence of the SVPAF.

Details

Scope: NMSU System
Source: RPM Title 13 | Financial Resource Management

Policy Administrator: Senior VP Administration and Finance

Last Updated: 10/19/2016

Related

Cross-Reference:
ARP - 13.10 - Investment Management.

Revision History:

Recompiled 2017, formerly Policy 2.37

10/19/2016 Revision adopted as amended by BoR, superseding former Policy 2.37 - Investments.

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13.15 Reserves

rpm.nmsu.edu/13-15

Reasonable budget balances shall be maintained for the efficient operation of the university.

Details

Scope: NMSU System
Source: RPM Title 13 | Financial Resource Management

Policy Administrator: Senior VP Administration and Finance

Last Updated: 11/11/1111

Related

Cross-Reference:
Revision History:

Re-numbered in the 2017 Recompilation (formerly Policy 2.57)

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13.30 Bonds – Post-Issuance Tax Compliance

rpm.nmsu.edu/13-30

A. Purpose and Authority

The Regents of New Mexico State University (the "Issuer" or "Board of Regents") hereby authorize and direct the adoption of Post-Issuance Tax Compliance Procedures (the "Procedures") as part of the university's Administrative Rules and Procedures, for the purpose of: (1) maximizing the university's compliance with the federal tax law requirements applicable to its outstanding tax-exempt bonds and obligations, (the "Bonds"); and (2) identifying and resolving any noncompliance matters, on a timely basis, to preserve the tax-exempt status of the Bonds.

B. Policy Statements

1. **Adoption of Procedures:** The administration is directed to establish and maintain written procedures to: (1) ensure that any Bonds that no longer qualify for tax-exempt status are identified and remediated in accordance with the requirements of the Internal Revenue Code of 1986, as amended (the "Code") and applicable regulations, including the remediation provisions of Treas. Reg. Sec. 1.141-12 or other remedial actions authorized by the Commissioner of the Internal Revenue Service under Treas. Reg. Sec. 1.141-12(h); and (2) monitor compliance with the requirements of Section 148 of the Code (which include arbitrage, yield restriction and rebate requirements) and related regulations.
2. **Appointment of Compliance Officer**: The Board of Regents designates the Senior Vice President for Administration and Finance to serve as the Post-Issuance Tax Compliance Officer (the "Compliance Officer") for purposes of this policy and the Procedures adopted as required by this policy.
3. **Monitoring of Post-Issuance Compliance:** The Compliance Officer will be responsible for monitoring post-issuance compliance for the Bonds pursuant to the Procedures. The Compliance Officer may designate employees of the university to carry out the duties under these Procedures on the Compliance Officer's behalf in the same manner and with the same effect as any similar designation for any other purpose permitted by law.

4. **Compliance with Covenants in Bond Documents:** The Compliance Officer will ensure compliance with all covenants made by the university in the documents related to the Bonds (the "Bond Documents") which must be complied with to maintain the preferential tax status of the Bonds, including, but not limited to use of the Bond-financed facilities, timely completion of arbitrage rebate calculations, required filings and restrictions on investment of Bond proceeds.
5. **Federal Tax Law Compliance:** The Compliance Officer will take such actions as may be necessary to comply with federal tax law as it relates to post-issuance including any specific actions as may be specified in the Administrative Rules and Procedures.
6. **Remedial Action:** If at any time during the life of a Bond issue, the Compliance Officer determines, after consultation with bond counsel, that a violation of federal tax law requirements applicable to that issue has occurred, the Compliance Officer will inform the Board of Regents, and the Board will take prompt action to accomplish an available remedial action under applicable regulations or to enter into a closing agreement with the IRS under the IRS's Voluntary Closing Agreement Program or other future published guidance.

Details

Scope: NMSU System
Source: RPM Regents Policy Manual Title 13 | Financial Resource Management

Policy Administrator: Senior VP Administration and Finance

Last Updated: 05/11/2018

Related

Cross-Reference:
Revision History:

05/11/2018 Policy adopted by Board of Regents

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13.33 – Bonds – Continuing Disclosure Procedures

arp.nmsu.edu/13-33

PART 1: PURPOSE

This rule fulfills the directive set forth in **Regents Policy 13.33** by providing guidelines and procedures necessary as required by federal securities laws to fulfill the university's obligation of post-issuance continuing disclosures related to the university's bonds and loans.

PART 2: TYPES OF DISCLOSURE GOVERNED BY THESE PROCEDURES

NMSU will use the procedures set forth in this rule in connection with the forms of disclosure listed in this Part (collectively, "Disclosure Documents").

A. Primary Disclosure

1. Preliminary Official Statements
2. Final Official Statements

B. Secondary Disclosure

1. **Continuing Disclosure**. Examples of a Continuing Disclosure include annual reports and notices of specified events provided pursuant to a continuing disclosure agreement.
2. **Voluntary Disclosure**. Examples of a Voluntary Disclosure include quarterly financial information, a change in fiscal year and other financial or operation information, amendments to continuing disclosure undertakings, a change in obligated persons, or other event-based disclosures.

C. Other Disclosure

1. **Material Information**. Information about NMSU that is material and reasonably expected to reach investors. Information is material if there is a substantial likelihood

that it would be considered significant by a reasonable investor. An example of material information includes financial information on NMSU's website such as NMSU's budget and fiscal reports; public statements regarding NMSU's finances that are made by NMSU representatives.

2. **Statements or Omissions related to the Tax Status of NMSU's Obligations.** Examples of this type of Other Disclosure include statements or omissions in tax certificates, loan agreements or other documents relied on by bond counsel.

PART 3: DISCLOSURE TRAINING

The Senior Vice President for Administration and Finance (SVPAF), also the university's Bond Compliance Officer, is charged with the responsibility of retaining bond counsel and/or disclosure counsel. The SVPAF or designee shall work with such counsel to create, implement and periodically revise ongoing disclosure compliance training. The SVPAF or designee shall receive disclosure training related to federal securities laws, as well as training related to their role in preparing NMSU's Disclosure Documents.

PART 4: CONTINUING DISCLOSURE DUTIES AND RESPONSIBILITIES

With the assistance of bond counsel or disclosure counsel, the SVPAF, as the Bond Compliance Officer, will do or cause the following to be done:

A. **Monitor Compliance on a Weekly Basis**. In addition to the filing of annual reports, NMSU must provide a Notice of Event as specified in NMSU's continuing disclosure undertakings. Generally, an Event Notice must be provided to the Municipal Securities Rulemaking Board within ten business days after the occurrence of such event. In order to ensure compliance with NMSU's continuing disclosure undertakings, the SVPAF or designee shall review the list of events specified in NMSU's continuing disclosure undertakings on a weekly basis to determine whether any such event has occurred that may require notice.

B. **Verify Primary Disclosure at Key Times**. NMSU's Preliminary and final Official Statement must not contain any untrue statement of material fact, or omit to state a material fact necessary to make the statements made therein, in the light of the circumstances under which they were made, not misleading. The SVPAF or designee must verify the accuracy of its primary disclosure not only during drafting and review, but also at the time of (i) posting or mailing the Preliminary Official Statement, (ii) pricing of NMSU's bonds or loans, and (iii) at the time of closing of the transaction. If developments occur that may make NMSU's primary disclosure

inaccurate or incomplete as described above, the SVPAF or designee will work with the disclosure counsel and/or bond counsel to remedy these potential issues.

C. **Address Issues and Questions Promptly**. Everyone who participates in creating or reviewing a Disclosure Document should promptly address issues that arise throughout the disclosure process. The SVPAF or designee and Responsible Parties must address and resolve all questions they may have regarding the accuracy and completeness of a Disclosure Document.

D. **Consider Missing Information**. Instead of simply updating numerical data from one year to another, Responsible Parties and the SVPAF or designee must consider what might be missing from Disclosure Documents. For example, material developments related to NMSU's financial condition may have occurred, cost projections for a project may have changed or laws affecting NMSU may have been enacted. Material developments such as these may not appear in prior Disclosure Documents and therefore cannot be adequately disclosed by simply updating prior Disclosure Documents.

E. **Encourage Disclosure Team Members and others to Raise Issues**. Responsible Parties, the SVPAF or designee, and any other participants have a duty to carefully consider and question the information in Disclosure Documents to ensure that NMSU's disclosure is complete and accurate. Issues and questions regarding the completeness or accuracy of any Disclosure Document should first be raised internally. Such questions should be discussed with the SVPAF or designee, university general counsel, bond counsel or disclosure counsel, and others within NMSU until resolved.

F. **Conduct Annual Review of Procedures**. The SVPAF or designee will review these procedures no less than annually and will periodically consult with bond counsel and/or disclosure counsel to ensure these procedures are effective in producing disclosures that are accurate, complete and in compliance with federal securities laws.

Details

Scope:
Source: ARP Chapter 13 | Financial Resource Management

Rule Administrator:
Last Updated: 04/10/2018

Related

Cross-Reference:
RPM 13.33

Revision History:

4/10/18 Rule adopted by Chancellor

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Title 14 | Business Operations

rpm.nmsu.edu/title-14

Reserved

Details

Scope:
Source: RPM Title 14 | Business Operations

Policy Administrator:
Last Updated: 06/05/2017

Related

Cross-Reference:
Revision History:

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Title 15 | Information Management and Data Security

rpm.nmsu.edu/title-15

Subsections of Title 15

- 15.30 Information Technology Governance
- 15.50 Information Data Security
- 15.65 Security Clearance (Department of Defense)

Details

Scope: NMSU System
Source: RPM Title 15 | Information Management and Data Security

Policy Administrator:
Last Updated: 06/02/2017

Related

Cross-Reference:
Revision History:

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15.30 Information Technology Governance

rpm.nmsu.edu/15-30

A. Policy Statements

The chief information officer (sometimes referred to as CIO) shall establish and maintain a framework formalizing the Information Technology (IT) governance process to ensure effective, secure, and efficient utilization of NMSU system wide IT resources to best support the mission, vision, and strategic goals of the university. This framework will facilitate broad stakeholder input and ensure executive level jurisdiction over the institution's IT resources and associated risks inherent to maintaining a secure and agile higher education IT environment.

The following governance authorities will be responsible for recommending and implementing IT policies, rules, procedures and standards in accordance with RPM 1.10 and ARP 1.10 and to recommend resources sufficient to comply with IT standard operating procedures and otherwise carry out the mission of Information and Communication Tech Department on behalf of the institution.

IT Governance Committee(s) with representation from the Community Colleges and Academic, Research, Administrative and Technical areas will be established and maintained, based on the IT governance framework described in this policy.

The chief information officer leads and coordinates the development and implementation of integrated strategic IT plans and policies for the NMSU system; and is responsible for leadership in the evaluation, implementation, management and operation of NMSU system wide Information Technology.

The chief information security officer (sometimes referred to as CISO) provides information security leadership to create and to maintain a risk-based information security program. In accordance with RPM 1.10 and ARP 1.10, the CISO recommends policies, rules and procedures to protect university information and systems.

Details

Scope: NMSU System

Source: RPM Title 15 | Information Management and Data Security

Policy Administrator: Chancellor

Last Updated: 03/06/2017

Related

Cross-Reference:
Revision History:

03/06/2017 former Policy 1.30, "Information Technology Governance" re-numbered as Policy 15.30 when BoR adopted Policy 1.30, "Delegation of Authority".
08/10/2016 Policy adopted by BoR

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15.50 Information Data Security

rpm.nmsu.edu/15-50

A. Policy Statements

NMSU aspires to provide responsible use and management of its technology resources including storage and use of confidential data. The administration shall establish rules and processes to secure and protect confidential data and shall establish such administrative, technical, and physical safeguards as may be necessary or appropriate to comply with all relevant data protection laws and contractual requirements. The University shall identify an IT security authority to monitor and report data security risks to the administration, address any data security breaches as required by law and university rules, and to serve as a resource to the university community for data security and regulatory requirements. (Note: As used in this policy, "confidential data" is a generalized term, and not as a data classification.)

B. Rulemaking Authorization

The Regents of New Mexico State University authorize the administration to formulate and amend the Administrative Rules and Procedures (Rules) to address the use and management of the university's confidential data and to implement the policy set out above. Such Rules shall be consistent with this policy as well as the laws relating to data privacy and security.

C. Repeal of Related Policies

Policies 2.90.10, and 2.90.30 shall be repealed from the Regents Policy Manual, but remain in effect in as ARP 14.10 – Records Integrity and Retention and ARP 15.63 Protection of Non-Public, Personal Information until amended or repealed.

Details

Scope: NMSU System
Source: RPM Title 15 | Information Management and Data Security

Policy Administrator: Chief Information Officer

Last Updated: 05/13/2016

Related

Cross-Reference:
ARP 14.10 - Records Integrity and Retention

ARP 15.63 Protection of Non-Public

Revision History:

Recompiled 2017, formerly Policy 2.90
05/13/2016 Policy adopted by BoR

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15.65 Security Clearance (Department of Defense)

rpm.nmsu.edu/15-65

Those persons occupying the following positions at New Mexico State University shall be known as the Key Management Personnel Group for safeguarding classified information. They shall implement the provisions of the National Industrial Security Program Operating Manual (NISPOM).

- Chancellor
- President, NMSU Las Cruces
- Executive Vice President and Provost
- Vice President for Research
- Director of the Physical Science Laboratory
- Facility Security Officer
- Insider Threat Senior Management Official

The members of the Key Management Personnel Group have been processed, or will be processed for a personnel security clearance for access to classified information, to the level of the Facility Clearance granted to this institution, as provided for in the NISPOM. Individuals will be denied access to classified information until such time that their security clearances are granted.

The Key Management Personnel Group is hereby delegated all of the board's duties and responsibilities pertaining to the protection of classified information under classified contracts awarded to New Mexico State University. In addition, the Key Management Personnel Group shall have the authority and responsibility for the negotiation, execution, and administration of the contracts, consistent with NMSU policy and state and federal law.

The individual members of the Board of Regents shall not require, shall not have, and will be effectively excluded from access to all national security information disclosed to NMSU. The duties and responsibilities of the Board of Regents as a policy-making body do not require access to classified contracts awarded to NMSU, and therefore need not be processed for a personnel security clearance.

The foregoing will not be modified, amended or rescinded without prior notice to the United States Government through the cognizant security office.

Details

Scope: NMSU System
Source: RPM Title 15 | Information Management and Data Security

Policy Administrator: VP Research

Last Updated: 09/05/2018

Related

Cross-Reference:
Revision History:

09/05/2018 Amendment approved by Board of Regents
Recompiled 2017, formerly Policy 4.65
12/09/2016 Amendment approved by Board of Regents
10/21/2013 Amendment approved by Board of Regents
06/21/2012 Amendment approved by Board of Regents
10/10/2011 Amendment approved by Board of Regents
04/08/2011 Amendment approved by Board of Regents
05/07/2010 Amendment approved by Board of Regents

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Title 16 | Safety and Risk Management

rpm.nmsu.edu/title-16

Subsections of Title 16

- 16.00 Risk Management, Safety and Security
- 16.45 Auditors, External
- 16.46 Auditors, Internal – Office of Audit Services
- 16.60 Alcohol at NMSU Including Sanctioned Events
- 16.65 Drug and Alcohol Free Workplace
- 16.67 Firearms on University Premises

Details

Scope: NMSU System
Source: RPM Title 16 | Safety and Risk Management

Policy Administrator:
Last Updated: 06/02/2017

Related

Cross-Reference:
Revision History:

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16.00 Risk Management, Safety and Security

rpm.nmsu.edu/16-00

A. Policy Statements

NMSU strives to provide a safe and secure work and learning environment for its faculty, employees, students and visitors. Toward that goal, the administration shall establish rules and processes to promote the health, safety and wellbeing of those stakeholders in a systemic effort to prevent and control losses due to identifiable risks while ensuring compliance with relevant and applicable laws and regulations. Further, the administration is authorized to provide services and programs to support this policy, including but not limited to the following:

1. Police services including crime prevention services, criminal investigations, and victim services.
2. Fire services including fire prevention, fire code and life safety compliance and public education.
3. Emergency response services for the Las Cruces and Dona Ana Central campuses, and other arrangements as needed to provide security and safety services at other campuses.
4. Environmental health and occupational safety services including programs to promote safety in the workplace and learning spaces, including mandatory safety training, and compliance with relevant environmental protection laws and regulations.
5. An all-hazard emergency preparedness plan including emergency notification system (s).

B. Rulemaking Authorization

The Regents of New Mexico State University authorize the administration to adopt and amend such Administrative Rules and Procedures (ARP) as may be needed to implement the policy set forth above. Such Rules shall be consistent with this policy as well as all relevant governmental laws and regulations.

C. Repeal of Related Policies

This policy repeals RPM 2.53 and 2.60 from the Regents Policy Manual, which shall remain in effect in the ARP as ARP – 16.01 University Police and ARP – 16.30 Authorization of Health and Safety Programs until amended or repealed.

Details

Scope: NMSU System
Source: RPM Title 16 | Safety and Risk Management

Policy Administrator: Chancellor

Last Updated: 03/06/2017

Related

Cross-Reference:
ARP - 16.01 - University Police

ARP - 16.03 - Regulation of Security Cameras in Univ Premises

ARP - 16.10 - Emergency Preparedness and Response

ARP - 16.15 - Fire Safety, Prevention, and Emergency Services

ARP - 16.30 - Authorization of Health and Safety Programs

ARP - 16.31 - Reporting of Work Related Accidents/Incidents

ARP - 16.85 - Parking Regulations

Revision History:

Recompiled 2017.

03/06/2017 former Policy 2.00, "Risk Management, Safety and Security" re-numbered as Policy 16.00 when BoR adopted Policy 2.00, "Organizational Charts and Reporting Relationships".
05/13/16 Policy approved by BoR

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16.45 Auditors, External

rpm.nmsu.edu/16-45

The university external auditors shall be selected and retained according to the guidelines provided in the state auditor's rules currently in force. The Board of Regents reserves the right to apply stricter guidelines in selecting and retaining external auditors than those required by the state auditor's rules.

Details

Scope: NMSU System
Source: RPM Title 16 | Safety and Risk Management

Policy Administrator: Senior VP Administration and Finance

Last Updated: 11/11/1111

Related

Cross-Reference:
Revision History:

Recompiled 2017, formerly Policy 2.10.

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16.46 Auditors, Internal – Office of Audit Services

rpm.nmsu.edu/16-46

A. Purpose

This policy establishes and authorizes the Office of Audit Services as the administrative unit tasked with performing internal audit functions, and reporting to the various NMSU components, the Audit Subcommittee of the Board of Regents, and the Chancellor and/or the Board of Regents.

B. Mission and Internal Audit Function

The Office of Audit Services provides university-wide, independent, objective assurance and consulting services designed to add value to, and improve university operations. It helps the university community accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes. The Office of Audit Services assists members of management in effectively carrying out their respective responsibilities by determining whether the organization's network of risk management, control and governance processes are adequate to ensure that:

1. Risks are appropriately identified and managed;
2. University policies and procedures, and external laws and regulations are followed;
3. Resources are acquired economically, used efficiently, and are adequately protected;
4. Significant financial, managerial and operational information is accurate and reliable;
5. Program objectives are achieved and are consistent with university objectives.

C. Authority

The internal audit staff is authorized full, free and unrestricted access to all university records in any form; to all facilities and real estate; and to all personnel relevant to an audit. With approval from the NMSU affiliated organization, internal audit staff may review records

of affiliated organizations in conjunction with a specific university audit. Internal audit staff is correspondingly responsible for handling documents and information obtained in a prudent and ethical manner.

D. Neutrality

Internal auditors will avoid participating in activities that might reasonably appear to compromise their independence or objectivity. They will have no direct responsibility or authority over any of the operating activities examined, and their review does not relieve operating personnel of their responsibilities.

E. Internal Audit Duties

The chief audit executive and staff of the Office of Audit Services have responsibility to:

1. Develop a flexible annual audit plan using appropriate risk-based methodology, including concerns identified by management, and submit the plan to the audit committee for review and approval;
2. Operate in accordance with the International Standards for the Professional Practice of Internal Auditing and the Code of Ethics of the Institute of Internal Auditors;
3. Provide audit reports and memoranda that contain reasonable and cost-effective recommendations for control issues identified, and facilitate the resolution of audit issues with appropriate managers;
4. Suggest the need for policies and procedures where appropriate, or changes to existing policies and procedures;
5. Perform appropriate assurance and consulting services to assist management in meeting its objectives;
6. Assist in the investigation of significant suspected fraudulent activities within the university;
7. The chief audit executive serves as an ex officio member of the Administrative Council.

F. Reporting Structure

In order to maintain independence, the staff of the Office of Audit Services reports to the chief audit executive, who reports administratively to the Chancellor and functionally to the Board of Regents. The chief audit executive shall meet with the Regents Audit Committee periodically, as outlined in the Regents Audit Committee Charter (See Appendix 1 – C) and will present an annual report on the activities and operations of the department.

G. Scheduling Audit Projects and Reporting Results

With the exception of emergency audits and those requiring an element of surprise, audit clients will receive advance notice of planned audits and the Office of Audit Services staff will make reasonable efforts to accommodate client needs in terms of scheduling.

1. Audits involving suspected fraudulent activities are processed differently from other internal audits, so as not to compromise a police investigation or personnel action.
2. At the conclusion of an audit project, the chief audit executive will issue a formal report or audit memorandum to the audit client and appropriate members of senior management.
3. On an annual basis or as time permits, the Office of Audit Services staff will perform a follow-up on formal recommendations included in audit reports and memoranda. Follow-up reports will summarize the status of audit issues and any actions taken by management to resolve the issues. Any items not resolved at the conclusion of a second follow-up, will be referred to the Chancellor and to the Budget and Audit Subcommittee for resolution.

Results of audit work are shared with Budget and Audit Subcommittee members and with the Board of Regents on an annual basis, or more often if appropriate.

Details

Scope: NMSU System
Source: RPM Title 16 | Safety and Risk Management

Policy Administrator: Chief Audit Executive

Last Updated: 07/23/2007

Related

Cross-Reference:
Revision History:

Recompiled 2017, formerly Policy 2.11.
07/23/2007 Amendment approved by BoR.

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16.60 Responsible Alcohol Use

rpm.nmsu.edu/16-60

A. Policy

The Board of Regents of New Mexico State University recognizes that diversity of opinion and freedom of choice are concepts upon which higher education has been established. Inherent within these two basic concepts are the exercise of individual responsibility and making informed decisions on matters related to personal behavior.

Within the university setting, faculty, staff and students must demonstrate a mutual respect and commitment to the institution's educational mission, while at the same time fostering diversity of opinion, freedom of choice, and responsibility. In this regard, the university respects the choice of those of legal age to consume alcohol, providing they do so in accordance with NMSU policy, rules and procedures, and all applicable laws.

B. Authorization of Rules Pertaining to Responsible Use of Alcohol

The Board of Regents authorizes the NMSU administration to adopt and enforce rules and procedures to regulate the use of alcohol at any function or event held on the property owned by the university, as well as at off-property functions and events sponsored by NMSU units and NMSU chartered organizations.

C. Disclaimer of Liability

NMSU recognizes it cannot protect its employees, and students from making decisions that could potentially cause harm to themselves or others. NMSU disclaims any intention to assume duties to protect its employees and students from their own abuse of drugs or alcohol or to protect third party persons from conduct of university employees or students.

Details

Scope: NMSU System
Source: RPM Title 16 | Safety and Risk Management

Policy Administrator: Chancellor

Last Updated: 03/06/2018

Related

Cross-Reference:
ARP 16.60 – Permitted Alcohol on NMSU Premises

ARP 18.81 - Tailgating Activites

Tailgating Regulations

Revision History:

03/06/2018 Amendment approved by Board of Regents
Recompiled 2017, formerly Policy 3.05 Sections A. - G.
01/30/2012 Amendment approved by Board of Regents
07/20/2010 Amendment approved by Board of Regents
09/08/2006 Amendment ratified by Board of Regents
10/11/2005 Amendment approved by Administrative Council
Recompiled, formerly AP&P 242, reference BR 91

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16.65 Drug and Alcohol Free Workplace

rpm.nmsu.edu/16-65

The university is a recipient of federal grants and contracts in excess of $100,000 and is subject to the provisions of the Drug-Free Workplace Act of 1988, the special Drug-Free Workforce rules promulgated by the Department of Defense, and the Drug Free Schools and Communities Act. The Board of Regents has directed the Chancellor to institute and maintain programs that meet the requirements of federal drug and alcohol regulations. These programs are administered through the Office of Human Resource Services.

A. General Policy Prohibiting Drugs and Alcohol on NMSU Property

The unlawful possession, use, or distribution of illicit drugs and alcohol on its property or as part of any of its activities is prohibited and a violation of university policy. University property is defined as all lands and building under the control of the Board of Regents. It is a federal requirement and a university policy that, as a condition of employment, an employee will notify the immediate supervisor within 5 days after conviction of a criminal drug offense occurring in the workplace. Supervisors will inform the Office of Human Resource Services, through appropriate channels, of any notifications received.

B. Disciplinary Sanctions for Employees

Employees who violate the university's alcohol or drug policies are subject to termination, demotion, or suspension. Additionally, employees may be required to report to the Employee Assistance Program for a clinical assessment and participate in a recommended counseling/rehabilitation program. When returned to work, the employee must comply with all university policies and maintain acceptable job performance or be subject to appropriate disciplinary action.

Details

Scope: NMSU System

Source: RPM Title 16 | Safety and Risk Management

Policy Administrator: AVP Human Resource Services

Last Updated: 07/15/2008

Related

Cross-Reference:
Revision History:

Recompiled 2017, formerly Policy 3.40
07/15/2008 Amendment approved by BoR

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16.67 Firearms on University Premises

rpm.nmsu.edu/16-67

A. Purpose

To clarify New Mexico state law requirements relating to the carrying of firearms on university premises, and to authorize supplemental university policy requirements, for the protection of the public's health, safety and welfare.

B. Definitions

The following definitions will apply for purposes of application and enforcement of this policy:

1. "**Peace Officer**": A peace officer means any public official or public officer vested by law with a duty to maintain public order or to make arrests for crime, whether that duty extends to all crimes or is limited to specific crimes;
2. "**University Premises**": University premises includes both:
    a. The buildings and grounds of the university, including playing fields and parking areas of a university, in or on which university or university-related activities are conducted; and
    b. Other public buildings or grounds, including playing fields and parking areas that are not university property, in or on which university-related and sanctioned activities are performed.
3. "**Firearm**": A weapon, or component thereof, defined under state or federal law as a firearm. This includes complete firearms, as well as components considered to be firearms, such as receivers, sound suppressors, and destructive devices.

C. Policy Statement(s)

1. 1. No person of any age shall carry a firearm on university premises or in a university vehicle, unless they qualify under one or more of the following exceptions, and meet any additional requirements of the University Police Department:

a. A peace officer;
b. A security personnel authorized by the University Police Chief or designee;
c. A student, instructor or other university-authorized personnel who are engaged in army, navy, marine corps or air force reserve officer training corps programs or a state-authorized hunter safety training program;
d. A person conducting or participating in a university-approved program, class or other activity involving the carrying of a firearm; or
e. A person older than nineteen years of age on university premises in a private automobile or other private means of conveyance, for lawful protection of the person's or another's person or property.

2. To enhance public safety on NMSU campuses, the Board of Regents authorizes the University Chief of Police to promulgate reasonable standards or other requirements for the individuals permitted by one of the exceptions above to carry a firearm on university premises or in university vehicles, including but not limited to background checks, training, and safety measures. Such standards and other requirements shall be posted conspicuously on the website of the University Police Department.

D. Cross References and Procedural Guidelines

To facilitate the administration and enforcement of this policy, and in addition to any reasonable standards and requirements which may apply to those entering university premises with a firearm, the policy administrator may develop and issue supplemental Procedural Guidelines (includes protocols, forms, permits, etc.), consistent with the policy. All procedures, forms, permits etc. utilized in the application or enforcement of this policy shall be posted on the University Police Department's website, and shall be linked from this section. Other related reference material relating to firearms on public property may also be linked from this Section with the approval of the policy administrator.

Details

Scope: NMSU System
Source: RPM Title 16 | Safety and Risk Management

Policy Administrator: NMSU Police Chief

Last Updated: 07/21/2015

Related

Cross-Reference:

Revision History:

Recompiled 2017, formerly Policy 3.50
07/21/2015 Amendment approved by BoR

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Title 17 | Intercollegiate Athletics

rpm.nmsu.edu/title-17

Subsections of Title 17

17.00 Athletics

Details

Scope: NMSU System
Source: RPM Title 17 | Intercollegiate Athletics

Policy Administrator:
Last Updated: 06/02/2017

Related

Cross-Reference:
Revision History:

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17.00 Athletics

rpm.nmsu.edu/17-00

A. Policy Statement

NMSU seeks to offer an athletics program of local and national acclaim in an equitable, diverse environment that supports student-athlete excellence in academics and athletics, and that engages the university community and stakeholders in achieving and celebrating Aggie success.

B. Athletic Programs

Through its Athletics Department, NMSU offers various athletic programs reflecting the interests of the university community and its stakeholders. The following are the authorized athletic programs offered at NMSU:

- Baseball
- Men's Basketball
- Women's Basketball
- Men's Cross Country
- Women's Cross Country
- Women's Equestrian *
- Football
- Men's Golf
- Women's Golf
- Softball
- Women's Swimming and Diving
- Men's Tennis
- Women's Tennis
- Women's Indoor Track & Field
- Women's Outdoor Track & Field
- Volleyball
- Women's Soccer

** This sport will be eliminated effective July 1, 2017, pursuant to action by the Board of Regents on January 20, 2017.*

C. Authorization

The administration is authorized to establish and maintain an Athletics Department and to take other actions necessary to operate the above referenced athletic programs.

D. Reservation of Authority

The Board of Regents reserves the authority to (1) approve the addition or elimination of athletic programs, and (2) approve changes in conference membership. Such approval is typically given upon recommendation(s) of the Chancellor and the Director of Athletics. In the elimination of a team, care will be given to providing adequate notice to allow displaced student athletes to seek positions on other teams.

Details

Scope: NMSU System
Source: RPM Title 17 | Intercollegiate Athletics

Policy Administrator: Director of Athletics

Last Updated: 10/19/2016

Related

Cross-Reference:
ARP Chapter 17

Revision History:

Recompiled 2017

10/19/2016 Policy adopted by Board of Regents, superseding Policies 2.05 et seq.

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Title 18 | Community and Governmental Relations

rpm.nmsu.edu/title-18

Subsections of Title 18

- 18.00 Advancement
- 18.45 Lobbying
- 18.55 Inspection of Public Records

Details

Scope: NMSU System
Source: RPM Title 18 | Community and Governmental Relations

Policy Administrator:
Last Updated: 06/02/2017

Related

Cross-Reference:
Revision History:

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18.00 Advancement

rpm.nmsu.edu/18-00

A. Policy Statement

To accomplish its mission, NMSU depends upon the support of alumni, donors, private foundations, business partners and other external constituencies. Through the efforts of its office of University Advancement, NMSU seeks to develop and sustain genuine long-term relationships with the supporters of the university. The responsibilities of the Office of University Advancement, subject to the approval and direction of the Chancellor, include:

To maintain alumni and donor relations;
To conduct fundraising activities on behalf of the institution;
To establish the rules, procedures and conditions under which NMSU will recognize and support any affiliated organizations established to support NMSU;
To serve as liaison between the university and the NMSU Foundation, Inc., and between the university and any other University-affiliated not for profit organization established to support the university;
To providing coordination of fundraising activities for the various NMSU entities;
To receive and receipt all gifts made to NMSU and the various NMSU entities;
To develop rules, procedures and proposals for the naming of NMSU's buildings, organizational units and programs, subject to the reservation of authority to the Regents set forth below;
To develop rules and procedures for the nomination of honorary degree recipients; and
To develop the rules and procedures for gift income spending to promote the good stewardship and proper accounting and use of all donations and earnings available to support NMSU's mission

B. Reservation of Authority

The Regents are ultimately responsible for protecting the reputation of, relationships with and financial support for the University. Toward that end, each of the following actions or events require advance approval of the Regents:

Award of Honorary Degrees;
Naming the university's major physical entities including buildings, structures, indoor and outdoor spaces;
Naming of the academic and administrative organizational units at the college, school or department level or above;
Acceptance of any non-monetary gift which contains restrictions as to its use or disposition;
Acceptance of any gift which requires a matching fiscal obligation by the university or creates a substantial in kind or monetary future obligation;
Acceptance of any gift which includes real property.

C. Delegation of Authority

The Board of Regents delegates its authority and responsibility to the Vice President of University Advancement, with approval from the Chancellor, for the naming opportunities not reserved above to the Board, including but not limited to endowments (professorships, chairs, and scholarships), collections, and similar gift supported activities and events.

D. Rulemaking Authorization

The Regents of New Mexico State University authorize the administration to formulate and amend the Administrative Rules and Procedures (Rules) addressing its activities in the area of advancement, including those areas of responsibility listed above. Such Rules shall be consistent with this policy and shall be adopted in accordance with RPM 1.10 and ARP 1.10.

E. Repeal of Related Policies

By previous action of the Board of Regents on October 21, 2015, the contents of the former NMSU Policy Manual were replicated in the Administrative Rules and Procedures of NMSU (the ARP) and remain in full force and effect. Upon adoption of this policy, RPM 2.50, 2.75 and 6.75 will be superseded by this policy, but will remain in effect in the ARP as ARP – 18.10 – Namings, ARP – 18.20 – University Advancement-Gift Income, NMSU Endowments, NMSU Foundation, Inc., and ARP – 18.15 – Honorary Degrees to the extent consistent with this policy, until amended or repealed.

Details

Scope: NMSU System
Source: RPM Title 18 | Community and Governmental Relations

Policy Administrator: VP Advancement

Last Updated: 06/27/2016

Related

Cross-Reference:
ARP - 18.10 - Naming

ARP - 18.15 - Honorary Degrees

ARP - 18.20 - University Advancement-Gift Income, NMSU Endowments, NMSU Foundation, Inc.

Revision History:

Recompiled 2017.

06/27/2016 Policy adopted by BoR, superseding Policy 2.75, University Advancement-Gift Income, NMSU Endowments, NMSU Foundation, Inc.

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18.45 Lobbying

rpm.nmsu.edu/18-45

A. In compliance with Section 310 of Public Law 101-121, it is the policy of the university that no monies shall be used directly or indirectly to influence any member of the federal legislative or executive branches unless in strict compliance with the exceptions of that public law and the regulations issued there under.

B. No employee of the university, agent of the university, or paid lobbyist shall contact any employee or officer of the federal, state, or local governments for the purpose of influencing that employee or officer without complying with this policy.

C. The vice president for research is directed to be the sole individual responsible for assuring the compliance with this policy. The vice president for research may designate one or more individuals to act in the absence of the vice president for research, in order to assure continuity.

Details

Scope: NMSU System
Source: RPM Title 18 | Community and Governmental Relations

Policy Administrator: VP Research

Last Updated: 11/11/1111

Related

Cross-Reference:
Revision History:

Recompiled 2017, formerly Policy 2.45

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18.55 Inspection of Public Records

rpm.nmsu.edu/18-55

A. Purpose

To facilitate compliance with the New Mexico Inspection of Public Records Act (NMSA 1978, §14-2-1 et seq).

B. Definitions

See the definitions contained within the NM Inspection of Public Records Act, NMSA 1978, § 14-2-6.

C. Policy Statement

The designated custodians of public records shall respond to requests for inspection in a timely and professional manner, in compliance with the NM Inspection of Public Records Act (NMIPRA). If the Procedural Guidelines do not clearly identify a records custodian for a particular record sought, university general counsel is authorized to designate an appropriate university official to serve as records custodian for the request. Requests for inspection of university records will be considered and permitted consistent with the applicable law and the rights of the parties.

D. Procedural Guidelines

With approval from the Chancellor, the policy administrator may issue and amend Procedural Guidelines, provided they are consistent with this policy and the NMIPRA. The Procedural Guidelines shall be posted on the appropriate website for NMSU System policies and procedures.

Details

Scope: NMSU System
Source: RPM Title 18 | Community and Governmental Relations

Policy Administrator: General Counsel

Last Updated: 07/14/2015

Related

Cross-Reference:
Revision History:

Recompiled 2017, formerly Policy 2.90.40
07/21/2015 Amendment approved by BoR.
12/09/2011 Amendment approved by BoR.
10/10/2011 Amendment approved by BoR.

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- Appendix – RPM 1.70-A – Constitution of the Faculty Senate
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Policy Maintenance

The Regents Policy Manual is maintained by University General Counsel. Inquiries should be directed to gencounsel@nmsu.edu.

Proposals Under Review

Proposals for new and revised policies are available to NMSU stakeholders on the UGC SharePoint site.

UGC SharePoint Site

Related Sites

University General Counsel

Administrative Rules and Procedures

Business Procedures Manual

Other University Regulations

Board of Regents

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Appendix – RPM 1.01-A – Excerpts from New Mexico Constitution and Laws Relating to NMSU and NMDA

rpm.nmsu.edu/appendix-1-01-a

[Note: there are many other state, as well as federal, laws and regulations that apply or otherwise relate to the specific are as governed by New Mexico State University and by the New Mexico Department of Agriculture; this is only a partial listing, relative to the general grant of authority to the Board of Regents.]

N. M. Constitution, Article XII, Section 3. Control of Constitutional Educational Institutions; Use of State Land Proceeds and Other Educational Funds.

This section provides that the universities provided for in the constitution shall forever remain under the exclusive control of the state, and that proceeds from the sale of lands or from any other funds appropriated, levied or collected for educational purposes, shall not be used for the support of any sectarian, denominational or private school, college or university.

N.M. Constitution Article XII, Section 11. State Educational Institutions.

This section identifies the state's many and various educational institutions, including New Mexico State University, and clarifies that property and funds held in trust for them, or hereafter to be granted or conveyed to them, shall be paid to them.

N.M. Constitution, Article XII, Section 13. Board of Regents for Educational Institutions.

This section provides that with the exception of UNM's seven member board of regents, the legislature controls and manages the state's educational institutions through five member boards of regents. Four members shall be qualified electors of the state of New Mexico and one shall be a member of the student body, and no more than three shall be members of the same political party. The governor nominates, and with the consent of the senate,

appoints each member. Non-student members serve six years and student members serve two years. The student body nominee is selected from a list submitted by the NMSU system Chancellor, after consideration of the recommendation of the student body president.

Members of the board shall not be removed except for incompetence, neglect of duty or malfeasance in office, after notice of hearing and an opportunity to be heard having first been given such member. The supreme court of the state of New Mexico is hereby given exclusive original jurisdiction over proceedings to remove members of the board under such rules as it may promulgate, and its decision in connection with such matters shall be final.

N.M. Constitution Article XV, Section 1. Department of Agriculture.

This section establishes the Department of Agriculture and provides that it shall be under the control of the Board of Regents of NMSU. It further states that the legislature shall provide the department with lands and funds necessary for experimental farming and demonstrating.

NMSA 1978 § 21-8-1, Objects, Admission, Rules and Regulations.

This section provides that NMSU shall be open to the children of all the residents of this state, and such other persons as the Board of Regents may determine, under such terms, rules and regulations as may be prescribed by said Board of Regents; shall be nonsectarian in character and devoted to practical instruction in agriculture, mechanic arts, natural sciences connected therewith, as well as a thorough course of instruction in all branches of learning bearing upon agriculture, and other industrial pursuits.

NMSA 1978, §21-8-2, Construction of other names for college used in statutes.

This section clarifies that references to “agricultural college of New Mexico,” “agricultural and mechanical college,” “college of agriculture and mechanic arts,” “agricultural college,” or “state college,” or “New Mexico agricultural college,” or any other similar designation shall be construed to refer to New Mexico State University.

NMSA 1978, § 21-8-3. Curriculum; management vested in board of regents; number and qualifications; corporate style and powers; quorum.

This section sets forth certain courses of instruction for NMSU and authorizes the Board of Regents to prescribe others. Charges the Board of Regents with the fiscal care and management of all aspects of NMSU, and grants the authority to the Board to cause all things to be done necessary to carry out the provisions of law. Board can sue and be sued. Provides that qualifications to serve as member of the NMSU Board of Regents are the same as to serve as member of the UNM Board of Regents. The board shall take action as a body corporate. A majority of the board's members constitute a quorum for the transaction of business.

NMSA 1978, §21-8-4, Officers

The officers of NMSU shall be the same, be elected in the same manner, at the same time, perform like duties, and possess the same qualifications, as is provided for the officers of the University of New Mexico:

NMSA 1978, § 21-7-5

This section for UNM, applicable to NMSU through the above cited statute, provides that election of officers occurs on the second Monday in March each year; Officers to be elected include a president and a secretary and treasurer. The person elected secretary and treasurer shall execute a sufficient bond to the state of New Mexico, to be approved by the governor and filed with the secretary of state, prior to taking office. Officers elected hold their offices until their successors are duly elected and qualified.

NMSA 1978, § 21-7-6

This section for UNM, applicable to NMSU through the above cited statute, provides that the president of the Board of Regents, also referred to as the chair, presides at all meetings and signs all instruments required to be executed by the board. The board president appoints committees of the board. When the president is absent, the board appoints a president pro tem. The secretary/treasurer attests all instruments required to be signed by the board president and keeps an accurate record or all proceedings.

NMSA 1978, § 21-8-5. Powers and Duties of Board of Regents

The Board of Regents has broad authority to control all monies belonging to NMSU and the New Mexico Department of Agriculture, and to make all rules and regulations necessary for the government and management of same.

NMSA 1978, § 21-8-6. Rules; Calling Meetings of Board of Regents

It is the power and duty of the Board of Regents to adopt rules to govern the university. The regents prescribe the manner in which meetings are called.

NMSA 1978, § 21-8-7. Course of Instruction; Books; Diplomas and Degrees; Removal of Officers

The faculty of the several departments are entrusted with the immediate government of their respective departments, with the Board of Regents regulating the course of instruction, and prescribing, under the advice of the faculty, the teaching materials to be used, and conferring the degrees and diplomas. The regents have the authority to remove any NMSU officer when in their judgment, the best interests of the university requires it.

NMSA 1978, § 21-8-8. Agricultural and Horticultural Laws; Administration and Enforcement Vested in Board of Regents; Inspectors and Agents

NMSU Board of Regents supervises, administers and enforces all laws relating to agriculture, agricultural projects, horticulture, feeds and feed stuffs, insect pests, plant diseases and such subjects pertaining to agriculture and horticulture as the legislature shall hereafter provide, and shall have power to delegate inspectors and agents to assist in the enforcement of such laws.

NMSA 1978, § 21-8-9. Agricultural Experiment Station; Direction; Federal Benefits

Confirms the authority of the Board of Regents to supervise and to receive funding for the agricultural experiment station in accordance with the terms of Section 1 of an act of congress approved March 2, 1887 [7 USCS § 361 a], which confirmed provisions of an earlier act approved July 2, 1862 and amendments thereto.

NMSA 1978, § 21-8-10. Contracts for Acceptance and Administration of Funds

This is one of many statutes granting certain authority for the conduct of business to the Board of Regents, as the New Mexico Department of Agriculture, to contract with the United States, the state of New Mexico; or their agencies, corporations, foundations and private persons to receive, accept and administer funds or other assets upon such terms and conditions and for such purposes, as it shall find appropriate.

Many additional statutes granting specific types of authority over various agricultural subject matters may be found in the New Mexico Statutes Annotated, primarily, but not exclusively, in Chapter 76.

NMSA 1978, § 76-1-1, Creation of the New Mexico Department of Agriculture under the Control of the Board of Regents of New Mexico State University

This section establishes the creation of the New Mexico Department of Agriculture under the control of the Board of Regents of New Mexico State University.

NMSA 1978, §76-1-2, Powers and Authority of Board of Regents

This section grants the following powers and authority to the Board of Regents of New Mexico State University, relative to the New Mexico Department of Agriculture:

A. Administer and enforce all laws of this state over which the board of regents or its agents have been granted jurisdiction and authority;

B. Adopt rules of procedure for the adoption of regulations;

C. Adopt, and file in accordance with the State Rules Act [14-4-1 NMSA 1978], regulations as may be necessary to carry out its duties;

D. Administer or enforce, through the department of agriculture, all regulations adopted by the board of regents;

E. Cooperate and enter into contracts or agreements with local, state and federal government agencies or with any other person to assist the carrying out of the duties of the New Mexico Department of Agriculture;

F. Employ and fix the salaries of employees of the New Mexico Department of Agriculture;

G. Institute legal proceedings in any court of this state, of any other state or of the United States;

H. Certify to the appropriate district attorney or to the attorney general of New Mexico any violation of the provisions of law or any rules and regulations administered and enforced by it, when necessary to carry out its duties;

I. Accept and administer on behalf of the New Mexico Department of Agriculture such grants, subsidies, donations, allotments or bequests as may be offered to the state, by the federal government or any department thereof or by any public or private foundation or individuals;

J. Accept and administer funds or other assets for the New Mexico Department of Agriculture;

K. Make and perform or direct the performance of such inspections and analyses as are necessary to carry out its duties;

L. Issue or direct the issuance of such licenses, permits and other documents as are necessary to carry out its duties;

M. Authorize the New Mexico Department of Agriculture to establish and publish a schedule of fees and collect those fees to recover the cost of services performed at the request of a person or firm. Fees imposed shall be just and equitable and shall not exceed the department's cost for performing the service; and

N. Do all other things necessary as permitted by statute to carry out its duties.

NMSA 1978, § 76-1-3, Director of NMDA; Salary; Duties

This section provides that in order to execute its functions relative to the NMDA, the Board of Regents shall appoint and fix the salary of a full-time director of the New Mexico Department of Agriculture. The director shall administer, execute and implement the directives and policy decisions of the Board of Regents and its agents, and shall serve as a representative of agriculture on the Governor's Executive Cabinet, as provided in the Executive Reorganization Act [9-1-1 to 9-1-10 NMSA 1978]. The director shall serve at the pleasure of the Board of Regents.

Details

Scope: NMSU System
Source: RPM Appendices

Policy Administrator:
Last Updated: 06/02/2017

Related

Cross-Reference:
Revision History:

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Appendix – RPM 1.02-A – Bylaws of the Regents of New Mexico State University, including Regents Committee Charters

rpm.nmsu.edu/appendix-1-02-a

ARTICLE 1 – PURPOSE, AUTHORITY AND AMENDMENT

1.1 Authority: Pursuant to the Constitution of the State of New Mexico, and as provided by implementing legislation, the control and management of New Mexico State University (NMSU) is vested in the NMSU Board of Regents (Board). [NM Const. Art XII, Sec. 13; Art. XV, Sec. 1] The Board constitutes the body corporate, with the official name "Regents of New Mexico State University" and acts only by voting in a duly convened open meeting, in accordance with a properly posted and distributed meeting notice and agenda. [NMSA 1978 §21-8-3]

1.2 Board Policies and Directives: The Board exercises control over the institution through its policies and directives to executive administration. All decisions, policies and directives, approved by a majority of the Board in a duly constituted meeting, are reflected in the meeting minutes. Board policies are published in the Regents Policy Manual. Decisions and directives temporal in nature, effective for only a finite period or single point in time, may be made in the form of a motion or resolution. Resolutions will be published by year at the Board website.

1.3 Purpose: These bylaws are intended to govern and direct internal operations of the Board.

1.4 Amendment: The Board may amend or repeal these bylaws after proper notice and upon three affirmative votes from its voting members.

ARTICLE 2 – BOARD MEMBERSHIP

2.1 Regular Membership Determined by Law: The membership, appointment, qualifications and terms of the regular voting members of the Board, as well as their removal and replacement shall be governed by the constitution and laws of the state of New Mexico. [NM Const. Art XII, Sec. 13; Art. XX, Sections 2 and 5] As used in these bylaws, the term "regent" refers only to the members designated as voting members by New Mexico

law. Each prospective regent shall, before entering upon their respective duties, take and subscribe an oath to faithfully and honestly discharge their duties in the premises and strictly and impartially perform the same to the best of their several abilities. [NMSA 1978 §21-1-19]

2.2 Statutory *Ex-Officio* Membership: The statutory *ex-officio* non-voting membership of the Board, as established by the legislature, consists of the governor of the state of New Mexico and the superintendent of public instruction, if there be one. [NMSA 1978 §21-1-13]

2.3 Advisory Members: In addition to the membership provided by New Mexico law, and at the pleasure of the Board, the following university officials, representing students, faculty and staff, serve as non-voting advisory members of the Board: the chair of the Faculty Senate, the president of the Associated Students of New Mexico State University (ASNMSU) and the chair of the Employee Council of NMSU.

ARTICLE 3 – OFFICERS

3.1 Eligibility: Any regent shall be eligible for any office of the Board; advisory and *ex-officio* members are not eligible to serve as officer of the Board.

3.2 Election of Officers: The Board will hold its annual organization meeting on the second Monday in March each year for the purpose of electing officers. [NMSA 1978 §21-7-5, applicable to NMSU through NMSA 1978 §21-8-4] The Board will elect a president, a president *pro tem*, and a secretary-treasurer. The president and president *pro tem* shall be referred to as the chair and vice chair of the Board, so as to not be confused with executive administrators. The person elected as secretary-treasurer shall, before entering upon the discharge of the duties, execute a bond to the state of New Mexico, to be approved by the governor of the state, and filed with the secretary of state, as required by statute. [NMSA 1978 §21-7-5 requirement satisfied by the blanket bond provide through the New Mexico Risk Management Division, per NMSA 1978 §10-2-15]

3.3 Tenure and Vacancy: Each officer of the Board shall be elected for a one-year term and shall serve until a respective successor is elected and qualified. A vacancy in office shall be filled by election at the next meeting following its occurrence. Election to a vacant office shall be for the balance of the unexpired term.

3.4 Duties of the Chair: The chair shall preside at all meetings of the Board, direct the preparation of the meeting notices and agendas, appoint the regent members and the chair of each regents committee, and perform such other duties as provided by statute, these bylaws, or as may be directed by the Board. The chair's signature shall be affixed to all diplomas for degrees and all documents approved by the Board and requiring a signature, including the official meeting minutes. The chair may delegate tasks to other regents as may be reasonable and appropriate.

3.5 Duties of the Vice Chair: In the absence or incapacity of the chair, the vice chair shall assume the duties and obligations of the chair.

3.6 Duties of the Secretary-Treasurer: The secretary-treasurer shall ensure that a true record of all proceedings of the Board is properly maintained. [NMSA 1978 §21-7-6] The secretary-treasurer's signature shall be affixed to all diplomas for degrees, and any other legal documents approved by the Board. The secretary-treasurer shall perform such other duties as the Board may direct.

3.7 Appointments to other Boards: The boards of various affiliated entities call for representation from the NMSU Board. Unless otherwise provided by the governing documents of the affiliated entity, the chair will appoint the individual regents to serve on such affiliated boards.

ARTICLE 4 – CONDUCT OF MEETINGS

4.1 Quorum: A majority of the voting members of the Board constitutes a quorum for the discussion or transaction of university business, and is required to convene a meeting. [NMSA 1978 §21-8-3]

4.2 Attendance: Regents are expected to attend all meetings of the Board, and if unable to participate in person, will make every effort to attend telephonically. Regents will be permitted to attend any meeting of the Board by telephone, when it is otherwise difficult or impossible for the member to attend the meeting in person, provided that each member participating by conference telephone can be identified when speaking, all participants are able to hear each other at the same time, and members of the public attending the meeting are able to hear any Board member who speaks during the meeting. [NMSA 1978 §10-15-1 C.] Regents may not participate by proxy. When unable to attend, advisory members may send an alternate representative, as provided by their respective governance rules.

4.3 Chair Role: The chair shall preside at the meetings of the Board, with full power to vote on and to second any motion, and to discuss all matters, with the same authority as any other regent, not-withstanding any provision of *Robert's Rules of Order*.

4.4 Meeting Minutes: The Board shall keep written minutes of its open meetings including the date, time and place of the meeting, the names of members in attendance and those absent, the substance of the proposals considered, and a record of any decision and votes taken that show how each member voted. [NMSA 1978 §10-15-1 G.] Within 10 working days after any open meeting, draft minutes shall be prepared under the direction and subject to the approval of the Secretary-Treasurer. The draft minutes shall be presented, and approved, amended or disapproved, at the next meeting of the Board where a quorum

is present. The minutes shall be official upon approval of the Board and signature by the chair. [NMSA 1978 §10-15-1 G.] The official minutes shall be open to public inspection by posting at the website for the Board.

4.5 Roberts Rules of Order: As necessary to maintain order, and except where they may be in conflict with these bylaws, *Robert's Rules of Order* shall govern the conduct of the meetings of the Board.

4.6 NM Open Meetings Act Compliance: All meetings of the Board, except closed sessions, will be open to the all persons desiring to attend. Reasonable efforts will be made to accommodate the use of audio and video recording devices. [NMSA 1978 §10-15-1 A.] All meetings of the Board will be conducted in compliance with the New Mexico Open Meetings Act. [NMSA 1978, § 10-15-1 *et seq.*] The Board will consider and determine at least annually whether the required types of notice and method of distribution, as set forth in Articles 5 and 6 below, are reasonable as applied to the Board. [NMSA 1978, § 10-15-1, Section D.] The chair will work with board staff to ensure that the content and posting of the meeting notices and agendas is legally sufficient and consistent with these bylaws and the New Mexico Open Meetings Act.

4.7 Public Comment: All regular meetings of the Board will include an opportunity for public comment which may be limited to three minutes per person. Prior to commencement of each regular meeting, board staff or designee will invite members of the public to indicate their desire to address the Board by sign in sheet. Opportunity for public comment will generally be provided at special meetings of the Board, but at the discretion of the chair, may be omitted in consideration of scheduling constraints.

ARTICLE 5 – MEETING TYPES AND NOTICE

5.1 Meeting Types: The chair shall issue, or may direct the issuance of, calls for all meetings of the Board. The chair will designate each meeting as a regular, special, emergency or closed meeting, in accordance with the following:

A. **Regular Meetings**: Regular meetings are scheduled for the regular conduct of business and are held quarterly on such dates, places and times as may be fixed by the chair, provided that one of the regular meetings is statutorily set on the second Monday in March. [NMSA 1978 §21-1-4]
B. **Special Meetings:** Special meetings are typically reserved for matters that require action before the next regular meeting. The chair may call as many special meetings as deemed necessary. Within 20 days after receiving a request from any two regents, the chair will call a special meeting by issuing a notice for a meeting to be held within 23 days after receipt of the request.

C. **Emergency Meetings:** An emergency meeting may be called only for unforeseen circumstances that demand immediate attention to protect the health, safety and property of citizens or to protect the university from substantial financial loss. Emergency meetings may be called by any member of the Board. Within 10 days of taking action on an emergency matter, the Board shall report to the Office of the New Mexico Attorney General the action taken and the circumstances creating the emergency, unless there has also been a declaration of a state or national emergency, in which case no report is required. [NMSA 1978 §10-15-1 F.]

D. **Closed Meetings:** The Board may hold a meeting closed to the public (executive session) only if the subject matter of such discussion or action falls within one of the exceptions listed in the Open Meetings Act. [NMSA 1978 §10-15-1 H.]

1. If any meeting is proposed to be closed during an open meeting, without prior notice, the closure shall be proposed by motion, stating the specific provision of law authorizing the closed meeting and the subject matter to be discussed. The motion must be approved by a majority of a quorum of the Board in attendance. The vote of each individual member on the motion proposing closure shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in the closed meeting. [NMSA 1978 §10-15-1 I. (2)]
2. If a closed meeting is to be conducted when the Board is not already convened in an open meeting, the closed meeting shall not be held until public notice required for a special meeting is posted, stating the specific provision of law authorizing the closed meeting and the subject matter to be discussed. [NMSA 1978 §10-15-1 I. (1)]
3. Following completion of any closed meeting, the minutes of the public meeting that was closed, or the minutes of the next public meeting if the closed meeting was separately scheduled, shall state whether the matters discussed in the closed meeting were limited only to those specified in the motion or the meeting notice for the special meeting. [NMSA 1978 §10-15-1 J.]
4. Any action taken as a result of discussions in a closed meeting shall be made by vote of the Board in an open public meeting. [NMSA 1978 §10-15-3 A.]

5.2 Meeting Notice: The call for a meeting shall be in the form of a meeting notice which satisfies the following requirements:

A. **Content:** Each meeting notice shall indicate the meeting type, date, time and specific location of the meeting, including city and campus (as applicable), building name, and address. The notice will also include either a meeting agenda or information about when and where the meeting agenda will be available to the public. [NMSA 1978, §10-15-1, Section F.]

B. **Posting and Distribution:** Each meeting notice shall be (1) posted at the Zuhl Library on the Las Cruces campus of NMSU, (2) posted at the Board website, and (3) emailed to each regent. In addition, each meeting notice shall be transmitted by

telephone, fax, electronic or other means of delivery to any newspaper(s) of general circulation in the state and licensed broadcast stations that have made request for notification of meetings within the previous 12 months. [NMSA 1978, § 10-15-1 Part F.] Requests for notifications shall be submitted to ucomm@nmsu.edu.

C. **Timing:** Each meeting notice shall be posted and distributed in advance of the meeting, with the amount of advance notice depending upon the type of meeting:
   1. Notice of regular meetings will be given at least 10 days in advance of the meeting date, with the meeting agenda posted at the Board website at least 72 hours prior to the meeting.
   2. Notice of special meetings will be given at least 72 hours in advance of the meeting date, with the meeting agenda also posted at the Board website at least 72 hours prior to the meeting.
   3. Notice of an emergency meeting will be given 24 hours in advance, unless threat of personal injury, property damage or threat of financial loss requires less notice, with the meeting agenda posted at the Board website at the same time as the notice of emergency meeting.

5.3 Meeting Accessibility: In addition to the information specified above, all notices for open meetings shall include the following statement:

NMSU is an equal opportunity institution. For disability accommodation, please contact board staff at (575) 646-5997 or regents@nmsu.edu

ARTICLE 6 – MEETING AGENDA PURPOSE AND PREPARATION

6.1 Purpose of Meeting Agenda: The agenda for each meeting provides reasonable, specific notice to the public of the items which will be considered by the Board, and sets the order for the transaction of the Board's business by category. Only those items specifically listed on the posted agenda may be discussed at the meeting, and any item requiring action or decision will be voted upon in open meeting.

6.2 Agenda Item Submission by Regent: Each meeting agenda will include any and all items submitted in writing by any regent to the chair with a copy to board staff. Agenda items submitted less than 6 days in advance of a scheduled meeting may be placed on the agenda of that meeting, if feasible, or otherwise will be placed on the agenda of the next meeting.

6.3 Agenda Item Submission by Administration: Agenda items may be submitted for consideration by the chair by any of the following members of the administration: the chancellor, the director of the New Mexico Department of Agriculture, the executive vice president and provost, the senior vice president for administration and finance, or the

general counsel. Agenda item topics and synopses shall be submitted to board staff at least 10 days in advance of meetings and in the manner and the format specified by board staff. Supporting documents shall be delivered to board staff at least 6 days before the scheduled meeting, and will include copies of any slide presentation intended for the meeting. The chair shall determine whether items requested by the administration will be included on the agenda, and for any item for which supporting documentation was not submitted on a timely basis, may subsequently propose to remove or table such agenda items. The chair will direct board staff regarding the placement of items on the agenda and will determine what meeting presentations will be allowed.

6.4 Distribution of Agenda Materials: Board staff will distribute to each regent the proposed agenda and all supporting documentation at least 5 days prior to any regular or special meeting.

6.5 Additional Guidelines: With the approval of the chair, board staff is authorized to set deadlines and require the use of forms to facilitate the efficient development of the Board's meeting agendas and the timely distribution of supporting materials.

6.6 Agenda Item Requests from Public: Members of the public may submit meeting agenda proposals in writing at the address indicated at the website for the NMSU Board. Board staff will inform the chair and the chancellor about such proposals, and will be responsible for informing the requestor of the chair's decision.

ARTICLE 7 – GENERAL OPERATING PRINCIPLES

7.1 Inspection of Records: All records of the Board are open to inspection by the public at reasonable times, and in accordance with the New Mexico Inspection of Public Records Act. [NMSA 1978 §14-2-1 *et seq.* and §21-1-16]

7.2 Compensation:Members of the Board are not remunerated for their services.

7.3 Travel Expenses: Members of the Board are entitled to receive reimbursement for actual and necessary travel expenses in going to and returning from all noticed meetings of the Board. [NMSA 1978 §21-1-9] Such reimbursements shall be processed by board staff, consistent with university travel reimbursement procedures as set forth in the NMSU Business Procedures Manual. Other university related travel expenses will be reimbursed as approved by the Board chair.

7.4 Correspondence: No individual member, including the chair, should send correspondence on behalf of the Board, unless duly authorized through a vote in open meeting. In such cases, the chair acts on behalf of the Board. All such correspondence must be copied to board staff for records retention compliance and archiving purposes.

7.5 Regents Committees: The Board may establish regents committees to assist it with the Board's fiduciary and other oversight duties relative to the university and to NMDA. Regents committees assess information and make recommendations to the Board.

A.

A. **Membership**: A regents committee will be comprised of no more than two voting regents appointed by the chair, and any other individual(s) appointed by the Board. The chair of the regents committee will be appointed by the chair of the Board. The membership of regents committees will be determined annually.
B. **Charter**: The regents committees are governed by their respective charters, as amended from time to time, which are published as an attachment to these bylaws.
C. **Established Regents Committees**: The regents committees established by the Board are listed below:
    1. Regents Financial Strategies, Performance and Budget Committee (RFSPBC),
    2. Regents Audit and Risk Committee (RARC),
    3. Regents Real Estate Committee (RREC), and the
    4. Regents Student Success Committee (RSSC).

    This list will be updated by university staff upon the Board's decision to establish or discontinue a regents committee, or to change a committee name, without need for formal amendment of the bylaws.

    D. Collaboration between Regent Committees: As may be determined appropriate at the discretion of the respective chairs, the regents committees may work collaboratively through joint committee meetings which may include a quorum of the Board. In such instances, the joint meeting will be properly noticed in accordance with the NM Open Meetings Act and these bylaws.

7.6 Information: Regents seeking information relating to the university or NMDA operations should submit requests to the chancellor or the director of the New Mexico Department of Agriculture, or their respective designees.

7.7 Financial Disclosures: Pursuant to the New Mexico Financial Disclosures Act, each regent is required to file with the New Mexico Secretary of State a financial disclosure statement within thirty days of appointment and during the month of January every year thereafter in which the regent holds office. [NMSA 1978 §10-16A-3] The Financial Disclosure Statements are public records.

7.8 Conflict of Interest: Regents shall not have a direct or indirect financial interest in any contract for building or improving or for the furnishing of supplies or services to the university. [NMSA 1978 §21-1-17] Regents will not engage in any act prohibited by the

Governmental Conduct Act as it applies to Board members. [NMSA 1978 §§10-16-1 *et seq.*] Regents shall not accept any gift which would result in a violation of the New Mexico Gift Act [NMSA 1978 §§10-16B-1 *et seq.*]

7.9 Annual Report: On or before the first day of December, the Board will make an annual report of its activities to the governor. [NMSA 1978, §21-1-12]

Attachment 1 to the Board's Bylaws – Regents Audit and Risk Committee Charter

Purpose

The purpose of the Regents Audit and Risk Committee (RARC) is to assist the Board of Regents (Board) in fulfilling its oversight responsibilities related to: integrity of the university's financial statements, systems of internal control, independence and performance of the external and internal audit functions, identification and management of risks, efficient and economical acquisition and protection of resources, achievement of program objectives consistent with university objectives, and compliance with legal and regulatory requirements.

Membership

In recognition of the independent role of the audit function, as well as the need for financial and other professional expertise and continuity of membership from year-to-year, the RARC shall be composed of the following voting members annually appointed by the Board chair: two regents and three members consisting of one faculty member from the College of Business, Accounting & Information Systems Department, and two members from the private sector. The Board chair will appoint a regent member as the RARC chair, and another member as co-chair. Serving as *ex-officio,* non-voting members are the chief audit executive, the senior vice president for administration and finance and the university general counsel and others as appointed by the Board chair.

Meetings

The RARC will meet at least four times a year, with additional meetings scheduled as circumstances require. Members of management, auditors or others may be invited to attend meetings and provide information as necessary. The chancellor, executive vice president and provost, and university general counsel are generally expected to attend committee meetings, in addition to the staff liaisons identified in the paragraph above. The co-chairs set the agenda. The chief audit executive is responsible for scheduling, distribution of the agenda and meeting materials, and as applicable, meeting notes and action items.

Duties and Responsibilities

- **Oversight of the Independent (External) Auditor.** The RARC will approve the selection and compensation of the independent public accounting firm employed by the organization to perform the annual financial statement and federal compliance audits. The RARC will evaluate the performance of the independent auditor and resolve any disagreements between management and the independent auditor regarding financial reporting. All audit and non-audit services provided by the independent auditor that may impair the audit firm's independence with regard to the university will be pre-approved by the RARC. The RARC will routinely provide time for private discussion with the independent auditor.

- **Oversight of the Internal Audit Function.** The chief audit executive shall report administratively to the chancellor and functionally to the RARC. The chancellor is responsible for hiring, evaluating, promoting, determining compensation for and terminating the chief audit executive with the review and consent of the chair. The RARC will also annually review, with the chief audit executive, the mission and functions of Internal Audit, and its activities, staffing, budget and organizational structure. The RARC will review and approve the annual audit plan, and routinely provide time for private discussion between RARC members and the chief audit executive.

- **Review of Financial Statements.** The RARC will review the university's annual financial report, including independent auditor reports, management's discussion and analysis, financial statements, notes to the financial statements, supplemental schedules and findings and questioned costs.

- **Review of Audit Results.** The RARC shall review internal and external audit results and discuss significant issues of internal control and compliance with management, university general counsel, the external auditor(s), and the chief audit executive. The RARC shall monitor management's progress in addressing audit recommendations.

- **Investigations Related to Financial Matters.** The RARC will be kept apprised of investigations related to financial matters by management, university general counsel and/or the chief audit executive.

- **Request for Audits.** The RARC is authorized to request supplemental reviews or other procedures by the internal auditor, the independent auditor, or other advisors.

- **Risk Management**. The RARC will provide systematic oversight of compliance and risk management through periodic review of HR policy and practice, facility standards, safety and security, data and access, research certification and athletic compliance.

- **Report to Board:** The RARC will regularly report to and may make recommendations to the Board.

Attachment 2 to Board's Bylaws – Regents Financial Strategies, Performance and Budget Committee Charter

Purpose

The purpose of the Regents Financial Strategies, Performance and Budget Committee (RFSPBC) is to assist the Board of Regents (Board) in fulfilling its oversight and approval responsibilities related to: overall administration of the university system's fiscal resources; alignment of fiscal resources to student outcomes and other key strategic performance requirements as determined by the Board; oversight of a regents strategic dashboard; evaluation of best fiscal practices, forecasting, and fiscal soundness; preparation of the annual budget; conduct of significant financial transactions as defined by the Board; assurance of actionable open communication regarding fiscal planning, budget, alignment, outcomes; and other related budgetary issues.

Membership

Recognizing the value of perspectives independent from NMSU, and the need for financial expertise, business aptitude, higher education experience, and continuity from year-to year, the RFSPBC will be composed of the following voting members annually appointed by the Board chair: two regents, the Chancellor, and three members from the private sector. The Board chair will appoint a regent member as the RFSPBC chair, and another member as co-chair. Serving as *ex officio*, non-voting members to the RFSPBC are the executive vice president and provost, the senior vice president for administration and finance, the chief budget officer, the director/secretary of the New Mexico Department of Agriculture (NMDA), a dean, a faculty member, a student representative and others as appointed by the Board chair.

Meetings

The RFSPBC will meet at least four times a year, with additional meetings scheduled as circumstances require. Members of management or others may be invited to attend meetings and provide information as necessary. The co-chairs set the agenda. The senior vice president for administration and finance is responsible for scheduling, distribution of the agenda and meeting materials, and as applicable, meeting notes and action items.

Duties and Responsibilities

- **Oversight of the Overall Administration of the University System's Financial Resources.** The RFSPBC will review periodic budgetary, financial and operating performance reports presented to it and maintain a familiarity with the university's financial operations and to monitor financial performance against both policy and board-defined goals.

- **Alignment of the Fiscal Resources and Return.** The RFSPBC will ensure that appropriate fiscal resources are aligned and allocated to student outcomes, and other key strategic performance requirements as determined by the Board during an annual planning session, which includes review of the Vision 2020 Strategic Plan. The RFSPBC will develop and maintain a dashboard which includes fiscal performance, effectiveness, cost management and resource allocation return.

- **Evaluation of best fiscal practices.** The RFSPBC will conduct periodic review of the fiscal best practices for consideration.

- **Oversight of the preparation of the annual budget and related certifications.** The RFSPBC will ensure, via university staff, that budgetary reports are prepared and submitted in a timely and accurate manner, in compliance with external and policy requirements, and in communication with the chair and the Board.

- **Oversight of the conduct of significant financial transactions.** The RFSPBC will review proposed significant financial transactions as defined or as requested by the Board and university executive management, and will provide guidance to university executive management as appropriate.

- **Assurance of open fiscal communication and participation within NMSU system.** The RFSPBC will review communication plans/systems, participation in the budgetary process, and stakeholder feedback to determine if the financial management process is conducted in an informed, participative manner.
- **Report to Board.** The RFSPBC will regularly report to and may make recommendations to the Board.

Attachment 3 to Board's Bylaws – Regents Real Estate Committee Charter

Purpose

The purpose of the Regents Real Estate Committee (RREC) is to assist the Board of Regents (Board) in fulfilling its fiduciary and statutory responsibilities relating to the management of university real estate, to include water and mineral rights, in the best

interest of the institution. Specifically, the RREC will be briefed on and provide oversight of master planning; renovations; property acquisition, use and disposition; bonding; and mil levies.

Membership

Recognizing the value of perspectives independent from NMSU, and the need for astute management of the physical campus and university assets, the RREC will be composed of the following voting members annually appointed by the Board chair: two regents, the chancellor, and up to five members from the private sector. The Board chair will appoint a regent member as the RREC chair, and another member as co-chair. Serving as *ex-officio*, non-voting members to the RREC are the director of real estate, the senior vice president of administration and finance, the associate vice president for facilities and services and the university general counsel, or their respective designees and others as appointed by the Board chair.

Meetings

The RREC will meet at least four times a year, with additional meetings to be scheduled on an as-needed basis. Members of management or others may be invited to attend meetings and to provide information as necessary. The co-chairs set the agenda. The special assistant to the president for real estate is responsible for scheduling, distribution of the agenda and meeting materials, and as applicable, meeting notes and action items.

Duties and Responsibilities

- The RREC will review and may make recommendations regarding proposals to purchase, sell, lease or use university real estate or water, including but not limited to the university's master plan(s) and specific proposed transactions.
- The RREC may recommend, and will review, revisions to policy and procedures relating to university real estate or water.
- The RREC may confer with appropriate university staff or others about matters relating to real estate or water.
- The RREC will assist the institution in upholding the principles set forth in Regents Policy 9.20, "Real Estate, Capital Improvement and other Physical Resources", including but not limited to those relating to the preservation, enhancement and maximization of the productivity of the university's real estate assets; minimization of risk, and compliance with applicable legal requirements.
- The RREC will provide oversight of the university master plan, facility renovation plan, housing master plan, dining master plan and parking master plan.

- The RREC will be briefed about other matters which significantly impact NMSU property, which may not be identified above, and be given the opportunity to review, comment and otherwise provide oversight.
- The RREC will regularly report and may make recommendations to the Board.

Attachment 4 to Board's Bylaws – Regents Student Success Committee Charter

Purpose

The purpose of the Regents Student Success Committee (RSSC) is to assist the Board of Regents (Board) in fulfilling its oversight and approval responsibilities related to educational opportunity, and financial support and sound investment in high quality education. Guiding principles for the NMSU system are drawn from its Hispanic-serving, minority serving, high performing research, and land grant missions. In order to achieve the institution's three strategic and student-centric priorities of graduating students, supporting efforts to get a high quality job, and realizing a continuum of educational support through giving, the RSSC identifies, recommends and oversees national best practices in support of its six pillars of academic success: enrollment, retention, graduation, placement, research and giving. Realizing highly qualified and highly performing graduates are the catalyst of a state's economy, and that taxpayers are best served through a revenue generating and optimally resourced institution, the RSSC focuses on student success through a metric driven and targeted performance approach.

Membership

Recognizing the value of perspectives independent from NMSU, as well as continuity of membership from year-to-year, the RSSC will be composed of the following voting members annually appointed by the Board chair: two regents, the executive vice president and provost, and at least three other members, who may be from the private sector. The Board chair will appoint a regent member as the RSSC chair, and another member as co-chair. Serving as *ex officio*, non-voting members to the RSSC are the vice president for student affairs and enrollment management, the director of academic advising and student support, a dean representative, a faculty representative, a student representative and others as appointed by the Board chair.

Meetings

The RSSC will meet at least four times per year, with additional meetings scheduled as circumstances require. Members of management or others may be invited to attend meetings and provide information as necessary. The co-chairs set the agenda. The Board office is responsible for scheduling, distribution of the agenda and meeting materials, and as applicable, meeting notes and action items.

Duties and Responsibilities

- **Oversight of Educational Opportunity Objectives.** The RSSC will provide oversight of marketing and recruitment, student aid objectives, tuition policy, and student debt in its fulfillment of educational access and opportunity, and institutional vision and mission.
- **Oversight of Financial Support and Sound Investment**. The RSSC will identify best practices leading to student success and recommend investments, incentives, and performance targets. The RSSC will consider opportunities to leverage the assets of the NMSU system to realize student outcomes. The RSSC will review implementation and monitor progress.
- **Academic Program and Support Structure Oversight**. The RSSC will provide oversight of student success strategies and analytics for advising, retention, timely graduation, academic support, delivery mechanisms and learning communities.
- **Career Pathway Oversight.** The RSSC will identify and recommend opportunities to enhance, and provide oversight of, the alignment of academic programs with research, student employment, experiential learning, career pathways and post-graduation outcomes.
- **Oversight of Student Life Cycle and Educational Investment.** The RSSC will provide oversight of alumni, employee and benefactor engagement and giving.
- **Report to Board.** The RSSC will regularly report to, and may make recommendations to the Board.

Details

Scope: NMSU System
Source: RPM Appendices

Policy Administrator:
Last Updated: 08/30/2017

Related

Cross-Reference:
Revision History:

08.30.17 Charter adopted by Board of Regents
03.06.17 Bylaws relocated to Appendix 1-B (formerly Policy 1.05.10)
03.16.16 Amendment approved by Board of Regents.
04.08.14 Amendment recommended by Administrative Council; 05.09.14 approved by Board of Regents.
04.14.09 Amendment recommended by Administrative Council; 07.29.09 approved by Board of Regents.
09.26.08 Amendment approved by Board of Regents

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Appendix – RPM 1.70-A – Constitution of the Faculty Senate

rpm.nmsu.edu/appendix-1-70-a

CONSTITUTION OF THE NMSU FACULTY SENATE

(As ratified by the general faculty and reported to the Faculty Senate on July 18, 1961; amended by the general faculty and reported to the Faculty Senate on November 16, 1984 and January 14, 1988; amended by the general faculty and reported to the Faculty Senate on January 14, 1993 [bylaws] and April 4, 1993 [constitution]; amended by votes of the general faculty October 1995, October 2004, December 2004, December 2005, October 30, 2008, and May 5, 2011; amended by the general faculty and reported to the Faculty Senate on September 6, 2012; amended by the general faculty and reported to the Faculty Senate on April 02 and May 14, 2015.)

ARTICLE I – NAME

The name of this organization shall be the Faculty Senate of New Mexico State University, a.k.a. the Faculty Senate and the Senate. For the purpose of this constitution, the term "faculty" shall refer to any individual who is tenured or holds a tenure-track or regular non-tenure-track position and is not retired.

ARTICLE II – FUNCTIONS AND POWERS

Section A: The Faculty Senate shall have legislative jurisdiction over policies affecting the university's academic mission in regard to teaching, research, service, outreach and extension.

Section B: Legislation which is passed by the Faculty Senate that affects the University Policy Manual or other policy documents shall be sent to the University President who must act on it in accordance with Section 1.05.70 of the Policy Manual. Legislation which is passed by the Faculty Senate that does not affect the Policy Manual or other policy documents shall be sent by the Faculty Senate Chair to the appropriate party(ies) at the discretion of the Faculty Senate Chair.

Section C: The Faculty Senate shall have authority to determine its procedures and the procedures of its committees.

ARTICLE III – COMPOSITION AND PERSONNEL

Section A: The Senate shall be composed of three categories of members: (1) the elected Chair of the Faculty Senate; (2) 66 elected senators; and (3) ex officio, nonvoting members as specified in a bylaw of the Faculty Senate.Of the 66 elected senators, 60 shall be tenured or tenure-track faculty allocated as given below:

- 5 from Doña Ana Community;
- 2 from NMSU-Alamogordo;
- 2 from NMSU-Carlsbad;
- 1 from NMSU Grants;
- 3 from the Cooperative Extension Service;
- 1 from the university Library; and
- the remaining 46 tenure-track members shall be divided into 2 categories, 23 elected from the Las Cruces campus's colleges in proportion to the number of majors enrolled (both graduate and undergraduate) and attending the main campus academic departments, and 23 elected from the Las Cruces campus's colleges in proportion to the number of tenured and tenure-track faculty in the main campus academic departments in each college.

The remaining 6 members shall be regular non-tenure-track faculty members: 1 representing all 4 NMSU community colleges; 1 from the Cooperative Extension Service; and 4 nominated and elected at large from the main campus, with the following stipulations: a) no more than 1 non-tenure-track representative from any department may serve at the same time, and b) no more than 2 non-tenure-track representatives from any of the senate electing groups as defined in Article VI, Section A may serve at the same time.

Section B: For colleges in which the number of departments exceeds or equals the number of elected senators, no more than one elected senator shall serve from a single department. For colleges in which the number of departments is less than the number of elected senators, there shall be at least one elected senator from each department.

ARTICLE IV – ELECTION OF SENATORS

Section A: The Faculty Senate consists of 10 representative groups. Six representative groups consist of tenured and tenure-track faculty from the Las Cruces Campus's six colleges. Three representative groups consist of tenured and tenure-track faculty from the

Community Colleges, the Cooperative Extension Service, and the University Library. One representative group consists of non-tenure track faculty. For the purposes of defining the representative groups, faculty with appointments in the Agricultural Experiment Station are considered members of the College of Agriculture, Consumer, and Environmental Sciences. Faculty, as defined in Article I, may only vote for senators from their representative group. For faculty who hold appointments in more than one representative group, they may only vote for senators from the group which is the largest fraction of their appointment.

Section B: Elections of senators for each representative group except Cooperative Extension Service will occur in March. Cooperative Extension Service senators shall be elected during the annual conference of the Cooperative Extension Service.

Section C: The Faculty Senate Vice Chair, or their designee with approval of the Faculty Senate as a whole, will oversee the election of Senators. The election of senators for each representative group will be conducted by the senior senator* of that representative group who will be designated as the Chair of the representative group. Faculty may be nominated by the Group Chair and by faculty members from that representative group; the Group Chair will solicit nominations from the group. Elections shall be by a secure electronic method or, at the discretion of the Faculty Senate Chair and with the concurrence of the Faculty Senate as a whole, by secret written ballot. In the event of a tie vote, the result shall be determined by lot. Within ten (10) business days after the election, the Faculty Senate Vice Chair shall inform the Faculty Senate Chair, the recording secretary, and the Group Chairs of the results. The Group Chair will inform the nominees of the results.

*In case of a tie in consecutive service, cumulative service in the Faculty Senate will determine the senior senator. Should a tie still exist, the senior senator will be determined by lot.

ARTICLE V – TERM OF OFFICE OF ELECTED SENATORS

Section A: The Faculty Senate year shall begin immediately following the last day of the second semester of an academic year and end the last day of the second semester of the next academic year.

Section B: The usual term of office for elected senators shall be 3 years. However, when reapportionment makes it necessary, the terms of some newly-elected senators shall be for 1, 2, or 3 years so that the terms of an approximately equal number of senators from each faculty electing group expire each subsequent year. No faculty member shall be elected to a Faculty Senate term which will result in more than seven consecutive years of service. The Chair of the Faculty Senate shall be responsible for implementing this section.

Section C: Vacancies in the Faculty Senate created by the expiration of members' terms of

office shall be filled at the regular annual elections.

Section D: In the case of the death, resignation, or retirement of a member of the Faculty Senate, a successor shall be elected to fill out the unexpired term at a special election called for that purpose. The provisions of Article IV, Section C, shall apply to such election.

Section E: In the case of a leave of absence of a member of the Faculty Senate, a special election shall be called to elect a temporary replacement who shall serve until the absent member returns from leave or until the member's term of office has expired, whichever occurs first. The provisions of Article IV, Section C, shall apply to such election.

ARTICLE VI – OFFICERS

Section A: The eight senate electing groups are:

1. the four senators representing the four community colleges;
2. the senator representing the university Library and the senators representing the College of Arts and Sciences;
3. the three senators representing the Cooperative Extension Service, the senators representing the College of Agricultural, Consumer and Environmental Sciences, and the Agriculture Experiment Station;
4. the 6 senators representing the non-tenure-track faculty;
5. the senators representing the College of Business;
6. the senators representing the College of Education;
7. the senators representing the College of Engineering; and
8. the senators representing Health and Social Services

Each of the above shall each constitute separate senate electing groups.

Section B: The officers of the Faculty Senate shall be a Chair, Vice Chair, a parliamentarian, and a recording secretary. The terms of the Senate Chair and Vice Chair shall begin on the first day following the end of the spring semester and end on the last day of the following spring semester. The Faculty Senate Chair shall not serve more than two consecutive terms, but may serve as Faculty Senate Chair again after serving at least one year as a non-chairing senator. The parliamentarian and the recording secretary shall be appointed by the Senate Chair with the approval of the Faculty Senate. The Senate Chair and Vice Chair shall be elected members of the Faculty Senate, representing different senate electing groups.

Section C: The Faculty Senate Chair, or their designee with approval of the Faculty Senate as a whole, will oversee the election of the Faculty Senate Chair. The Faculty Senate shall elect two nominees for the position of Chair at the December meeting, one of whom may be

the current Faculty Senate Chair. The nominees must be current, elected members of the senate at the time of nomination and must intend to continue as active (non-retired) faculty during the following academic year. The current Faculty Senate Chair shall be considered to be a current, elected member of the senate even if their original senate term has expired. Within sixty (60) calendar days of these nominations, the person overseeing the election shall create a secure electronic ballot and notify all faculty as defined in Article I of its availability or, with approval of the Faculty Senate as a whole, prepare and mail a ballot to all faculty. The person overseeing the election along with the Faculty Senate recording secretary will be responsible for tabulating the results and announcing the winner. The winner of the election, until assuming the office of the chair, will be designated the chair-elect. The chair-elect shall not be from the same senate electing group as the Chair (except when the current Chair is re-elected). If the chair-elect would otherwise still have been serving in the senate during the ensuing term of office, a replacement shall be elected by the appropriate representative group to serve during the Chair's term. Should the Chair become unable to perform their duties, the Vice Chair shall fulfill the remainder of the Chair's term of office.

Section D: At the end of the last meeting of the senate year, the elected senators for the next year from each senate electing group shall caucus and elect their members to the Senate Leadership Committee. This Senate Leadership Committee shall then caucus and elect its Chair, who will also be Vice Chair of the senate. These actions shall be reported in the minutes of the last Faculty Senate meeting. Should the office of Vice Chair become vacant, the Chair of the Faculty Senate shall call a special meeting of the Senate Leadership Committee to elect a new Chair of the Senate Leadership Committee.

ARTICLE VII – COMMITTEES

Section A: The standing committees of the Faculty Senate shall be the Senate Leadership Committee, Scholastic Affairs, University Affairs, Faculty Affairs, and Long-Range Planning.

Section B: The membership of the standing committees shall be as follows:

1. **Senate Leadership Committee**: The Senate Leadership Committee shall consist of one member from each senate electing group for each five elected senators or major fraction thereof. Each electing group shall have at least one member regardless of its senate representation. Vacancies shall be filled by the elected senators from the senate electing groups. The four standing committee Chairs will serve as members.
2. **Committees on Scholastic Affairs, University Affairs, Faculty Affairs, and Long-Range Planning**. Each committee shall consist of at least 13 voting members as assigned from the elected senators by the Senate Leadership Committee. Senators not employed on the main campus need not be counted in the determination of a

quorum. Each elected senator shall serve on one, and no more than one, of these four committees, with the exception of the Chair of the Senate Leadership Committee, who need only serve on that committee. Each committee shall elect a Chair at its first meeting.

3. **Committee of the Whole**: The Faculty Senate by majority vote may convene as a Committee of the Whole to discuss and shape possible legislation pertaining to a particular issue. While sitting as a Committee of the Whole, the Faculty Senate may not pass new resolutions.

Section C: A term of committee membership shall be 1 year. Members may serve more than one term.

ARTICLE VIII – MEETINGS

Section A: Meetings of the Faculty Senate shall take place no less frequently than once a month during the academic year, but only on a special meeting basis during the summer sessions.

Section B: The time and place of each regular meeting shall be determined by the Senate Leadership Committee.

Section C: The Chair of the senate or, in the absence of the Senate Chair, the Vice Chair, may call special meetings at any time. A special meeting shall be limited to the consideration of the specific items of business designated in the call of the meeting.

Section D: The University President and the Executive Vice President and Provost shall have the right to attend and participate in all meetings of the Faculty Senate and its committees. Any member of the university community may attend regular meetings of the Faculty Senate and its committees, and by invitation may participate in the discussions and deliberations.

Section E: A majority of the voting members of the Faculty Senate shall constitute a quorum.

Section F: The rules contained in the current edition of Robert's Rules of Order shall govern the parliamentary procedures of the Faculty Senate in all cases to which they are applicable and in which they are not inconsistent with the Constitution and any bylaws the Faculty Senate may adopt.

Section G: The officers of the Senate shall make arrangements for its meetings. The Senate Chair will send a notice of the meeting and an agenda to each member of the Faculty Senate and will also send copies of committee reports to each senator.

Section H: Faculty electing groups represented by a senator not located on the main campus may send an elected alternate to substitute for that representative at meetings of the Faculty Senate and its committees. The Faculty Senate may seat the substitute with the right to participate and vote in the Faculty Senate and/or its committees.

ARTICLE IX – PROPOSITIONS FOR CONSIDERATION

Section A: Propositions to be considered by the Faculty Senate shall be presented initially to the Senate Leadership Committee by one or more voting or nonvoting senators. First-time propositions will not be sponsored or presented in the name of standing or ad hoc committees.

Section B: Each proposition shall be prepared in writing and signed by the presenting senator(s). Propositions shall be keyed to affected portions of the New Mexico State University Policy Manual or other policy document(s) so as to indicate the intended changes. At least one day prior to the time of presentation, copies of the proposition shall be distributed to members of the Senate Leadership Committee by the recording secretary of the Faculty Senate. The distribution may be electronically as attachments to email.

Section C: Normally, a proposition shall be given first reading and explanation by the presenting senator(s), and then referred to the appropriate committee(s) by the Vice Chair of the senate during the Senate Leadership Committee meeting in which the proposition is first presented. A challenge to the referral to committee may be made by any senator present at the meeting. The decision of the Senate Leadership Committee to which referral shall be made will then be by majority vote of the senators present. In exceptional cases, a proposition may be considered by the Faculty Senate as emergency legislation without referral to its committees, provided either:

1. previous notice and an outline of the nature of the proposition was given in the agenda of the meeting and the senate accepts consideration of the proposition by a two-thirds vote, or
2. lacking previous notice, the senate accepts consideration of the proposition by a three-fourths vote.

Section D: Committees shall hold hearings on all propositions referred to them. These hearings shall be open to the public so that all individuals interested in propositions may make presentations to the committee. The decision as to the nature of a committee's report on each proposition shall be by majority vote of the committee. Commentary for and against the proposition may be submitted with the report. Propositions shall be reported out with one of four recommendations to the Senate:

1. Recommend for passage;

2. Recommend against passage;
3. Recommend replacement by a committee-drawn substitute; or
4. Recommend senate discussion.

Section E: Propositions shall be reported out by the committees and forwarded to the recording secretary of the Faculty Senate and the Faculty Senate Chair prior to the Faculty Senate meeting next following first reading. A committee shall be given additional time when its Chair, prior to that next meeting, notifies the recording secretary of the Faculty Senate and the Faculty Senate Chair that additional time is needed. In no case, however, shall committee deliberation of a proposition extend beyond the second regular Faculty Senate meeting following first reading of the proposition. The recording secretary shall be responsible for informing the Faculty Senate Chair of violation of this provision.

Section F: Legislation reported out of committee shall be placed on the Faculty Senate agenda for full consideration in any of four possible circumstances:

- If the committee recommends for passage.
- If the committee recommends against passage but the Faculty Senate, after debate, votes for full consideration.
- If the committee recommends a substitute motion and the Faculty Senate votes for full consideration.
- If the committee recommends Faculty Senate discussion: in this case, after Faculty Senate debate, the proposition may be referred to a committee for further consideration.

The legislation shall be considered defeated if it does not receive full Faculty Senate consideration. When the unfinished business portion of the agenda is reached, each of the items that have been voted full Faculty Senate consideration shall be moved for adoption and will thus be subject to debate, amendment, and normal parliamentary procedures. However, when a committee recommends Senate discussion, referral back to a committee must precede final passage.

ARTICLE X – AMENDMENTS

Section A: Amendments to this constitution shall be initiated as propositions and shall initially follow the procedures of Article IX. Upon passage by the Faculty Senate and under the oversight of the Faculty Senate Vice Chair, amendments shall be posted electronically to the Faculty Senate website and notification of the posting sent to all faculty who are qualified to vote or, at the discretion of the Faculty Senate Chair and with the concurrence of the Faculty Senate as a whole, duplicated and distributed to all members of the faculty who are qualified to vote.

Section B: Such proposed amendments shall be considered as adopted when approved by an affirmative vote of two-thirds of the qualified members of the faculty who vote. Such voting shall be by a secure electronic method or, at the discretion of the Faculty Senate Chair and with the concurrence of the Faculty Senate as a whole, secret written ballot.

Section C: This constitution may also be amended by an initiative and referendum election. Such an initiative shall specify the amendment(s) to be made and shall require the signatures of 10 percent of the faculty as defined in Article I. Verification of the signatures upon the initiative shall be by the officers of the Faculty Senate. Upon verification, such amendments shall be submitted directly to the faculty without prior approval of the Faculty Senate. The amendment(s) shall be considered as adopted when approved by an affirmative vote of two-thirds of the qualified members of the faculty who vote.

ARTICLE XI – BYLAWS

Section A: All procedural decisions and guidelines adopted by the Faculty Senate to implement its constitution shall be appended to that document in an addendum to be labeled "Bylaws".

Section B: Adoption and amendment of bylaws shall be by a simple majority vote of the Faculty Senate. Presentation of proposed bylaws or amendments thereof shall follow the procedure for presentation of proposals detailed in Article IX of this constitution 1-E

Details

Scope: NMSU System
Source: RPM Appendices

Policy Administrator:
Last Updated: 06/05/2017

Related

Cross-Reference:
Revision History:

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Appendix – RPM 2.42-A – Constitution and By-Laws of the NMSU Employee Council

rpm.nmsu.edu/appendix-2-42-a

NMSU EMPLOYEE COUNCIL CONSTITUTION

[Revised by Employee Council 01.10.13]

ARTICLE I – NAME

The name of this organization shall be the NMSU Employee Council

ARTICLE II – FUNCTIONS

Section A: NMSU Employee Council's function is to perform the following:

1. Investigate matters involving the policies and procedures of the administration of the university.
2. Make recommendations based on such investigations to the Chancellor.
3. Establish and maintain an organization of the university staff for the following purposes:
    1. To provide communication between the staff and the administration of the university.
    2. To provide communication among the several parts of the university staff.

Section B:

1. A copy of the minutes of each meeting of the NMSU Employee Council shall be transmitted to the Chancellor and posted on NMSU Employee Council web site after approval. (ACAP).
2. All documentation produced by NMSU Employee Council will be preserved by:
    1. Including NMSU Archivist on the NMSU Employee Council's listservs;
    2. Collecting and forwarding a copy of all NMSU Employee Council documentation to the NMSU Archivist.

Section C: NMSU Employee Council shall have complete authority to determine its own procedure.

ARTICLE III – MEMBERSHIP

Section A: The staff of the university, for the purposes of the constitution, shall consist of those people who are regular part-time and regular full-time employees who are not eligible to be members of a collective bargaining unit. Further elaboration of this definition shall be done as needed by NMSU Employee Council.

Section B: Membership of the NMSU Employee Council shall be elected from the following areas which they shall represent. However, individual representatives shall not be restricted to considering matters pertaining only to the area from which they were elected. For purposes of voting and election, employee areas (as recorded in the Office of Human Resource Services) are broken down as follows:

1. "**Las Cruces Area**" (includes Las Cruces campus, Doña Ana Cooperative Extension and Doña Ana Community College) will be divided into faculty; exempt staff; and non-exempt staff not represented by a bargaining unit. Through the election process, NMSU Employee Council will put forth its best efforts to assure:
    1. Membership represents the demographic distribution of classifications (i.e. faculty, exempt and non-exempt staff not represented by a bargaining unit); and
    2. Membership includes no more than one representative per classification from a NMSU summary organization as defined in the Banner hierarchy.
2. "**Community Colleges outside Las Cruces Area**" (includes all Community Colleges outside Doña Ana County) will be considered as a separate area.
3. "**Others Outside of Las Cruces Area**" (includes Research Centers, Cooperative Extension and other remote facilities) will be considered as a separate area.

Non-exempt employees represented by a collective bargaining unit are not included in NMSU Employee Council membership. The non-exempt employees not represented by a collective bargaining unit (non-probationary, non-exempt employees who are supervisors, managers, and confidential employees, sworn police officers, and employees employed outside the State of New Mexico) will be included in NMSU Employee Council membership.

NMSU Employee Council membership should reflect actual demographic distribution of regular employees at NMSU and total voting membership shall be 20. To maintain a representative membership, demographic distribution data will be reviewed prior to election in odd years and membership adjusted according to the distribution at that time. NMSU Employee Council Chair-Elect will prepare demographic distribution data and recommend distribution of membership for the following: Las Cruces Area distributed into faculty,

exempt, non-exempt not represented by a bargaining unit; Community Colleges outside Las Cruces Area; and Others Outside of Las Cruces Area. The recommended distribution will be presented to NMSU Employee Council members in October for review and approval.

The number of alternates for each classification will be fixed. Las Cruces Area will have four alternates each. Community Colleges outside Las Cruces and others outside of Las Cruces Areas will have one alternate each. NMSU Employee Council will put forth its best efforts to assure that alternates have no more than one representative per classification from a NMSU summary organization as defined in the Banner hierarchy.

ARTICLE IV – NOMINATIONS, ELECTIONS, AND TERM OF OFFICE

Section A: The NMSU Employee Council Chair shall appoint at least three members to an Election Committee. Election board members may not be running for re-election. This Election Committee shall send nomination forms to all personnel of each respective area indicating the number of classifications to be filled. Whenever possible, these shall be sent by November 1 of each year.

Section B: Whenever possible, the Election Committee shall send ballots for each classification to be filled to all personnel of each respective area by December 1 of each year. All personnel of an area may vote once for each classification being filled from their area. Whenever possible, the completed ballots should be received by the Election Committee no later than the working day nearest the 15th of December. The ballots shall be counted by the Election Committee.

Section C: The Election Committee shall notify the Chair of NMSU Employee Council of the number of votes received by each candidate. The chair-elect shall keep this record for the 3-year term in the event that an alternate might need to be selected to fill an unexpired term.

Section D: In cases of tie votes, NMSU Employee Council membership shall vote by secret ballot to determine the winner.

Section E: The Election Committee shall notify each person who was nominated concerning the results of the election. Those elected begin serving their 3-year terms at the February meeting.

Section F: If a member is unable to complete the term of office, NMSU Employee Council shall select, by secret ballot, an elected alternate representing the same area and classification as the departing member to fill out the term.

ARTICLE V – ELIGIBILITY FOR VOTING AND HOLDING OFFICE

Every full-time employee of the areas listed in Section B of Article III shall be eligible to vote and to hold office. No person is eligible to vote in more than one of these areas.

ARTICLE VI – OFFICERS

Section A: At the regular February meeting, members of the NMSU Employee Council shall elect from the primary representatives a chair, chair-elect, and secretary/treasurer. The secretary/treasurer shall hold office for 1 year. The chair-elect shall serve as a member of the Executive Committee for 3 years: 1 year as chair-elect, 1 year as chair, and 1 year as past-chair. The chair shall serve for 2 years: 1 year as chair and 1 year as past-chair. In the event that the past-chair no longer serves as a primary NMSU Employee Council member, past-chair will act as an ex-officio member of both the NMSU Employee Council and its Executive Committee during the 1-year past-chair term.

ARTICLE VII -– MEETINGS

Section A: Regular meetings will be held the second Thursday of each month. Time and place of each meeting shall be determined by NMSU Employee Council at its previous meeting, or at the discretion of Chair of the NMSU Employee Council.

Section B: The Chair of NMSU Employee Council may call special meetings at any time. Such meetings shall be limited to the consideration of the specific items of business designated in the call of the meeting.

Section C: Any employee of the university may attend any of the regular council meetings. Visitors may participate in the discussions and deliberations at the invitation of the NMSU Employee Council.

Section D: A simple majority of NMSU Employee Council shall constitute a quorum.

Section E: The Chair shall notify NMSU Employee Council members of meetings in advance and provide members with a copy of the agenda for such meetings.

Section F: Primary representatives are requested to attend the monthly meetings on a continuous basis or send an alternate in their place. If a primary representative does not attend two consecutive meetings or fails to have an alternate attend, NMSU Employee Council may replace the primary representative with an appropriate alternate.

ARTICLE VIII – PROPOSITIONS AND CONSIDERATION

Section A: NMSU Employee Council may consider matters on its own initiative, matters submitted by the Chancellor, or matters submitted by an individual employee of the university.

Section B: All propositions except those made by the Chancellor or by members of NMSU Employee Council shall be communicated in writing to NMSU Employee Council through the NMSU Employee Council Chair, NMSU Employee Council representative or the NMSU Employee Council website.

Section C: All NMSU Employee Council recommendations will be sent to the Chancellor in writing from the NMSU Employee Council Chair

ARTICLE IX – AMENDMENTS

Amendments to this constitution may be proposed in writing by resolution of NMSU Employee Council. Such proposed amendments shall be considered adopted if approved by a two-thirds majority of NMSU Employee Council and by the Chancellor.

ARTICLE X

If any article, section, subsection, sentence, clause, or phrase of this constitution is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portion of this constitution.

NMSU EMPLOYEE COUNCIL BYLAWS

[Revised by Employee Council 01.10.13]

A. The NMSU Employee Council shall establish from time to time bylaws to describe and define the manner by which its activities and functions shall be performed.

B. NMSU Employee Council may make any motion into a bylaw by the agreement of two-thirds of the membership of the council. Bylaw changes will be presented and voted on at the next regular meeting.

C. Officers' and representatives' duties shall be as follows:

1. Chair:
    1. Preside at meetings
    2. Review and edit minutes with the secretary/treasurer
    3. Ex-officio member of all NMSU Employee Council committees
    4. Appoint ad hoc committees as needed
    5. Ex-officio member of Faculty Senate or Faculty Representative of NMSU Employee Council may be appointed to act as ex-officio member
    6. Member of the Retrenchment Emergency Action Committee
    7. Member of Administrative Council
    8. Reports NMSU Employee Council Activities at regular Board of Regents meetings
2. Chair Elect:
    1. Substitute for Chair when Chair is unable to serve
    2. Chair the Election Committee
    3. Chair the Roberts Memorial Staff Award Committee
    4. Serve as NMSU Employee Council chair the following year
    5. Chair of First Light Federal Credit Union Award Committee
    6. Keep a current record of primary and alternate members with dates of term expiration
3. Past-Chair:
    1. Serve as a non-voting member of Executive Committee
    2. Serve in advisory capacity to NMSU Employee Council
    3. Update Employee Council Web Page
4. Secretary/Treasurer:
    1. Serve as member of Executive Committee
    2. Serve as Council Parliamentarian
    3. Maintain a current constitution and bylaws of the council and have it available for use at all times
    4. Arrange for distribution of constitution and bylaws to council members and others as directed by the Chair
    5. Maintain a file of minutes for 3 years
    6. Transfer approved minutes with all presented attachments within 30 days after approval by NMSU Employee Council to the University Archivist.
    7. Oversee the management, recording and reporting of the Employee Council finances.
5. Recording Secretary:

1. Prepare accurate records of all business meetings and will transmit those records on a timely basis to NMSU Employee Council membership
2. Take roll at meetings (specify members, alternates, visitors)
3. Determine if a quorum is present
4. Keep an accurate record of business conducted
5. Arrange for distribution of minutes to the Chancellor and to all NMSU Employee Council members (primary and alternate), and post on NMSU Employee Council web page

6. Primary Representative:
    1. Attend all regular and special meetings
    2. If unable to attend, arrange for an alternate to attend
7. Alternate Representative:
    1. Attend meetings as a nonvoting member (or stay informed about NMSU Employee Council's business)
    2. Substitute for voting members as requested by a member or the chair
    3. Fill the unexpired term of a member from the same area and classification in the case of the member's resignation
8. Chancellor Representative:
    1. Appointed by the Chancellor
    2. Attend all NMSU Employee Council and Executive Committee meetings as non-voting member
    3. Act as liaison between NMSU Employee Council and the Chancellor

COMMITTEES

A. NMSU Employee Council shall have the power to create such committees as may be necessary.

B. Any regular employee shall be eligible to serve on any of the committees created by the Employee Council, except those requiring membership in the Employee Council.

C. NMSU Employee Council shall have an Executive Committee that consists of the chair, chair-elect, past-chair (ex-officio), secretary/treasurer and Chancellor's Representative (ex-officio). This Executive Committee shall maintain an agenda to conduct the business of NMSU Employee Council and make other decisions that may appear necessary or business that NMSU Employee Council may be asked to do.

D. NMSU Employee Council shall have a standing committee on fringe benefits, excluding insurance. The Fringe Benefits Committee will be comprised of seven members plus two ex-officio members. The Fringe Benefits Committee members shall serve staggered 3-year terms, subject to reappointment by NMSU Employee Council. The ex-officio members shall be the Human Resources Services Director or a designated representative and the associate vice president budget/controller or a designated representative. The ex-officio

members shall be non-voting. One member shall be an NMSU retiree and an alternate for the retiree will be appointed. Appointments to the committee shall be made by NMSU Employee Council. The Fringe Benefits Committee shall elect its Chair and other such officers as it deems necessary. The Chair shall serve as an ex-officio, nonvoting member of NMSU Employee Council if they are not a duly elected voting member.

E. NMSU Employee Council shall have a standing committee on insurance. The Insurance Committee will be comprised of six members plus four ex-officio members. The Insurance Committee members shall serve staggered 3-year terms. The ex-officio members shall be the Human Resources Services Director or a designated representative, the Pioneer Representative from NMSU Employee Council, the Director of University Health Center or their designee and the associate vice president budget/controller or a designated representative. The ex-officio members shall be non-voting. Appointments to the Insurance Committee shall be made by NMSU Employee Council and shall have 3 members that are current retirees and 3 members that are currently active employees. NMSU Employee Council will also appoint one alternate that is a retiree and one alternate that is a current employee. The Insurance Committee shall elect its Chair and other such officers as it deems necessary. The Chair shall serve as an ex-officio, non-voting member of NMSU Employee Council, if they are not a duly elected voting member.

F. NMSU Employee Council shall establish committees to do various assignments as they develop. The following steps shall prevail in setting up the membership and organization of such committees: (1) NMSU Employee Council will select the membership of each committee; (2) the Chair of the committee shall be selected by NMSU Employee Council or the Executive Committee; (3) the Executive Committee shall instruct the Chair and the members of the committee on (a) the objectives proposed for the accomplishment of the committee; and (b) a proposed time schedule for the accomplishment of the objectives, with the right of the committee to make adjustments in both (a) and (b) with the consent of the Executive Committee. The committee will be considered as discharged when it completes the assignment.

G. ROBERTS AWARD – A committee shall be appointed annually to select the recipient for the Stephen W. and Robert E. Roberts Memorial Staff Award. Human Resources will request nominations, compile the results, and provide the committee with the original nominations. The selection will be made according to criteria established by Human Resources. Members (primary & alternate) of NMSU Employee Council cannot be considered for this award during their term as a voting or alternate member.

H. NMSU Employee Council makes appointments to other campus committees as listed below. Any regular part-time and regular full-time employees who are not eligible to be members of a collective bargaining unit shall be eligible to serve on any of the committees supported by the Employee Council, except those requiring membership in the Employee

Council. The NMSU Employee Council representative to these committees is responsible for reporting committee activities to NMSU Employee Council. Council shall not be considered for the award.

STANDING COMMITTEE APPOINTMENTS

A. Administrative Council (Employee Council Chair)

B. Alcohol Use Committee (one member)
(Term 3 yrs. Mar/Feb)

C. Athletics Council (one member, staff only)
(Term 2 yrs. Sept/Aug)

D. Bookstore Innovation Group (one member)
(Term 2 yrs. Sept/Aug)

E. Building Naming Committee (Employee Council Chair)
(Term 1 yr. Mar/Feb)

F. Building the Vision Committee (Two Employee Council members appointed by the Provost)
(No term established)

G. Campus Planning Committee (one member)
(Term 3 yrs. Sept/Aug)

H. Corbett Center Student Union (one Employee Council member or alternate)
(Term 1 yr. May/Apr)

I. Emergency Action Committee (Employee Council Chair or designate)
(No term established, formed when necessary)

J. Faculty Senate Liaison (one Employee Council member)
(No term established)

K. Food Service Advisory Committee (one member)
(No term established)

L. Human Resources Board (Two exempt Employee Council members and two non-exempt Employee Council members)
(Term 3 yrs. Jan/Dec)

M. Staff Advisory Group on Diversity (one Employee Council member)
(No term established)

N. Sustainability Council (one Employee Council member)
(Term 3 yrs. Mar/Feb)

O. Transportation and Parking Services Steering Committee (one member)
(No term established)

P. University Budget Committee – (one member)
(Term 2 yrs. Mar/Feb)

Details

Scope: NMSU System
Source: RPM Appendices

Policy Administrator:
Last Updated: 06/05/2017

Related

Cross-Reference:
Revision History:

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Legally Required Approvals and Notifications for Certain Real Estate and Capital Improvement Transactions by State Universities in NM

Transaction Type	Higher Ed Department (HED)	State Board of Finance (SBOF)
Purchases of Real Property	HED Approval req'd NMAC 5.3.10.8	SBOF Approval req'd NMSA 21-1-21; NMAC 2.70.4.8
Projects adding square footage (including portables or long term lease)	HED Approval NMAC 5.3.10.8	SBOF Approval req'd only if "construction of new building" NMSA 21-1-21; NMAC 2.70.4.8
Project involving Issuance of Bonds	HED Approval NMAC 5.3.10.8	SBOF Approval req'd if bond issuance req'd SBOF approval NMAC 2.70.4.8
*Major Projects: remodeling, alterations, repairs, site improvements or non-building structure.	See below	See below; NMSA 21-1-21
• With cost over $300K	HED Staff Approval NMAC 5.3.10.8	SBOF Approval req'd if funded exclusively by sources other than legislation NMAC 2.70.4.8
• With cost over $500K	HED Capital Outlay Committee Approval NMAC 5.3.10.8	See above
• With cost over $750K	See above	SBOF if project is funded by capital outlay legislation NMAC 2.70.4.8
Demolition of existing building	HED Staff Approval NMAC 5.3.10.8	Not req'd (unless part of a larger project requiring approval) NMAC 2.70.4.8
Sale or trade of real property w/ appraised value > $100K	Only Notification to HED Staff NMAC 5.3.10.13	Not req'd.

*The dollar cost amounts listed are for institutions with an annual FTE > 1500. This applies to the entire NMSU system.

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