



**Board of Regents Meeting**  
**Meeting Date: March 8, 2019**  
**Agenda Item Cover Page**

**Agenda Item \_\_\_\_\_**

- Action Item
- Consent Item
- Informational Item

**Presented By:** Lizbeth G. Ellis, J.D.  
General Counsel

**Agenda Item:**

Summary of Revisions to the Administrative Rules and Procedures of NMSU (ARP) for the period November 14, 2018 through February 18, 2019

**Requested Action of the Board of Regents:** None

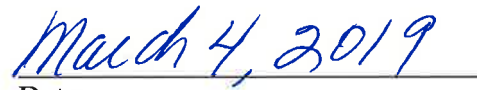
**Executive Summary:** The attached report summarizes the revisions to the Administrative Rules and Procedures of NMSU (ARP) made between November 14, 2018 and February 18, 2019.

**References:** Regents Policy Manual (RPM) 1.10 NMSU System Policies and Rules; ARP 1.10 Part 6, G. 3.

**Prior Approvals:** The approvals for each policy item are listed in the attached report.

**Agenda Item Approved By:**

  
Lizbeth G. Ellis  
General Counsel

  
Date



Office of the General Counsel  
P.O Box 30001  
MSC 3UGC  
Las Cruces, New Mexico 88003  
Telephone: 575-646-2446  
FAX: 575-646-3012

## **INFORMATIONAL REPORT: SUMMARY OF ARP REVISIONS 11/14/2018 – 02/18/2019**

This report summarizes the revisions made to the Administrative Rules and Procedures of NMSU (ARP) during the period 11/14/2018 through 02/18/2019, in accordance with ARP 1.10 – Procedures to Revise NMSU Policies and Rules. Each proposal was vetted by the relevant stakeholders and recommended by University Administrative Council, prior to approval by the chancellor.

1. **ARP 3.80 – Prohibition of Bullying, Hazing and Hostile Misconduct (Non-Discriminatory)** was amended January 9, 2019 to generally update, and add provisions to clarify the process for reporting and investigating complaints.
2. **New ARP 7.21 – University Closure Pay** was approved by the chancellor on January 9, 2019 and by the Board of Regents on January 28 due to the nature of the revision, creating a new type of employee compensation to pay non-exempt essential employees required to work during an emergency university closure a higher hourly rate of pay.
3. **ARP 16.09 – University Emergency Closures** was amended for consistency with new ARP 7.21, and effective with new Arp 7.21 on January 28th. Non-substantive formatting and clarification changes were also made, including re-numbering from 14.99 to 16.09.
4. **ARP 16.10 – Emergency Preparedness and Response**, similar to ARP 16.09 above, was amended for consistency with new ARP 7.21 and effective with ARP 7.21 on January 28th. Non - substantive formatting and clarification changes were also made.
5. **ARP 15.62 – Protection of Federal Information; FISMA Compliance** was amended on January 9, 2019 to add an exception in Part 1 to clarify that Criminal Justice Information Services (CJIS) data, both classified and unclassified, is excepted from the scope of ARP 15.62. The CJIS-related responsibilities are assigned to the University Police Department and addressed in revised ARP 16.01, Part 4.
6. **ARP 16.01 – Authority of University Police Department** was amended on January 9, 2019 as part of a general update to rules pertaining to the University Police Department, including the UPD's role in publishing the Annual Security Report for both the Las Cruces and Doña Ana Community college campuses, additional detail relating to its supervisory role concerning the use of private security detail on campus, a new section addressing the chief's role as the official responsible for Criminal Justice Information Services (CJIS) security management within the university system, and a new section recognizing that the UPD's personnel have distinct requirements which may be administered by the PD, upon approval from the AVP of HRS. Additional non-substantive formatting and restructuring changes were also made.

7. **ARP 16.02 – Regulation of Security Alarms** was amended on January 9, 2019 as part of the general update to the rules pertaining to the University Police Department. The revision clarifies the roles between the UPD, FS, and ICT. Verbiage was also added in anticipation of commencing the assessment of fees in fiscal year 2019, which has been anticipated to eventually become necessary and was previously authorized. Non-substantive formatting and restructuring changes were also made.
8. **New ARP 16.04 and ARP 16.05 – Safety and Security at Public/Private Events** were adopted on January 9, 2019 as part of the update to the rules pertaining to the University Police Department, and partly in response to concerns received from FIRE (Foundation for Individual Rights in Education). The rules establish the content-neutral factors by which the security fees will be set for events held on campus open to the general public and events held on campus open only to specific invitees. In the past, the application of unwritten policy led to an unfavorable perception that security fees may be based on the level of controversy generated by the same speaker or event at other institutions (known as an unconstitutional “heckler’s veto”). The new rules clarify several viewpoint neutral criteria, such as whether or not there will be alcohol served, number of expected attendees, venue size and proximity to sensitive locations, number and location of entrances and exits, whether tickets are being sold to the general public, time of day/night event is held, nature of preparation needed for the event, length of the event, anticipated number of unattended minors, street/parking lot closures and traffic control considerations, and presence of dangerous materials (e.g. fireworks).
9. **New ARP 16.78 – Mandatory Reporting for Suspected Child Abuse, Sexual Misconduct, Domestic Violence, Dating Violence or Stalking** was adopted on January 9, 2019 to remind the university community about these reporting obligations required by state or federal law for the protection of minors and others.
10. **New ARP 16.79 – NMSU Sponsored Youth Programs** was adopted on January 9, 2019 to regulate programs offered to minors by NMSU entities. The rule formalizes the previous risk management reviews by core departments and will require the sponsoring NMSU department to register the event, obtain criminal background checks for staff members and volunteers with direct involvement with program participants and to facilitate the required training. Exceptions are also included for primary functions of the university which involve minors, such as the enrollment and participation of minors in NMSU courses or other academic programs; official recruitment and orientation activities; and attendance or presence at NMSU facilities and events open to the general public.
11. **ARP 3.25 – Discrimination, Harassment and Sexual Misconduct on Campus** was amended on January 9, 2019 to adjust restrictive timelines contained in Part 10.
12. **ARP 18.61 – Rental of NMSU Facilities for Special Events in the Pan American Center** was amended/updated on February 18, 2019 for consistency with several other facility use rules, including new Rules 16.04 and 16.05. Outdated material was deleted and/or is now covered as amended in other rules.