



Board of Regents Meeting
Meeting Date: September 18, 2020
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Presented By: Roy Collins III, J.D.
General Counsel

Agenda Item: Summary of Revisions to the Administrative Rules and Procedures of NMSU (ARP) for the period April 21, 2020 through September 8, 2020

Requested Action of the Board of Regents: N/A. Information only.

Executive Summary:

In accordance with ARP 1.10, the attached report gives a brief synopsis for each revision to the Administrative Rules and Procedures of NMSU (ARP) approved by the Chancellor during the above-referenced time period.


References:

Rule 1.10, Part 6 G. 3. provides that a summary of the revisions to the ARP will be submitted as an informational item for the Board's regular meetings.

Prior Approvals:

N/A

Agenda Item Approved By:



 Roy Collins III, J.D.
 General Counsel

8 SEPTEMBER 2020
Date



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INFORMATIONAL REPORT: SUMMARY OF ARP REVISIONS 04/21/2020– 09/08/2020

Revisions to the Administrative Rules and Procedures of NMSU (ARP) (<https://arp.nmsu.edu>) are developed by the relevant stakeholders, reviewed by other university constituencies as appropriate and vetted by the University Administrative Council, advisory to the chancellor. Occasionally, as warranted by the circumstances, the chancellor may also implement or revise administrative rules provisionally, pending such review. Additionally, non-substantive revisions are made periodically without formal approvals to reformat, update or correct, as part of regular ARP maintenance (e.g. updates to job titles or office names, correcting typographical errors or hyperlinks, adding cross references). This report is submitted pursuant to ARP 1.10 (Part 6 G. 3.) to summarize the revisions made to the ARP during the period April 21, 2020 through September 8, 2020.

1. **ARP 16.21 – No Trespass Directive – Restricted Campus Access** was revised provisionally by the chancellor on May 8, 2020, as recommended by the police chief, to enhance campus safety and conserve law enforcement resources during declared disasters and other emergencies. The revision extended the duration of temporary No Trespass Directives through 5:00 p.m. of the third day following the conclusion of a declared emergency. The provisional rule was subsequently reviewed and recommended by University Administrative Council and formally approved by the chancellor on June 11, 2020. The revised rule can be viewed here: <https://arp.nmsu.edu/16-21/>.
2. **ARP 15.81 – Web Governance** was approved as substantively rewritten June 11, 2020, upon recommendation from the university’s Executive Digital and Web Governance Board (comprised of representatives from the Chancellor’s office, Information and Communication Technologies, Vice President for Research, Privacy and IT Compliance, Student Success and Dean of Students), as well from the University Administrative Council. The updated rule: defines terms; establishes roles, responsibilities and accountability for the Executive Digital and Web Governance Committee, MARCOMM, Web Liaisons and Web Content Publishers and Contributors relating to maintenance and use of NMSU internally and externally facing websites. It also authorizes the issuance and publication of standard operating procedures consistent with applicable state and federal law and regulations. The revised rule can be viewed here: <https://arp.nmsu.edu/15-81/>
3. **ARP 6.87 – Establishing an Alternative Work Arrangement (AWA)** was implemented provisionally by the chancellor on June 29, 2020, enhancing flexibility in working conditions by permitting alternative work arrangements (e.g. teleworking, staggered work schedules) to be approved, when it will facilitate the work to be performed productively, balancing work requirements with the needs of university employees. This rule supersedes part of former **ARP 6.85 – Staff Work Schedules (Part 3)**, which was

repealed as a companion revision. The provisional rule may be viewed at <https://arp.nmsu.edu/6-87/> and will be further vetted, along with its implementing operational guidelines in the coming months.

4. **ARP 5.41 – Data Classification** was implemented provisionally by the chancellor on August 5, 2020 as recommended by the team of university officials working to implement the university’s data governance program. The rule categorizes institutional data into four types, and authorizes the Data Stewards working with IT Security and Privacy/IT Compliance officials to issue corresponding standards and operating guidelines for each category. The provisional rule was subsequently reviewed and recommended by University Administrative Council and formally approved by the chancellor on September 8, 2020. This rule may be reviewed at <https://arp.nmsu.edu/15-41/>.
5. **ARP 7.01 – Staff Compensation, with two minor consistency revisions within ARP 6.85 – Staff Work Schedules and ARP 9.01** - were revised provisionally by the chancellor on August 10, 2020 as a general update and substantive rewrite. Revisions include removal of the provost from the approval chain for non-academic staff compensation issues, consistency with compensation provisions negotiated with the union last year, identification of compensation principles which guide university decisions relating to staff compensation, and authorization for the AVP-HRS, with concurrence of the chancellor, to issue, amend and publish the Compensation Operating Guidelines at <https://hr.nmsu.edu>. Detailed content from the former ARP 7.01 was relocated to these Guidelines. The provisional rule may be viewed at <https://arp.nmsu.edu/7-01/> and is presently pending review and comment at <https://eltnmsu.sharepoint.com/sites/gencounsel/default.aspx> through September 22, 2020.
6. **ARP 8.65 - Emeritus Status:** A minor revision was approved by the chancellor on August 13, 2020, upon the recommendation of the University Administrative Council, to correct an inaccuracy in the directory in which emeritus faculty are listed. The revised rule may be viewed at <https://arp.nmsu.edu/8-65/>.
7. **ARP 3.25 – Prohibition of All Forms of Unlawful Discrimination** was revised provisionally by the chancellor on August 14, 2020 as a general rewrite, and for compliance with updated federal (Title IX) regulations. The revised rule authorizes the Rule Administrator to issue, amend and publish the implementing operational procedures and guidelines on its website. The changes required by the amended federal regulations include: live hearings for each case prior to the issuance of findings of fact and conclusions which will replace the provost’s previous role as final reviewer; a right to appeal the findings prior to the sanction stage; updated definitions and inclusion of certain terms required by the updated regulations to be addressed expressly, such as the presumption of innocence. The revised rule may be viewed at <https://arp.nmsu.edu/3-25/> and will be further vetted, along with its implementing operational guidelines in the coming months.