



Board of Regents Meeting
Meeting Date: December 5, 2019
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Agenda Item # H-2

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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 04/13/2019 through 11/12/2019*

Requested Action of the Board of Regents: *None*

Executive Summary: *In accordance with ARP 1.10, the attached report gives a brief synopsis for each revision to the ARP approved by the Chancellor after development, review/comment and final recommendations from the relevant university constituencies.*

References:

<https://rpm.nmsu.edu/1-10/>

<https://arp.nmsu.edu/1-10/> (See Part 6, G. 3.)

Prior Approvals:

Revisions to the ARP are vetted by the relevant stakeholders, recommended by the University Administrative Council and approved by the chancellor.

Agenda Item Approved By:

Roy Collins III, J.D.
General Counsel

26 NOVEMBER 2019
Date



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AMENDED INFORMATIONAL REPORT: SUMMARY OF ARP REVISIONS 04/13/2019 – 11/12/2019

This report summarizes the revisions made to the Administrative Rules and Procedures of NMSU (ARP) during the period 04/13/2019 through 11/12/2019. Each revision to the ARP was vetted by the relevant stakeholders, recommended by the University Administrative Council and approved by the Chancellor.

1. **ARP 9.20 (Pre-AY 18/19) Faculty Performance Evaluation; ARP 9.31 (Eff AY 18/19) Annual Performance Evaluation – Regular Faculty; and ARP 9.36 – Faculty Post Tenure Review** were amended on May 20, 2019 to incorporate the requirement for non-quantitative student course evaluations, consistent with Faculty Senate Proposition No. 16-18/19.
2. **Appendix B to ARP 4.81 – Degrees, Majors, Minors and other Academic Programs of Study** was amended on May 20, 2019 consistent with Faculty Senate Proposition 24-18/19 recommending fewer approvals for community college academic credentials.
3. **ARP 6.85 – Staff Work Schedules** and a companion revision to **ARP 14.05 – Administrative Office Hours** were revised on June 12, 2019 to divide ARP 6.95 into these two distinct rules (one addressing scheduling of employees and one addressing hours of business operations).
4. **ARP 5.05 – Student Grievance Procedures** was amended on June 12, 2019, re-numbering and substantively rewriting former ARP 5.12 for compliance with recently revised NMAC 5.99.1 (Public and Private Post-Secondary Institution Operating Under the Interstate Distance Education Act). A section was added to describe the various grievance procedures available to students, including the state's complaint process available through its SARA Portal Entity available to students enrolled in NMSU's online courses who reside outside of New Mexico in a state participating in the State Authorization Reciprocity Agreement (SARA). Lastly, the general student non-academic grievance procedure applicable when there is not a specific complaint resolution process available was also updated.
5. **ARP 3.27 –Support for Nursing Mothers** was adopted on June 12, 2019 to emphasize the need for compliance with New Mexico law and Title IX. It does not affect current practices and clarifies the support available to nursing mothers who are students (academic

accommodations, private space for nursing or pumping) or employees (flexible break times, clean, private space near the employee's workspace, not a bathroom).

6. **ARP 2.15 – Modifying Academic Units** was subject of a minor revision for consistency with ARP 4.81 – Degrees, Majors, Minors and other Academic Programs of Study.
7. **ARP 14.01 – Compliance with Business Procedures Manual** was adopted on June 12, 2019 to provide notice and the link to this manual.
8. **ARP 11.50 – Hemp Research, Extension, and Outreach Activities** was adopted provisionally by the chancellor on July 29, 2019 and adopted formally upon the recommendation of the University Administrative Council on August 13, 2019. This rule was enacted to further the state's interest in implementing the Hemp Manufacturing Act and to provide NMSU employees with guidance on permissible research, extension and outreach as it relates to hemp, consistent with state and federal laws.
9. **ARP 15.25 – IT Investigations** was adopted on August 13, 2019 to formalize current practices relating to the IT assistance and support provided to departments authorized to initiate and conduct internal investigations, or to respond to subpoenas and other discovery requests made during the course of litigation. The rule also recognizes that IT staff throughout the NMSU system regularly perform routine operational functions related to business continuity and security, which are subject to the rule.
10. **ARP 5.20 - Student Social Code of Conduct (SSCC)**, formerly published only on the Dean of Students' website, was included in the ARP as Rule 5.20, as required by Regents Policy 5.20, Student Conduct. On May 24, 2019, ARP 5.20 was substantively amended to restructure and rewrite it as seven rules, collectively referred to as the Student Social Code of Conduct:

ARP 5.20 – SSCC- Overview of Student Social Code of Conduct

ARP 5.21- SSCC- Student Rights and Responsibilities

ARP 5.22 – SSCC- Social Conduct Standards

ARP 5.23 – SSCC Interim Measures

ARP 5.24 – SSCC Amnesty for Emergency Reporting

ARP 5.25 – SSCC Consequences for Violation

ARP 5.26 – SSCC Conduct Case Procedures

On August 13, 2019, Rules 5.20 through 5.26 were amended to address additional feedback received since the May 24, 2019 restructuring rewrite.

11. **ARP 12.71 – Academic Facility Space Utilization and Scheduling** was amended on August 13, 2019 to incorporate two Appendices providing independent space utilization and scheduling

rules for DACC and NMSU-A community colleges.

12. **ARP 16.12 – Clery Act Compliance** was provisionally adopted by the chancellor on October 1, 2019 to formally document the university’s established practices in compliance with this Act, which requires transparency about campus crime policy and statistics, including the publication of an annual security report categorizing crimes committed on or adjacent to campus and at university events away from campus. The rule also creates a new university board consisting of representatives from across the NMSU System to explore best practices, pool resources and apply the Clery Act and corresponding regulations consistently from campus to campus.
13. **ARP 6.86 – Faculty Availability and Office Hours for Students** and **ARP 4.45 – Faculty Adherence to Course Schedule** were amended on October 9, 2019 as a companion revisions to those listed at #3 above. The revisions update and clarify the expectations for faculty availability for on campus meetings and assignments; the setting, keeping and posting regular office hours for students; as well as expectations relating to locations for meeting with students, and for cancelling class.
14. **ARP 8.12 – Retirement, Educational (ERB) and ARP 6.15 – Re-Employment of Retirees** were amended on October 9, 2019 consistent with changes in state law eliminating the Return to Work exception, which had required retirees to earn less than \$15,000 annually. Also, a former “exception” which permitted retirees to work up to .25 FTE is now referred to as the RTW “provision”. A RTW application signed by the HR Officer is now required prior to returning to work, but the application no longer requires notarization. Lastly, PERA retirees are now also required to pay non-refundable contributions without earning service credits.
15. **ARP 8.41 – LOA – Annual** was amended on October 9, 2019 to clarify that nine month faculty do not accrue annual leave.
16. **ARP 16.21 – No Trespass Directive – Restricted Campus Access** was amended on November 12, 2019 to address issues encountered by the policy administrators during implementation of this policy which had undergone a major rewrite earlier this year in April. Amendments included revision of the process by which a recipient of an NTD may challenge its issuance, elimination of reference to an “appeal”, elimination of the right to seek removal of a ban if criminal charges are dismissed and other clarification revisions (e.g. NTD’s may restrict access from a specific campus location or from all NMSU property).

Other minor reformatting, updates or correction revisions are made periodically as part of regular ARP maintenance (e.g. updates to job titles or office names, correcting typographical errors or hyperlinks, adding cross references).

