Agenda Item #:  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 September 11, 2021 through November 24, 2021.

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

29 November 2021
Date
INFORMATIONAL REPORT: SUMMARY OF ARP REVISIONS 09/11/2021–11/24/2021

Revisions to the Administrative Rules and Procedures of NMSU (ARP) (https://arp.nmsu.edu) are developed by the relevant stakeholders, reviewed by relevant university constituencies and ultimately presented for consideration by the University Administrative Council, advisory to the chancellor. Occasionally, as warranted by the circumstances, the chancellor implements and revises administrative rules provisionally, pending more formal review/comment. Additionally, non-substantive revisions are made periodically to reformat, update or correct, as part of regular ARP maintenance, and without the above formal approval processes. (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 September 11, 2021 through November 24, 2021.

1. **ARP 4.81 — Degrees, Majors, Minors and Other Academic Programs of Study** was amended by the Chancellor on September 14, 2021, as recommended by the University Administrative Council, following provisional amendment in July which had modified Appendices A and B as a first step toward streamlining the reviews required for the various types of curricular credentials and also delegating future modification to the Provost, in consultation with the UPAC. In the formal review/comment process, finalization edits made in response to feedback included requiring consultation with the Faculty Senate Chair or designee prior to modification to Appendices A and B, as well as clarifying and stylistic edits.

2. **ARP 4.61-Transfer Credit** was amended by the Chancellor on October 12, 2021, upon the recommendation of Faculty Senate (Proposition No. 01-21/22) and University Administrative Council. The amendment updates the university's transfer credit policies, including: 1) At Part 2. D., new provisions relating to transfer credit based on prior learning; 2) At Part 2 C., the provisions for periodic review of course equivalencies by Department Faculty are strengthened to require review at least every three years. 3) At Part 4 A., the policy administrator is authorized to issue standard operating procedures, which will initially be based on the procedural detail presently in the Catalog, and may be relocated for ease of amending the SOPs in the future. The Associate Provost for Digital Learning Initiatives collaborated with campus presidents and representatives from each campus regarding the new provisions relating to credit for prior learning, which will make uniform the opportunity for all campuses to award credit based on prior learning (workforce certifications and training), consistent with other institutions, which will make NMSU more competitive.

3. **ARP 16.32 - COVID-19 Health and Safety Protocols** was first enacted provisionally by the Chancellor on August 31, 2021 for the protection of the health, safety and welfare of the
members of the NMSU Community, and the surrounding local community they interface with.

The new administrative rule ratifies and supplements the university's Pandemic Action Plan containing COVID19 informational updates and conditions of employment relating to maintenance of a safe academic and work environment during the COVID19 extended pandemic, published and regularly updated at https://now.nmsu.edu/policy/index.html. The rule provides a process to address alleged and observed violations of the rule promptly, for the protection of the university community, while still providing due process as applicable.

ARP 16.32 was provisionally amended by the Chancellor on September 24, 2021 to address issues discovered during implementation. Those amendments included clarifying edits in Part 4 D. and E. relating to intent (clarifying violations do not require proof of mal-intent); and including coordination with the Office of the Provost for review of alleged violations [of the Covid 19 Health & Safety Protocols] by employees with faculty rank. Provisional ARP 16.32 is presently pending formal review/comment and finalization in early 2022.

4. ARP 1.10 - NMSU System Policy Framework was amended October 27, 2021 by the Chancellor, upon the recommendation of University Administrative Council, with an Effective Date of December 1, 2021. The rule is re-titled "NMSU System Policy Framework"; it focuses on the process for the responsible policy administrators to propose new and amended operational policy under the purview of the chancellor. The intent was to streamline the process, while also broadening opportunity for participation via publication of pending proposals and an online review/comment process. Highlights of the changes include:

a. The Policy Steering Committee (PSC), advisory to the Chancellor, has a more active role relating to oversight of policies in development, vetting, recommendation and approvals.

b. The Chancellor’s office will serve as the Responsible Administrator, including maintenance of the online NMSU Policy Library, which will be modernized and broadened to provide hands on guidance for the departments.

c. Policy Actions are categorized into distinct Types: 1) Non-Substantive, 2) Interim, and 3) New, Amended or Repealed.

d. Proposals (except for Non-Substantive Corrections/Updates) will be posted to a Proposed Policy Actions on an appropriate webpage for the NMSU Community to review and comment.

e. The intent is for ARP content to be brief, alerting the university community to key policy and process requirements, but with procedural details set forth in corresponding Standard Operating Procedures, which may be more readily amended by the Responsible Administrators in consultation with the Responsible Offices and Stakeholders.

f. A Definitions section is included, but as this policy is implemented, it authorizes the relocation of all definitions into one Glossary for the entire ARP. This will cut down on repetition of defined terms throughout the ARP.

g. Standard Operating Procedures for this revised policy will be linked to assist the proposal sponsors in submitting their proposals for Policy Action (e.g. flow charts, templates with instructions, list of vetting groups, style guide).

h. Cyclic review for potential amendments to update policy will be required of the Responsible Administrators every 3-5 years.