



**NEW MEXICO STATE UNIVERSITY**

**POLICY MANUAL**

**October 22, 2007**

Annual revisions of this manual will be placed on NMSU’s website, with an official annual copy housed in the University Library. Revisions to this manual will be approved by the Administrative Council and other bodies as appropriate. Notification of revision will be made through ABCD communication and include a summary of significant revisions made throughout the year. Annually, the Board of Regents will be asked to ratify revisions to the manual. Revisions may be implemented prior to obtaining ratification of the Board of Regents. However, such revisions will not become permanent until such time as ratification by the Board of Regents has been obtained. Revisions requiring immediate consideration by the Board of Regents may be submitted throughout the year. This manual is available on-line at <http://www.nmsu.edu/manual/>.

Other than those provisions of this manual incorporated into faculty contracts, the provisions contained in this manual do not create any type of contract, implied or otherwise, between the Regents of New Mexico State University and others; are intended to reflect general operating policies; and do not represent contractual commitments on the part of the university. The provisions of the manual, except those incorporated into faculty contracts, are illustrative and not all inclusive; are a unilateral expression of policy by New Mexico State University; and may be unilaterally changed, amended or revoked by the university with or without notice.

On October 22, 2007, the Board of Regents ratified additions and revisions to the Policy Manual, as listed below:

- 1.05.10 Board of Regents Bylaws **[Revised]**
- 1.20 Gender Equity Policy and Statement of Principles **[New policy]**
- 2.11 Auditors, Internal - Office of Audit Services **[Replaces current policy in its entirety]**
- 5.06.30 Administrative Review of Department Heads or Community College Equivalent and Community College Division Deans or Heads **[Revised]**
- 5.87.6 Persistent Teaching Deficiencies **[Revised to incorporate gender neutral language]**
- 5-88-5.91 Promotion **[Notice that Sections 5.88, 5.90, and 5.91 will be replaced in their entirety by Sections 5.90.1 through 5.90.7 effective August 1, 2008]**
- 6.70 Grade Reports **[New policy]**
- 6.75 Honorary Degrees **[Revised]**
- 7.03 Deferred Compensation (457 Program) **[Revised]**
- 7.05 Educational Opportunities for Employees and Their Families **[Revised “Dependent Children Reduced Tuition Program” and “Recognition of Employees Earning Degrees” sections]**
- 7.09 Health Care Spending Account Policy **[Revised language regarding enrollment dates]**
- 7.15 Insurance **[Revised to be consistent with Article 15 of the Agreement between NMSU and AFSCME, adds new language to dental plan, and clarifies policies and procedures]**
- 7.20.85 Leaves – Leaves Without Pay **[Revised to clarify language in existing policy manual]**
- 7.23 New Employee Orientation **[Revised to reflect how new employees may review information]**
- 7.26 Retirement, Educational **[Provides for Alternative Retirement Plan and changes retiree golf benefits]**
- 7.27 Re-Employment of Retirees. **[Revised to clarify policy and procedures for re-employment]**
- 8.15 Compensation. **[Revised to add Nonexempt Employees Wage Increases to be consistent with Article 14, Section 2J of the Agreement between NMSU and AFSCME]**
- 8.15.05 Multi-lingual Pay. **[New policy]**
- 8.20 Compensatory Time, Overtime, Holiday Pay **[Revised to be consistent with Article 17, Section 8 of the Agreement between NMSU and AFSCME]**
- 8.20.05 On-call Pay. **[New policy]**
- 8.20.10 Call-back Pay **[New policy]**
- App. 1-C Organizational Chart **[Revised to reflect organization as of October 1, 2007]**
- App. 1-D Constitution of the Faculty Senate **[Revised Art. III, Section A to clarify Faculty Senate apportionment]**
- App. 1-F Councils, Boards and Committees **[Revised to reflect current councils, boards and committees]**

Throughout the Policy Manual, sections were revised to update title changes, department name changes and locations, name changes of other related entities, and to make the Tables of Contents and the Index correspond to the above revisions.

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[Please note: Chapters 2 through 7 are considered a part of the terms of all faculty contracts.]

## **Introduction and Mission Statement**

### **Introduction**

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 Home Economics, Arts and Sciences, Business Administration and Economics, Education, Engineering, and Health and Social Services.

### **Mission Statement**

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.

### **Statutes That Define the University**

#### New Mexico Constitution

Article XII, Section 11

Article XII, Section 13

Article XV, Section 1 (New Mexico Department of Agriculture)

#### New Mexico Statutes Annotated 1978

Article 8, Section 21-8-1, *et seq.*

Article 8, Section 21-8-3

Article 1, Section 76-1-1 through Section 76-1-3 (New Mexico Department of Agriculture)

[Note: Additional statutes pertaining specifically to each of the New Mexico Department of Agriculture=s (NMDA=s) five divisions are available in the Office of the Director/Secretary of NMDA.]

## **Chapter 1**

### **Governance, Authority, Organizational Structure and Policy Changes**

- 1.05 Governance/Authority/Organizational Structure
  - 1.05.10 Board of Regents Bylaws [Ratified by Board of Regents 10/22/07]
  - 1.05.20 Board of Regents – Other Policies (See Appendix 1-B for Signature Authority)
  - 1.05.30 President of New Mexico State University
  - 1.05.40 Organizational Chart (See Appendix 1-C)
  - 1.05.50 Administrative Council [Ratified by Board of Regents 9/8/06]
  - 1.05.60 Academic Deans Council
  - 1.05.70 Faculty Senate (See Appendix 1-D for Constitution)
  - 1.05.80 Advisory Council on Administrative Policy (See Appendix 1-E for Constitution, Bylaws)
  - 1.05.85 Associated Students of NMSU (ASNMSU) [Adopted by Administrative Council 12/13/05; ratified by Board of Regents 9/8/06]
  - 1.05.90 Additional Councils, Boards and Committees (See Appendix 1-F)
  - 1.05.95 NMSU Community Colleges (See policy subject headings such as Promotion, Tenure) Chapter 5
  - 1.05.96 Branch Faculty Council
- 1.10 Policy Changes
- 1.15 Non-Academic Units – Creating, Reorganizing, Relocation, Eliminating (See Chapter 6.05-Academic Related Policies for Academic Units)
- 1.20 Gender Equity Policy and Statement of Principles [Ratified by Board of Regents 10/22/07]

## CHAPTER 1 – GOVERNANCE, AUTHORITY, ORGANIZATIONAL STRUCTURE AND POLICY CHANGES

### 1.05 Governance/Authority/Organizational Structure

#### 1.05.10 Board of Regents Bylaws [*Ratified by Board of Regents 10/22/07*]

##### ARTICLE I – MEMBERSHIP OF BOARD OF REGENTS

Name: The name of the Board shall be AThe Board of Regents of New Mexico State University.@

Membership, Appointment, Qualifications and Terms of Members; Removal and Replacement: The membership, appointment, qualifications and terms of the members of the Board and their removal and replacement shall be governed by the constitution and laws of the state of New Mexico.

Student Member: The governor shall nominate and by and with the consent of the senate shall appoint a student member to serve a 2-year term. The governor shall select, with the advice and consent of the senate, a student member from a list provided by the president of the institution. In making the list, the president of the institution shall give due consideration to the recommendations of the student body president of the institution. (Laws of 1993 - Constitutional Amendment 3)

##### ARTICLE II – EX OFFICIO MEMBERS OF THE BOARD OF REGENTS

Statutory Members: The Board shall consist of such statutory regular and ex officio members as provided by law.

Faculty Representative: At the pleasure of the Board, the chair of the Faculty Senate shall serve as the faculty, ex officio, nonvoting representative on the Board.

Student Representative: At the pleasure of the Board, the president of the Associated Students of New Mexico State University (“ASNMSU”) shall serve as the student, ex officio, nonvoting representative on the Board. The ASNMSU president’s designee may serve in this capacity if the ASNMSU president is unable to attend a meeting of the Board.

##### ARTICLE III – MEETINGS OF THE BOARD OF REGENTS

Compliance with Open Meetings Act: All meetings of the Board of Regents shall be conducted in compliance with the New Mexico Open Meetings Act, NMSA 1978, § 10-15-1 *et seq.* All records of the Board shall be 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.*; NMSA 1978, § 21-1-16.

Regular Meetings: A minimum of five regular meetings of the Board shall be held each year on such dates, places and hours as may be fixed from time to time by the Board.

Special Meetings: Special meetings are normally reserved for time-restricted matters that require action before the next regular meeting, may be called by the chair of the Board or a majority of the Board upon reasonable notice.

Telephonic Meetings: Pursuant to the Open Meetings Act, members of the Board shall be permitted to attend any special meeting of the Board by telephone. Should a Board member request attendance by telephone, a speaker phone of sufficient quality shall be used at the announced meeting location so that the regent attending by telephone can be identified and understood. Through the use of the speaker

telephone at the meeting location, the regent attending by telephone shall be able to hear and understand all discussions at the meeting. Nothing in this policy shall control or affect the telephone-attending regent's right to use whatever telephone equipment that regent determines appropriate. Telephonic meetings of the Board shall be publicly announced in the same manner as all other meetings of the Board and arrangements made for all persons desiring to attend the meeting as in any other open meeting of the Board.

Notice of Regular Meetings: Written notice of the date, place, and time of each regular meeting shall be distributed by the NMSU president to each member of the Board at least five (5) calendar days prior to the date of the meeting. Legal notice of regular Board meetings, in accordance with law, shall be placed at least five (5) calendar days prior to the meeting in newspaper(s) of general circulation in the state; the NMSU student publication; and posted at the Zuhl Library on the Las Cruces Campus of New Mexico State University. In addition, notice of such meetings shall be furnished to those broadcast stations licensed by the Federal Communications Commission and other newspapers that have made a written request for notice of public meetings.

Notice of Special Meetings: For special meetings, the Board will attempt to provide no less than three (3) calendar days' notice. Legal notice of special meetings will be attempted, including publication in newspapers of general circulation in the state that have requested such notification, the NMSU student publication, and such other newspapers as determined by the chair of the Board. In addition, notice of such meetings shall be furnished to those broadcast stations licensed by the Federal Communications Commission and other newspapers that have made a written request for notice of public meetings.

Emergency Meetings: Emergency meeting of the Board may be called by the chair of the Board or a majority of the Board to address unforeseen circumstances that, if not addressed immediately by the Board, will likely result in injury or damage to persons or property or substantial loss to the public body. The Board will provide 24 hour's notice unless threat to personal injury or property damage requires less notice.

For special and emergency meetings the notice requirements shall be satisfied if notice of the date, time, place and agenda is provided by telephone to newspapers of general circulation in the state and posted at the Zuhl Library on the Las Cruces Campus of New Mexico State University. Telephone notice also shall be given to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings

Closed Meetings: The Board of Regents may close a meeting to the public only if the subject matter of such discussion or action is excepted from the open meeting requirement under Section 10-15-1(H) of the Open Meetings Act.

1. If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the Board taken during the open meeting. The authority for the closed meeting and the subjects to be discussed shall be stated with reasonable specificity in the motion to close and the vote of each individual member on the motion to close shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in the closed meeting.
2. If a closed meeting is conducted when the Board is not in an open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances, stating the specific provision of law authorizing the closed meeting and the subjects to be discussed with reasonable specificity, is given to the members and to the general public.
3. Following completion of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open 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 notice for closure.

4. Except as provided in Section 10-15-1(H) of the Open Meetings Act, 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.

Additional Provisions Regarding Notices: All "Notices" of any meeting of the Board of Regents of New Mexico State University including closed meetings shall also indicate where a copy of the agenda for such meeting may be obtained. Furthermore, all notices shall be available on the New Mexico State University Web site at [www.nmsu.edu](http://www.nmsu.edu).

In addition to the information specified above, all notices shall include the following language:

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the meeting, please contact the regents chief of staff at (505) 646-1727 at least three (3) calendar days prior to the meeting or as soon as possible.

Minutes. The Board shall keep written minutes of its regular, special and emergency meetings. The law does not require minutes to be maintained for closed sessions. Any record kept of a closed session shall not be subject to public inspection. Minutes shall state at a minimum the date, time and place of the meeting; the names of the members in attendance and those absent; the substance of any proposals considered, and a record of any decisions and votes taken that show how each member voted. The minutes become official upon approval by the Board. The Board's chair signs the minutes on behalf of the Board.

Agenda: An agenda shall be prepared for each regular meeting of the Board and mailed to each member at least 5 days before the meeting. Any member of the Board and the chair may, prior to the meeting, place items considered necessary or desirable on the agenda. The agenda shall set the order of Board business. During the course of the meeting, the chair or any Board member, with a consensus of a majority of the Board, may place an item on the agenda. The Board wishes to manage the university in a prudent manner. Therefore, it will be the policy of the Board that if any individual or group wishes to have a matter considered by the Board, all pertinent documentation must be submitted to the Office of the President at least 2 weeks prior to a regular meeting. If necessary, the chair will then correspond with the individual or group to obtain additional information and have the appropriate office within the university review the matter. The president of the university will interact with the Board to determine if the item shall be included on the next agenda. The individual or group will then be informed in writing of the decision.

Quorum: A majority of the Board shall constitute a quorum for the transaction of business, but a lesser number may convene from time to time until a quorum is in attendance.

Rules of Order: Except where they may be in conflict with these bylaws, the *Robert's Rules of Order*, revised, shall govern the conduct of the meetings of the Board.

Attendance: Board members shall make every effort to attend all meetings of the Board.

Per Diem, Mileage, and Insurance: Mileage and per diem for Board members shall be fixed by the Board, in compliance with the New Mexico Mileage and Per Diem Act. (See *Business Procedures Manual* for all other current mileage and per diem rates)

Per Diem: Each member of the Board shall receive \$85 per diem expenses a day or any portion thereof for in-state travel expenses:



- for each Board or committee meeting attended; or
- for each day spent in discharge of official duties for travel within the state but away from home.

Each member of the Board shall receive \$95 per diem expenses for each day of travel outside the state on official business. The per diem amounts shall not be reduced due to incidental lodging or meals provided to the members of the Board in conjunction with the Board=s or committee meetings attended. Partial day travel reimbursement will be prorated in accordance with the policy governing university employees at the time of the travel. When a member of the Board finds that the per diem allowance of \$85 or \$95 is inadequate for reimbursement of expenses for travel on university-related business, that Board member may elect to be reimbursed for actual expenses for lodging and a per diem amount of \$22.50 per day for meals. The additional lodging expense for the legal spouse accompanying the Board member shall be considered a necessary expense when the Board member is attending a Board or committee meeting.

Mileage: Each member of the Board shall receive mileage reimbursement for travel in a privately-owned vehicle, or a privately-owned airplane if the travel is necessary for the discharge of official duties, and if the private conveyance is not a common carrier provided; however, that only one person shall receive mileage for each mile traveled in a single privately-owned vehicle or airplane, except in the case of common carriers, in which case the person shall receive the cost of the ticket in lieu of the mileage allowance. The members of the Board shall be reimbursed at the mileage rates being allowed for university employees at the time of the travel. The mileage and per diem rates listed above reflect the actual and necessary traveling expenses in going to and returning from all necessary sessions of the Board and the necessary expenses while in actual attendance upon the same.

Insurance: The Board authorizes the administration to annually secure travel accident insurance for appointed and ex officio members of the Board and their legal spouses while traveling on university business at a total cost not to exceed \$1,000 annually.

#### ARTICLE IV – OFFICERS OF THE BOARD OF REGENTS

Election of Officers: The Board shall meet and elect officers at the March meeting of each year, unless a new member, or members, of the Board have not been appointed by the governor in which case the election of officers shall be held at the first meeting following such appointment. All officers so elected shall hold office until their successors are elected and qualified. At such elections they shall elect a chair, a vice chair, and a secretary-treasurer from their number. The chair and vice chair may also be referred to as the Board’s president and vice president. Officers and members shall be covered under the New Mexico State Faithful Performance Blanket Bond.

Eligibility: Any member of the Board shall be eligible for any office of the Board; ex officio members are not eligible to hold any office on the Board.

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 qualifies. A vacancy in any of the above designated offices, other than one caused by removal, shall be filled by election at the next meeting of the Board following its occurrence, and if caused by removal, may be filled at the same meeting at which the vacancy occurred. If because of a vacancy an officer of the Board is elected and qualifies for a different position on the Board, acceptance of this election will constitute resignation from the previous position. Election to a vacant office shall be for the balance of the unexpired term.

Duties of the Chair: The chair of the Board shall perform such duties as devolve upon the office by law and which may be pertinent to the office. The chair of the Board shall direct the president of the

university to issue calls for all meetings of the Board. The chair of the Board shall preside at its meetings, with full power to vote on and to second any motion, and to discuss all matters, with the same authority as any other Board member, notwithstanding any provision of the *Robert's Rules of Order*. The chair of the Board shall sign the official minutes of all Board meetings after the Board has approved them. The chair's signature shall be affixed to all diplomas for degrees and all other documents requiring Board approval. The chair of the Board shall perform such other duties as may be specified in these bylaws and as may be from time to time determined by the Board.

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.

Duties of the Secretary-Treasurer: The secretary-treasurer shall serve as the recording secretary for meetings of the Board. The secretary-treasurer shall sign Board minutes when officially approved. The secretary-treasurer's signature shall be affixed to all diplomas for degrees, and all other legal documents requiring Board approval. The secretary-treasurer shall perform such other duties as the Board may direct and require.

#### ARTICLE V – FUNCTIONS/OPERATING PRINCIPLES OF THE BOARD OF REGENTS

##### Functions of the Board:

1. To exercise control and management over the university and to exercise all other powers, authority, responsibilities, obligations, immunities and duties granted to it by law and the Constitution of New Mexico.
2. To provide educational opportunity to prospective students, particularly those prospective students residing in this state, and to provide a high quality education to all students of the university.
3. To serve the interests of the students, faculty, and administration and the citizens of New Mexico, and to institute policies, facilities, and programs for their benefit.
4. To obtain adequate financial support.
5. To select a chief executive officer for the institution and the Director/Secretary of the New Mexico Department of Agriculture.
6. To promulgate rules and regulations for the university and for the New Mexico Department of Agriculture: to enforce statutes, rules and regulations pertaining to the university and to the New Mexico Department of Agriculture.

Principles of Board Operation: The Board exercises its control over the institution through its policies as administered by the administration. Decisions of the Board shall be made by the Board acting as a body in a duly constituted meeting; individual members of the Board may, however, discuss the affairs of the university and obtain information pertaining thereto from any other members of the Board and from any employee or student of the university. Policies of the Board shall be maintained in written form, but failure to do so shall not affect their validity. A member of the Board shall not be interested pecuniarily, either directly or indirectly, in any contract for building or improvement of the university, or for the furnishing of supplies, services or materials to said institution. Contributions to the university, in any form, by a member of the Board are not in violation of these bylaws. No one member should enter into correspondence as a member of the Board. This is a group operation and not an individual one; therefore, it is undesirable to have a letterhead specifically for the Board. Any change in organization or structure of any subdivision of this university from the level of dean and higher and any other organizational change which the administration deems of sufficient importance shall be approved by the Board before it is implemented.

## ARTICLE VI – AMENDMENTS

Amendments: The power to make, alter, amend, or repeal these bylaws is vested in the Board by the affirmative vote of at least 3 of its members.

Notice of Amendments: Copies of proposed amendments shall be submitted to the Board members at least 5 days prior to the meeting at which the proposal is to be acted upon, unless waived by unanimous consent of the Board.

### 1.05.20 Board of Regents – Other Policies

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.

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.

Approval of Policies: Annually, all updated/revised policy and procedure manuals by which the university operates will be submitted to the Board for approval. Policies become effective upon adoption. (See Policy Changes and Appendix 1-B for Signature Authority chart) The following documents are incorporated into the primary Policy Manual by reference: *Undergraduate Catalog*; *Graduate Catalog*; *Handbook for Students*; *Business Procedures Manual*; *Parking and Traffic Regulations*; and *Police Manual*.

Modifying Existing Policy: The Board recognizes that provisional modification of a policy may occasionally be necessary to ensure effective operation of the university. The president is hereby given the authority to modify current policy as long as such modification has the approval of the chair of the Board. In the absence of the chair of the Board, such modification must be approved by the vice chair of the Board. Such policy modification will be in effect only until the next regular meeting of the Board. The policy modification will be considered by the full Board at that time.

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.

Autonomy of Regents: The local autonomy of each board of regents should be strengthened and the number of regents on each board should remain the same. The Board opposes any Asuper@ board of regents or one central board of operation; further, the New Mexico Higher Education Department should be purely a coordinating financial review body and not involved in any kind of day-to-day business or administration of the university.

### 1.05.30 President of New Mexico State University

The president is the chief executive officer and is directly responsible to the Board of Regents for the overall programs of the university. The president is responsible for execution of such measures as the Board may enact regarding administration of all approved measures presented by the Faculty Senate or the various councils; however, the president may delegate administration of these matters. The employment, advancement, and dismissal of all administrators, faculty, and other university personnel is delegated to the president and to whomever the president delegates such authority. The executive vice president and provost serves as the chief administrative officer in the absence of the president.

Although the Board should never actively nor directly participate in the actual hiring of university personnel, with the exception of the president and the director/secretary of the New Mexico Department of Agriculture, the Board should always be at liberty to review any particular hiring by the administration, to determine compliance with the Board's hiring policies. The Board delegates authority for the internal management of the institution to the president. All key policy decisions are made by the president in consultation with the appropriate administrators. All administrators serve at the pleasure of the president. The president is authorized to sign contracts for the university, on behalf of the Board. The Board will approve a signature document as an administrative instrument that delegates the authority through the president to other appropriate administrators. (See Appendix 1-B for Signature Authority)

#### **1.05.40 Organizational Chart (See Appendix 1-C)**

#### **1.05.50 Administrative Council *[Ratified by Board of Regents 9/08/06]***

At the discretion of the president of the university, the Administrative Council is composed of the president; executive vice president and provost; senior vice presidents; vice presidents; assistant vice president for research and senior director for governmental relations; associate vice president for university communications and marketing services; regents chief of staff; general counsel; vice provosts; associate provosts; senior assistant to the president; assistants to the president; academic deans; the dean of the University Library; dean and director of the Physical Science Laboratory; dean of students; dean of International and Border Programs; community colleges campus executive officers; chief information officer; director/secretary of the New Mexico Department of Agriculture; director of athletics; director of audit services (ex officio); director of human resource services; director of institutional research, planning, and outcomes assessment; director of real estate; chair of the Advisory Council for Administrative Policy; chair of the Faculty Senate; president of ASNMSU; and president of the Graduate Student Council. The president chairs the council. In the president's absence, the executive vice president and provost acts in this capacity. Following each meeting of the Administrative Council, minutes of that meeting will be distributed to the council members and to the members of the Board.

#### **1.05.60 Academic Deans Council**

The Academic Deans Council is composed of the president, the executive vice president and provost, the vice president for research, graduate studies and International Programs, the academic deans, the dean of the University Library, the community colleges campus executive officers, and the chair of the Faculty Senate. The functions of the Academic Deans Council are as follows:

1. 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.
2. Make recommendations and discuss with the president problems relating to improvement in the administration of the institution.
3. Act as a sounding board and evaluation body for new ideas emanating from the staff or administration.
4. Consider ways and means of improving the academic quality and other aspects of the institution, including proposals dealing with academic policies and programs.
5. Coordinate efforts of the various deans and provide for desirable uniformity in carrying out institutional policy.

6. Provide administration-level coordination between the various agencies, colleges, and schools of the university.
7. Stimulate other official groups in the full development of action within respective areas.
8. Establish, from time to time, special committees and groups to render specialized service in developing recommendations in given areas.
9. Consider recommendations emanating from the Advisory Council on Administrative Policy when appropriate.

### **1.05.70 Faculty Senate (See Appendix 1-D for Constitution)**

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. Policy statements approved by the Faculty Senate are subject to the acceptance/veto of the president of the university. If the president vetoes a bill, a two-thirds vote of the Faculty Senate may return the proposition to the president and, if the president does not rescind the veto within 5 days, the president will present the proposition to the Board of Regents with a request for consideration and action. The Faculty Senate is composed of 3 categories of members: (1) the elected chair of the Faculty Senate; (2) 54 elected senators; and (3) ex officio nonvoting members who shall be the executive vice president and provost, chair and vice chair of the Advisory Council on Administrative Policy, registrar, vice president for student success, deans of each of the academic colleges and schools, dean of the university library, chair of the Graduate Assembly, and the president and vice president of ASNMSU. Propositions to be considered by the Faculty Senate shall be presented in writing and signed by presenting senator(s). Propositions shall be keyed to affected portions of any manual or policy document.

The general policy of the university is that the Faculty Senate be aware of, if not directly involved in, administrative planning processes. To facilitate this, representatives from the Faculty Senate should have (in some cases formal, in other cases informal) liaison members on administrative committees. The chair is a member of the Academic Deans Council and the Administrative Council, and the vice chair is a member of the Associate Deans Academic Council. Senators are elected to the University Budget Committee, the University Research Council, and the President's Associates Board. The executive vice president and provost will inform the chair and vice chair of the Faculty Senate of any proposed changes in the Policy Manual. Proposed changes that are under the purview of the Faculty Senate will be taken to that body for their action. (See Chapter 4 Human Resources - General - Layoff/Financial Exigency for review by Faculty Senate of proposed program elimination or reorganization)

Assigned Time for Chair and Vice Chair: The chair of the Faculty Senate will have 50 percent assigned time for Faculty Senate work, based on the teaching load. The vice chair will have 25 percent assigned time.

University Budget Committee – Senate Representation: Each year at the April meeting, the Faculty Senate will elect 2 members of the senate to serve on the University Budget Committee. The term of each office will be for 2 years and commence the day following the last class day each spring semester. The term of office will end the last class day of the spring semester 2 years following. No senator will serve more than 2 terms consecutively. Senate representatives to the University Budget Committee shall be available to report to the senate, upon request, on matters related to this appointment and will submit a written report on such matters at the end of the term of office.

### **1.05.80 Advisory Council on Administrative Policy (See Appendix 1-E for Constitution and Bylaws)**

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

The Advisory Council on Administrative Policy exercises the following functions:

1. Investigates matters involving the policies and procedures of the administration.
2. Makes recommendations based on such investigations to the president of the university.
3. 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.

### **1.05.85 Associated Students of New Mexico State University (ASNMSU)**

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 success, 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 Business Office. All recognized student organizations, except for fraternities and sororities, must conduct their financial affairs through the ASNMSU Comptroller=s Office.

Leadership Scholarships: *[Adopted by Administrative Council 12/13/05; ratified by Board of Regents 9/8/06]* 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 3.0 and, in the semester previous to taking office, have successfully completed 12 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 12 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:
  - Undergraduate students must have an overall grade point average of at least 3.0 and must have successfully completed 12 credit hours the previous semester.
  - 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.

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.

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

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.

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.

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 Foundation.

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.

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.

## **1.05.90 Additional Councils, Boards and Committees (See Appendix 1-F)**

### **1.05.95 NMSU Community Colleges (See policy headings such as Promotion, Tenure, etc)**

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 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 community colleges of the university 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.

The 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. Each community college is administered by a campus executive officer under the cognizance of the executive vice president and provost. (See Chapter 5 Faculty Policies). The community college executive officers 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
- Assessment/Accreditation
- Campus Budgeting (a shared responsibility with the main campus Business Office)

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.

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

Faculty Credentials: (See Chapter 5 Faculty - Appointments - Qualifications)

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 Chapter 9 Facilities and Services - Use of Facilities)



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 executive officers, for consideration for this honor by the Board. The award will be in the form of a plaque.

### **1.05.96 Branch Faculty Council**

The purpose of the Branch Faculty Council is to provide a forum for communication among the faculties of the four community college campuses of the university and with the executive vice president and provost. Membership is comprised of nine faculty members: four faculty senators representing the community colleges, one additional faculty representative from each community college campus, and a chair elected at large from the four campuses. The executive vice president and provost is an ex officio member of the Branch Faculty Council. The four campus faculty representatives may be college (full-time, regular), tenure-track, or tenured teaching faculty.

### **1.10 Policy Changes**

This manual contains approved policies and essential procedures by which the university operates. The president of the university or whoever the president delegates will have responsibility for maintaining and updating this manual. Adoption of policy will be obtained from the following or a combination of the following as specified by the president:

- Board of Regents (See Board of Regents Other - Modifying Existing Policy)
- President of the university
- Executive vice president and provost
- Administrative Council (with the concurrence of university administration)
- Academic Deans Council (with the concurrence of university administration)
- Faculty Senate (academic policy - with concurrence of university administration and, where appropriate, the Board of Regents)
- Advisory Council on Administrative Policy (with administrative approval)

Policies become effective upon adoption. This Policy Manual will be submitted annually to the Board of Regents for ratification.

### **1.15 Non-Academic Units — Creating, Reorganizing, Relocating, Eliminating (See Chapter 6.05-Academic Related Policies for Academic Units)**

For the purpose of this policy, a non-academic unit is defined as a unit that is **not** within a college, an undergraduate major, a graduate degree program or the library, whether these units are located on any NMSU campus. Any proposal to create, reorganize, relocate and/or eliminate a non-academic unit must be submitted for review and approval through the appropriate vice president, vice provost or dean and the executive vice president and provost (refer to chart of approval process, Appendix 5-B).

If a change results in a structural change to the organizational hierarchy, the change will be effective January 1 or July 1 following the approval. Structural changes are defined as changes that affect the hierarchical organizational and reporting structure. Changes to organizational attributes may be processed at any time throughout the year. These changes are defined as: department long title, acronym, mail stop code, PO Box number, street address, city, state, zip code, building name (see Chapter 2 Miscellaneous-Naming Policies), room number, telephone number, fax number and departmental e-mail address.

Procedure: After the appropriate administrative approvals are obtained, the requesting department head/director must submit an Organization Request Form to the Office of Human Resources for processing. The form must be submitted with all relevant documentation attached no later than November 30 (for January 1 effective date) and May 31 (for July 1 effective date).

## **1.20 Gender Equity Policy and Statement of Principles *[Ratified by Board of Regents 10/22/07]***

New Mexico State University (NMSU) is committed to promoting and improving gender equity by adjusting its policies and implementing concrete actions designed to improve gender equity throughout the university community. To this end, New Mexico State University adheres to the following principles:

NMSU affirms the sex and gender equality of all individuals in the NMSU community. Gender equality among faculty, students, staff and associated workers is a source of human excellence, cultural enrichment and social strength. NMSU recognizes that a harmonious climate in relation to gender is essential to the academic, professional and personal development of its members.

NMSU acknowledges its ongoing responsibility to develop and support a responsive and open environment that is gender inclusive; to promote anti-sexism; and to create a study, work and living environment that is free of discrimination and harassment on the basis of sex, gender or gender identity.

NMSU is committed to the objective of ensuring sex and gender equity in the NMSU community. NMSU is committed to improving the status of women at NMSU to achieve sex and gender equity.

NMSU acknowledges its ongoing responsibility to develop and support a university community whose diversity reflects the students it educates; to support equity and full participation by women in the issues such as compensation and distribution of resources; and to support a work environment in which individuals with family responsibilities are not disadvantaged.

## **Chapter 2** **General Operating Policies**

- 2.03 Art Collection Policies
- 2.04 Library Archives Authorization
- 2.05 Athletics (See Chapter 7 Benefits - Tickets (Athletics) for Faculty/Staff)
  - 2.05.05 Athletics - Faculty Athletics Representative
  - 2.05.10 Athletics - Radio and Television Rights
  - 2.05.15 Athletics - Tickets
  - 2.05.20 Aggie Scholarship Association (now known as Aggie Athletics Fund)
- 2.10 Auditors, External
- 2.11 Auditors, Internal – Office of Audit Services [Ratified by Board of Regents 10/22/07]
- 2.15 College Budget Committee
- 2.20 Distribution Lists (ABCD) for Printed/Electronic Material (See Chapter 3 Code of Conduct)
- 2.25 Emergencies (See sections in Chapter 3 Code of Conduct - Campus Access/Fires/Speech Policy)
- 2.30 Fire and Emergency Services
- 2.35 Information and Technological Services
- 2.37 Investments
- 2.40 Legal Services
- 2.45 Lobbying
- 2.50 Naming Policies
- 2.53 Police (University)
- 2.56 Purchasing (See Chapter 9, Section 9.30, Performance Bond Requirements for Contracts on Jobs Under \$20,000)
  - 2.56.05 Professional Services Contract
  - 2.56.10 Procurement of Professional Design Services
- 2.57 Reserves
- 2.60 Environmental Health and Safety (See Chapter 4 – Human Resource, General-Work-related Injuries)
  - 2.60.10 Safety and Health - Environmental Health and Safety Office

- 2.65 Social Security Numbers, Use of
- 2.68 New Mexico State University Technology Transfer Corporation, Inc. (now known as Arrowhead Center, Inc)
- 2.69 Travel
- 2.70 United Way
- 2.75 University Advancement -Gift Income, NMSU Endowments, NMSU Foundation, Inc.
- 2.80 University Communications and Marketing Services
- 2.85 University Logo
- 2.90 University Records
  - 2.90.10 University Records - Family Education Rights and Privacy Act of 1974
  - 2.90.20 University Records - Public Disclosure
  - 2.90.30 University Records - Public Records Custodians
  - 2.90.40 University Records - Safeguarding of Personal Information
  - 2.90.50 Non-Disclosure Policy [Adopted by Administrative Council 5/9/06; ratified by Board of Regents 9/8/06]
- 2.92 University Research Park
- 2.94 Weather, Inclement (Closings)

## CHAPTER 2 – MISCELLANEOUS GENERAL OPERATING POLICIES

### 2.03 Art Collection Policies

New Mexico State University receives with grateful favor donations of objects and works of art to be utilized in the best interest of the university and to further its responsibilities for teaching, research, and public service. The following policy is intended to insure the careful acquisition, inventory, and professional care and maintenance of art objects belonging to the university. This policy recognizes that the acquisition and disposition of art is distinct from that of other types of personal property owned by the Board of Regents. For the purpose of this document, the word Acquired@ shall be interpreted to include receiving all acquisitions whether through purchase (using both appropriated or donated funding), commission, gift, trade, transfer, exchange, or bequest.

Art for the Campus: Gifts may be accepted on behalf of the university by the department to which they are offered, provided that the final acceptance of the objects will not be made until the executive vice president and provost has reviewed the recommendations of the University Art Acquisitions Committee. No department should obligate the university to the acquisition of an object of art without proposing the work to the University Art Acquisitions Committee.

Criteria for Acceptance: All art acquisitions will be evaluated by the University Art Acquisitions Committee for the following criteria:

1. The quality and condition of the object, aesthetic value and appropriateness to the academic environment and the department to which it is donated. The value of the object for scholarly use within an established collection on campus should be considered.
2. The university's ability to properly care for and maintain the object to acceptable professional standards.
3. The security and appropriateness of the location for installation of the object. Considerations for protection of the object through security systems and insurance restrictions should also be considered.

Guidelines for Acquisition:

1. The acquisition of a work of art should be made without conditions or restrictions.
2. There can be no commitment to permanent display, nor can the university be committed to retain ownership in perpetuity.
3. The gift of objects or works of art needs to be formalized in a deed of gift agreement which includes statement of transfer of legal title and where applicable, copyright and literary rights and signature of the donor. The deed of gift or a copy of the deed of gift should be kept on file at the University Art Gallery. Documentation should include:
  - § Name and address of donor and intermediary, if any.
  - § Description of the object in sufficient detail to enable easy identification and a photograph.
  - § Date of contribution and acknowledgment.
  - § Date of acquisition by the donor and method of acquisition.
  - § Any records, receipts or other documents that provide proof of ownership or authenticity or enhance its educational value.
  - § A history of the object and any information that may have bearing in its authenticity or enhance its educational value.
  - § The original cost or appraisal of the object at the time of original acquisition.

- § A current appraisal by an independent qualified appraiser.
  - § Factors used to arrive at the current value.
  - § Disposition of the property if not retained by the university.
  - § Any restrictions or conditions placed on the gift by the donor and the expiration date of the conditions.
4. The purchase of objects for the university, either through commission or purchase, will be formalized by a written contract for commission or bill of sale. Proposals and contracts will be reviewed by the University Art Acquisitions Committee and the general counsel.
  5. The Department of Art, through the Art Gallery, shall record and catalog works of art and maintain a current location register. A current copy of this register shall be filed annually by the Art Gallery with the Property Office.
  6. All art objects acquired by the university are to be recorded and properly identified in this register regardless of the department acquiring objects. This is to ensure that institutions wishing to access the works for scholarly purposes can locate the works. It is the responsibility of the department in which the works are housed to keep the Art Gallery informed as to the location of the works.
  7. Each department which has objects of art shall assign a specific person in the department the role of Acustodian@ of the art. This person will be responsible for reporting any change in condition or location of the object to the Art Gallery. This person shall report to the director of the art gallery annually, even if no change has occurred.
  8. All objects are to be inventoried with regularity and stored or displayed within the acceptable professional standards required by the insurance carrier (Risk Management Division) and common museum practice. The Central Purchasing Office will continue to work with the Risk Management . Division in maintaining an inventory for insurance purposes.

Tax Deductions and Appraisals: Donations to the university are tax deductible as charitable contributions in accordance with current Internal Revenue Service regulations. NMSU staff shall not give appraisals for the purpose of establishing the tax deductible value of any gifts offered to the university, as this can constitute a conflict of interest. NMSU staff shall not appraise, identify, or otherwise authenticate for persons or agencies that could encourage or benefit from illegal or irresponsible traffic in such items. Identification and authentication may be performed for professional and educational purposes, and to comply with legitimate requests from other government agencies. Donors must have an independent appraisal made for their own tax deduction purposes and comply with all state and federal law related to documenting of legal ownership of items. Under ordinary circumstances, the university does not accept deposits of objects or works of art unless there is reason to believe that the deposit will be changed to a permanent gift to the university or that it is unlikely that the object of value will be preserved in any other way. Although the deposit will receive reasonable care in utilization and storage to assure its preservation, the university will assume no responsibility for any loss or injury to the deposit which may occur in spite of care and protection provided. Should an object be received for long-term loan, it is recommended that a specific period of loan be defined at the outset and that a statement of intention to donate be acquired, if possible. Loan agreements should be approved by the University Art Acquisitions Committee prior to receipt of the work of art.

Restoration and Repair: All proposals for restoration and repair of works of art should be presented to the University Art Acquisitions Committee for consideration and professional conservators should be consulted when needed. Individual departments will be responsible for the conservation costs for objects which they own should it be required. The university administration is responsible for the cost of conservation of large scale public art projects (sculptures, murals, etc). Should conservation be unfeasible and the poor condition of the works of art impugne the integrity of the piece, the work should

be removed from view, or in the case of murals, be appropriately covered upon consultation with the University Art Acquisitions Committee.

Disposition of Art Works: Should a department wish to dispose of an object previously acquired, the following procedures should apply:

1. The object should be presented to the University Art Acquisitions Committee with a request to dispose of the object. This written request should include a justification for the disposal of the works of art and a proposed destination for the works of art.
2. If the director of the university museum, director of the art gallery or the library=s archives and special collections department head desire the object for a collection, the University Art Acquisitions Committee should release the object for approval by the acquisitions committee of the established collection.
3. If the object is not desired for an established collection, the object should be disposed of using appropriate means.
4. Consideration is to be given to placing the object through gift, exchange, or sale in another tax-exempt public institution.
5. If the object is offered for sale, preference should be given to sale at public auction or in the public marketplace. Staff and officials of the university will be considered ineligible to purchase or otherwise acquire deaccessioned objects belonging to a department or any of the university's established collections.
6. The disposition of works by living artists will be accomplished in such a manner that it will not impugn the reputation of the artist or the artist's body of work. Should the disposition of works by living artists be required, the feelings of the artist should be respected and whenever possible, the artist should be consulted regarding the disposition of the work of art.
7. If any profit is accrued through the sale of an object, it should be applied to the general operating budget of the department from which the object came. The University Art Acquisitions Committee should discourage the sale of objects without clear justification and deter the sale of objects for revenue.
8. Deaccession of museum items will follow a similar policy developed by the dean of the College of Arts and Sciences with the concurrence of the executive vice president and provost.

Public Murals/Indoor Murals: Proposals for murals depicting the educational, service or research mission of a department (previously covered by the indoor murals policy) should be evaluated by the University Art Acquisitions Committee as any other commission of artwork.

Public Art for New Construction (one percent for art): The university will follow the guidelines approved by the legislature for one percent for art projects: Proposals for art objects for new buildings must be approved by the Board and will be considered within the financial constraints imposed on the project. A sum, equivalent to \$1 for each full-time student, will be set aside for the restricted use of funding the acquisition of works of art for the university. The University Art Acquisitions Committee may be consulted by the administration for recommendations for committee members to serve on one percent for art committees. The state policy, taken from a State Cultural Affairs pamphlet, is summarized as follows:

In 1986, the legislature of the State of New Mexico passed legislation entitled the AArt in Public Places Act.@ It was signed into law by the governor. The legislature thus created as a

A policy of the state that a portion of appropriations for capital expenditures be set aside for the acquisition or commissioning of works of art to be used in, upon or around public buildings. The resulting program is most often referred to as the One Percent for Art Program because of specific wording in the law; All agencies shall allocate as a nondeductible item an amount of money equal to one percent or \$200,000, whichever is less, of the amount of money appropriated for new construction or any major renovation exceeding \$100,000, to be expended for the acquisition and installation of works of art for the new building to be constructed or the building in which the major renovation is to occur.

The following procedures have been developed to govern the selection of works of art for the State of New Mexico. These guidelines provide a general framework for selecting artists and works of art; modifications to this general procedure are described under Modifications to the Artist/Artwork Selection Procedure.

1. Local Art Selection Committee: In consultation with members of the New Mexico Arts Commission who are appointed by the governor, Auser@ agency directors and community leaders, the executive vice president and provost will appoint seven individuals to this committee. Normally, this will include a representative of property control (or the Aowner@ agency), a representative of the Auser@ agency\*, an architect, preferably the project architect, two community representatives, a local professional artist who has agreed to abstain from consideration for this project, and a community arts representative (e.g., an arts administrator).

The Local Art Selection Committee will meet at the building site or other appropriate location to consider where the artwork should be placed, what type of artwork would be appropriate in relation to the funds available for the purpose (e.g., a two-dimensional work, a sculpture, a mural, etc.) and any other considerations which would provide direction for the Art Advisory Committee as that committee surveys the Artists/Slide Registry for the purpose of identifying potential works of art and artists. This might include a theme or a request that the artwork reflect Native American or Hispanic traditions.

The Local Art Selection Committee will also decide on the method of artwork selection, that is, a direct selection, an invitational competition, an open competition or a combination of these options. The Local Art Selection Committee may request, for example that the Art Advisory Committee return to it five artworks or artists for their further consideration.

\*The Ausers@ for the building in which a public work of art will be located include the employees who will work in the building; this group of people will be more directly affected by the work of art than any other population. The representative(s) of the user agency(ies) will have only one vote on the selection committee; however, 50 percent or more of the user representatives must approve the final selection of the Local Art Selection Committee.

2. Art Advisory Committee: The second committee involved in the selection process is the Art Advisory Committee and will normally include five members. Three of these members will be drawn from the Local Art Selection Committee including one community representative to be selected by the executive vice president and provost, the local professional artist, and the community arts representative. Two additional members will be drawn from outside of the community or within the community, if available, and will include a professional artist and an arts professional (administrator, arts council member, etc. identified from the Arts Division Panel Pool or other sources). Once these individuals have agreed to participate in the project, they will be sent a notice thanking them for their participation and a copy of these procedures. A date for their meeting will also be set. The Art Advisory Committee will survey the artists drawn from the Artists/Slide Registry which reflect the ideas put forth by the Local Art Selection Committee; state staff will provide these submissions for the Art Advisory Committee's consideration. Artists will be identified by using slides of their artwork from the registry; these artworks, however, may not



be for sale. If, for example, five artists are identified, they will be contacted and asked to submit photograph(s) or slide(s) of similar artworks which they would sell at the commission price; or the artists may have the option of providing a sketch of the artwork they would execute for the commission. The actual works of art, whether slides of artworks for sale or sketches or proposed artworks would be required for the final meeting of the Local Art Selection Committee. The artists will be given from 45-60 days to send appropriate materials to state staff.

3. Final Decision: At the second and final meeting of the Local Art Selection Committee, the members review the works of art presented by staff and as identified by the Art Advisory Committee. The final selection is then made by the Local Art Selection Committee and the user agency representative(s) are asked to sign a statement approving the final selected work. The approval of the Board of Regents is necessary for all public art for new construction/landscaping.
4. Administration: From this point, administration of the project is the responsibility of the New Mexico Arts Division and the Public Art Coordinator; however, any questions regarding the administration of the project will be answered by calling the Arts Division in Santa Fe or the Public Art Coordinator in Albuquerque.

For modifications to the selection procedure and for information on the New Mexico Artists/Slide Registry consult the Office of Cultural Affairs, New Mexico Arts Division, 224 East Palace Avenue, Santa Fe, New Mexico 87501.

Permanent Collection, New Mexico State University: The permanent art collection of the university is the responsibility of the Department of Art and is housed in the Art Gallery. The director of the art gallery serves as the curator of collections. It is the Art Gallery's charge to exhibit, maintain, and preserve the art in its care. Through the exhibition, research, and interpretation of original works of art, the Art Gallery endeavors to educate its audience and raise its awareness to the diverse and valuable experience available in the visual arts. With this document regulating the management of its collection, the Art Gallery hopes to ensure that the practice of currently acceptable professional standards will be maintained in the care and use of its collection. The University Art Gallery Acquisition Committee shall approve all acquisitions to the permanent collection whether by gift or purchase prior to acquisition. The university policy is to provide \$1 for each full-time student each year for the New Mexico State University Permanent Collection Account (established in 1983). These funds are for the restricted use of funding the acquisition of works of art for the university. The authorization for expenditures from this account is to be given by the University Art Gallery Acquisition Committee.

Acquisition and Accession Procedures: An accession is defined as an object or objects acquired by the Art Gallery through gift, exchange, purchase or commission with the intention of placing it permanently in the collection. Objects which are to be acquired and accessioned by the Art Gallery should meet the following criteria:

1. The object under consideration should be relevant to the existing collection or will form the nucleus for a new collection.
2. The Art Gallery can provide adequate storage, protection, and preservation under conditions that ensure availability for the future and that are in keeping with professionally accepted standards.
3. The intention is that an object shall remain in the collection so long as it retains its authenticity, pertinence to the collection, and physical integrity. Short range acquisition for the purpose of later sale, as well as speculative acquisition for short-range sales should be discouraged and then only entered into with the express approval of the University Art Gallery Acquisitions Committee.

4. The responsibility to search for and accept accessions lies with the director. This responsibility is pursued in partnership with the University Art Gallery Acquisitions Committee. All final decisions rest with the University Art Gallery Acquisitions Committee. Officers of the university and support groups of the Art Gallery should not obligate the Art Gallery to any acquisition without first obtaining the approval of the director and the University Art Gallery Acquisitions Committee. Prospective donors or sellers should be advised that all objects acquired by the Art Gallery are first reviewed by the director and the University Art Gallery Acquisitions Committee.
5. The Art Gallery will not knowingly accept any object that has been illegally obtained or imported into the United States or that encourages or supports damage to cultural or historical sites. The Art Gallery does, however, reserve the option to accept objects which have been confiscated by the U.S. Government.

Gifts and Bequests: It is strongly desired that all gifts and bequests of objects to the Art Gallery be of an unrestricted nature. No work should be accepted with an attribution or requirement of exhibition in perpetuity. Only under the most exceptional conditions will the Art Gallery accept gifts or bequests on which the donor has placed restrictions concerning its use and disposition. Every effort should be made to limit restrictions to a reasonable period after which they will expire. All records of any such restrictions will be entered into all records concerning the gift. The Art Gallery will follow the general guidelines for deed of gift and documentation outlined above.

Deaccession (Removal of an object or objects from the collection): The removal and subsequent disposal of any work from the Art Gallery's collection requires serious deliberation in as much as this action is generally irrevocable. While retention of all material can be justified, disposal on the grounds of taste, current or otherwise, is dubious and should be related to established policy rather than the expediencies of the moment. Should such action regarding objects in the collection be undertaken, full justification should be provided to the University Art Gallery Acquisitions Committee and the Board of Regents or specially constituted Committee of Deaccession, by the director of the art gallery. Objects shall be defined as deaccessions when they are removed from the collection with legal transfer of title or other appropriate action.

Disposition of Objects: The manner of disposition chosen will be in the best interest of the Art Gallery and its collection. Any profit from the disposition will be applied to acquisitions and/or maintenance of the collection. Consideration is given to placing the object through gift, exchange, or sale in another tax-exempt public institution. If the object is offered for sale, preference should be given to sale at public auction or in the public marketplace. Art Gallery staff, its support organization, or any officials of the university, will be considered ineligible to purchase or otherwise acquire deaccessioned objects from the Art Gallery's collection. Objects with mandatory restrictions may not be deaccessioned prior to expiration of the time limit if any exists, or it has been determined by a court of competent jurisdiction, that deviation from such restrictions may be allowed. Objects with precatory restrictions should not be disposed of until reasonable efforts have been made to comply with the restricting conditions. If it is practical and reasonable to do so considering the value, the Art Gallery should notify the donor if it intends to dispose of such objects within 10 years or the donor's lifetime, whichever is shorter. If there is any question as to the intent or force of the restrictions, the Art Gallery will seek advice from the general counsel. The disposition of works by living artists will be accomplished in such a manner that it will not impugn the reputation of the artists or their body of work. The feelings of the artist should be respected and whenever possible the artist should be consulted regarding the disposition of their work.

Documentation of Deaccessioned Objects:

- § The art gallery director will prepare a statement of justification for deaccession. Written outside appraisals will be sought for any object of significant value that is being considered for deaccession.

- § Full record of all exchanges and sales will be maintained.
- § Records of the Art Gallery shall document the removal of the objects from the collection and the nature of their disposal.
- § The art gallery director has discretion to make available information pertaining to acquisitions and deaccessions upon inquiry by a responsible party.

Loans from the Collection to Institutions: In keeping with its traditional support of scholarly and educational exhibitions, the Art Gallery will loan works from its collections to qualified educational and exhibiting institutions. Prior to lending, the following conditions must be met:

1. The object to be loaned must be able to survive, intact, the rigors that will be imposed by transportation and handling.
2. The borrowing institution shall have proper environmental controls, qualified handlers, and security for the protection of the object. Facilities reports will be required.
3. The Art Gallery has no immediate need for the work.
4. Loans will be made for a period of 1 year or less.
5. The borrowing institution will provide wall to wall insurance; a certificate of insurance will be required.

Long-term Loans: Loans to institutions for extended tours, exceeding 1 year, may be made at the discretion of the art gallery director, with the provision that all institutions involved in the tour meet all the above qualifications for loan. Long-term loans from the collection may be made from time to time to university units at the discretion of the art gallery director. Objects selected for such loan should not be of primary importance to the collection or of high value. Security of the location and values of the objects are the important criteria for loans of this nature.

Loans to the Art Gallery: The following records will be maintained on all incoming loans: copies of all loan forms; condition reports, both incoming and outgoing, to include any special requirement for the object; all records of transport will be retained for a reasonable period; and any records that pertain to the work in regard to value and insurance.

## **2.04 Library Archives Authorizations**

The New Mexico State University Library's department head for archives and special collections with the approval of the dean of the University Library is authorized to accept, in the name of the Board of Regents, collections of documents of 100 cubic feet or less. All larger collections may only be accepted by the president or the executive vice president and provost in accordance with other policies of the Board. Such larger collections shall be reported to the Board at the second regularly scheduled Board meeting thereafter.

## **2.05 Athletics (See Chapter 7 Benefits – Tickets (Athletic) for Faculty/Staff)**

The Athletics Department operates within the institution's mission statement and the NCAA and Conference rules and regulations of fair play and amateurism. The primary objective is to provide an environment where student-athletes may excel academically and athletically. The university subscribes to high standards of academic quality, as well as to breadth of academic opportunity, while striving in the athletic programs for regional and national excellence and prominence. The university seeks to maintain a coaching and support staff of men and women who represent the best in academic and athletic instruction and who possess the ability to motivate and inspire the student-athlete. The Athletics Department will strive to finance its athletic programs, insofar as possible, from revenues

generated by the programs themselves, and all funds or groups supporting athletics will be controlled by the institution and its monitoring systems. The athletic programs will be used as a rally point for students, faculty, staff, and alumni, generating enthusiasm and the Acollege spirit@ for a positive bonding effect of all of the university=s supporters and friends. The university=s environment should reflect the state=s multi-cultural heritage and be sensitive to the needs of all those communities that the university serves. The Board of Regents supports the principle of gender equity in athletics.

### **2.05.05 Athletics – Faculty Athletics Representative**

The faculty athletics representative is appointed by the president and reports directly to the president. (The president requests a list of nominees from the Faculty Senate Committee on Committees) An individual so designated shall be a member of the institution=s faculty or an administrator who holds faculty rank and shall not hold an administrative or coaching position in the Athletics Department. Duties of the faculty athletics representative shall be determined by the member institution. Duties of the faculty athletics representative will vary from institution to institution. A copy of the *NCAA Faculty Athletics Representative Handbook*, listing duties, is available in the athletics director=s office. The university closely follows the *NCAA Faculty Athletics Representative Handbook* in designating duties and responsibilities to its faculty athletics representative. The term of this representative is unspecified.

#### Role of the Faculty Athletics Representative:

- Serve as advisor to the president and the athletics director on all matters related to intercollegiate athletics.
- § Serve as the institutional representative to the NCAA and Conference.
- § Provide liaison between the university faculty, administration, and the Athletics Department regarding rules interpretation, compliance, and policy.
- § Serve as a member of the Athletics Council.
- § Make inquiries of the NCAA staff or the Conference staff regarding interpretation of association and conference rules.
- § Certify the NCAA and Conference eligibility status of all student-athletes.
- § Assist student-athletes in conference-level hardship petitions.
- § Represent the university on compliance issues before appropriate NCAA and Conference committees.
- § Serve on any required committee to investigate alleged and real violations and assist in recommending corrective action.
- § Provide oversight for the NCAA Coaches Certification Testing Program.

### **2.05.10 Athletics – Radio and Television Rights**

All university radio and television rights will be considered on a competitive basis, taking into account maximal income, professional quality, optimal coverage, promotional considerations, and other factors as deemed necessary by the administration.

### **2.05.15 Athletics – Tickets (See Chapter 7 Benefits – Tickets (Athletics) for Faculty/Staff)**

Regular Season Tickets for Faculty/Staff: (See Chapter 7 Benefits – Tickets (Athletics) for Faculty/Staff)

President's Office Use: The Board of Regents authorized the annual purchase of 30 football tickets and 30 basketball tickets for use by the Office of the President for friends and supporters of the university.

Post-Season Tournament: Guidelines for the distribution of post-season tournament tickets when the demand for tickets exceeds the supply of tickets.

1. At the end of the regular season and prior to the commencement of the post-season tournament, the athletics director (or designee) shall decide how many tickets may be purchased by each person in advance of the event. University regular full-time faculty, staff and students will generally be limited to two tickets per individual, as long as tickets to the post-season tournament are available. All other persons purchasing post-season tournament tickets will generally be limited to two tickets per individual, as long as tickets to the post-season tournament are available.
2. The athletics director (or designee) shall decide when tickets will go on sale, whether tickets must be purchased in person, and at what time persons may purchase tickets to the post-season tournament. The athletics director (or designee) shall promptly communicate these decisions to the manager of the Ticket Office. The manager will be responsible for communicating these decisions to the appropriate print and electronic media.
3. The athletics director shall designate one official spokesperson to answer questions pertaining to the distribution of tickets to the post-season tournament.
4. Tickets for the following groups will be deducted from the total ticket allocation given to the university:
  - § Office of the President (regents, president, executive vice president and provost, senior assistant to the president, assistant to the president, Administrative Council and elected officials)
  - § Office of applicable sport, *i.e.*, basketball (team's student-athletes, parents, legal spouse of student-athletes, coaches and staff)
  - § Athletics Department - Working game personnel (athletics director, associate athletics directors, sports information director, and trainers)
  - § Band and Spirit Squads (cheerleaders and mascot)
  - § Athletics Department - Athletics Council and other personnel (senior administrators and head coaches)

Remaining tickets for the post-season tournament will be allocated to the following groups based on the following percentages:

- § Aggie Athletics Fund (*i.e.*, Scholarship and Honorary Captains Clubs) - 33.33%
- University full-time students - 33.33%
- General public (university regular full-time faculty and staff, season ticket holders and others) - 33.34%

Adjustments will be made if the demand from any group falls below the allocations noted above.

5. Distribution of tickets for the post-season tournament to university full-time students and the general public will be on a lottery basis. Lottery numbers must be obtained in person at the Ticket Office. Tickets for the post-season tournament will be for personal use only and must be picked up in person at the Ticket Office or at the game site.
6. Distribution of tickets for the post-season tournament to the Aggie Athletics Fund will be handled by the athletics director (or designee). It will be necessary for the Aggie Athletics Fund to establish a method, in writing, of determining who will be allowed to purchase tickets to the post-season tournament. Tickets for the post-season tournament must be for personal use and picked up in person at the Ticket Office or at the game site.

7. All activities pertaining to the purchase of tickets for the post-season tournament obtained by the university from other universities participating in said tournament will be coordinated through the athletics director's office. Travel agencies will be responsible for getting their own post-season tournament tickets from the host institution.
8. Ticket scalping shall be prohibited. Ticket scalping consists of selling, offering for sale or attempting to sell any ticket, privilege, license, admission or pass to any college athletic event at a price greater than the price charged at the place of admission or printed on the ticket.

### **2.05.20 Aggie Scholarship Association (now known as Aggie Athletics Fund)**

The university has entered into an agreement with the Aggie Scholarship Association detailing the relationship between the university and the Aggie Scholarship Association. This agreement is maintained by the Athletics Department.

### **2.10 Auditors, External**

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.

### **2.11 Auditors, Internal – Office of Audit Services [*Ratified by Board of Regents 10/22/07*]**

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 university president and/or Board of Regents.

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.

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.

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.

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 [1.05.50]

Reporting Structure. In order to maintain independence, the staff of the Office of Audit Services reports to the chief audit executive (CAE), who reports administratively to the university president and functionally to the Board of Regents. The CAE shall meet with the Board's Audit Subcommittee periodically, as outlined in the Audit Subcommittee Charter and will present an annual report on the activities and operations of the department.

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 university president 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. [2.11 rev]

## **2.15 College Budget Committee**

Each college will establish a standing College Budget Committee. The majority of the members of each College Budget Committee will be elected from that college=s faculty. The College Budget Committee will review the college annual operating budget both past and projected and provide input to the dean. In addition, all budget proposals that flow to the University Budget Committee from each college will be reviewed by the faculty College Budget Committee which will then provide a written recommendation to the dean of the college.

## **2.20 Distribution Lists (ABCD) for Printed/Electronic Materials (See Chapter 3 Code of Conduct – Speech)**

Printed memoranda and materials regarding university business may be circulated to groups of individuals on campus by requesting distribution through Printing and Duplicating and Mail Services addressing programs. Designations from the list below -- A B C D -- may be used. Electronic mail may provide an avenue for communication of significant administrative information to key administrators, with the following guidelines:

### Composition of the List:

- A = President, Executive Vice President and Provost, and Senior Vice Presidents/Provosts
- B = Associate and Assistant Vice Presidents/Provosts, Chief Executive Officers of Community Colleges, Academic Deans, Associate and Assistant Deans
- C = Administrative Department Heads and directors
- D = Academic Department Heads (main campus only)

Posting to the List: Only list members or their designees may submit announcements to ABCD. Distributions may be made to A or B or C or D or any combination of these. Posting to the list(s) should be restricted to significant administrative announcements. Other communications, such as announcements of workshops, receptions, etc. might be posted via other communication vehicles managed by the Office of University Communications and Marketing Services.

ABCD-Copy: Individuals wishing to receive electronic copies of electronically mailed ABCD postings may subscribe to ABCD-Copy. ABCD-Copy subscribers will receive only electronic announcements which are addressed to all four groups: A, B, C, and D.

## **2.25 Emergencies (See Chapter 3 Codes of Conduct – Campus Access Policy, Fires/Fireworks, and Speech Policy)**

Because incidents may occur with little or no warning, advance preparation is essential. The university=s prepared policy statements should be easily accessible. In any emergency involving danger to life or property, call 911. Indicate the nature and location of the emergency. 911 is for emergencies only. For non-emergency assistance/information, contact the university Police Department at (505) 646-3311. A radio-receiver system, very similar to the National Weather Bureau=s AEarly Warning System,@ allows the university Police Department to alert key areas of campus in the event of severe weather or any other critical campus situation.

Emergency Preparedness Plan - Demonstrations and Incidents: Only general guidelines are presented in this section because of the variety of conceivable scenarios.

1. Prevent damage to persons, property, and research.



2. Refer non-routine telephone inquiries and letters to the associate vice president for university communications and marketing services, who should refer them to the appropriate department head and principal investigator before formulating a reply consistent with university policy. The responsibility to reply may be transferred to the department heads or principal investigators upon their request, providing they agree to coordinate appropriately on potentially sensitive issues.
3. Determine whether to activate the Crisis Management Team. If the incident occurs off campus, appoint an individual to coordinate the immediate response (referring to this document) and establish communication with the Crisis Management Team. If the Crisis Management Team is activated, coordinate information flow and response through the Crisis Management Team. The Crisis Management Team should determine who (in addition to the president and executive vice president and provost), needs to be notified during or after an incident. In particular, funding agencies and the Office for Protection from Research Risks of NIH, where applicable, should be kept informed.
4. If advance notice of the incident is obtained, convey the university's position to the media in advance.

Example Types of Incidents:

- § Verbal or written protest of a philosophical nature, or accusations directed to university staff, the Board of Regents, politicians, alumni, benefactors, funding agencies, or the media.
- § Demonstrations or sit-ins, on or off campus.
- § Threats of physical action against persons or property.
- § Actual physical action against persons or property.
- § Combinations of the above.

Crisis Management Team: A Crisis Management Team will be composed of the following individuals:

- § Vice President for Research Graduate Studies and International Programs (chair) (505) 646-2481
- § Chief of Police or Designated Alternate (505) 646-7100
- § Appropriate Department, Dean, or director
- § Principal Investigator (where appropriate)
- § University Communications and Marketing Services Representative (505) 646-3221
- § Senior Assistant to the President or General Counsel

In animal research issues, the following individual should also be included:

- § Institutional Veterinarian (505) 646-3241, (505) 524-7176, or (505) 522-5030
- § Institutional Animal Care and Use Committee Chairperson

Note: Membership will depend on university components affected. Alternates should be defined for key persons.

In addition, it may be appropriate to form a board of outside consultants with experience in this type of crises management. For example, consultants may be obtained from the Foundation for Biomedical Research and the Scientists Center for Animal Welfare, both of which provide consulting services (the university is a member of both of these organizations); the National Institutes of Health Office for Protection from Research Risk; or other sources. Frequent briefings will be available to university administrators and researchers, as well as police and representatives of other security forces.

Crowd Control: If it becomes necessary to summon security forces to manage physical threats or for crowd control, they should be requested to maintain a low profile and use only that force which is reasonable in light of the particular facts and circumstances. If the security force is not under the direct

control of the university, it will be the responsibility of the chief of police or designated alternate to establish coordination with a senior security officer to attain the above goals. The person to notify university police will be the senior official present unless circumstances permit time to activate the Crisis Management Team. If there is evidence or indication of a potential incident, the chief of police or designated alternate should be advised by the senior officer present. Actions that give legitimacy to protestors should be avoided. Protesters should not be allowed to address a meeting officially unless they have standing to do so and are acting lawfully; in a public meeting, the chair must determine this. A meeting should be arranged for a university official to meet with the protestors informally to elicit information, to hear any complaint and to present the university's position as stated in the policy. Specific complaints should be referred through the established complaint procedure. Statements should not be made that could be construed as agreeing with specific complaints; answering hypothetical questions should be avoided. Specific answers should be postponed until all the facts are available and the principals have been consulted. Actions that may generate further sympathy or support for protestors should be avoided: especially use of force, disregard for their concerns or other insensitive actions. It is important to recognize that protestors may have a legitimate complaint.

Investigation: If specific complaints concern violations of accepted standards of humane care, an investigation should be launched through established channels. It should be determined if the problem is one that has already been identified by the university, and for which correctional measures are being planned or implemented. If not, a plan should be immediately developed. The university must be absolutely frank about its findings (subject to contract confidentiality as determined by the appropriate administrators and general counsel). If physical damage occurs, its extent should be fully documented with photographs.

Follow Up: To the extent that the protestors have made their views known through the media, letters to politicians, and others, the university should respond by stating its position, correcting any misrepresented facts, or stating any corrective measures taken. If the protestors have used unethical or illegal methods, this should be presented and supported by documentation in a clear and forthright manner to the officials. At the discretion of the president (or designee), the university's position may be presented to the Board of Regents, staff and students, legislators, alumni, funding agencies, or the general public. (Overreaction should be avoided) Misplaced public criticism or information must not go un rebutted, whether it originates in a letter to the editor or a major protest. In the case of a major incident, the Crisis Management Team should be prepared to hold a press conference to disclose the impact; for example, damaged or destroyed property and research.

## **2.30 Fire and Emergency Services**

The Department of Fire and Emergency Services has the authority in matters related to fire safety and emergencies such as fire, medical, hazardous material, confined space rescue including providing emergency medical services at special events.

Emergency Procurements: An emergency condition is a situation which creates a threat to public health, welfare, safety, or property such as may arise by reason of floods, epidemics, riots, equipment failures or similar events. The existence of the emergency condition creates an immediate and serious need for services or construction that cannot be met through normal procurement methods. The Central Purchasing Office may either initiate or authorize others to make emergency procurements, provided that such emergency procurements shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency procurement and for the selection of the particular contractor shall be included in the procurement file. Emergency procurements shall not include the purchase or lease-purchase of heavy road equipment. In the event of an emergency, as defined above, the Central Purchasing Office may purchase without bids. During regular working hours, the Central Purchasing Office should be informed at once of emergency purchases greater than \$2,500. When circumstances beyond the department's control prevent

following established procedures or when delay would be detrimental or prove costly to the university, an emergency purchase may be made with the approval of the purchasing director.

### **2.35 Information and Technological Services**

It is the policy of the university to provide information and communication technology resources and services to support the educational, research, and public service missions of the university. One of the charges of Information and Technological Services is to develop and implement policies and procedures necessary to insure the effective, secure, and appropriate use of university information resources and services. Further information about university policies and procedures related to information technology, as well as Information and Technological Services resources and services is available at the Computer Center Building and on the Information and Communication Technologies (ICT) web site <<http://ict.nmsu.edu/>>.

Use of Computer Software: The university licenses the use of computer software from a variety of outside companies. The university does not own this software or its related documentation and unless authorized by the software developer, does not have the right to reproduce it except for backup purposes. With regard to Client/Server and network applications, university employees shall use the software only in accordance with the license agreements. University employees shall not download or upload unauthorized software over the Internet. University employees learning of any misuse of software or related documentation shall notify the responsible manager (vice president, dean, director or department head) or the university's legal counsel. According to applicable copyright laws, persons involved in the illegal reproduction of software can be subject to civil damages and criminal penalties including fines and imprisonment. The university does not condone the illegal duplication of software. University employees who make, acquire, or use unauthorized copies of computer software shall be disciplined as appropriate under the circumstances. Such discipline may include termination. Any doubts concerning whether any employee may copy or use a given software program should be raised with the responsible manager before proceeding.

[See Software Copyright Compliance Guidelines at <<http://www.nmsu.edu/~audit>>. (Click on AHelpful Tools for Departments.@) ]

### **2.37 Investments**

Investments shall be made by the senior vice president for business, finance and human resources, Assistant Vice President, Controller and director of Treasury Services. These will be reviewed with the President of the university on a regular basis, at least semi-annually.

Statement of Policy: 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.

The policy is designed to govern all investment transactions for the prudent investment of cash balances, and to maximize the efficiency of the university's cash management system. The goal of the policy is to protect funds by investing such funds in a manner, which provides for the safety of principal and adequate liquidity, while maximizing investment income.

Cash balances of the university may be held in interest and non-interest bearing demand and interest-bearing time deposits of financial institutions, or invested in securities and/or other financial instruments which, under the direction of the Board of Regents, are considered to be relatively safe. The Board of Regents has the authority to make investment decisions in the best interests of the university. . As such, 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.

Return on Investment: Except for non-discretionary funds defined below, the goal of the university's investment program is to achieve a rate of return on investments at least equal to the average rate of return on the one-year U.S. Treasury bill for the reporting period, or other appropriate performance measures as determined by the senior vice president for business, finance and human resources.

Returns on non-discretionary funds shall be reasonable and consistent with the investment objectives, external constraints and cash flow characteristics of the specific funds.

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.

Legal Restrictions: 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 business, finance and human resources has been authorized to make investment decisions. Investments shall be made in such a prudent manner as to ensure a reasonable yield with a minimum risk, in compliance with this policy.

Permitted Investments: Cash balances of the university may be held in interest and non-interest bearing demand and time deposits of financial institutions or invested in securities and/or other financial instruments which are not contrary to Section 6-8-10, NMSA 1978, existing bond covenants or any other externally placed restrictions. Under these restrictions, authority is granted to invest cash balances not required for immediate disbursement, including non-discretionary bond proceeds, in specific types of money market instruments as follows:

1. Direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America; or certificates or receipts established by the United States Government or its agencies or instrumentalities representing direct ownership of future interests or principal payments on direct obligations of, or obligations fully guaranteed by, the United States of America or any of its agencies and instrumentalities, the obligations of which are backed by the full faith and credit the United States.
2. Obligations of, or obligations guaranteed as to principal and interest by, any agency or instrumentally of the United States which are backed by the full faith and credit of the United States, including but not limited to: General Services Administration-participation certificates, Government National Mortgage Association (GNMA)-Guaranteed mortgage-backed securities and GNMA-guaranteed participation certificates, U.S. Department of Housing & Urban Development-local authority bonds, and U.S. Export-Import Bank-fully guaranteed obligations.
3. Accounts with banks and savings and loan associations or branch institutions located in New Mexico, provided that the banks and savings and loan associations, and the collateral securing the investment permitted by the section, satisfy the requirements for the deposit of public money required by applicable state guidelines.
4. Bonds of negotiable securities of the State of New Mexico or of any agency or political subdivision or school district thereof which has a taxable valuation of real property for the last year of at least one million dollars and has not defaulted in the payment of interest or sinking fund obligations or failed to pay any bonds at maturity at any time within five years preceding the date of investment.

5. U.S. Treasury generic STRIPS (Separate Trading of Registered Interest and Principal), which are direct obligations of the U.S. Treasury department. U.S. Treasury generic STRIPS represent government securities sold at a true discount, as opposed to synthetic or mortgage-backed STRIPS sold through brokerage houses, wherein principal payments are separated from interest payments by a trust fiduciary, creating principal-only and interest-only securities.
6. The >short-term investment fund@ described in Section 6-10-10.1, NMSA 1978, or other similar pooled fund maintained by the State of New Mexico for the investment of public funds of the local public bodies of the state.
7. Repurchase agreements involving the purchase and sale of securities and guaranteed investment contracts with a bank, savings and loan association or credit union, or alternatively, a brokerage firm or recognized institutional investor having a net worth in excess of \$500 million, the par value of which is collateralized by the perfected first pledge of, or security interest in, or the payments of which are unconditionally guaranteed by, obligations of the type set forth in paragraph 1, 2 or 5 of this section, which collateral is held by the university, or for the benefit of the repurchase agreement, with a collateralized value of at least 102% of the par value of such repurchase agreement or guaranteed investment contract or 102% of the market value thereof, valued at intervals of no less than monthly and which collateral is not subject to any other pledge or security interest.
8. Obligations of the following government-sponsored agencies: Federal Home Loan Mortgage Corporation participation certificates and senior debt obligations; Farm Credit System (formerly: Federal Land Banks for Cooperatives) consolidated system wide bonds and notes; Federal Home Loan Banks consolidated debt obligations; Federal National Mortgage Association senior debt obligations and mortgage-backed securities (excluding stripped mortgage securities which are valued greater than par on the portion of unpaid principal); Student Loan Marketing Association senior debt obligations (excluding securities that do not have a fixed par value and/or whose terms do not promise a fixed dollar amount at maturity or call date) and letter of credit backed issues; Financing Corporation debt obligations; and Resolution Funding Corporation debt obligations, including REFCORP STRIPS (Stripped by the Federal Reserve of New York).
9. Money market instruments and other securities of commercial banks, broker-dealers or recognized financial institutions, which securities or institutions are rated in the highest Rating Category by any nationally recognized rating agency or which securities are guaranteed by a person or entity whose long-term debt obligations are rated in the highest rating category by any nationally recognized rating agency, including, without limitation, securities of, or other interests in, any open-end or closed-end management type investment company or investment trust registered under the provisions of 15 U.S.C. Sections 80(a)-1 et. seq., which invest only in, or whose securities are secured only by, obligations of the type set forth in paragraph 1, 2 or 5 of this section.
10. Certificates of deposit, time deposits and banker=s acceptances of any bank or savings and loan association located outside of New Mexico, the short-term obligations of which are rated in any of the three highest Rating Categories by any nationally recognized rating agency, provided that such deposits must be fully secured by obligations of the type set forth in paragraph 1, 2 or 5 of this section and held in safe-keeping for, or on behalf of, or held in book-entry form in the name of, the university.

Non-discretionary Funds: For the purposes of this policy, non-discretionary funds are defined as those funds, which are externally-restricted to specific types of investments. Non-discretionary funds include, but are not limited to: bond proceeds; endowments managed by the university; and other sponsored project or gift funds with specific investment requirements.

Notwithstanding any other provision of law to the contrary, proceeds of bonds and other securities of the university and amounts set aside by the university in a project acquisition fund, sinking fund or otherwise for payment of university bonds or other securities or in a reverse fund related thereto may, where allowable, in addition to the aforementioned securities, also be invested in:

1. Obligations, the interest on which is excluded from gross income of the recipient for federal tax purposes and any other instrument which does not constitute an investment property under section 148 of the Internal Revenue Code, as amended from time to time, which is rated any of its three highest major Rating Categories by any nationally recognized rating agency.
2. Any other investment specifically permitted by bond resolution authorizing the issuance of the bonds or other securities or set forth in a resolution, escrow agreement or trust agreement, approved by the Board of Regents, relating to the bonds or other securities.

All non-discretionary funds will be invested in compliance with accepted external restrictions.

Investment Management Duties: Responsibility for the day-to-day management of the university's investment program is delegated through the senior vice president for business, finance and human resources to the Treasury Services department of that unit. The director of Treasury Services shall act as the Investment manager for the university.

The primary investment management duties assigned to this position are:

1. Preparing cash flow projections and structuring the university's investment portfolio to meet liquidity requirements.
2. The ongoing management of the university's investment portfolio, including all purchases, sales and trading activities. This will encompass responsibilities for the timely deposit and safekeeping of all cash balances of the university, and the direct responsibility for placing specific investments with financial institutions in accordance with this policy.
3. Recommending investment guidelines to the senior vice president for business, finance and human resources and designees, including recommended investment maturities.
4. Presenting short-term investment recommendations for new monies to the Controller.
5. The preparation and presentation of a comprehensive set of reports designed to keep the senior vice president for business, finance and human resources and designee fully apprised of all investment transactions and current status of the university's investment portfolio.
6. Maintaining a system of internal controls to guarantee the integrity and security of the university's investment portfolio and cash balances, which shall be reviewed by university's administration and independent auditors on an annual basis.

Selection of Appropriate Investments: Individual investments are selected to meet anticipated cash requirements and provide adequate liquidity to meet university obligations. Within these cash flow considerations, the investment manager will select those securities, which will best meet the university's portfolio objective. The investment manager will continually analyze the risk/reward relationships existing in the marketplace with particular emphasis given to the following factors when selecting a specific security for inclusion in the university's portfolio.

1. Relative Yield-to-Maturity: comparison of return available from alternate investment media for comparable maturity dates.

2. Marketability: analysis of relative marketability of alternate investments in case of forced sale and/or possibility of future trade.
3. Intermarket Yield Analysis: analyze the spread relationship between sectors of the market, i.e., Treasury Bill vs. Discount Notes, to take advantage of aberration in yield differentials.
4. Yield Curve Analysis: analyze the slope of the yield curve to determine most attractive maturities for earning maximum return with minimum risk.
5. General Economic and Interest Rate Outlook: review and analyze current literature on interest rate projections to assist in timing transactions and selecting appropriate maturities.

Maturity Restrictions: Investment maturities for cash balances will be scheduled to coincide with projected cash flow. The university will not commit any discretionary funds to maturities longer than three years from the date of purchase. Investment of non-discretionary funds will reflect maturity dates not to exceed the final maturity dates established within the funds= restrictive purposes. At least 50% of all cash balances will be invested in maturities under two years.

Diversification: The university will diversify its use of investment instruments to avoid incurring unreasonable risks inherent in over-investing in specific instruments, individual financial institutions or maturities. With the exception of U.S. Treasury securities and authorized pools, no more than 50% of the total investment portfolio will be invested in a single security type or with a single financial institution or at a single maturity.

Trading Securities (Swaps): The university will attempt to take advantage of temporary aberrations in the market by trading securities of comparable quality to further improve the overall rate of return on the portfolio. It is the policy to trade only if both an improvement in yield (pick-up in basis points) and an increase in net monetary return will be realized by the university over the life of the original investment. Three basic trading techniques are used to accomplish this goal:

1. The Substitution Swap: this technique involves trading in owned security of a certain class i.e., U.S. Treasury Notes, for a comparable security of equal quality, i.e., U.S. Treasury Bills (or other Notes), for a net pick-up yield. The new security is a perfect substitute for the old security in terms of quality, maturity, and marketability.
2. The Intermarket Spread Swap: this technique takes advantage of the Aspreads@ in yield, which exist from, time-to-time between different sectors of the market, i.e., Treasuries vs. Agencies. (An example would be to sell Treasury Bills or Notes and purchase FHLB Discount Notes or debentures of comparable maturity when the Aspread@ becomes wider than is considered Anormal@ under prevailing market conditions.)
3. The Maturity Extension Swap: this technique involves lengthening the maturity of owned securities when a Anormal@ upsloping yield curve exists to take advantage of higher returns at longer maturities. (In the case of an extreme inverted yield curve, maturities can sometimes be shortened to achieve a net gain.) A yield pickup may be achieved by rolling out the curve within the same class of securities or by intermarket extensions which must be evaluated not only on the relative maturity extension, but also on the relative intermarket spread. Maturity extension swaps are subject to restrictions imposed by cash disbursement requirements.

The investment manager will **not** engage in any other Trading Techniques unless prior written approval is obtained from the senior vice president for business, finance and human resources.

The following criteria are established for evaluating a swap in the university=s marketable securities portfolio:

1. On maturities of one year or more, the gain per transaction must be at least \$1,000.00 per million dollars (GPM) invested.
2. On maturities of 90 days to one year, the gain per transaction must be at least \$500.00 per million dollars invested.
3. On maturities of less than 90 days, trade will be made at the discretion of the university's investment manager.

In many yield pickup transactions (particularly when interest rates are rising), a book loss must be recorded at the time of the sale of the owned investment. It is the policy of the university to charge the loss against the interest income account, recognizing that this loss will be fully recovered, and an incremental gain will be earned, over the life of the original investment.

Safekeeping and Collateralization: All investment securities other than local financial institution Certificates of Deposit purchased by the university will be held in the university's name by a third-party custodian approved by university administration. All transactions will be evidenced by safekeeping receipts.

Deposit-type securities will be collateralized in accordance with the State Board of Finance collateral policy.

Authorized Financial Dealers and Institutions: The director of Treasury Services will maintain a list of financial institutions authorized to provide investment services. No deposit shall be made except in a qualified depository as established by the Board of Regents. In addition, a list will be maintained of approved security broker/dealers selected by credit-worthiness. These may include a primary dealers or regional dealers that qualify under Securities & Exchange Commission Rule 15C3-1 (uniform, net capital rule).

An annual review of the financial condition and registrations of qualified dealers and institutions will be conducted by the director of Treasury services. A current audited financial statement is required to be on file for each financial institution and broker/dealer with which the university deposits and invests monies.

The university will give first preference to investment with local dealers and institutions within the guidelines of this policy. Investment with out-of-state dealers and institutions will require prior approval of the senior vice president for business, finance and human resources or and designees.

Case Pools and Interest Allocation: Except as noted below, the investments of the university (including amounts held in interest-bearing demand and time deposits) are pooled in order to determine a weighted average monthly interest earnings rate. In order to compute this rate, all such investment earnings are accrued monthly, including amortizing premiums and crediting discounts on short and long-term investments.

The monthly earning on these pooled investments are allocated to various university accounts in accordance with externally mandated requirements (i.e., bond resolutions) and other internal designations. Nothing herein shall prohibit separation of bond proceeds, reserve funds, or other non-discretionary funds from the pooled investment fund. The senior vice president for business, finance and human resources approves all such internal designations. The allocation is based upon the average monthly cash balance in each of these university accounts, with the remaining balance of the pooled earnings being allocated to unrestricted current funds.



Under this method, all of these designated university accounts (other than current unrestricted funds) will be presumed to have 100% of their cash balances invested in the Apooled@ investment account, unless the senior vice president for business, finance and human resources determines that lesser percentage is to be utilized for a given account(s).

At the discretion of the senior vice president for business, finance and human resources, separate investment accounts may be set up at external institutions and utilized to adequately monitor the earning of certain university accounts. These separate accounts are also restricted to investments that are considered relatively safe, as determined by the Board of Regents.

## **2.40 Legal Services**

The Office of the President shall be the only office authorized to be served with all suits, summonses, garnishments, and other legal documents for the university. The president is authorized to initiate or defend any legal proceeding involving or affecting the university, the Board of Regents, any administrator, a member of the staff, a member of the faculty, or a member of the student body. The president will seek confirmation of any action taken at the Board's next regularly scheduled meeting. The Board authorizes the general counsel to represent all university employees who are defendants in a lawsuit which results from the performance of their duties as employees of the university. It is the intent of the Board that the university represents such defendants in both their individual and professional capacities as long as the general counsel determines that the defendants were acting within their duties and responsibilities as employees of the university. The general counsel will inform the Board on a regular basis concerning the actions taken under this policy. Official contracts or agreements must have the approval of the general counsel as to form. Contracts and other matters which do not require special consultation with the general counsel prior to approval will be processed by attaching a Contract Approval Form which will be routed to the general counsel. Any university employee who wishes to discuss official university business with the general counsel may, with the concurrence of appropriate department head/director and dean/vice president, make an appointment by calling the Office of the General Counsel. The members of the Administrative Council may call the general counsel directly to make appointments.

## **2.45 Lobbying**

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

## **2.50 Naming Policies**

Guidelines for Renaming an Academic Unit in Honor of a Person(s) or Organization: From time to time opportunities arise to name an academic unit (such as a program, center, department, school or college) in honor of an alumnus, friend of the university, public figure, (persons or organization).. Such recognition honors both the individual and the university, enhancing the stature of the named unit. In such cases, a major benefit to the university should be clearly documented.

1. In consideration of naming an existing academic unit or one to be established, the primary criterion will be that the person (persons or organization) to be honored has made a substantial

contribution to the university. It will be the policy of the Board of Regents not to name an academic unit after any person who is presently employed by the university or serving as a regent of the university.

2. A unit may be named after a member of the university community who has been retired from the university for at least 1 year or who is deceased.
3. Requests may originate from any source and must be submitted in writing through normal administrative channels to the executive vice president and provost, who, after consultation with the vice president for university advancement, shall inform the president. Strong support from persons in the unit to be named and from subsequent reviewers in the administration will be required for further consideration. Such supported requests will then be referred to the Academic Deans Council for recommendation through the executive vice president and provost to the president. If supportive of the recommendation, the president will submit it to the Board, whose action will be final.

Requests for Approval of Naming Opportunities: All naming requests are subject to approval. (Procedures are outlined in the AReview and Approval of Naming@section in this chapter.)

General Considerations: In the consideration of naming an existing building, room, street, or mall, or one to be constructed, the first priority shall be given to honoring that person or persons who have made substantial contributions to the university. It shall be the policy of the Board of Regents not to name any building, room, street, or mall, or other facility, after any person who is presently employed or serving as a regent. A facility may be named after a member of the university community who has been retired from active service for at least 1 year, or who is deceased. Under special circumstances, a naming opportunity may be granted without a monetary gift for an individual who merits special recognition. The Naming Committee will review the proposed naming. Considerations include the impact the proposed honoree has had on the university, civic and philanthropic activities, and contributions in the honoree's chosen field/career. The university reserves the right to decline a gift for any and all naming opportunities covered by this policy. (See ARemoval@ section) The recommendation of the Naming Committee to undertake any construction effort is subject to final project approval in accordance with university and state policy.

Acceptable Forms of Gifts to Result in a Naming: The Naming Committee will consider a variety of gifts for naming opportunities, including: cash gifts, gifts of appreciated securities, life income gifts (charitable gift annuity, deferred gift annuity), gifts through estate planning, and gifts-in-kind. The Naming Committee will follow federal and state regulations applicable to the Office of the Vice President for University Advancement in determining the value of each gift. As needed, endowment agreements shall include language that provides for instances where the original intent of the endowment changes.

Modification, Relocation, or Demolition of Named Property: As the university grows, it may become necessary to modify, relocate or tear down named university property. In the event such actions are necessary, the appropriate vice president(s), dean(s), or director(s), and the Naming Committee will convene to discuss the proposed change. The university will honor a naming opportunity for the life of the property, unless otherwise noted in the agreement. In the event that a named property must be torn down, the Naming Committee will contact the donor or donor's authorized representative to arrive at a mutually acceptable solution that preserves the history of the gift. Solutions may include (1) the placement of a plaque adjacent to the former site of the facility that memorializes the gift and the facility that used to stand there or, if applicable; (2) the naming of a space in any new structure erected on the site. The university reserves the right to not retain any names assigned to internal portions of a property that is torn down. The Naming Committee will address such instances on a case-by-case basis. Approval for changes must be obtained using this policy and set of procedures.

Removal of a Name: The university reserves the right to remove a name from any and all naming opportunities covered by this policy. The Naming Committee will convene to discuss the circumstances surrounding the issue and make a recommendation to the president and Board of Regents as to whether the name should be retained or removed. Circumstances that may lead to the removal of a name include:

- § The perpetration of a heinous crime by an individual whose name appears on a naming opportunity.
- § Donor failure to fulfill gift commitments as specified in the agreement (e.g., estate gifts, where the donor was to name the university as a beneficiary; failure to complete a multi-year pledge, etc.).

Memorializing the Named Gift on the Site: All signage, including plaques and lettering for buildings, will conform to standing university practices and procedures. In order to ensure uniformity and clarity, the university retains the right to direct how names are displayed on buildings. The Naming Committee will meet with the appropriate vice president(s), dean(s), or director(s) associated with the naming opportunity and the university architect to determine the most appropriate placement for naming. A name shall appear on the exterior of a building if it is (1) the name for that specific building (e.g., Breland Hall) or (2) the name for the sole occupant of the building (e.g. The Conroy Honors Center). Other naming opportunities may result in the placement of a name on the exterior of a building. The Naming Committee will convene to address these opportunities on a case-by-case basis with the appropriate vice president(s), dean(s), or director(s) and the university architect. Every building named, the names of all current buildings, and those named hereafter, will have a function designation (e.g., O'Donnell Hall – Education; Clinton P. Anderson Hall – Physical Science Laboratory; Gardiner Hall – Physics; etc.). Names of buildings and facilities with functional names may be amended to reflect future dedications. Some buildings may be designated by a combination of their dedicated and functional names (e.g., Zuhl Library).

Postponed Naming: Instances may occur where a donor wishes to make a named gift, but prefers to postpone the formal naming until a future date. The Naming Committee will work with the donor to achieve a mutually acceptable solution.

Ownership of Gifted or Purchased Items: All named property is property of the Board of Regents.

Approval from Parties Outside the University: The recommendation of the Naming Committee to undertake any construction effort is subject to final project approval in accordance with university and state policy; therefore, the Naming Committee will review all proposals and make a recommendation. Some naming opportunities, including those that impact the property of the university, may be subject to approval from parties outside of the university. The Naming Committee will coordinate with the Office of the Senior Vice President for Planning, Physical Resources and University Relations to gain such approval. It is the responsibility of the Office of Human and Physical Resources to handle any construction project, including the project submission to the Board of Regents, Higher Education Department, and State Board of Finance.

Amendments to the Policy and Procedures for Naming Opportunities: The Naming Committee will review all proposed changes to the policy and procedures and make a recommendation to the Administrative Council for approval.

Creation and Responsibilities of the Naming Committee: A permanent Naming Committee is established by this policy. The Naming Committee is charged with ensuring that names are consistent and appropriate.

The Naming Committee will consist of the following individuals:

- § Vice President for University Advancement (Chair)
- § Executive Vice President and Provost
- § Senior Vice President for Business, Finance and Human Resources
- § Senior Vice President for Planning, Physical Resources and University Relations
- § Chair, Faculty Senate
- § Chair, Advisory Council on Administrative Policy (ACAP)
- § Chair, Campus Planning Committee
- § Vice President(s), Dean(s), or director(s), when applicable

The Naming Committee will:

- Enforce the *Policy and Procedures for Naming Opportunities*.
- Educate appropriate campus representatives and prospective donors of the policy for proposing and selecting names.
- Serve as the official forum for the evaluation, research, and recommendation of names.
- When necessary, will recommend a specific name in response to a naming opportunity.
- Evaluate and recommend, in consultation with the appropriate dean and development officer, an appropriate gift size for the proposed naming opportunity.
- Maintain a list of all buildings (named and unnamed), outdoor structures and other property, and forward all records of approved dedications and building names to the Office of the Vice President for University Advancement for maintenance.

Review and Approval of Naming: The vice president(s), dean(s), or director(s) should submit a formal letter to the vice president for university advancement requesting review of a naming opportunity. The letter should discuss the importance of the naming to the university; the details surrounding the gift and/or honorary naming; and any other conditions or concerns of the naming. Supporting documentation should include a resume or discussion of the individual(s) being honored as well as letters of reference or recommendation from individuals. Plans for any plaque, signage and/or maintenance should be identified. The Naming Committee will review the proposed naming and forward a recommendation to the president. If Board of Regents approval is required, the president will return the recommendation to the vice president for advancement for the purpose of creating draft documents and scheduling the item for the next Board meeting. The Board has final authority to approve the naming of buildings, colleges, schools, departments, centers, institutes, malls, streets and the like. The vice president for university advancement informs the Naming Committee, the vice president(s) dean(s), director(s), and other party(s) involved of final approval. Approval for the naming of any building, facility or other physical property must be secured from the Naming Committee prior to any discussions with donors concerning the naming opportunity. The Naming Committee will not accept any obligation to honor commitments made by faculty, staff, or members of the administration without its prior written consent and approval.

Gift/Honorary Naming Guidelines:

Entire Building:

- Generally not less than 35% of project costs or \$1 million, whichever is greater.
- Reviewed by Naming Committee; subject to President and Board of Regents= approval.

Unnamed Existing Buildings:

- Establishment of an endowment generally equivalent to not less than 35% of the calculated replacement costs of the building, including additions, or \$1 million, whichever is greater.
- Reviewed by Naming Committee; subject to President and Board of Regents= approval.

Building Additions:

- Generally not less than 35% of project costs.
- The donor should first be advised of all naming opportunities associated with the entire building. For example, if the addition is home to an unnamed department, institute, etc. - and the costs are similar - the donor should be advised about these naming opportunities.
- If the donor decides to name the addition, the name should be placed above the addition's main exterior doors or on an interior location near the addition's main exterior doors. If the donor selects a different naming opportunity, see applicable policy.
- Reviewed by Naming Committee; subject to President and Board of Regents' approval.

Building Renovations:

- Generally not less than 35% of project costs.
- If the building qualifies as an unnamed building, then the building may be named if it meets all other requirements in this policy.
- If the building is not eligible to be named, then the donor should be advised of all naming opportunities associated with the entire building.
- Reviewed by Naming Committee; subject to President and Board of Regents' approval.
  - An unnamed building is defined as a building that has not been named as the result of a monetary gift and/or honorary naming.
  - A name may be appended to a building that already has a name if the original naming had no monetary gift attached (or if the donor of the first name agreed that an additional name could be added at a future date). The Naming Committee will address each potential naming on a case-by-case basis.

Donor Initiated Projects:

- 100% of project costs.
- If ongoing operations and maintenance costs will be incurred, an endowment sufficient to cover these costs may also be required.
- Reviewed by Naming Committee; subject to President and Board of Regents' approval.

Laboratory; Electronic Classroom; Other Classroom; Conference Room:

- \$100,000 minimum.
- All are reviewed by Naming Committee; subject to President and Board of Regents' approval.
- Laboratories, classrooms and similar areas should have functional names and are not permanent to specific locations. Campus needs may necessitate the reallocation of space to best serve the university. Therefore, the naming should be worded to allow for the reallocation of movable property. The Naming Committee will convene to discuss proposed reallocation with the appropriate vice president(s), dean(s) or director(s).

Benches, fountain, display space, other outdoor structures or areas:

- Case-by-case basis.
- Gift must cover the entire cost of the structure or installation and if ongoing operations and maintenance costs will be incurred, an endowment sufficient to cover these costs may also be required.
- Reviewed by Naming Committee; subject to President and Board of Regents' approval.
- As the university grows, so do the space needs of the campus. In order to successfully meet these needs, it may become necessary to remove an outdoor structure. Therefore, the university will

commit to the naming of a bench, fountain, display space or other outdoor structure or area for seven years, at which time the university is free of commitment to retain or remove the structure within the seven-year period, the Naming Committee will contact the donor or authorized representative to arrive at a mutually acceptable solution.

College - \$5,000,000 minimum. Addressed on a case-by-case basis.

Department - \$2,000,000 minimum. Addressed on a case-by-case basis.

University-wide Center/Institute - \$3,000,000 minimum

College- or Unit-based Center/Institute - \$1,000,000 minimum

- All gifts in this grouping should be in the form of an endowment.
- All are reviewed by Naming Committee; subject to President and Board of Regents= approval.

Chair - \$1,000,000 minimum

Professorship - \$250,000 minimum

Visiting Professorship - \$250,000 minimum

- All gifts in this grouping should be in the form of an endowment.
- All are reviewed by Naming Committee; subject to VP for Advancement and appropriate VP(s), dean(s) or director(s) approval.

Distinguished Lectureship - \$750,000 minimum

Visiting Lecture Series - \$100,000 minimum

Research Fund - \$100,000 minimum

Faculty Development Fund - \$100,000 minimum

- All gifts in this grouping should be in the form of an endowment.
- All are reviewed by Naming Committee; subject to VP for Advancement and appropriate VP(s), dean(s) or director(s) approval.

Post-Doctoral Fellowship - \$1,000,000 minimum

Full Graduate Fellowship - \$300,000 minimum

Research Fellowship - \$300,000 minimum

Graduate Tuition Scholarship - \$100,000 minimum

- A gift in this grouping should be in the form of an endowment.
- All are reviewed by Naming Committee; subject to VP for Advancement and appropriate VP(s), dean(s) or director(s) approval.

Full Undergraduate Scholarship - \$100,000 minimum

Undergraduate Tuition Scholarship - \$60,000 minimum

Undergraduate Book Scholarship - \$30,000 minimum

Scholarship or Student Award - \$10,000 minimum

- Recommended that all gifts in this grouping be in the form of an endowment. However, the donor may choose to establish Acurrent use@ scholarships or awards for options in this grouping.
- All are reviewed by Naming Committee; subject to VP for Advancement and appropriate VP(s), dean(s) or director(s) approval.

## 2.53 Police (University)

Authority: The university Police Department has the authority in all emergency situations to act as is lawful and necessary to protect lives and property. This includes the evacuation of buildings, closing

of streets, and implementation of emergency procedures. The decisions of the chief of police shall be final in all emergency situations until such time as the emergency is resolved. The university police have the duty to enforce all laws and certain regulations, to issue citations, to investigate and make referrals or complaints for criminal prosecution, and to notify appropriate university officials of significant crimes/incidents. Rules and regulations governing the Police Department are set forth in the New Mexico State University Police Manual of Policies and Procedures.

Private Security: The university police may establish and maintain requirements for any private security, private investigators, bodyguards, and similar personnel who work or are allowed to work on lands under the control of the Board of Regents. No department, office, or individual may hire/contract with said private security, private investigators, bodyguards, or similar personnel to perform services on the grounds of the university unless such is done in compliance with requirements established by the university police. In addition, no person or group hosting an event or function on the grounds of the university may employ or utilize security personnel described above unless they are in compliance with the established requirements as described in the university police manual.

Alarm Systems: The university police, in conjunction with Information and Technological Services, will establish and maintain requirements for any intrusion alarms, panic alarms, or personal safety alarms on the campus. This includes (1) the requirements that all alarms utilize a standardized system and that all alarms report to the Police Department, and (2) the charging of reasonable fees for monitoring alarms and for responding to false alarms. No alarms shall be installed on the NMSU campus after July 1, 1999 that are not in compliance with the requirements.

## **2.56 Purchasing**

Purchasing Policy: The university shall take all steps to assure compliance with the State Purchasing Act of New Mexico and with all federal regulations dealing with the procurement of equipment, supplies, and services. In addition, every attempt will be made to be fair in obtaining bids and information for preparation of bid requirements and bid specifications. The university will attempt not to favor one private firm or individual or person or company over another in obtaining information for preparation of bid specifications. Bids will be awarded to the lowest responsible bidder, giving due consideration to price, quality of product, and time of delivery. The president is authorized to promulgate and implement regulations pertaining to procurement consistent with the *Procurement Code of the State of New Mexico* which became effective November 1, 1984. In the event of a tie bid between two firms who are domiciled and residents of New Mexico, the firm awarded the bid will be determined by the toss of a coin. Each firm will be notified there is a tie bid and of the date and time when there will be a toss of the coin, so that either party, or both parties may be present. The Board of Regents' approval is required for purchase orders in excess of \$10,000; contracts in excess of \$10,000; and professional services in excess of \$20,000.

### **2.56.05 Professional Services Contracts**

Application: This policy provides for the procurement of professional services. Professional services covered by the statute are the services of architects, archeologists, engineers, land surveyors, landscape architects, medical arts practitioners, scientists, management and system analysts, certified public accountants, registered public accountants, lawyers, psychologists, planners, researchers, and persons or businesses providing similar services.

Purchases of Professional Services: The university may procure professional services in accordance with professional services procurement regulations promulgated by the Central Purchasing Office and approved by the Board, or when procuring professional design services, in accordance with the selection procedures approved by the Board for certain contracting with or procuring the services of accountants, attorneys, and medical practitioners, and for which there must be prior approval by the executive vice president and provost.

Procurement of Professional Services, Excluding Professional Design Services, Not Exceeding \$20,000: Before contracting with any person or firm to provide required professional services, the Central Purchasing Office must process a professional service contract or agreement in advance of the services being performed. The process will include confirmation of independent contract status, inquiries for conflict of interest, adherence to employment regulations, and will require the appropriate authorization signatures. The Central Purchasing Office shall examine the qualifications of the firm or individual and shall determine if the required services are at a fair and reasonable price. If a fair and reasonable price cannot be reached, negotiations will be terminated with that source and negotiations begun with the next most qualified source. Procurement requirements shall not be artificially divided so as to constitute a small purchase under this section.

Procurement of Certain Professional Services, Excluding Professional Design Services, in Excess of \$20,000: When the Central Purchasing Office is procuring professional services whose estimated costs will exceed \$20,000 such procurement shall be made using competitive sealed proposals. Such competitive sealed proposals shall be solicited through a Request for Proposals which shall include the specifications for the services to be procured; all contractual terms and conditions applicable to the procurement; and the date, time, and place where such proposals are to be received and reviewed. The Request for Proposals shall state the evaluating factors and the relative weight to be given the factors in evaluating the proposals. Notice of the Request for Proposals shall be published not less than 10 calendar days prior to the date set for receipt of proposals. The notice shall be published at least once in a newspaper of general circulation in the Las Cruces, New Mexico area. Other methods adopted by the Central Purchasing Office shall be used to notify prospective offerers that proposals are being solicited, including publication in a trade journal, if available. Request for Proposals shall be sent to those businesses which have indicated an interest in submitting proposals for particular categories of services. Offerers submitting proposals may be afforded an opportunity for discussion and revisions of proposals. Revisions may be permitted after submissions of proposals and prior to award for the purpose of obtaining the best and final offer. Negotiations may be conducted with responsible offerers who submit proposals found to be reasonable and likely to be selected for award. Taking into consideration the evaluation factors, the award shall be made to the responsible offerer whose proposal is determined most advantageous. The award of a professional service contract may be based upon criteria which does not include price.

Procurement of Accountants, Attorneys, and Medical Arts Practitioners: Inasmuch as the selection of accountants, attorneys, and medical arts practitioners involves decisions other than price, including but not limited to knowledge of the university, its staff, faculty, employees, students, personal reputation, rapport with the Board of Regents and administration, and approval by state agencies (such as the state auditor), the selection of such individuals shall be approved by the executive vice president and provost. This approval must be given before the selection is presented to the Business Office for processing. Neither proposals nor competitive bids are required for such procurement. The executive vice president and provost shall determine the method of selecting these professionals on a case by case basis. All such individuals so employed shall be subject to termination without cause upon such notice as the executive vice president and provost determines appropriate under the circumstances. A request for proposals shall be required for the selection of an outside auditor if the same auditor is used consecutively for 3 years.

Sole Source Procurements of Professional Service, Excluding Professional Design Services: A professional service contract may be awarded without competitive sealed proposals, regardless of the estimated cost if the Central Purchasing Office makes a determination, after conducting a good faith review of available sources and reviewing a written justification submitted by the requiring department, that because of its unique capabilities there is only one source for the required services. Negotiations shall be conducted with the selected source for price and terms in order to obtain the price most advantageous to the university. Research consultants may be considered Sole Source.



### **2.56.10 Procurement of Professional Design Services**

Professional design services means those professional architectural and engineering services required for the design and construction of a construction project including, but not limited to consultation, investigation, reconnaissance, research, preparation of drawings and specifications, furnishing of cost estimates, general administration of contracts and issuance of a certificate of completion. All procurements of professional design services shall utilize the professional design services selection process which has been approved by the Board of Regents. The Central Purchasing Office when preparing the agreement between the university, the Board, and the selected design architect, shall include a provision to the effect that all designs, drawings, specifications, notes, and other work developed in the performance of that contract become the sole property of the university.

### **2.57 Reserves**

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

### **2.60 Environmental Health and Safety (See Chapter 4 – Human Resources, General – Work-Related Injuries)**

Environmental Health and Safety: It is the policy of the university to promote good health, well being, and occupational safety for its faculty, employees, students, and visitors. This policy endorses programs which:

- § Provide safe and healthful conditions and reduce injuries and illnesses to the lowest possible level. No task is so important and no service so urgent that it cannot be done safely.
- § Assure compliance with federal, state, and local regulations providing for environmental health and occupational safety.
- § Provide information, training, and safeguards to faculty, staff, and students regarding health and safety hazards, and to the surrounding community regarding environmental health hazards arising from operations and events at the university.
- § Install and maintain facilities and equipment in accordance with recognized and accepted standards essential to reduce or prevent exposure to hazards by faculty, staff, students, and visitors.
- § Provide appropriate personal protective equipment to all employees at university expense when engineering controls are not adequate to minimize exposure.
- § Provide medical services as required by law and as may be dictated by existing circumstances or programs.
- § The Environmental Health and Safety Office develops and executes comprehensive health and safety programs for the university. These programs comply with all federal, state, and municipal laws, codes, acts, regulations and standards relating to health, safety and the environment. This environmental health and safety policy along with current details of responsibility and accountability for various issues can be found on the Environmental Health and Safety Office Web page <<http://www.nmsu.edu/~safety/>>.

### **2.60.10 Safety and Health – Environmental Health and Safety Office (See Safety and Health – main heading above)**

Environmental Health and Safety Officer: Copies of all Employer's First Report of Accident Forms and Supervisor's Accident Investigation Report Forms are sent to the Environmental Health and Safety Officer by the Human Resource Services Office. The Environmental Health and Safety Officer monitors all accidents and may conduct an investigation. Regulatory and occupational safety classes are provided on a regular basis by the Environmental Health and Safety Office (For information and schedule visit <http://www.nmsu.edu/~safety/>).

## **2.65 Social Security Numbers, Use of**

Each applicant must possess a social security card in order to be employed. If an applicant does not have a social security card or requests the use of a name that is different in any way from the name on the card, it is the responsibility of the applicant to have the matter corrected at the nearest Social Security Administration Office. Social security numbers are collected and legally required for federal and state reporting, including financial aid, tuition and fee payment and employment tax reporting. In the event that the university does not have the social security number for a student, a reasonable effort will be made to obtain this information. The social security number is a confidential record and is maintained as such by the university in accordance with the Family Educational Rights and Privacy Act.

## **2.68 New Mexico State University Technology Transfer Corporation, Inc. (now known as Arrowhead Center, 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 president, the executive vice president and provost, the vice president for research, graduate studies and international programs, and the senior vice president for business, finance and human resources. The chief operating officer will be the vice president for research, graduate studies and international programs.

## **2.69 Travel**

The university is required in the course of operations to authorize travel by several sources for divergent purposes and for different categories of individuals, specifically: Board of Regents travel; federally-funded travel; and other university travel. It is necessary for the Board to set travel policy in its management of the university which establishes appropriate accounting controls, and the unique nature of university operations may necessitate special travel policies to provide appropriate control over authorized travel which is critical to the operation and management of the university. (See the Travel Section of the *Business Procedures Manual* for complete travel policies.) Any travel policies which differ from New Mexico Department of Finance and Administration regulations are necessary to the sound operation and management of the university.

## **2.70 United Way**

The university participates in the annual community United Way Fund drive. Personnel are appointed by the president to contact university employees to support this endeavor. The purpose of this program is to afford the university's employees (regular employees only) an opportunity to participate, either by cash contribution or payroll deduction, at one time and not be subjected to multiple solicitations throughout the year.

## **2.75 University Advancement – Gift Income, NMSU Endowment, NMSU Foundation, Inc.**

All gifts of money, securities, and other funds can be invested to the greatest advantage of the university if said gifts are made to the NMSU Foundation, Inc. for the sole use and benefit of the university. Therefore, to the fullest extent permitted by law and by any controlling documents, all gifts and donations to the university should be managed, invested, reinvested, and distributed by and through the Foundation. The Board of Regents recommends to all persons or corporations desiring to make gifts or donations for the benefit of the university and its respective campuses that such gifts or

donations be made to ANMSU Foundation, Inc.® The return address furnished to donors and on all printed materials must be that of the NMSU Foundation, Inc., the Development Office, or the Office of the Vice President for University Advancement. All gifts received by the university, including gifts to any college, department or division, should be reported directly and immediately to the Office of the Vice President for University Advancement. Gifts in kind (noncash contributions) may be reported by memorandum or letter; gifts of cash or securities should be delivered promptly to the Development Office for receipting and deposit. The Office of the Vice President for University Advancement will be responsible for providing an official receipt to the donor, for appropriate acknowledgment, and for informing the appropriate campus personnel. However, departments awarding restricted gifts for student aid are entirely responsible for ensuring that all donor criteria, financial and otherwise, have been met. The Board prefers that real estate and gifts-in-kind be given free of restrictions which would reduce the full range of educational benefits which could be realized from the gift. If restrictions are imposed upon the gift or if the gift is such as to require costs of care, maintenance or upkeep, such gift must be first approved by the Board or its designees before acceptance by the Board. Gifts of real estate may be given through the Foundation, but are subject to the policies and the procedures of the Foundation.

Gift Income Spending Policy: The university recognizes the importance of private gift income in providing its colleges and departments the flexibility needed to achieve its goals and objectives. The university also recognizes that different colleges and departments will have varying needs and priorities for the use of the private gift income as they continue to develop and maintain quality programs. This policy is designed to provide those areas receiving private gifts the maximum amount of latitude to address these differing goals and objectives while at the same time maintaining the fiduciary responsibility inherent in the acceptance of these funds. Gift income received by the university from any external source, including the Foundation, will be expended in compliance with this policy. In all cases, exceptions may be made if these types of expenditures are sanctioned by the Offices of the President or Executive Vice President and Provost for college or university-wide functions. All expenditures must be for the enhancement or benefit of the university, in recognition of the university's official mission statement. In general, gift funds will be recorded in the current restricted fund, as they are externally restricted to purpose, even if internally unrestricted® as to nature of expenditure. Only those gift funds which are received by the university for any related university purpose, without restriction of any type, are to be recorded in the current unrestricted fund. Within this policy, restricted fund income will be subdivided into Arestricted® and Aunrestricted® gifts based only on the level of donor specification attached to the gift, as explained below.

Restricted Gift Income: For the purpose of this policy, Arestricted gift income® is defined as all gift income on which the donor has placed specific restrictions beyond the general purpose for which the income is to be used. Thus, income designated for a specific college or department's general use will be classified as Aunrestricted gift income,® as long as that college or department is given full authority to decide how the funds are to be best spent in compliance with the general guidelines detailed above. Any gift income which must be spent for a specific purpose, such as scholarships or travel reimbursement, or under any specific conditions, such as following a certain event or date, will be classified as Arestricted.® All restricted gift income, if accepted and expended, will be expended according to the written restrictions of the donor, without exception. The Office of the Vice President for University Advancement will be responsible for accepting these restrictions before the gift is accepted on behalf of the university. Following this approval, the documented restrictions will take precedence over the guidelines for disbursement of funds outlined below.

Unrestricted Gift Income: For the purpose of this policy, Aunrestricted gift income® is defined as all gift income received by the university and not classified as restricted gift income. Expenditures allowable from this category of gift income will be limited by applicable laws, statutes, and regulations, and by this policy. It will be the responsibility of the Business Office to identify gifts as Aunrestricted,® and to verify that donor's intent related to the department within the university in which the funds are to be spent is honored.

Authorization Structure: The standard approval structure in place for expenditure of nongift funds will be followed for gift funds. All nonpayroll expenditures are to be approved by the department head (where applicable), dean or director, and Office of the Senior Vice President for Business, Finance and Human Resources. All expenditures involving a payment for services rendered by a university employee will be processed through the Payroll Office, following all existing authorization requirements for the given transaction. All requests for exception to policy will be directed initially to the Office of the Senior Vice President for Business, Finance and Human Resources.

Cash Disbursement Controls: All existing university internal controls will apply to disbursements made from gift funds. All requests for expenditure will be submitted on the appropriate form; separate vouchers exist for requesting disbursements directly from the university and the Foundation. All vouchers will be accompanied by invoice or receipt support, or the attestation of the individual claiming reimbursement if other documentation is not applicable.

Guidelines for Disbursements of Funds: All gift income funds will be used by or for the benefit of the university in fulfilling its mission of teaching, research, and public service, including expenses sanctioned for the improvement of employee morale. All types of expenditures falling under these guidelines will be allowable, with the following exceptions:

1. Any payment in conflict with existing law, statute, or regulation applicable to private gift funds.
2. Charitable contributions made to entities or individuals external to the university. Where appropriate, expenses incurred by separate nonprofit organizations which could have legitimately been considered university expenses, such as those incurred by a separate student organization engaged in a university-related function, may be transferred with the approval of the Office of Senior Vice President for Business, Finance and Human Resources to the university.
3. Any duplicate payment for goods and services, or reimbursement of employee expense. Duplicate payments include the reimbursement of actual travel expense to employees who have already received per diem payment through other sources.
4. Payment for university employee services outside the payroll system.
5. Gifts made to university personnel except as a recognition of service to the university.
6. Loans to any individual, unless the gift was made for the specific purpose of establishing a loan fund.
7. Payment of fines imposed for violations of local, state, or federal law, unless resulting from university negligence.
8. Memberships in organizations, country clubs, or other expenditures for any individual, where it cannot be demonstrated that the expenditure is for the enhancement or benefit of the university.

Endowment Trust: The Board of Regents approved the revocable Endowment Trust Agreement to cover the establishment of endowments, making it possible to take money that has been privately contributed to the Foundation for endowed chairs, professorships, or lectureships and match it with monies from the State of New Mexico. The monies may be placed together into a trust, managed by the Foundation in such a way that the Foundation retains title to the private money and the Board retains title to the state money in a revocable trust. The Board may designate a change in trustee at its discretion at any time or may dissolve the agreement if it desires. The assignment may allow the Foundation its usual management fee as trustee. It must, however, contain provisions (1) for termination of the placement of all or part of these endowments in the trust at any time at the Board=s

sole discretion; (2) for annual accountings; and (3) for absolute authority on the part of the Board for the disposition of each of the endowments (consistent with the terms of each particular endowment).

NMSU Endowment Fund: This fund, managed by the Foundation, was established to enable faculty and friends to contribute to a permanent fund to strengthen the university's academic programs. Endowment funds are permanently invested, and a portion of the annual earnings are made available to support the programs selected by donors as the beneficiaries. Earnings over and above the amount available for expenditure are added to the principal. Many contributions are received as memorials from those who wish to convey their sympathy upon the death of a relative, friend, or colleague. The university provides an official receipt for all gifts, and, when contributions are made in memoriam, informs the family that a memorial gift has been made. Amounts of the contributions are not disclosed. Faculty and staff may contribute through the Foundation via payroll deduction arranged through the Business Office.

NMSU Foundation, Inc.: The New Mexico State University Foundation, Incorporated, is a private, nonprofit corporation whose only purpose is to accept and administer gifts in support of the university. The Foundation is a tax-exempt corporation, registered with the appropriate state and federal agencies. Contributions to the Foundation are exempt for federal income tax purposes. The Foundation, works closely with the university. Its directors, who are committed to attracting private resources for the benefit of the university, serve without compensation. Contributions may be made for annual operating expenses or for the endowment.

University-Affiliated Organizations: Numerous organizations have been established to support the Board of Regents in a variety of ways and are separate, not-for-profit entities. The focus of the following policy statement is on those organizations whose primary functions are to solicit, manage, and distribute funds and other assets that are given to these organizations for the support of the university in general or specific colleges or other program areas of the university. The university recognizes advantages of these organizations, such as:

- § Creating an opportunity for private individuals and organizations to invest in the enrichment of the programs with greater assurance that the benefits of their gifts supplement, not supplant, state appropriations to the institution.
- § Providing a corporate structure for managing private gifts, including endowments and income-producing real property, that do not jeopardize the university's tax-exempt status, create unnecessary unrelated business tax obligations, or create additional liabilities for the university.
- § Creating an effective forum for alumni and community leaders to participate in and contribute to strengthening the university through their participation in the solicitation, management, and distribution of private gifts and donations to the university.

(Other separate entities have been established for purposes unrelated to soliciting or managing gifts and donations on behalf of the university; i.e., the NMSU Research Park Corporation and Arrowhead Center, Inc., which engage in the commercialization of research productivity. However, this policy focuses on those organizations created to actively engage in raising funds for the university.)

Recognition: Any organization formed to represent the university or any college, department, or program area of the institution will receive approval by the university to represent it to prospective donors. A condition of any recognition of an organization will be that the organization agrees to conduct its business in concert with university policy for such organizations. A written agreement will be executed between the university and each organization, consistent with these policies but recognizing the specific significantly performing fund-raising functions until after the date of adoption of this policy (10/90) will be established as an arm of the Foundation, unless otherwise approved by the Board of Regents upon the recommendation of the president (or designee).

Statement of Purpose: The purpose of the organization will be clearly defined as being for the sole benefit of the university, or one or more of its specific programs. In order for the university to be able to support the organizations and not be in conflict with the state's anti-donation laws, the benefits to the university from the organization will be spelled out in the agreement.

Structure of the Organization: Organizations may structure themselves in any manner they deem appropriate to fulfill their role and responsibilities to the university, with the following understandings:

- The Articles of Incorporation and Bylaws and any amendments should have the approval of the university.
- A regent, the president (or designee) may be included as a voting member of the governing board of the organization.
- Unless specifically agreed otherwise by the university and the organization, the composition of the organization's governing board will be such as to assure continuation of the organization as an independent, legal entity separate from the university. Normally, more than 50 percent of the governing board membership of the organization must be non-university employees to assure continuation of the organization as an independent, legal entity separate from the university.
- When an organization has a beneficial affiliation with an organizational unit, the university organizational unit should be expected to provide the staff support for the organization. No such organization will use funds received by the organization for the benefit of the university to employ staff independently of the university. The university and the organization may agree to allocate some of the income the organization earns to the university for the specific purpose of supplementing institutional staff support. This provision does not preclude the affiliated organization from directly retaining professional services as is deemed necessary for the organization to fulfill its responsibilities to the donors and to the university, with the understanding that the retention of fund-raising and/or public relations consultants must be approved by the vice president for university advancement.
- The affiliated organization's Articles of Incorporation and Bylaws should assure the retention of the organization's legal status as a tax-exempt non-profit organization pursuant to Section 501(c)(3) of the Internal Revenue Code, or any successor statute, if applicable.

Solicitation of Gifts and Donations: Recognized affiliated organizations may organize and conduct fund-raising campaigns as they deem appropriate, except that major multi-year campaign solicitation of gifts and donations to support new academic programs or services, the major renovation of existing buildings, or the construction of new facilities may not be initiated without the prior approval of the president of the university. The initiation of any fund-raising campaign by any organization must be coordinated with the overall fund-raising activities of the Office of the Vice President for University Advancement to assure proper contact with potential donors. Each organization will, in concert with the Office of the Vice President for University Advancement, establish procedures for the review and acceptance of gifts and donations and for the coordination of solicitations and prospect contacts. The acceptance of any gift or donation that contains restrictions as to its use requires a matching fiscal obligation of the university, creates a future obligation of the university, or involves real property must be approved by the president (or designee). Although each organization would be expected to maintain records of gifts and donations received and to properly acknowledge such gifts, the university has designated the Office of the Vice President for University Advancement as the central record-keeping agency for all gifts and donations received on behalf of the university. The receipt of all gifts and donations must be reported to the Office of the Vice President for University Advancement. The Office of the Vice President for University Advancement is available to advise and/or assist any affiliated organization in designing and conducting fund-raising campaigns. No affiliated organizations will accept any funds intended for an university organizational unit which requires performance or service by the university. Income generated by a university program or service is revenue of the university and must be directly deposited into a university account.

Management of Gifts and Donations: All gift monies, whether received directly by the university or indirectly through a university-affiliated organization, will be managed in accordance with investment policies approved by the Board of Regents. Affiliated organizations are encouraged to deposit their gift receipts with the university for the specific organization. Oversight of the funds deposited in these Agency@ accounts is the responsibility of the organization. The university will provide all accounting services related to the funds for the organization. Short-term investment income earned by the university on funds in these accounts will be allocated to the accounts. Gifts received in the form of endowments by any recognized affiliated organization should be assigned to the Foundation, for investment management purposes. All endowments must be managed in accordance with investment policies approved by the Board. The identity of individual endowments will be maintained by the Foundation; however, endowment funds may be co-invested in a Apooled funds@ approach. Consolidation of the endowment investment management program provides the opportunity for cost-effective management of the endowments. Endowments retained by the organizations or transferred to the Foundation through revocable trust agreements will be maintained on the organization=s books. Gifts received in the form of real property will be managed in accordance with the donor=s request. If the donor specifies that the property be used by the university in its gift form, such as art work, library books, real estate, etc., the property will be transferred to the university. If the donor desires that the property be used to establish an endowment, or if the gift is real property or property interest, the gift will be assigned to the Foundation, for management purposes. The Foundation may retain the real property and use the income earned to accomplish the donor=s gift objectives. If the donor permits, and it is a better investment management decision to dispose of the real property, the Foundation will use the proceeds from these sales to establish the endowment. The Foundation, will obtain university approval before disposing of any real property. No individual member, director, or officer of an affiliated organization should accept any gift or gratuity that is offered because of the individual=s position held with the organization.

Distribution of Funds: Affiliated organizations will not disburse directly any funds in the form of compensation to a university employee without the express written approval of the president of the university and/or Board of Regents. Exceptions may be made for awards, recognition, etc. Any funds intended for employee compensation will be transferred to a university account and subsequently disbursed in accordance with university policies and procedures. The affiliated organizations will receive interest income earned on funds in agency bank accounts held by the university in the name of the organizations, and may use such income to cover operating expenses directly incurred by the organizations. Organizations should establish policies for the review of any business transactions involving its members and the organization. Members, directors, and officers of the organization should disqualify themselves from making, participating in, or in any way attempting to use their position to influence decisions in which they have or would have a financial interest. Organizations will establish policies which preclude the use of any funds received or earned by the organization to support any political candidate. Organization funds will be accounted for in the university agency=s fund, unless the university expressly approves the organization=s separate accounting system. All separate systems will follow all university internal control policies where applicable.

Reports: Each affiliated organization maintaining a separate accounting system will report monthly to the Office of the Vice President for University Advancement the receipt of all gifts and donations and expenditures related to these funds. Each affiliated organization will provide monthly a summary of cultivation and solicitation activities. Organizations should prepare annual reports for the university and Board that include standard financial statements required of non-profit organizations and any supplemental schedules requested by the university. The organization=s auditor=s opinion of these statements and schedules should be included in these annual reports, if applicable. Organizations should furnish to the university copies of all forms required to be filed by law, such as Form 990 and annual reports to the State Corporation Commission.

Audits: Organizations shall provide the university with the results of annual financial audits performed by an independent auditing firm selected by the organization. Any independent audit firm selected by

an organization that is not the same firm selected by the university must provide the necessary audit confirmations and assistance to the university's external auditor upon request. Organizations not required to provide an independent audit report should furnish to the university an annual financial report signed by the organization's president and treasurer. The Audit Services staff may review all items approved by the organization's board for release to the university, with the understanding that such items and any reports related to them will fall under the organization's internal audit policy. This information will not become a part of the university's public records. The organization will not be used to provide any instructional, research, or public service activity sponsored or participated in by a university department or individual university employee in the name of university unless allowed by the university for specific purposes. Under no circumstances should an affiliated organization offer an instructional program for university academic credit. Nothing herein is intended to make any affiliated organization subject to the New Mexico Open Meetings or Public Records Acts; nor is it intended to violate any confidentiality of donor information.

Institutional Support: In recognition of the support and contributions that these university-affiliated organizations give to the university, the university may provide logistic support at no cost to these organizations, such as:

- § Space for meetings and other needs that an organization may have in the conduct of its business.
- § Staff support as described previously. In those regulations where university staff have a responsibility of significant support to the affiliated organization, the organization's officers should be consulted in selection and evaluation of such staff.
- § Use of university's financial accounting systems for their fiscal management needs.
- § Utilization of computer-based information management systems, such as donor record-keeping, etc.
- § Use of the Central Purchasing Office's staff when assistance is required in arranging purchases. Under no circumstances will purchases be made for the organizations through the Central Purchasing Office.

Recognized affiliated organizations will be given a non-exclusive license to use the name ANew Mexico State University@ and any other appropriate trademarks or trade names of the university in connection with their fund-raising activities. The university may, from time to time, deem it appropriate to provide financial support to an organization's major fund-raising campaign.

Termination/Dissolution of Organizations: Upon termination of any agreement between the university and an affiliated organization, or upon the dissolution of any such organization, all assets held by the affiliated organization on behalf of the university shall become the property of the university, or such other affiliated organization as the university shall designate. This condition shall be included in the bylaws of any affiliated organization.

## **2.80 University Communications and Marketing Services**

The Office of University Communications and Marketing Services coordinates news, publicity, information, publications, and institutional marketing for the university. The university does not suppress Abad@ news or Aunfavorable@ publicity. This type of information will be released to the press through the Office of University Communications and Marketing Services, as soon as factual and detailed information can be obtained. The Office of University Communications and Marketing Services will not grant Aexclusives@ in material it originates. University news will be released simultaneously to all requesting media. The Office of University Communications and Marketing Services will not betray the confidence of a writer developing a story on events other than Asport news@ developments. The university will not ask professional writers to submit proposed copy for review or clearance.

World Wide Web Guidelines: The Office of University Communications and Marketing Services will format and maintain top-level university home pages – the main university home page and the second



tier of pages linked to it. Information and Technological Services will provide the technical support to help university clients provide and access information on the Web. All users of these resources are subject to Information and Technological Services General Use Policy. Instances of inappropriate use will be referred to the appropriate administrative unit.

NMSU Identity: (See university logo) The university colleges, departments, and other units will make their Web pages readily identifiable as New Mexico State University pages.

Web Page Content and Maintenance: Colleges and departments are responsible for preparing and maintaining their own Web pages. The information should be accurate, current, and useful. Each college or department that publishes a Web page will designate a staff/faculty person to be responsible for maintaining the accuracy and currency of the information published. Each Web page will be Assigned@ with an e-mail address so users can contact someone responsible for maintenance of the page with comments or to request information. Each page also will be dated as to its latest revision. This can be done unobtrusively with a line at the bottom of the page, such as: ALast modified xx-xx-xx.@Each home page for a department, college, or other unit will contain a link back to the NMSU home page.

Accessibility: All university pages should be in compliance with the Americans with Disabilities Act requirements regarding accessibility. Departments may consult the general counsel, the Institutional Equity/ADA director and Information and Technological Services for technical assistance.

Student Organizations: The university will provide links, through the ACampus Life@ page, to student organizations that are registered with the student services division. Each organization should identify a person as its Web coordinator, who will be responsible for the content of material published on the Web.

Personal Home Pages: The university is not responsible for the content of personal home pages. A disclaimer to this effect should appear at the top of any menu for personal home pages. The following disclaimer is suggested: AThe following pages are not official New Mexico State University pages. Comments about these pages should be directed to the page authors.@

Copyright: The university web site has been created by many different members of the university community using materials from various sources. Users of the university site should proceed with the assumption that these electronically published materials are protected by U.S. copyright law. The university requires users to make use of these materials for nonprofit educational purposes in accordance with the fair-use provisions of copyright law. Users should seek permission from the copyright owner for all other uses. To identify the copyright owner, please contact the webmaster of the page with the desired material.

Advertising and Sponsorship: All pages will comply with the university=s Information and Technological Services General Use Policy. Units may acknowledge contributors or sponsors on any pages, including specially designated sponsors= pages. Recognition of sponsors can include, but not go beyond, use of their logos, logo types, nameplates or names, brief phrase describing their business, and a link to their own Web sites.

## 2.85 University Logo

The university encourages its departments, laboratories and other organizations to use the university symbol to identify and promote themselves. The symbol must always be reproduced from an authorized version, available from the Office of University Communications and Marketing Services. It may not be redrawn, repropotioned or modified in any way. Specific rules about the colors in which the symbol may be reproduced may be found in the New Mexico State University Graphic Standards Manual. The symbol is registered with the U.S. Patent Office and should always appear

with the symbol of registration no matter how small the symbol is. Office of University Communications and Marketing Services will provide a digital version of the logo for Web use where appropriate.

## **2.90 University Records**

Because the university business records and reports are of critical importance in meeting financial, legal, and management obligations, they must always be prepared accurately and truthfully. Those who rely on these records and reports have a right to timely and accurate information. The integrity of university records is based on validity, accuracy, and completeness. All employees involved in creating, processing, recording, and reviewing such information are responsible for ensuring such integrity. Statutory or other legal requirements provide that certain records be retained for specific periods of time. Some records and documents may have to be held in connection with regulatory directives or other business purposes; therefore, no records may be destroyed, except in accordance with university procedures. Employees who become aware of the possible omission, falsification, or inaccuracy of information entered into university records, basic data supporting such entries, or any other such information, or of the improper destruction of records, are responsible for reporting this knowledge to Audit Services.

### **2.90.10 University Records – Family Educational Rights and Privacy Act**

The university maintains academic, disciplinary, and other records pertaining to students in accordance with the specifications of the Family Education Rights and Privacy Act (FERPA) of 1974. The following student information has been designated as directory information and is subject to release to the public under the Buckley Amendment (PL 98-380) of FERPA: name, address, e-mail address, telephone listing, date and place of birth, major field of study, classification, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent, previous education agency or institution attended by the student. Other information regarding disclosure of student data is posted at the Office of the Registrar in compliance with FERPA. Requests for withholding (student) directory information must be filed in writing with the Office of the Registrar by the third Friday of class. (See university records custodians listed in this section and Social Security (regarding use of numbers) in this section.)

### **2.90.20 University Records – Public Disclosure (See Catalogs regarding release of student information)**

The university's practice is to respond to public inquiries – including those from employees, governments, the press, and the general public – through an appropriate spokesperson in a prompt and courteous manner.

Personnel Records Disclosure: The human resource services director is designated as the custodian of personnel records. The human resource services director will respond to a written request for disclosure in accordance with the NM Inspection of Public Records Act. Advance payment of reasonable fees may be charged for copying records subject to disclosure. Certain personnel records are subject to public disclosure upon request. A written request for disclosure shall include the following:

- § The name, address and telephone number of the person seeking access to public records.
- § An identification of the records sought with reasonable particularity.

Certain employee records such as home address, home telephone number, date of birth, social security number, and other personal and/or confidential information are not considered public records and may not be subject to public disclosure.

### **2.90.30 University Records – Public Records Custodians**

The following positions are designated as official records custodians:

- Financial Records\* Senior Vice President for Business, Finance and Human Resources
- Personnel Records Director of Human Resource Services
- Student Academic Records The Vice President for Student Success
- Student Nonacademic Records The Vice President for Student Success
- NMDA Business Records Assistant Director/NMDA
- University Archives University Archivist

\*All transactions must be recorded accurately and promptly. Supporting documentation and records for transactions, such as agreements, invoices, request for reimbursement, and time and effort reporting must fairly and fully support the actual purposes and amounts of the transactions. Transactions must be recorded in the proper account. All university assets, liabilities, and components of fund balances will be recorded on the university books, and all accounts will be appropriately approved and maintained according to university policies and procedures.

### **2.90.40 University Records – Safeguarding of Personal Information**

In compliance with the Gramm-Leach-Bliley Act (GLB Act), Public Law 106-102 (1999), New Mexico State University protects the private, non-public information of students. New Mexico State University collects information such as:

- § Name (in combination with)
- § Social Security Number
- § Date and location of birth
- § Gender
- § Financial status
- § Salary history
- § Personal check information
- § Bank information - check routing numbers
- § Credit card numbers
- § Drivers license information

New Mexico State University's policy is to identify and safeguard this information, when required, with the appropriate procedures to insure compliance with the GLB Act. The university will manage private, non-public information in accordance with all applicable state and federal guidelines relating to the use, disclosure and retention of private, non-public information. Appropriate administrative, technical and physical security of this information is identified in the APlan for Creation and Implementation of Privacy and Safeguarding Guidelines@. A copy of this plan is available at [www.nmsu.edu/privacy](http://www.nmsu.edu/privacy).

### **2.90.50 Non-Disclosure Policy [Adopted by Administrative Council 5/9/06; ratified by Board of Regents 9/8/06]**

NMSU has developed a Non-Disclosure Agreement intended to define the responsibilities of those employees who are not faculty who have access to NMSU records that contain sensitive or confidential information about students, employees, donors or other individuals; and to record employee's recognition and acceptance of that responsibility.

Within NMSU, employees who are not faculty are authorized access to university records only to the extent necessary to perform their official university duties, and are responsible for protecting such information against unauthorized access or disclosure.

This policy is presently pending consideration by the Faculty Senate as to responsibilities of faculty members.

A copy of the Non-Disclosure Agreement is available at <http://www.nmsu.edu/Administration/nondisc.html>

## **2.92 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 president, the executive vice president and provost, the vice president for research, graduate studies and international programs, and the senior vice president for Business, Finance and human resources. 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.

## **2.94 Weather, Inclement (Closings)**

In the event of adverse weather occurring during normal university working hours (8 a.m. to 5 p.m.), the president and/or executive vice president and provost, after consulting with the university police chief and the senior vice president for Planning, Physical Resources and university relations, will decide whether an early closing is warranted. The Offices of the President and Executive Vice President and Provost will notify by telephone the persons in their direct reporting lines if and when university employees are to be released early. These administrators will in turn notify those who report directly to them. In the event of adverse weather which occurs prior to the beginning of normal working hours, the executive vice president and provost, after consulting with the university police chief and senior vice president for Planning, Physical Resources and university relations, will decide whether the opening of the university should be delayed for that day. If the executive vice president and provost decides that the university should not open until some time after 8 a.m., the executive vice president and provost will notify the associate vice president for university communications and marketing services (if possible, no later than 6 a.m.). The associate vice president for university communications and marketing services will have the responsibility of communicating the decision and the new time of opening to the local media and to the university information operator. In either event, regular university employees will be placed on administrative leave with pay for the officially announced periods of time of university closure, either because of early release of employees or late opening time. Hourly or student employees will receive leave without pay; but, with the concurrence of supervisors, may arrange to make up some or all of the lost hours. Employees living in outlying areas also may request annual leave from their immediate supervisor in situations in which they feel that, although the university is open, they cannot safely travel to work because of weather and road conditions. Annual leave normally will be granted in such cases. Administrators of services and facilities which must be staffed during adverse weather to provide essential services, such as university police, fire station, information and technological services, physical resources, and housing, will independently develop staffing plans to maintain these services.

## **Chapter 3**

### **Codes of Conduct, Permissible Activities**

- 3.05 Alcohol Policy [Adopted by Administrative Council 10/11/05; ratified by Board of Regents 9/8/06]
- 3.10 Campus Access (Prohibited, Restricted) [AP&P 211-212; BR 98-100]
- 3.15 Children in the Workplace (See Chapter 4 Human Resources - General - Children, Employment of) [AP&P 232]
- 3.19 Conflicts of Interest - Ethical Conduct
  - 3.19.10 General Statement
  - 3.19.20 Principles of Ethical Conduct
  - 3.19.30 Addressing Concerns Relating to Ethical Conduct
- 3.20 Conflicts of Interest and Conflicts of Commitment in General (See 3.75 Personal Use (of University Resources), 3.92 Sales and Solicitation, 4.50 Outside Employment and/or Activities, 4.60 Public Affairs Participation, 5.30 Faculty Consulting, 7.05 Educational Opportunities for Employees and Their Families, and 8.25 Professional Staff Consulting)
  - 3.20.10 Principles
  - 3.20.15 Procedures and Remedies in Case of Conflicts of Interest and/or Commitment
  - 3.20.20 Definition of Terms
  - 3.20.22 Member of the University Community
  - 3.20.23 Relationships
  - 3.20.24 Investigator
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  - 3.21.28 Appeals from Decisions Concerning Conflicts of Interest Arising from Sponsored Activities
  - 3.21.29 Retention of Records Concerning Conflicts of Interest in Sponsored Activities
- 3.22 Conflicts of Interest Arising from Consensual Relationships
- 3.25 Discrimination/Equal Employment Opportunity & Affirmative Action (See Chapter 4 Human Resources - General - Appeals-Discrimination) [AP&P 15, 131, 217, 247; BR 37, 114]
- 3.30 Disability Accommodation (See Chapter 4 Human Resources - General - Appeals) [AP&P 242,131; Personnel Ch. 8, p. 13]
- 3.31 Distribution of Effort [verbatim from BR 43]
- 3.35 Driving on Non-Road Areas [AP&P 202]
- 3.40 Drug-Free Workplace [AP&P 244-245; BR 49-51]
- 3.45 Equal Employment Opportunity (See Discrimination/Equal Employment Opportunity)
- 3.50 Firearms
- 3.55 Fires, Fireworks [BR 105]
- 3.60 Flags (National, State) [AP&P 202]
- 3.63 Freedom of Expression [new policy]
- 3.65 Intellectual Property (Faculty and Staff) (See Chapter 5 Faculty - Research)
- 3.70 Office Hours - Administrative (See Chapter 5 Faculty - Office Hours, Chapter 7 Benefits – Holidays, and Chapter 8 Staff – Workweek) [AP&P 231; Personnel Ch. 2, p. 6]

- 3.75 Personal Use (of University Resources)
- 3.80 Pets [AP&P 201]
- 3.82 Picnics [AP&P 201]
- 3.86 Political Activity [AP&P 256; BR 94, Appendix B]
- 3.90 Religious Denominations [AP&P 259]
- 3.92 Sales and Solicitation [AP&P 248]
- 3.94 Sexual Harassment Policy – Gender Discrimination (See Chapter 4 Appeals – Discrimination) [AP&P 132-133]
- 3.98 Smoking Policy [Adopted by Administrative Council 5/9/06; ratified by Board of Regents 9/8/06]

## CHAPTER 3 - CODES OF CONDUCT, PERMISSIBLE ACTIVITIES

### 3.05 Alcohol Policy *[Adopted by Administrative Council 10/11/05; ratified by Board of Regents 9/8/06]*

#### Statement of Purpose

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. These are concepts basic to all American freedoms.

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 right of those of legal age to consume alcohol if they so choose, providing they do so in accordance with this policy and all applicable laws.

This Alcohol Policy shall apply to every function or event, including but not limited to receptions, banquets, dinners, picnics, or any outdoor event, social event, and campus-wide activity sponsored by organizations or individuals associated with New Mexico State University. Off-campus events conducted by university approved organizations are bound by this policy.

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

#### Permissible Use of Alcohol

Where permitted under the policy, the use of alcohol shall be considered a privilege and may be allowed only if consistent with local, state and federal laws and university policy, and only when it does not interfere with the academic atmosphere of the university.

1. Students of legal age are permitted to use alcohol only in a manner consistent with this policy and the Student Code of Conduct.
2. Students who reside on campus and are 21 years of age or older may possess and consume alcohol as permitted by law and in areas designated by the director of Housing and Residential Life. Refer to the housing policy for those areas designated as "alcohol free".
3. Selling, either directly or indirectly, of alcoholic beverages on campus is prohibited, except in those university facilities possessing a state alcohol license granted under the authority of the Board of Regents, or where pre-approved by the president or designee by event type. The president or designee has authorization, at their discretion, to grant permission for the serving or sale of alcohol at any other on-campus events. All venues approved for the routine sale of alcoholic beverages must have in place an approved policy for the sale and service of alcoholic beverages.
4. Events occurring on campus involving alcohol must obtain the proper approval/permit. The following shall apply:
  - a. Any event involving alcohol must be registered and approved by the university in order to obtain a proper permit.



- b. Student groups, campus organizations and Greek affiliates who wish to host events involving alcohol must have proper policies in place, consistent with university policies and local, state and federal laws, before they will be issued a permit for their event.
- c. Student fees may not be used directly to purchase alcohol. However, in certain cases, student fees may be used to fund events where alcohol may be served, provided the appropriate permits are obtained and applicable policies are adhered to.
- d. Permits will be issued by the president or designee.
- e. State law requires that anyone serving alcohol must complete a class and receive a server's permit.

#### Unacceptable Use of Alcohol

NMSU discourages the use of alcohol that is inconsistent with local, state and federal laws and university policy. NMSU recognizes that the illegal use of alcohol interferes with the academic environment of this institution and the personal growth of its students.

1. NMSU explicitly prohibits the unlawful use, possession, sale, or distribution of alcohol or controlled substances by all students and employees. Any violation of applicable local, state, and/or federal law is considered to be a violation of this institution's policies.
2. Staff and/or students will be disciplined if their use of alcohol threatens to create disorder, public disturbances, danger to themselves or others, or property damage.
3. Students who have not yet reached legal age are prohibited from purchasing, using, and/or possessing alcohol.
4. Except as outlined by this policy, consumption or possession of alcohol intended for consumption is prohibited on the university campus. Possession of alcohol intended for consumption is permitted for the sole purpose of prompt delivery to a designated, approved location.
5. Open containers of alcohol are prohibited outside of designated areas.
6. Kegs, party balls or common containers are not permitted, unless in conjunction with an event approved by the president or designee.

#### Alcohol-Related Misconduct

1. Possession of false identification. Students found in possession of or attempting to use false identification in order to procure alcohol will be subject to the fullest force and effect of the consequences outlined in this policy and/or the Student Code of Conduct
2. Alcohol as an aggravating factor to other violations. If alcohol is found to be an aggravating factor in other violations of the Student Code of Conduct and/or local, state and federal laws, the student may be subject to more severe punitive sanctioning.
3. Off-campus violations of Student Code of Conduct. The university reserves the right to impose sanctions upon students and student organizations that violate this policy and/or the Student Code of Conduct, even if such actions occurs off-campus.

#### Consequences for Violations

1. Students found to be in violation of any of these policies through Student Judicial Services will be subject to disciplinary action ranging from Disciplinary Probation in conjunction with educational sanctioning through Expulsion from the university

2. Students in violation may also be subject to the disciplinary procedures of Housing and Residential Life, if applicable.
3. Staff or students found to be in violation will also be subject to all local, state and federal laws and nothing in this policy shall be construed to protect staff or students from such actions as local, state and/or federal law enforcement deem appropriate. Similarly, if local, state and/or federal law enforcement entities decide not to pursue action against violators, the university reserves the right to process violations through the Student Judicial Services and/or Housing and Residential Life, if applicable.
4. Staff or students who have not been found to be in violation of any of the policies herein who wish to self-identify and seek confidential help through the Employee Assistance Program, Counseling Center and/or the Wellness, Alcohol and Violence Education Program, will not jeopardize their employment or academic status. This benefit will continue as long as the staff member or student refrains from further alcohol misuse and/or abuse.

#### Tailgating

On days on which an NMSU football game is scheduled at Aggie Memorial Stadium, consumption of alcohol in designated areas is authorized, subject to the restrictions of this policy.

1. Tailgating will be limited to four hours prior to kick-off and two hours after the game ends. (Exceptions to the start /end times of tailgating may be granted based on scheduled kick-off time.)
2. Persons under the age of 21 are prohibited from drinking alcohol in accordance with state and federal laws and university policy.
3. Glass containers are not permitted.
4. Disruptive behavior, disorderly conduct, public drunkenness and similar types of behavior will not be tolerated.
5. Kegs, party balls or common containers of any kind are not permitted.
6. No alcoholic beverages may be brought into the Aggie Memorial Stadium.
7. For those of legal age, the quantity of alcohol beverages one can bring to the tailgate section is limited to the amount one person can reasonably consume.
8. Tailgating activities are allowed in parking lots located within the boundaries of Locust St East to Triviz- University Ave. South to Wells St. including lot 96 but excluding lots 38, 82, 83, 84, 85 and 89.

If the consumption of alcohol is a normal part of an academic class, written approval for use must be obtained from the Office of the Executive Vice President and Provost and the Alcohol Review Committee.

This alcohol policy shall apply to all NMSU campuses (main and community colleges) that have applied for and received a waiver from their respective county jurisdictions.

### **3.10 Campus Access (Prohibited, Restricted) *[edited from AP&P 211-213, reference BR 98-100]***

Restrictive Access Policy: In order to establish an appropriate environment and preserve university property for educational purposes, the university reserves the right to restrict access to some of its

lands and facilities. Academic spaces are generally used for educational purposes only, and buildings which serve as residences for students are restricted to students, their guests, and appropriate university employees. While some other university facilities and grounds are available to the general public, activities must be scheduled and authorized, and facilities/grounds must be used according to university rules and regulations. No individual(s), except for those contracted to reside on campus, shall temporarily or permanently remain overnight on the property of the Board of Regents, or dwell on the property of the Board, including but not limited to, in motor vehicles, or in temporary or permanent structures, without the specific prior approval of the vice president for student success (or designee). Members of the campus community, as well as visitors, are expected to behave in ways that do not interfere with the rights of others to pursue an education and/or do not disrupt community living on campus. Behaviors of any individuals that interfere with, disrupt, impair, or obstruct the processes, procedures, or functions of the university are prohibited.

Failure to comply with this policy could subject the individual to warning, probation, removal from the campus, arrest, barring from the campus, or any other sanctions applicable under the Student Code of Conduct, university personnel policies, or state or federal laws. Actions taken under this policy will be initiated by the appropriate dean or vice president (or designee). Contested administrative actions may be appealed in writing to the executive vice president and provost within 3 working days after receipt of the decision made by the appropriate dean or vice president. The decision of the executive vice president and provost is final.

Prohibited Access Policy: The following individuals may be prohibited from entering upon land or buildings owned or used by the Board, its colleges, departments, community colleges, experiment stations, ranches, and all property owned or occupied by agencies supervised by the Board:

- § Persons charged with criminal acts against the Board or students or employees during the pendency of such criminal charges.
- § Persons found guilty by a court of competent jurisdiction of criminal acts against the Board or students or employees.
- § Any individual whose presence on the campus constitutes a clear and present danger to the persons, property, or peace of the Board, or students, employees, or agents (contractors).
- § Any individual whose presence on campus, given all attendant circumstances, could reasonably cause injury against the persons or property of the Board or students or employees.
- § Any student ordered withdrawn under the Medical/Psychiatric Withdrawal Policy (available in the Office of the Vice President for Student Success).

In order to be prohibited from use of university lands and buildings, individuals must be notified in writing of the prohibition by the vice president for student success (or designee). Notice may be made personally or by certified mail. Individuals so notified shall be immediately barred subject to the right to request a hearing within 3 days of the service of the notification or within 6 days of the date of mailing the certified letter. Extension of time will be given to the next business day for any day that occurs on a weekend or a holiday as established by the university. Appeals shall be made by giving written notice to the Office of the Executive Vice President and Provost of intent to appeal. Hearing on the appeal shall be within 7 days from the receipt of the notice of appeal. Neither the individual prohibited nor the university shall be represented at the hearing by legal counsel.

The hearing need not conform to the strict rules of legal evidence. In the event that the executive vice president and provost reverses the prohibition, the individual shall be immediately entitled to enter upon university land or property. In the event that the executive vice president and provost affirms the decision, the individual's prohibition shall continue. The decision of the executive vice president and provost is final. Under most circumstances, prohibitions under this policy will be for one year or less. When the prohibition is indefinite, the affected individual may petition for the removal of the prohibition after one calendar year by submitting a written request to the vice president for student success. With respect to individuals convicted of criminal acts against the university, its students, or

employees, the one year shall commence at the time the individual is released from incarceration resulting from the conviction. Any violation of such prohibition may result in legal action by the Board against the individual, including such criminal charges as may be appropriate under the circumstances, including criminal trespass.

Vacating University Buildings or Property: The university recognizes the importance of providing a venue where members of the community can freely and openly express their ideas. However, if an individual(s) and/or organization improperly or illegally occupies university buildings or property, the following statement will be read:

You are violating university regulations and/or state laws concerning improper occupation of buildings or property. If you leave within the next 10 minutes, no further action will be taken. If you do not leave within 10 minutes, you may be arrested. If you are a student, you may also be subject to disciplinary action as outlined in the Student Code of Conduct.

In the event a crime (other than the peaceful but illegal occupation of a building or property) has occurred, is occurring, or is about to occur, action may be taken without regard to the above statement by the appropriate university officials in order to protect the safety, lives, and property of the university community. (See Chapter 2 Miscellaneous General Operating Policies - Emergencies)

### **3.15 Children in the Workplace [edited from AP&P 232] (See Chapter 4 Human Resources – General – Children, Employment of)**

Students, staff, faculty, and administrators can expect to attend and teach class, or complete work or research in laboratories, libraries, offices, and other workplaces with a minimum of distractions or interruptions. Consequently, the following regulations have been established, and will be enforced by the appropriate dean or administrative supervisor, to ensure that an appropriate academic and work environment is maintained.

1. Children visiting campus must be closely supervised by an adult at all times.
2. Children will be prohibited from entering dangerous settings such as labs and equipment rooms without the approval of the appropriate dean or administrative supervisor.
3. Children may not attend a class in session without the prior approval of the class instructor. Children under the care of the instructor may not attend class without the prior approval of the immediate supervisor.
4. Children may, on rare occasions and with the approval of the supervisor, accompany a parent to the workplace. However, the expectation is that parents will make alternate arrangements for the care of their children during normal working hours.
5. Children taking part in programs and/or special events on campus are expected to abide by the rules and regulations established by the program or event sponsors.

### **3.19 Conflict of Interest – Ethical Conduct**

#### **3.19.10 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.

### **3.19.20 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.

### **3.19.30 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 president). Confidentiality about individuals reporting violations of these standards will be maintained whenever possible and employees shall be free from retaliation for voicing concerns.

## **3.20 Conflicts of Interest and Conflicts of Commitment in General (See 3.75 Personal Use (of University Resources), 3.92 Sales and Solicitation, 4.50 Outside Employment and/or Activities, 4.60 Public Affairs Participation, 5.30 Faculty Consulting, 7.05 Educational Opportunities for Employees and Their Families, and 8.25 Professional Staff Consulting)**

### **3.20.10 Principles**

Both individual members of the university and entities controlled by the university have a vital need to recognize and deal with conflicts of interest and/or commitment. Such conflicts may compromise or have the appearance of compromising the integrity of university-related activities and have unforeseen effects on those activities. Even if there is no perceptible effect on the activity, any apparent inability of the university to avoid and/or resolve conflicts of interest invites outside criticism and supervision. Such supervision could result in the loss of the university’s ability to decide its own direction. Conflicts of interest may be primarily financial or may involve the use of one’s position and powers

for non-monetary self-interest. Such conflicts may be personal or relate primarily to the institution or its constituent organizations or involve an individual whose behavior is inextricably linked with her or his official position, such as an upper-level administrator or a member of the Board of Regents. In any of these situations, the general principles remain the same; 1) disclose always, 2) manage when possible; and 3) prohibit when necessary and where management is not possible.

1. **Disclose always:** It is vitally important that individuals provide a clear picture of their activities and complete forms accurately and in a factually correct manner so that potential or actual conflicts of interest can be identified. Similarly, if situations change, disclosure needs to be made within 15 working days (see section 30.20.50 of this policy). The university is under no obligation to manage, as opposed to prohibit, a conflict of interest disclosed by someone other than the individuals primarily involved.
2. **Manage when possible:** The vast majority of conflicts can and are managed through removing at least one of the parties from the conflict situation. For example, an individual might recuse him or herself from the review process on a proposal, have another individual become principal investigator or abstain from participating in a particular promotion or tenure situation. The preference of the institution will be to provide management solutions to a conflict of interest that will remove or isolate the conflict. However, such management is not possible when disclosure is not made.
3. **Prohibit when necessary and where management is not possible:** In some few cases, it will not be possible to manage a conflict and the individual or organization will have to withdraw from the activity. In some cases, university policy and/or state or federal law allows no solution other than prohibition. For example, no member of the Board of Regents may act as a vendor of goods or services to the university (Board of Regents Bylaws and Section 21-1-35, NMSA 1978).

### **3.20.15 Procedures and Remedies in Cases of Conflicts of Interest and/or Commitment**

It is the responsibility of all persons covered by this policy to report any real, apparent or potential conflict of interest or commitment to their supervisors. The primary means of doing this is through the completion of the Conflict of Interest Disclosure form upon hire and on an annual basis, with disclosure updates submitted on the basis of changes in circumstance. Additional policies, as set forth in Section 3.21.26 of this policy, are applicable to conflicts arising from Sponsored Activities but are based upon the annual disclosure requirement.

#### Procedure

Each person covered by this policy shall be required to complete, sign and submit a Conflict of Interest Disclosure form upon hire at the university and on an annual basis. Completed forms will be approved by the applicable dean or other responsible university official after being signed by the individual's department head or director. Maintenance of the form is the responsibility of the Office of Human Resource Services.

#### Paths towards remedies

There are two basic conditions that influence the path taken to remedy a conflict of interest or commitment. These may be summed up in the questions: 1) did the conflict arise as part of a sponsored activity? and 2) who disclosed the conflict? These questions must be asked together, as a conflict may be self-disclosed or disclosed by others and may or may not arise as part of a sponsored activity.

The first question that determines disposition of conflicts of interest and/or commitment is whether or not the conflict arises from a sponsored activity. The treatment of conflicts in non-Sponsored Activities will follow normal personnel procedures as outlined in section 4.05 and 4.25 of the Policy

Manual, drawing informally on the advice of the Committee on Conflicts of Interest in Sponsored Activities as desired. Resolution of conflicts arising from Sponsored Activities shall be governed by the procedures set form in section 3.21.27 of this policy. The second question is whether in individual(s) involved in the conflict made the disclosure prospectively or as part of a timely update, or whether someone else has brought the conflict to the university's attention. In cases disclosed by the individual(s) having the conflict, the university will generally try to manage the conflict in a manner agreeable to the parties involved and in agreement with applicable university policies and state and federal laws. The person(s) identified as having the conflict may elect to manage the conflict by participating in measures that will guard the integrity of the situation. Such measures require the approval of the relevant dean, vice president or vice provost or (in the case of Sponsored Activities, the Committee on Conflicts of Interest in Sponsored Activities). The person(s) involved may choose or be told to withdraw from the activity or situation that creates the conflict. In some cases, the supervisor and appropriate dean, vice president or vice provost and, if applicable, the Committee on Conflicts of Interest in Sponsored Activities, shall approve the action taken. When someone other than the individual(s) involved in the conflict brings an existing conflict to the attention of the university, the university is under no obligation to try to remedy the conflict and may require that the individual(s) withdraw from the activity or situation creating the conflict. In addition, the individual(s) may be required to repay monies that have been obtained in a situation involving a conflict of interest or commitment. Other sanctions up to and including termination of an individual's employment, may be imposed; subject to the appeals process outlined in sections 4.05 and 4.25.

### **3.20.20 Definition of Terms**

The definitions and example listed below are intended to aid university employees and appropriate review bodies in identifying conflicts of interest. Identifying conflict situations and documenting steps taken to manage these conflicts serve to protect the employees and the institution, as well as ensure that the university will remain eligible for government sponsored research.

### **3.20.22 Member of the University Community**

Members of the university community includes regents, employees (administrators, faculty, staff, student employees) and others acting on behalf of the university (including those acting on behalf of university controlled entities such as the University Foundation).

### **3.20.23 Relationships**

For purposes of this policy, the term "relationships" shall mean and include the following; "family", as defined in the University Policy Manual, i.e., legal spouse, domestic partner, parent (including in-laws, adoptive, step or surrogate), child, brother (including half, step and in-law), sister (including half, step and in-law), grandparent, grandchild, legal guardian. The term "family" shall also include the legal spouses of any of the individuals named above.

Close personal friends

Business partners and corporate professional associates

### **3.20.24 Investigator**

Investigator means the principal investigator or co-investigator and any other person at the university who is responsible for the design, conduct or reporting of a sponsored activity which has been funded or proposed for funding. For purposes of this policy and the disclosure requirements set forth herein, the term "investigator" includes the investigator's family members.

### **3.20.25 Sponsored Activity**

A sponsored activity is a research, training, service or other type of project with identifiable objectives and/or deliverables for which external funding, material support or other compensation, in the form of a grant, gift, contract, cooperative agreement or other formal arrangement, is being requested or has been received.

### **3.20.26 Significant Financial Interest**

Significant financial interest means anything of monetary value owned or payable to a faculty of staff members, including but not limited to:

1. Salary, royalties, commissions, consulting fees or honoraria and/or any other form of compensation for services which is:
  - a. Directly or indirectly paid or payable to the faculty or staff member by an entity other than the university or an affiliate or instrumentality of the university; and
  - b. In excess of \$10,000 per year when aggregated for the faculty or staff member and his or her family members.
2. Equity interests such as stocks and stock options and other ownership interests which:
  - a. Exceed \$10,000 in value or represent more than five percent ownership interest in any single entity, when aggregated for the faculty or staff member and his or her family members; and
  - b. Do not comprise widely held, publicly available, diversified investment funds over which the faculty or staff member does not and has no ability to exercise control; and
  - c. Are not held in a blind trust where the faculty or staff member has no knowledge of trust assets.
3. Intellectual property rights, such as patents and copyrights and royalties from those rights.
4. Student stipends, scholarships, fellowships, work/study grant monies and/or any other form of financial aid paid or payable by an entity other than the university to a faculty or staff member or a member of his or her family.
5. Gifts or donations of goods or services to a faculty or staff member or a member of his or her family; provided, however, that gifts of a nominal value (100.00 or less aggregated in a year) do not comprise a significant financial interest.

### **3.20.27 Conflicts of Interest**

Conflicts of interest occur when there is a competition between a member of the university community's private interests and the member's professional obligations to the university such that an independent observer might reasonably question whether the member's professional actions or decisions are determined by any considerations other than the interests of the university. In this context, the term member of the university community also includes that member's family members, close personal friends and business partners and corporate professional associates, as listed in section 3.20.23.

Examples of conflicts of interest may include but are not limited to:

- The presence of a real or apparent incentive for the faculty or staff member to decide an issue in such a way as to have the opportunity for a financial interest in the result.



- A faculty or staff member having a significant financial interest in a concern that is in direct competition with the interests of NMSU.
- Procuring goods or services for NMSU from a concern in which an NMSU regent, administrator, faculty or staff member or member of their family has a significant financial interest.
- Using NMSU resources or staff for non-NMSU projects or granting external entities access to the same, in more than an incidental way, unless permission has been given and the activity benefits the university.
- Reviewing proposals or bids from family members, or those with whom the faculty or staff member has a close, professional relationship, or from an entity in which the faculty or staff member has a significant financial or management interest.

Permitted Activities:

Examples of permitted activities may include but are not limited to:

- Serving as Principal Investigator or Co-Investigator on a multi-institutional project where NMSU is a participating member.
- Permitting access to NMSU resources as part of licensing agreements or as part of statutory permitted activities.

### **3.20.28 Conflicts of Commitment**

Full-time faculty and staff of New Mexico State University owe their primary professional allegiance and their primary commitment of time and intellectual efforts to the education, research and service programs of NMSU. Conflicts of commitment occur whenever the time devoted to external activities adversely affects a faculty or staff member's capacity to undertake NMSU responsibilities, including maintaining appropriate time and accessibility as defined by the requirements of the job.

Examples of conflicts of commitment may include but are not limited to:

- Maintaining full-time paid employment at another institution/organization that interferes with work performance and/or attendance. (See section 4.50 on outside employment)
- Excessive (not more than one day per week, on average) private consulting or advisory committee service, even if it is in the public interest or pro bono.
- Taking on a significant management role in a non-NMSU entity as part of consulting activities.
- Holding an elective political office.

Permitted Activities:

Examples of permitted activities may include but are not limited to:

- Faculty consulting for private companies not in excess of one day per week during that portion of the year when drawing an academic or summer salary (see sections 5.30 and 8.25).
- Serving on advisory committees of public or private concerns for the benefit of the university, even if an honorarium is paid for such activities, as long as it does not interfere with work performance and attendance.
- Acting as an editor or reviewer for a professional society journal.
- Preparing chapters, textbooks or monographs related to teaching, research or service activities, even if paid royalties as an author or editor.
- Occasional lectures, colloquia or seminars to disseminate results of university-related teaching, research or service activities.
- Holding an office in a professional society.

### **3.20.30 Policies for Specific Situations**

#### **3.20.32 Nepotism [transferred from PM 4.45]**

Members of a family may be employed by the university except when one individual will directly supervise the work of the other. If one member of the family is to be employed in the same department as another, approval shall be obtained from the executive vice president and provost prior to any offer of employment. Under no circumstances will a supervisor evaluate a family member.

#### **3.20.33 Faculty or Staff as Students**

When a university faculty or staff member enrolls in a program to earn a degree at the university, a potential for conflict of interest may arise as a result of the dual role as student and as a faculty or staff member. Persons in this status who are seeking degrees or certificates must demonstrate that the potential for conflict of interest will not compromise the quality of their program of study. Approval of cognizant department heads and deans will be required. In any case, supervisors should never have the responsibility of grading individuals whom they supervise.

In the case of graduate degrees or certificates, such programs must also be approved on a case-by-case basis by the dean of the Graduate School with the concurrence of the executive vice president and provost. When appropriate, the dean may confer with the Graduate Council about the potential for conflict of interest in such programs. The graduate dean may require a specific representative on such a graduate committee, possibly including off campus representatives, as a condition for approving programs.

#### **3.20.34 Relatives and Significant Others as Students**

Faculty of NMSU may not place themselves or be placed by others in situations in which they supervise, evaluate, teach or grade the work of members of their families enrolled in courses offered by the university main campus and/or its community colleges campuses unless the cognizant department head and dean or equivalent approves a plan to manage the conflict. The same regulation applies to individuals with whom the faculty member is in a consensual relationship (see section 3.22). Supervisors of faculty need to adopt the same procedure to manage situations in which the faculty they supervise teach members of the supervisors' family.

#### **3.20.35 Participation in Committees**

A conflict of interest can exist during the execution of routine committee service activities when they involve family members of close professional associates or friends. Normally, recusal from the committee's decision is the preferred way to manage these conflicts.

Examples of conflicts of interest in committee service work might include but are not limited to:

- Serving on employment selection committees when a family member (as defined above), friend or close professional associate from outside the department concerned is applying for the position.
- Serving on selection committees or promotion and tenure committees when a person who is or has been involved in a grievance relating to the committee member is applying for promotion or tenure.
- Serving on the promotion and tenure committee when a family member is applying for promotion or tenure.
- Serving on the graduate committee for a family member of a close professional associate.

### **3.20.36 Requests Made to Subordinates**

In order to prevent individuals from being placed in a position of conflict between the needs of the institution and those of supervisors, persons in a position of supervisory authority over another individual may not ask that individual to perform duties that benefit the supervisor or a family member in a way that does not directly relate to the official duties of the employee or supervisor. An example of such a request would be for a supervisor, including a faculty member, to ask that a subordinate nominate the supervisor or anyone else for an award. Another example might be suggesting that a subordinate purchase something to support a school activity of the supervisor's child.

### **3.20.37 Sales and Solicitations**

Personal Financial Gain: Sales and solicitations by individuals or organizations on university property that result in personal financial gain are expressly prohibited except as noted in Section 3.92 of the Policy Manual.

### **3.20.38 Procurement**

No member of the Board of Regents or any employee, either directly or indirectly, shall sell to the university any supplies, equipment, services or insurance or receive any commission or profit on account thereof, and all such persons are prohibited from being parties directly or indirectly to any such contract. The university shall strictly comply with all state statutes and federal regulations to include, but not limited to, NMSA 1978 Section 21-1-35 and NMSA 1978 Section 13-1-190. Further guidance may be found under Section 4 of the Business Procedures Manual.

## **3.21 Conflicts of Interest and Commitment in Sponsored Activities**

Actual or perceived conflicts of interest or commitment that arise from Sponsored Activities are of special concern because they almost always involve or implicate entities outside of the university community (and thus are more prone to public scrutiny), are frequently governed not only by university policies but also by governmental conflict-of-interest regulations and are subject to special disclosure requirements administered by the Vice President for Research, Graduate Studies and International Programs. The principles, definitions and policy statements set forth above in Sections 3.19 and 3.20 apply also to this section 3.21. Specific guidance on conflicts of interest in Sponsored Activities is set forth below.

### **3.21.20 Conflict Situations in Sponsored Activities**

#### **3.21.21 Conflicts in Sponsored Activities that Arise from Financial Interests**

Actual or perceived conflicts of interest or commitment in Sponsored Activities generally arise when an investigator or family member has a significant financial interest in, or a consulting arrangement with, a private business concern or other organization that is or may be affected by the sponsored activity. Some examples of this kind of conflict situation include, but are not limited to:

- Engaging for sponsored research a business firm in which the investigator or family member involved in the research project has a significant financial interest.
- Purchasing major equipment, instruments, materials or other items for sponsored research from a private firm in which the investigator involved in the research has a significant financial interest.
- Engaging a private consulting firm in connection with sponsored research where the investigator involved in such research has a consulting arrangement with or significant financial interest in a competing consulting firm.

- Acceptance by an investigator involved in a sponsored research project of gratuities or special favors from a firm or other organization with which the university does business in connection with the sponsored research.
- Utilization of privileged information acquired by an investigator in connection with sponsored research for personal gain, or to economically benefit a business concern in which the investigator or family member has a significant financial interest.
- Sponsorship of research by a business firm in which an investigator involved in the research has a significant financial interest.
- In the absence of disclosure and express sponsor approval, employment of, or an offer of employment to, a family member of an investigator involved in sponsored research by either the sponsor of, or an organization engaged in, the research project.
- Receipt by a family member of an investigator involved in a sponsored activity of a scholarship, fellowship, work/study benefit, or other financial aid, which is funded by or through the sponsored activity.

### **3.21.22 Conflicts in Sponsored Activities that Arise from Personal Interest**

An actual or perceived conflict of interest or commitment may also arise from situations that may have a significant impact on an investigator involved in sponsored research, even though the situation does not involve a significant financial interest. These non-financial conflict situations frequently involve personal interests or relationships that are or may be affected by Sponsored Activities. Some examples are:

- An investigator's involvement in a sponsored activity where the investigator or a family member of the investigator acts as a non-paid advisor to, or board member of, the sponsoring entity.
- An investigator's involvement in a sponsored activity in which a family member is engaged as a human subject, student researcher or other non-paid participant.
- An investigator's involvement in a sponsored activity that includes testing and validation of new technology developed by a family member of the investigator.

### **3.21.24 Other Conflict Situations in Sponsored Activities**

It is important to realize that any number of other kinds of conflict situations can arise in the context of sponsored projects, some of which may be undeterminable at the outset of the project. Investigators involved in sponsored activities must be cognizant of the need to monitor project developments in order to identify potential or perceived conflict situations as they arise and to disclose them or facilitate their disclosure as soon as possible. Examples of other kinds of conflict situations might include:

- An investigator's involvement in a sponsored research project becomes so extensive during the course of the project that other obligations to the university are neglected, thus creating a conflict of commitment.
- An investigator's responsibility for multi-disciplinary sponsored research project gives rise to nepotism issues when a family member employed in a different university department falls under the investigator's supervisory authority in the context of the project and no disclosure of and express sponsor approval for such arrangement is in place.
- An investigator's loyalty to a family member (see section 3.20.23), close personal friend or a professional associate employed elsewhere results in sponsored research being conducted elsewhere which could and ordinarily would be conducted within the university, to the disadvantage of the university and its legitimate interests.

### **3.21.25 Governmental Conflict of Interest Regulations Concerning Sponsored Activities**

Any research or other project that is sponsored or funded by a governmental agency is likely to be subject to agency regulations or guidelines covering conflicts of interest as well as university policies. The federal Office of Management and Budget has promulgated rules, applicable to all federally funded grants and agreements with institutions of higher education, which define conflicts of interest and the financial thresholds applicable to them and which require grant recipients to maintain written standards of conduct governing real or apparent conflicts of interest. These rules are found in OMB Circular No. A-110, Sec. 42. Most federal departments and independent agencies have formally adopted these rules and codified them in various sections of the Code of Federal Regulations. A few agencies have adopted supplementary conflict of interest guidelines applicable to their own grant administration procedures. Two agencies, the National Science Foundation and the Public Health Service, have established specific financial disclosure requirements and disclosure review and conflict of interest management procedures applicable to grants from those agencies. The guidelines and requirements set forth in this section 3.21 are intended to implement and comply with these federal conflict of interest rules, so that compliance with this university policy will generally assure compliance with governmental requirements. Investigators are urged, however, to familiarize themselves with the conflict of interest rules adopted by agencies sponsoring their research activities.

### **3.21.26 Disclosure Procedures for Sponsored Activities**

Each person engaged in an area of sponsored research and covered by this policy is responsible for determining whether any actual, potential or apparent conflict of interest or commitment exists. The principal investigator of each specific sponsored activity, in consultation with all other participants in the activity, is responsible for determining whether any possible conflicts exist with respect to such activity and for so indicating on the New Mexico State University Proposal Award Form submitted to the Office of the Vice President for Research, Graduate Studies and International Programs at the time approval for such activity is sought. If any possible conflicts are identified, the person or persons having the conflicts should attempt to resolve them in advance of submitting the activity proposal for review and approval, but in any event must concurrently disclose them for review by the Conflict of Interest Committee during the pre-award process. Disclosure shall be made by submitting the individual's current annual "Conflict of Interest Disclosure" form with the approval documentation provided to the Office of the Vice President for Research, Graduate Studies and International Programs. If a new conflict of interest or commitment arises during the course of sponsored work, the person having such conflict must submit an updated disclosure form. The Office of the Vice President for Research, Graduate Studies and International Programs shall furnish such disclosure forms to the Committee on Conflicts of Interest in Sponsored Activities.

### **3.21.27 Review and Resolution of Conflicts of Interest Relating to Sponsored Activities**

The Committee on Conflicts of Interest in Sponsored Activities shall be a standing committee consisting of the Vice president for research, graduate studies and international programs, the director of a college/unit research center or institute director designated by the Vice president for research, graduate studies and international programs and three faculty members appointed by the Vice president for research, graduate studies and international programs and approved by the Faculty Senate. One member of the committee shall not be involved in sponsored research. The Committee on Conflicts of Interest in Sponsored Activities shall meet as necessary to review all disclosure statements and decide in each instance whether:

1. There is no potential conflict of interest; or
2. There was a conflict of interest, which has since been resolved; or

3. There is a conflict of interest that has not been resolved.

In making these determinations, the committee, at its discretion and under conditions of confidentiality, may seek the advice of additional persons. The committee will exercise care at all times to ensure confidentiality and to protect the safety and privacy of persons involved in or affected by the review. If the committee determines that there is an unresolved conflict of interest:

1. The appropriate dean, vice president or vice provost will be notified;
2. The committee will work with the affected principal investigator and other key personnel, including affected departmental personnel, to determine how the conflict should be managed so the sponsored activity can proceed if at all possible; and
3. Acceptance of an award for the affected sponsored activity will be delayed pending resolution of the conflict.

In order to effectively manage or remedy a conflict of interest, the committee may impose conditions or restrictions to control, reduce or eliminate the possibility that the conflict will affect the objectivity of the sponsored research or other activity. Examples of conflict of interest management options include:

- Public disclosure of the conflict.
- Divestiture of conflicting financial interests or placement in a blind trust.
- Escrow of a conflicting equity interest until appropriate triggering conditions are met.
- Disqualification of the conflicted individual from management, supervisory or other affected responsibilities for the sponsored activity.
- Prohibition of the conflicted individual's involvement in affected aspects of the research or other activity.
- Severance of business relationships that create the conflict.
- Monitoring of research or other affected activities by independent reviewers.

### **3.21.28 Appeals from Decision Concerning Conflicts of Interest Arising from Sponsored Activities**

A sponsored activity may not be accepted in the event that the committee is unable to fashion a remedy for a specific conflict of interest and the conflict remains unresolved. In such case, the Committee on Conflicts of Interest in Sponsored Activities will notify the appropriate dean, vice president or vice provost. Appeal of the decision to not accept an award or to accept it subject to conditions in furtherance of a specific management plan, may be made to the executive vice president and provost, who will consult with the principal investigator and the Committee on Conflicts of Interest in Sponsored Activities prior to making a final determination. A final determination on appeal of a conflict of interest decision will be made within 30 days of the date the appeal was taken. A final determination on appeal shall be achieved before the university accepts a sponsored activity.

### **3.21.29 Retention of Records Concerning Conflicts of Interest in Sponsored Activities**

The Office of the Vice President for Research, Graduate Studies and International Programs will maintain records of all conflict of interest disclosures and all actions taken with respect to such disclosures for either:

1. A period of three years following the final close-out of the affected sponsored activity or the resolution of any governmental action relating to such sponsored activity or the underlying conflict of interest, whichever comes later; or

2. As otherwise provided by law. The original disclosure forms will be retained in the individual's official personnel file.

### **3.22 Conflicts of Interest Arising from Consensual Relationships**

Policy Statement: It is the policy of the university that employees with direct teaching, supervisory, advisory or evaluative responsibility over other employees, students and/or student employees recognize and respect the ethical and professional boundaries that must exist in such situations. Consensual relationships can create conflicts of interest that impair the integrity of academic and employment decisions. Such relationships also contain the potential for exploitation of the subordinate employee, student or student employee and the possible professional or academic disadvantage of third parties, and can subject both the university and individuals to liability. Therefore, the university strongly discourages consensual relationships between supervisors and subordinates, teachers and students, and advisors and students. Should such a relationship develop, the faculty member, supervisor or advisor has the obligation to disclose its existence to an immediate supervisor and cooperate in making alternative arrangements for the supervision, evaluation, teaching, grading or advising of the employee, student or student employee.

Scope: This policy applies to all NMSU employees including faculty, staff and student employees.

Definitions:

- A consensual relationship is a mutually acceptable, romantic and/or sexual relationship.
- A conflict of interest arises when an individual with the authority and responsibility to evaluate the work or performance of an employee, student or student employee acquiesces or engages in a consensual relationship with the employee or student.
- An employee is defined as any individual, whether paid or not, who is listed and active on the university's Human Resources Management System. This includes all faculty, staff and student employees to include affiliated faculty and associated employees.

Reporting Responsibility: In the event a conflict of interest exists arising from a consensual relationship, the individual in the supervisory, teaching or advisory position shall immediately notify the supervisor about the relationship and cooperate with the supervisor in making arrangements necessary to resolve the conflict of interest. Notification of the consensual relationship shall be provided in writing and signed by both parties involved.

Supervisor Responsibility: A supervisor who is notified shall take immediate steps to alter the conditions that create the conflict of interest caused by the relationship. In most instances, this will be accomplished by providing an alternative means for the supervision, teaching, advising and/or evaluation of the subordinate employee, student or student employee. A supervisor who becomes aware of a consensual relationship that has not been declared, shall investigate and take action as appropriate and required by this policy. Both parties in the relationship and the supervisor shall sign the resolution. All documentation will be maintained in a departmental file.

Failure to Report or Cooperate: Employees in positions of authority who enter into or continue consensual relationships without reporting them, or who fail to cooperate in efforts to eliminate the conflict of interest resulting from a consensual relationship may be subject to disciplinary action, which may include counseling, letters of warning, reprimand, suspension or termination. In the event that a complaint of sexual harassment or sexual misconduct is reported by the subordinate party regarding an unreported relationship, there will be no presumption that the relationship was consensual in nature.

Grievance of Disciplinary Actions: Disciplinary actions imposed for violations of this policy may be grieved or appealed by the individual who is disciplined pursuant to existing university policies and procedures.

For Assistance: Questions regarding this policy should be directed to the director of human resource services.

### 3.25 **Discrimination/Equal Employment Opportunity and Affirmative Action (See Chapter 4 Human Resources – General Policies – Appeals, Discrimination) *[edited from Personnel 7-1, AP&P 247]***

New Mexico State University is dedicated to providing equal employment opportunities in all areas of occupation without regard to age, ancestry, color, mental or physical disability, gender, serious medical condition, national origin, race, religion, sexual orientation, gender identity, spousal affiliation, or veteran status, according to state and federal laws. This dedication extends to recruiting and hiring, promotion, and other personnel actions such as compensation, benefits, transfers, layoffs, terminations, training, education, tuition assistance, social and recreational programs. NMSU's comprehensive affirmative action program supports this effort. A listing of applicable state and federal laws includes the following:

- Age Discrimination in Employment Act of 1975
- Americans With Disabilities Act of 1990
- Civil Rights Act of 1991
- Education Amendments of 1972, Title IX
- Executive Order 11141
- Executive Order 11246
- Equal Pay Act of 1963
- New Mexico Human Rights Act
- Pregnancy Act of 1978
- Section 504 of the Rehabilitation Act of 1973
- Titles VI and VII, Civil Rights Act of 1964
- Vietnam Era Veterans Readjustment Act of 1974

While employees are encouraged to resolve personnel issues through discussion with the immediate supervisor(s), employees may contact the Institutional Equity/EEO director for consultation on discrimination matters at any time. If resolution is not attained, a formal or informal grievance may be filed with the Institutional Equity/EEO Office. Employees shall be free to discuss matters with the Institutional Equity/EEO director and file grievances without fear of reprisal.

Hostile Work/Academic Environment: A student or employee may file a claim based on offensive conduct or behavior that is sufficiently severe and/or pervasive to create a hostile work or academic-related environment. Non-discriminatory hostile environment issues are regarded management matters under the purview of the appropriate administrator.

Discrimination-Based Harassment: The university prohibits any unlawful practice of harassment in work or academic environments based on an individual's age, ancestry, color, mental or physical disability, gender, serious medical condition, national origin, race, religion, sexual orientation, gender identity, spousal affiliation, or veteran status. Any supervisor who engages in or condones any harassment of an employee/student based on discrimination will be sanctioned accordingly. All discrimination-based harassment, including third-party complaints, must be reported to the Institutional Equity/EEO Office immediately.

Retaliation: The university prohibits any unlawful practice regarded as retribution or intimidation against any university employee or student who has in good faith: (a) opposed any discriminatory or



employment practice covered by university policies/procedures or state/federal laws; (b) filed a complaint of discrimination or grievance with the Institutional Equity/EEO Office or external state/federal agency with statutory jurisdiction over discrimination filings; (c) reported a discriminatory matter to a supervisor; or, (d) testified, assisted with, or participated in an investigation, proceeding, or hearing protected under same. Such retaliation in and of itself may result in disciplinary action, up to and including termination.

**Grievances:** Any person with a complaint of harassment or discrimination should, whenever possible, first indicate to the person or persons engaging in the inappropriate conduct that the conduct is unwelcome. If the inappropriate behavior persists, the aggrieved should either report the complaint to the appropriate supervisor or the Institutional Equity/EEO director. All discrimination complaints made to a person in a position of authority must be reported immediately to the Institutional Equity/EEO director regardless of whether or not permission was given by the complaining party. Discrimination grievances are to be filed within 15 working days of occurrence, unless extenuating circumstances warrant exception. All employees and students should be aware that the university is prepared to take action in a timely manner to prevent and remedy such behavior, and that individuals who engage in such behavior are subject to disciplinary action. All individuals are required to cooperate with any investigation in response to an allegation of harassment. Refusal to cooperate in an investigation may result in disciplinary action in accordance with university policy. Any disciplinary action may be appealed through the appropriate procedure. To the extent possible, every effort will be made to safeguard confidentiality, consistent with reporting obligations and the need to investigate promptly and thoroughly. Individuals should contact the following offices for clarification or assistance:

EEO:	(505) 646-3635	Fax: (505) 646-2182	TDD: (505) 646-7802
ADA:	(505) 646-3333	Fax: (505) 646-2182	TDD: (505) 646-7802
Affirmative Action:	(505) 646-2420	Fax: (505) 646-2806	TDD: (505) 646-7826

With the commitment of us all, we will continue to make progress toward the university's goal of including qualified minorities, women, and persons with disabilities at every level of responsibility and endeavor in the university.

### **3.30 Disability Accommodation (See Chapter 4 – Human Resources – General – Appeals, Disability) [edited from Personnel 8-13, and AP&P 131, 242]**

The university is dedicated to providing reasonable accommodation to qualified university employees and applicants for positions in accordance with state and federal laws. Qualified individuals with disabilities are protected from discrimination in hiring, promotion, discharge, pay, job training, fringe benefits, and other aspects of employment. Accessibility to buildings, programs, and services will also be safeguarded to the extent that an undue financial hardship is not imposed on the university. The accommodation process begins when an employee (or applicant) discloses a disability and requests specific accommodation(s). Under normal circumstances, requests for accommodation(s) are considered after the employee completes and processes the Petition for Accommodation Form available at the Institutional Equity/EEO Office.

### **3.31 Distribution of Effort [verbatim from BR 43]**

There are competing demands on the energies of a faculty member (for instance, research, teaching, committee work, outside consulting). The way in which a faculty member divides effort among these various functions does not raise ethical questions unless the university or government, industrial, or business agency supporting the research is misled in its understanding of the amount of intellectual effort actually devoted to the research in question. A system of precise time accounting is incompatible with the inherent character of the work of a faculty member, since the various functions

performed are closely interrelated and do not conform to any meaningful division of a standard work week. On the other hand, if the research agreement contemplates that a staff member will devote a certain fraction of effort to the government-, industrial-, or business-sponsored research, a demonstrable relationship between the indicated effort of responsibility and the actual extent of involvement is to be expected. Research administering agencies in the university have established simple procedures of accounting which indicate the proportion of the investigator's time spent on sponsored research. Each administering agency will inform the investigator of the procedures developed to assure that proposals are responsibly made and complied with.

### **3.35 Driving on Non-Road Areas *[verbatim from AP&P 202]***

Motorized vehicles normally employed for roadway use may not be driven on or across campus-improved grounds or walking malls unless specifically authorized by advance clearance by the senior vice president for Planning, Physical Resources and university relations. The university police will assume responsibility after normal work hours, weekends, and holidays. If any damage is incurred by the actions of the violator, the responsible department will be charged for the required repairs. Contractors working for the university are subject to the provisions of this policy and in addition will be cited under the traffic code with appropriate fines. Nothing in this policy should be construed to limit access for emergency vehicles.

### **3.40 Drug-Free Workplace *[edited from BR, pp. 49-51, referenced AP&P 244-245]***

The university is a recipient of federal grants and contracts in excess of \$25,000 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 president to institute and maintain programs that meet the requirements of federal drug and alcohol regulations. These programs are administered through the Employee Assistance Program and the Office of the Vice President for Student Success.

*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 Human Resource Services Office, through appropriate channels, of any notifications received.*

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.

### **3.45 Equal Employment Opportunity (See Discrimination/Equal Employment Opportunity)**

### **3.50 Firearms**

It is unlawful and against university policy for anyone to carry a firearm on university premises except for: (1) a peace officer; (2) university security personnel; (3) 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; (4) a person conducting or participating in a university-approved program, class or other activity involving the carrying of a firearm; or (5) 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.

As used in this policy, Auniversity premises@ means: (a) the buildings and grounds of a university, including playing fields and parking areas of a university, in or on which university or university-related activities are conducted; or (b) any 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. Whoever commits unlawful carrying of a firearm on university premises is guilty of a petty misdemeanor and may be subject to disciplinary action as appropriate.

### **3.55 Fires, Fireworks *[edited from BR 105]***

This fire prevention policy establishes fire restrictions for the main campus to include the main campus, university-owned lands east of Interstate 25, the Horticulture Farm, the Horse Center, and the Leyendecker Plant Science Farm. The following acts are prohibited unless an appropriate permit has first been obtained through the university Fire Department: (1) building or using an open fire on university land; and (2) use of all fireworks on university land.

### **3.60 Flags (National, State) *[verbatim from AP&P 202]***

The national flag will be flown at half-staff on the deaths of those prescribed in the National Flag Code or on special request from Washington. (Typically the flags are lowered from the date of a death through the date of funeral services.) The state flag will be flown at half-staff on the occasion of the death of any of the following: regent, past regent, president, past president, vice president, dean, and others as decided by the administration.

### **3.63 Freedom of Expression (See Sales and Solicitation and Political Activity)**

The university recognizes and promotes an intellectually open campus. The free exchange of ideas through written, spoken, and other forms of expression reflects its public land-grant heritage, support of diverse points of view, and commitment to excellence in education and research.

Campus Use for Free Expression: Any outdoor area that is generally accessible to the public may be used by any individual or group for petitioning, distributing written material, handing out newspapers, or conducting speech acts. Prior approval is not necessary as long as the primary action is not to advertise or sell a commercial product. Activities must follow all applicable fire codes, local, state, and federal laws. Activities shall not:

- Unreasonably obstruct vehicular or pedestrian traffic.
- Block the entrances or exits to buildings and facilities.
- Permanently occupy land areas or permanently locate signs and posters.
- Erect permanent structures, shelters or camps.
- Unreasonably interfere with classes, university work, and scheduled events.

In exercising the right of free expression, an individual must also accept the responsibility of following the laws related to the safety of people and property. If property damage or excessive littering occurs, or other unusual expenses are incurred by the university as a result of the event, event organizers may be held responsible for reasonable charges if deemed appropriate by the president (or designee).

Petitioning and the Distribution and Posting of Literature and Signs: All literature distributed must contain identifying information (either the name of a university sanctioned organization; the name and address, which may be an organization and e-mail address, of the unaffiliated entity or person; or the telephone number of the unaffiliated entity or person) for someone to contact in case of litter problems. Literature may be distributed hand-to-hand, through the use of tables, or by posting on designated bulletin boards and kiosks. Written materials may not be placed in non-approved locations. Written materials may not be placed on any part of a university building or structure without university permission. Posting on traffic signs, power poles, trees, and automobile windshields is not allowed. Tables are allowed as long as the tables do not unreasonably interfere with pedestrian traffic. Materials may not be left on unattended tables. While scheduling of tables is not required in advance, those individuals who have previously scheduled a site through the Campus Activities Office or other appropriate university offices will take precedent.

Group Speech Activities: Group speech activities, including rallies, parades and demonstrations, that are advertised through public media including newspapers, radio, television, flyers, or electronic lists may need to be coordinated through the university Police Department. Any individual, group, or organization sponsoring a group speech activity that is expected to draw more than 100 persons at one time and uses public media for advertising must notify the university Police Department no less than 72 hours in advance of the activity, so that the university Police Department can take appropriate actions to ensure the safety of the event and issue a permit as proof of prior notification. Activities expected to draw 500 or more participants, or require road closures or detours, must be scheduled 2 weeks in advance. Any individual, group, or organization planning a group speech activity is encouraged to contact the Campus Activities Office in advance so that activities may be coordinated with appropriate university offices. This will allow for locations to be reserved or other concerns to be addressed, such as the use of sound amplification equipment. Contacting the Campus Activities Office is voluntary and does not constitute an approval process. All scheduling is done on a first come, first serve basis. Activities that are scheduled receive priority in the use of space on campus.

Electronic Sound Amplification: The use of electronic sound amplification equipment is authorized in the open lots to the East of the Pan American Center and Aggie Memorial Stadium, the Corbett Center Outdoor Stage, and the Aggie Pond area off Espina Street, from 7:00 a.m. to 7:00 p.m., Sunday through Thursday; and from 7:00 a.m. to midnight on Friday and Saturday. Sound amplification equipment may be allowed at other times and in other locations if coordinated in advance through the Campus Activities Office.

Use of Chalk: Chalk may be used on campus as long as it is restricted to concrete walkways. All chalk used must be of a temporary or removable nature. Permanent chalk, such as surveyor's chalk, may not be used under any circumstances.

Policy Enforcement: Any person violating this policy will be subject to:

- Being asked to cease and desist or to relocate by appropriate university employees acting within the scope of their duties.
- Being ordered to leave the premises or property owned or controlled by the university by the police or a person in charge of the property.
- Institutional disciplinary proceedings under the Student Code of Conduct if a student. Violations by faculty or staff will be referred to the appropriate department or academic unit.
- Arrest for violation of local, state, and federal law(s).
- Restriction of future use of, or access to, the university campus.

Reference to Other Policies Impacting Freedom of Expression: In the event that the terms of this policy conflict with other existing policies impacting freedom of expression in areas generally accessible to the public, the terms of this policy shall prevail.

### **3.65 Intellectual Property (Faculty and Staff) (See Chapter 5 Faculty – Research)**

### **3.70 Office Hours - Administrative (See Chapter 5 Faculty – Office Hours, Chapter 7 Benefits – Holidays, and Chapter 8 Staff – Workweek) [edited from AP&P, p. 231, Personnel Ch.2, p.6]**

As a general rule, individual work schedules will conform to the public hours of 8 a.m. to 5 p.m., Monday through Friday. (Some offices close from 12 noon to 1 p.m. for lunch.) Most offices are closed on Saturday and Sunday except on special occasions and as required by the Vice Provost for Distance Education & Extended Learning. However, with approval of the appropriate dean or vice president and the executive vice president and provost, departments may establish alternate work schedules if it is determined they better meet the needs of the clientele and/or better serve the needs of an individual employee without adversely affecting the clientele. Alternate work schedules are to be of a semi-permanent nature (e.g., 1 semester at a time, 1 academic year at a time, etc.). All requests and subsequent approval or denial of alternate work schedules are to be in written form. It is understood that not all jobs are open/available for alternate work schedule consideration.

### **3.75 Personal Use (of University Resources)**

The university deals constantly with the public's perception of how the university conducts its business. University employees, should always be mindful of the resources entrusted to them by the public, government entities, and private donors. Employees should be mindful of the necessity for conducting themselves with the highest ethical principles; of avoiding any action that may be viewed as a violation of the public trust in the use of these resources; and of their responsibility to act so that others are not deprived of access to these same resources as they perform their duties. These resources include, but are not limited to, employee's time, facilities, supplies, and equipment, such as telephones, fax machines, and computers. Employees do not have a right or expectation to privacy as it relates to information or data contained on or accessed through university equipment or resources.

Guidelines: The use of the university's resources and services for non-official purposes is permitted only in compliance with the following criteria:

1. The cost to the university must be negligible.
2. The use must not interfere with an employee's obligation to carry out university duties in a timely and effective manner. Time spent engaged in the non-official use of university resources is not considered to be university work time.
3. The use must in no way undermine the use of university resources and services for official purposes.
4. The use neither expresses nor implies sponsorship or endorsement by the university.
5. The use must be consistent with state and federal laws regarding obscenity, libel, or the like, and state and federal laws and university policies regarding political activity, the marketing of products or services or other inappropriate activities.

6. Users should be aware that internal or external audit or other needs may require examination of uses of university resources or services and should not expect such uses to be free from inspection.

In applying these guidelines, each case will depend upon the particular circumstances and other important factors such as materiality or reasonableness. The ultimate control, therefore, lies with each employee's supervisor, as that person should have direct knowledge of the behaviors and needs of the individual employee. Employees should consult with their supervisors in advance if they have any questions about appropriateness of certain practices. A supervisor's decision cannot, however, circumvent other policies and procedures that may restrict personal use beyond the limitations cited in these guidelines. For example, the use of telephones, fax machines, mail services, and vehicles must comply with existing university policies; the use of university resources in political activity is prohibited.

Telephones and Fax Machines: Deans, department heads, directors and other administrative officers are responsible for the fiscal management of telephone expenditures. university desk phones, pagers, fax machines, and telephone credit cards are for business purposes. As such, personal calls and faxes should be kept to a minimum. In the event that it is necessary to make a personal long distance call, the call should be charged to an employee's personal credit card or home phone whenever possible. If a personal long distance call or fax is charged to a university desk phone, fax machine or credit card, the employee is responsible for identifying that the call is personal on the monthly statements sent from Telecommunication and Networking Services and for reimbursing the university for such calls. Employees are required to sign monthly certifications stating that all calls not reimbursed are business related. Management should periodically review the extent of personal calls to verify that it is not excessive for any one employee.

Cellular or Mobile Telephones: Cell phones may be used for business calls. All cell phones to be used specifically or primarily for business purposes should be purchased and owned by New Mexico State University. Administrative units are responsible for determining when an employee needs a cell phone to fulfill job responsibilities. Since cellular telephone plans are based on the number of minutes anticipated to be used per month, the smallest plan available to accommodate the business needs should be selected. No employee may approve the employee's own cellular service plan.

#### University-Owned Cell Phones

Provider: New Mexico State University is partnered with Alltel Communications and Verizon under the negotiated state contract. The contract provides discounted pricing and the ability to move between service plans. Call Information and Communication Technologies Customer Service Center, or visit web site <http://ict.nmsu.edu/CSC> for more information.

Equipment: Baseline cell phone equipment and the most economical usage plans should be purchased. The individual must pay personally for any upgrade, unless specific business needs require it. Employees are responsible for the safekeeping and care of the university cell phone.

Purchase and Payment: For purchases, arrangements are made with the provider through Information and Communication Technologies Customer Service Center. The most economical service plan that meets individual business needs must be chosen. Any employee is eligible for a university-owned cell phone, but should check with their supervisor or department head regarding department procedures. At a minimum, the supervisor must provide written authorization for a university-owned cell phone and the associated service plan.

Personal Calls: University cell phones must be used primarily for business calls; personal calls are restricted. If personal calls are placed or received, the individual must reimburse the university for the personal minutes, up to any total overage charge shown. Providing that personal calls are kept to an absolute minimum and that the most economical service plan that meets business needs has been

chosen, no portion of the basic, routine monthly charge for service and plan-allotted minutes need be reimbursed. Specific personal calls should always be marked on all invoices and statements.

#### Individually-Owned Cell Phones

Employees may use personally owned cell phones to make an occasional business call if needed. Reimbursement is available for minutes spent on a business call, only up to the total overage charge shown on the invoice. For reimbursement of such charges, the individual should make personal payment to the provider, then must submit a request for reimbursement, listing the individual as the payee. A copy of the invoice should be attached, with the separate business-call charges clearly marked.

No portion of the basic, routinely monthly charge for service and plan-allotted minutes will be reimbursed.

High Speed Data Connectivity: High Speed Data Connectivity paid for with NMSU funds and provided in an employee's home or place of residence must be used for business purposes. Deans and vice presidents/provosts are responsible for the fiscal management and approval of High Speed Data Connectivity being provided in an employee's home. A signed copy of the approval form must be maintained on file in the employee's dean's and vice president's/provost office in order for service to be provided.

Mail Services: Personal and non-university-business mail should not be placed at pick-up points for the university-employed carriers. Likewise, university accounts should not be charged for mailing personal material.

Pornographic Material: Employees downloading, printing, accessing, forwarding, transmitting or viewing pornographic material on the university computers during and after work time is not allowed. Those who may happen to see the material could potentially report the incidents as offensive and/or inappropriate for the work environment.

Personal Computer Use: The users of the computing resources are expected to take a responsible and professional approach to the use of those resources. Since the resources are shared, every client must accept the specific responsibility of minimizing the impact of one's actions on others. The use of any university resources for support of private enterprise such as outside consulting should only be in accordance with stated policies, and under explicit written agreements. Specific guidelines and policies for computer use are maintained by Information and Technological Services <http://nmsu.edu/~CandN/Guidelines> .

Vehicles: (See Chapter 9 Facilities and Services – Transportation Services-Rental/Lease)

### **3.80 *Pets [edited from AP&P 201]***

All pets, and especially dogs brought on main or community colleges campus community colleges, must be on a leash held in the hands of a responsible person. The pet must not be left unattended or unconfined. For reasons of sanitation and health, pets will be restricted from ANo Pets@ posted areas used by students and the general public for outdoor campus activities or recreation. These areas include but are not limited to intramural fields, Preciado Park, and the Horseshoe. With the exception of laboratory animals and herdsman=s working dogs, only seeing eye, hearing ear and other service dogs in use by individuals with disabilities will be permitted in classrooms or other campus buildings.

### **3.82 Picnics [verbatim from AP&P 201]**

Group picnicking is allowed if scheduled through Conference Services.

### **3.86 Political Activity (See Freedom of Expression Policy) [edited from AP&P 256, reference BR 94 and Appendix B]**

Campaign activities for candidates for public office or for ballot issues to be presented in local, state, and national elections may be permitted on the university campus when conducted by candidates or their representatives. These activities are subject to the freedom of expression policy. In addition to the locations covered by the freedom of expression policy, Corbett Center (lower lobby information table areas and meeting rooms and spaces) may be used for political activity subject to the rules, regulations, and fees applying to those sites. (See Chapter 2 Miscellaneous - United Way) The responsible authority for the enforcement of this policy shall be the vice president for student success (or designee), whose decision shall be final.

### **3.90 Religious Denominations [edited from AP&P 259 and 228]**

Various religious denominations, representing many faiths and doctrines, are engaged in campus ministries and other religious activities near the university. The Board of Regents and the university are completely impartial and give no preference to any religious denomination or organization, and no religious denomination or organization is an official part of the university and has no right, by using the name ANew Mexico State University,@ or by using a reproduction of the Seal of New Mexico State University, or by any other means, to give the impression that it is an official part of the university or that its activities are an official part of the program or curriculum of the university. Although not an official part of the university the Interfaith Council (IC) is a coalition of over 14 religious groups ministering to the spiritual needs of the students, faculty, and staff. Collectively and individually they provide fellowship, recreation, worship, service projects, retreats, conferences, and speakers for student groups.

### **3.92 Sales and Solicitation [edited from AP&P pp. 248-256]**

It is the intent of the university to assure that permitted activities occur with the full knowledge and approval of designated university officials in a manner which is applied equally to all eligible parties. Toward this end, the sales and solicitation policy will be administered through the vice president for student success, with delegation for its enforcement to the director of campus activities. Copies of the policy may be obtained through the Campus Activities Office. ***In the event that the terms of this policy conflict with other existing policies impacting freedom of expression in areas generally accessible to the public, the terms of the other existing policies shall prevail.*** Definitions are as follows:

Activity Request Form - A form used by the Campus Activities Office to sanction and plan for special academic and nonacademic events on campus requiring approval by designated campus authorities having involvement with or supervision over the event.

Fund-Raiser - Any activity which has as its goal financial gain for a cause or an activity to include the solicitation of contributions or the sale of a product of service conducted by university departments, agencies, or student organizations.

Off-Campus, For-Profit Organizations - Organizations that have, as their central purpose, the generating of a profit for their owners, partners, or stockholders.



Off-Campus, Nonprofit Organizations - Public, governmental, and charitable organizations that, while not part of the university, may be permitted in some instances to utilize university facilities or services because of their nonprofit status.

Personal Gain - An activity which is intended to benefit an individual financially.

Solicitation - The act of selling or encouraging the purchase of a product either directly or indirectly.

Student Organizations - Organizations (recognized by the Campus Activities Office) whose membership is registered students who meet with the intention of accomplishing specific goals or interests of the members as stated in their by-laws (Hospitality and Tourism Student Association, Hispanic Business Student Association).

University-Affiliate Organizations - Organizations which are recognized by the university to support its efforts and promote its welfare while operating outside its regular reporting structure (Aggie Athletics Fund, Faculty Women=s Club, ASTC, The Symphony Guild).

University Department - An operating unit of the university which is supported by university funds and reports through the university structure (Electrical and Computer Engineering Department, English Department, Facilities).

Sanctions: Failure to adhere to the sales and solicitation or general fund raising policy may result in sanctions such as withdrawal of solicitation privileges for the offending individual or organization, removal of the right to conduct future activities on campus, loss of recognition, and/or any other penalties which may apply under university policies or state or federal laws.

On-campus Sales and Solicitation by University Departments, Staff, Faculty, Students, and Student Organizations: All sales (except those covered by university contracts or accomplished through the Ticket Office) and/or solicitations on campus by recognized university departments, staff, faculty, and student organizations for the purpose of selling merchandise or services, or obtaining contributions, are subject to prior approval and authorization. The request for approval shall be signed by an appropriate representative of the group or its supervisor and the cognizant university officials. Such sales and solicitations shall be in accordance with regulations and policies governing the facilities where the activity will be held and shall be within the general policies of the university contained herein. All funds collected shall be exclusively used to fulfill the purpose of the group earning the funds. Groups utilizing university accounts shall make weekly deposits. (The department head or organization president shall keep appropriate documentation on file should an audit be found necessary, and such documentation shall be made available upon a request from a cognizant university official.) University departments will also be governed by university rules and regulations and State of New Mexico Purchasing and Property Disposal Policies and Statues. Affiliated organizations are not considered university organizations for the purpose of this policy and are not extended privileges for on-campus sales under this section.

Sale of Products: Sale of products, merchandise, or services normally will not be permitted on campus when in direct competition with an existing university or agency provider, such as the university Bookstore, which either provides or has the jurisdiction to provide the same or similar goods or services. This section shall also apply when the requested activity is in competition with services provided by a business holding a contract with the university to provide goods and services such as for food or vending.

Personal Financial Gain: Sales and solicitations by individuals or organizations on university property which result in personal financial gain are expressly prohibited except as noted in this policy.

However, reimbursement for legitimate, direct expenses incurred by organizations or their members for an event are not considered personal financial gain for the purpose of this policy.

Door-to-Door Solicitation: No door-to-door solicitation of any kind shall be permitted by individuals or organizations in university facilities to include residential units. Solicitations may, however, be permitted at approved solicitation sites at various university facilities in accordance with the policies governing those facilities. This section does not preclude the conduct of official university business requiring contact at an individual=s residence.

Electronic Media Solicitation: The university=s resources are provided for official university business and may not be used for personal gain by faculty, staff, or students. These resources shall include the university=s World Wide Web site and its attached materials, the electronic e-mail system (including Hotline and ABCD), and facsimile equipment. Use of public address systems, message boards, and/or the Electronic Message Display Sign in advertising/promoting an event is permitted with proper authorization.

Manner of Solicitation: Approved solicitations shall be carried out in a manner which does not:

- Unreasonably obstruct vehicular or pedestrian traffic.
- Block the entrances or exists to building and facilities.
- Erect permanent structure, shelters, or camps.
- Unreasonably interfere with classes, university work, and scheduled events.

Distribution of Printed Materials: Solicitations via distribution of printed materials shall be conducted consistent with the following regulations as well as other policies governing university facilities:

1. Student organizations and employees may distribute printed materials on campus *as provided in the freedom of expression policy*.
2. Printed material may be posted only on *interior* campus bulletin boards designated for that purpose or in locations designated for that use by the Campus Activities Office or as designated by the deans or vice presidents in buildings under their control. Approval shall be sought from building monitors in each area prior to posting. A list of building monitors is available through the Office of the Senior Vice President for Planning, Physical Resources and University Relations.
3. Materials may not be attached to walls, doors, window glass, floors, or any other parts of university buildings or structures, traffic signs, mailboxes, power or light poles, sidewalks, artistic displays, university signs or trees.
4. Printed materials may not be placed on automobiles under any circumstance.
5. The sponsoring group is responsible for timely removal and appropriate disposal of the material at the end of its usefulness or 30 days after posting, whichever comes first.
6. Printed materials to be posted shall be affixed in designated locations in a manner appropriate to the display space (tacks and pins for bulletin boards and masking tape for non-tackable surfaces). Nails, transparent tape, etc., which leave a residue or which damage surfaces, shall not be used, and the group or individual will be held accountable for any damage.

Commercial Sponsorship: Commercial sponsorship of university-organized events is permitted in certain circumstances when prior approval is secured in a manner noted below. If an event advertisement references a sponsor, it shall feature minimal display of the sponsor=s name and, in no case, will the sponsor=s name be bigger than that of the event or the organization=s name. The

sponsor shall provide a sample of the identification to be used. Large banners or posters featuring the sponsor=s name are not acceptable.

Sale of Personal Items/Services: Individual students, faculty, and staff are permitted to advertise the sale of personal items or services (e.g., books, tutoring, typing, babysitting, automobiles, stereo equipment, computers, etc.) only at approved, designated locations and subject to the following:

1. Individuals may not advertise as commercial distributors of products or services (e.g., Avon, Tupperware, credit cards, magazines, review courses, etc.).
2. Approved locations for posting personal material can be obtained from building monitors, directors of various facilities, or from the director of campus activities.
3. Individuals in campus residences may advertise and conduct certain businesses in their residences (e.g., child care, résumé typing, etc.) when that business is appropriate to the residence area, has been registered with the Department of Housing and Dining Services, and is not related to a commercial vendor.
4. Yard sales in Student Family Housing may be conducted at individual units provided that Student Family Housing is notified in advance. Instruction in the proper methods of conducting sales and assistance in the advertisement of these sales is provided by Student Family Housing. Student Family Housing reserves the right to limit the number or duration of yard sales should they become disruptive to the neighborhood, excessive in nature, or if it is determined that the sales are being organized for commercial purposes. Yard sales in conjunction with other chartered groups/organizations are permissible upon approval of an Activity Request Form.

(Note: Personal advertising of items for sale in university publications or media such as the student newspaper or the student radio station is allowed.)

Requests for Permission to Solicit: Requests to conduct on-campus sales/solicitations or off-campus fund-raising events/activities by student organizations shall be initiated at the Campus Activities Office by completion of an Activity Request Form. Requests to conduct on-campus sales and solicitations by university departments and/or university employees shall be submitted to the vice president for student success (or designee) in memo form, and shall include project purpose, dates, times, specific activities, and solicitation methods. Requests to conduct off-campus projects by student organizations, university departments/employees shall be submitted in the appropriate format to the Office of the Vice President for Student Success and shall include project purpose, dates, times, budget, methods of solicitation, and names of solicitor(s). (See General Fund Raising Policy) Requests to conduct university events having commercial sponsorship shall be submitted to the director of campus activities and shall include the purpose of the event, dates, times, specific activities, and solicitation methods.

Sales by University Employees: University policy prohibits the sale of goods and services by employees to the university, or the purchase of same by the university from employees. Requests for an exception to this policy must be initiated through the director of purchasing. (See Chapter 4 - Outside Employment) University employees desiring permission to use the university=s name, reputation, facilities, programs, etc., for the purpose of accruing personal financial gain shall obtain prior written approval from the director of purchasing. Existing academic or human resources policies governing such activities shall take precedence over this policy (e.g., consulting, personal appearances, or authorship for any pay in media areas of TV, radio, or print media, implying university product or service endorsement, etc.).

Sales/Solicitation Policy for Non-university Organizations and Individuals: Commercial advertising, promotion and/or solicitation are not permitted on the campus except in the following instances:

1. Media advertising/solicitation utilizing campus media outlets, including the *Round Up*, KRUX, campus television, and university publications, etc., is permitted when done in accordance with any policies governing these media and when such advertising is presented in that media=s primary format.
2. The university=s electronic media may not be used for commercial solicitation. These media shall include (but are not limited to) the World Wide Web site and its attached materials, electronic mail (e-mail) system, and facsimile equipment.
3. Physical properties donated or provided by commercial interests may display the name, identifying symbol, or features of the donor or provider, when such displays are consistent with the campus planning regulations and are judged by the executive vice president and provost and the president to benefit the university.
4. Use of a public address system, message boards, and/or the Electronic Message Display Sign in advertising/promoting an event is permitted when authorized by the vice president for student success (or designee).
5. Distribution of printed commercial advertising materials or similar advertising on the university grounds or in facilities during an event is permitted when the university sponsor or host of the event has received prior written approval for such an activity from the key administrator of the building used and the cognizant vice president or president.
6. In-person solicitation on campus is permitted when a solicitor receives a personal invitation from an individual to meet on a private basis. Individuals (students or employees) may not extend invitations to solicitors to meet with a group of individuals for the purpose of soliciting without prior written approval. Requests for approval shall be in writing to the director of campus activities, and must follow the activity request process.
7. In-person solicitation to individuals or select groups of employees by representatives of commercial organizations is permitted when directly related to the official business of the university and its departments (e.g., trade fairs or scientific equipment vendors). Such solicitation shall be approved by the cognizant department head, dean, and/or vice president.
8. Public sales and solicitation of products on university property by non-university vendors may be permitted under limited conditions on a private basis when the vendor is sponsored by a recognized campus organization or a university department; such activity will be directly related to the purposes and goals of the university and pertinent to the sponsoring group (e.g., fraternity and athletic club photographers, etc.) In all such cases, prior written approval must be obtained from the director of campus activities.

Non-university, nonprofit, or noncommercial organizations or individuals are permitted to display informational material within campus buildings upon approval of the cognizant building monitor or building director. This approval shall be subject to the specific policies governing the operation of the particular facility, or group of facilities, and other university policies. Such organizations are not permitted to conduct in-person distribution of materials (handouts) or in-person direct contact with students unless prior approval is received from the director of campus activities (e.g., distribution of Bibles, etc.). Activities by affiliate organizations shall be conducted in compliance with all the regulations contained herein for sales and solicitation, and shall be reviewed and approved by the university department to which each is affiliated. These regulations exist to support the organizations and to supplement the efforts of the university (i.e., Aggie Athletics Fund/Athletics Department, Library Associates/Libraries). Distribution or presentation of informational materials in a university facility hosting a particular event (to which the material is directed) may require approval from the event sponsor in addition to that of the cognizant vice president (or designee). Direct public

solicitation of gifts and/or donations on campus is prohibited except in instances involving approved and scheduled private, organized group activities (i.e., fund-raising banquets, meetings, gatherings with the sole intent of fund raising, and/or political campaign activities). (See Chapter 3 - Political Activity)

Food Service Policy for Sales/Solicitations/Acquisition: The university food service contractors are granted the right to operate/conduct food services on the university campus. Clarification of this right is necessary, however, in view of the many activities conducted on the campus which involve food products, and which may or may not conflict with contractual obligations of the university to the contractors. The following food service policy outlines the conditions under which student, staff or faculty activities may involve food and beverage services:

Student groups and university departments must seek and receive approval for any food events not catered by the university food service providers by completing an Activity Request Form from the Campus Activities Office.

No off-campus firm or agency may be contracted to provide or to cater food service to university students, staff, administrative groups, conferences, or visitors in Corbett Center Student Union or other locations on university property where the primary university food services contractor is providing food services.

Non-university vendors providing services in approved locations on campus other than athletic facilities must be pre-certified by the director of housing and dining services and rebate to the Office of Housing and Dining Services a commission of seven percent of all sales applicable to the campus event.

Student groups and university units or offices may secure prepared food products from off-campus sources to serve on the campus when all of the following conditions are met:

1. The products are served exclusively to the members and guests of the sponsoring organization at private gatherings, such as club meetings.
2. The products are served or sold in a manner or under conditions that are not construed to be in competition with the university food contractors. (The sale is construed to be in competition when the seller is soliciting the same consumer prospects as those sought or being serviced by the university food contractors and offering products similar to those provided by the contractors.)
3. If food is prepared in the homes of participants and is served, it shall be only for the participants and their personal guests and constitute a private gathering where the general public is not invited.

Individuals on campus may secure food from those off-campus vendors who provide delivery service (e.g., pizza or other campus delivery products) when done on an individual order basis. Any other delivery policies for individual buildings or facilities shall apply (e.g., a residence hall's policy).

Given health, safety, and liability concerns, raw food may not be secured for preparation and distribution on campus unless approval is obtained in writing from the director of campus activities and from the Public Health Division (per following paragraph):

Organizations granted approval for a public event where the preparation, sale, or distribution of food products is conducted must apply for and receive a State of New Mexico Food Purveyors License. The license must be obtained from the Public Health Division of the State Health Department, Office of Health Facilities Licensing, 1170 North Solano Drive, Las Cruces, New Mexico, in accordance with the New Mexico Food

Service Sanitation Act, Chapter 309, Laws of 1977. A copy of the license must accompany the Activity Request Form or other request for conducting the event. Failure to secure the license constitutes automatic disapproval of the request. @

General Fund-Raising Policy for Student Organizations, University Departments, and Other Affiliated Groups: Raising funds from private sources is an important means of supplementing the various programs in teaching, research, extra-curricular, and service activities. The university recognizes and encourages the efforts of campus groups in this regard, but also recognizes the necessity to establish guidelines which aid in coordinating these activities to avoid conflicts, duplication, violation of laws or regulations, or activities which reflect negatively on the university. This policy applies to fund-raising/solicitation of individuals and business firms by student organizations, departments, and agencies of the university as well as other groups which are affiliates of the university. It does not pertain to proposals for research support addressed to government agencies supporting research that are covered by existing university policies and procedures.

Proposals for fund-raising activities from university departments, agencies, academic classes and other affiliated groups must be submitted in writing to the Office of the Vice President for University Advancement no less than 2 weeks prior to the activity. Proposals shall include the purpose, budget plan, amount sought, prospective donor or donors, and a time schedule for the activity. Fund-raising activity proposals from recognized student organizations will be initiated with the director of campus activities by completing an Activity Request Form. Approved fund-raising activities are to be coordinated through the Office of the Vice President for University Advancement or the Campus Activities Office in a manner appropriate to each activity/project and in accordance with policy guidelines stated herein. Organizations incorporated outside the university which raise funds for a university department, agency, or unit are requested to confer with the vice president for university advancement before commencing to fund-raise. Approved activities must comply with all university, city, state, and federal laws, ordinances, and regulations, including taxation; and it shall be the responsibility of the activity sponsor to become aware of applicable requirements. Internal operating policies related to fund-raising events in specific facilities shall have jurisdiction when an event is held in these facilities (e.g., residence halls, Corbett Center, Pan American Center). No member of the sponsoring organization or participant in the activity shall receive personal financial gain from it. Reimbursement of planned, bona fide expenses of the activity (labor or materials), however, shall not be considered as personal gain. In no case shall an employee receive payment for personal services (labor) unless prior written approval is obtained from the executive vice president and provost. All funds raised through an activity and deposited in NMSU Foundation, Inc. accounts shall be administered in accordance with policies and procedures of the Foundation. Fund-raising at university events is not permitted unless specific approval is sought and granted through the director of campus activities in consultation with the vice president for university advancement. On-campus fund-raising involving the sale of merchandise or services must receive the prior approval of the director of campus activities in order to avoid contractual, operational, or jurisdictional conflicts.

Expectations: It is expected that all fund-raising events held on or off campus will be conducted in a manner which reflects positively on the sponsor and the university. While it is recognized that the type of activities will vary greatly, event sponsors are urged to avoid telephone solicitation, door-to-door sales or solicitations, and direct collections at civic or service organization meetings off campus. These methods are often over-used and may be counterproductive. Caution is also advised in the repetitious solicitation of businesses or prominent citizens for the same reason. (See Chapter 2 - United Way for exception.)

### **3.94 Sexual Harassment – Gender Discrimination (See Chapter 4, Appeals - Discrimination) [edited from AP&P 132-133]**

It is the policy of New Mexico State University to provide an atmosphere free of sexual harassment for all faculty, staff, students, and visitors.

According to the U.S. Equal Employment Opportunity Commission and the U.S. Office for Civil Rights, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic progress; (2) students' educational pursuits are adversely impacted; (3) submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting such individual; (4) such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance, or creates an intimidating, hostile, or offensive working or learning environment. Harassing conduct based on gender often is sexual in nature, but sometimes is not. Any unwelcome conduct based on gender is also forbidden by this policy regardless of whether the individual engaged in harassment and the individual being harassed are of the same or different gender. Common forms of harassment include offensive or abusive physical contact, joking, lewd language, suggesting sexual favors, displaying sexually suggestive objects, pictures, magazines, calendars, etc.

Hostile Work/Academic Environment: A student or employee may file a claim based on sexually offensive conduct that is sufficiently severe and/or pervasive to create a hostile work or academic environment. A hostile work or academic environment based on unwelcome attention, leers, or remarks of a sexual nature may also be grounds for sexual harassment. The university extends this protection to students in the classroom or in any academic-related settings. Hostile environment harassment based on discrimination should be referred to the Institutional Equity/EEO Director. Non-discriminatory hostile environment issues are regarded management matters under the purview of the appropriate administrator.

Retaliation: Any university employee or student may report violations of this policy without fear of retribution. The university prohibits retaliation against individuals because they have in good faith: (1) opposed any discriminatory or employment practice covered by university policies/procedures or state/federal laws; (2) filed a complaint of discrimination or grievance with the Office of Institutional Equity/EEO or external state/federal agency with statutory jurisdiction over discrimination filings; (3) reported a discriminatory matter to a supervisor; or, (4) testified, assisted with, or participated in an investigation, proceeding, or hearing protected under same. Such retaliation in and of itself may result in disciplinary action, up to and including termination.

Grievances: Persons who feel they have been harassed should whenever possible first approach the person or persons engaging in the inappropriate conduct indicating that the conduct is unwelcome. If the unwelcome behavior persists, the aggrieved should either report the complaint to the appropriate supervisor or the Institutional Equity/EEO director. All sexual harassment complaints made to a person in a position of authority must be reported to the Institutional Equity/EEO director (or the human resource services director if uncomfortable reporting the complaint to the Institutional Equity/EEO director) immediately, regardless of whether or not permission was given by the party subjected to the harassment. Allegations of sexual harassment are to be reported within 15 working days of occurrence, unless extenuating circumstances warrant exception. All employees and students should be aware that the university is prepared to take action in a timely manner to prevent and remedy such behavior, and that individuals who engage in such behavior are subject to disciplinary action. Any disciplinary action may be appealed through the appropriate procedure. To the extent possible, every effort will be made to safeguard confidentiality, consistent with reporting obligations and the need to investigate promptly and thoroughly. Contact the Institutional Equity/EEO director at (505) 646-3635 for any questions or clarifications to this policy statement.

Sanctions: Individuals who engage in sexual harassment, or supervisors who neglect to control the work environment and/or learning environment, will be held accountable. If it is determined that a violation of this policy has occurred, appropriate disciplinary action, training, and other measures will be taken to remedy the situation. All individuals are required to cooperate with any investigation in response to an allegation of harassment. Refusal to cooperate in an investigation may result in disciplinary action in accordance with university policy.

### **3.98 Smoking Policy [Adopted by Administrative Council 5/9/06; ratified by Board of Regents 9/8/06]**

#### **A. General**

Accumulating evidence has shown environmental or second hand tobacco smoke increases the risk of cancer and other health hazards for non-smokers as well as smokers. NMSU has a vital interest in maintaining a healthy and safe environment for its students, faculty, staff and visitors while respecting individual choice. Consistent with these concerns and the New Mexico Clean Indoor Air Act, NMSA 1978, § 24-16-1 through 11, the following policy has been established to restrict smoking of tobacco, or any other weed or plant, and provide procedures for accommodating the preferences of both smokers and nonsmokers.

Smoking of tobacco products is prohibited in all buildings (exceptions below) owned or leased by the university as well as within 25 feet of entrance or exit, vehicles, and during some organized outdoor events on university property.

#### **B. Smoke Free Areas**

Smoking is prohibited in or at:

- all enclosed buildings and facilities including classrooms, offices, food service venues, lavatories, and most residence halls ( in accordance with Housing and Residential Life policies);
- within 25 feet of building entrances and exits (when reasonable) and fresh air intake grills unless it is a specially designated smoking area;
- partially or fully enclosed walkways, corridors, elevators;
- vehicles owned, leased or rented by the university;
- within 50 feet of any area where flammable materials are handled or stored, or where other significant fire hazard may exist; and
- indoor athletic or other university-sponsored or designated events.

No Smoking signs or the international no smoking symbol will be posted at major entrances of all university buildings except for those campus residences where smoking is permitted.

#### **C. Smoking Permitted Areas**

Smoking is permitted outdoors on university property except during organized events which have been designated as "No Smoking". Individuals choosing to smoke outdoors must be 25 feet from doorways, open windows, enclosed walkways, and ventilation systems to prevent smoke from entering enclosed buildings and facilities, and to prevent public access from being denied to an individual with a respiratory medical condition.



In accordance with Housing and Residential Life policies, smoking is permitted in those units which constitute private residences; when everyone in the shared residence is a smoker or at the discretion of each Family Housing unit.

Fraternities and sororities will work toward an agreement, consistent with university policy during the 2006-07 school years.

#### D. Education and Services for Smokers

In light of numerous adverse health effects associated with active smoking, and with exposure to second hand smoke, the university will provide educational services to faculty, staff, and students about the hazards of smoking and information and services on quitting smoking. In addition to consulting with their own health care providers, students, faculty, and staff may get assistance from the following university programs.

- Students may contact the NMSU Student Health Center for information and programs on quitting smoking.
- Faculty and staff may obtain assistance in smoking cessation through the Employee Health Center.

#### E. Cooperation and Compliance

This policy relies on the mutual courtesy and cooperation of smokers and nonsmokers for its success. It is the responsibility of all members of the NMSU community to observe the provisions of this policy on smoking. Complaints or concerns or disputes regarding its implementation should be referred to the immediate supervisor for resolution. Environmental Health & Safety will assist in determining what distance or location is reasonable for the particular situation. If a resolution cannot be reached, the matter will be referred by the supervisor to the appropriate Department Head, director, Dean, Vice President for mediation. Managers, Department Heads and unit directors are responsible for seeing that persons in their areas are informed and comply with this smoking policy. Those having difficulty complying with these restrictions are encouraged to seek assistance from the resources listed in Section D. Students, faculty, and staff violating this policy are subject to disciplinary action. Any person who commits an unlawful act under any of the provisions of the New Mexico "Clean Indoor Air Act" shall be fined in an amount not less than ten dollars or more than twenty-five dollars for each violation.

#### F. Disposal of Tobacco Waste

Anyone who chooses to smoke or use smokeless tobacco on campus must discard the waste in an appropriate manner.

## **Chapter 4**

### **Human Resources - General Policies**

- 4.05 Appeals/Grievances (See Due Process)
  - 4.05.10 Appeals/Grievances - Discrimination-Based Staff Also Applicable to Applicant and Student Complaints of Discrimination to Include Sexual Harassment
  - 4.05.11 Appeals/Grievances - Non-Discrimination-Based Staff, Applicable to all Regular Non-Probation Employees
  - 4.05.20 Appeals - Consulting
  - 4.05.30 Appeals - Disability Accommodation (See Chapter 3 Codes - Discrimination)
  - 4.05.40 Appeals Discrimination - Faculty
  - 4.05.50 Appeals - Faculty (See other Appeals categories in this section)
    - Review Board of Faculty Salary Increase/Performance Evaluation
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  - 4.05.60 Appeals - Intellectual Property (See Appeals - Consulting)
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  - 4.05.90 Appeals - Student (See Student Handbook and current Undergraduate and Graduate Catalogs)
- 4.10 Children, Employment of
- 4.15 Compensation (See Chapter 5 Faculty - Compensation or Chapter 8 Staff Personnel - Compensation)
- 4.20 Discrimination (See Chapter 3 Codes - Discrimination, as well as Appeals - Discrimination in this chapter)
- 4.25 Due Process
- 4.26 Employee Separation Policy
- 4.30 Hiring (See Search Committee Handbook and Chapter 5 Faculty - Searches)
  - 4.30.05 Employment Background Review Policy [Adopted by Administrative Council 4/11/06; ratified by Board of Regents 9/8/06]
  - 4.30.10 Hiring - Definitions
  - 4.30.20 Hiring of Individuals Named in a Contract
- 4.35 Intellectual Property (See Chapter 5 Faculty - Research)
- 4.40 Layoff/Financial Exigency (See Chapter 8 Staff Layoffs)

- 4.50 Outside Employment and/or Activities (See Chapter 3 Codes of Conduct B Conflict of Interest)
- 4.55 Personnel Records (See Chapter 2 Miscellaneous - University Records)
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- 4.65 Security Clearance (Department of Defense)
- 4.70 Supplemental Employment/Compensation

## CHAPTER 4 - HUMAN RESOURCES - GENERAL POLICIES

### 4.05 Appeals/Grievances (See Due Process)

New Mexico State University is dedicated to providing equal employment opportunities in all areas of occupation without regard to age, ancestry, color, mental or physical disability, gender, gender identity, serious medical condition, national origin, race, religion, sexual orientation, spousal affiliation or veteran status, according to state and federal 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 comprehensive affirmative action program supports this effort. A listing of applicable state and federal laws includes the following:

- Age Discrimination in Employment Act of 1975
- Americans With Disabilities Act of 1990
- Civil Rights Act of 1991
- Education Amendments of 1972, Title IX
- Executive Order 11141
- Executive Order 11246
- Equal Pay Act of 1963
- New Mexico Human Rights Act
- Pregnancy Act of 1978
- Section 504 of the Rehabilitation Act of 1973
- Titles VI and VII, Civil Rights Act of 1964
- Vietnam Era Veterans Readjustment Act of 1974

#### 4.05.10 Appeals/Grievances - Discrimination-Based Staff, Applicable to Applicant and Student Complaints of Discrimination to Include Sexual Harassment

Grievable items do not include basic management rights such as, but not limited to, the right to manage, direct and assign employees, determine staffing patterns, rates of pay and/or tasks to be performed. Any action or complaint commenced in any state or federal agency or court may, at the discretion of the president/executive vice president and provost result in a stay of any pending internal proceeding (grievance, tenure review, appeal, etc.) filed by or on behalf of a student or employee, unless the complainant alleges any form of prohibited discrimination. In that case, the internal proceeding will continue until all administrative remedies are exhausted, without regard to the nature of and/or conclusions of any external proceedings. Upon termination of the external proceeding, except those involving discrimination allegations as described above, the president/executive vice president and provost will review the status of the internal proceeding in the light of the results, if any, of the external proceedings. If, in the president's/executive vice president and provost's opinion, further action is required, the internal proceeding will continue according to policy and procedure. If the president/executive vice president and provost decide no further action is necessary, the internal proceeding will terminate.

Hostile Work/Academic Environment: A student or employee may file a claim based on offensive conduct or behavior that is sufficiently severe and/or pervasive to create a hostile work or academic-related environment. See below for definition:

Discrimination-Based Harassment: The university prohibits any unlawful practice of harassment in work or academic environments based on an individual=s age, ancestry, color, mental or physical disability, gender, gender identity, serious medical condition, national origin, race, religion, sexual orientation, spousal affiliation or veteran status. Any supervisor who engages in or condones any

harassment of an employee/student based on discrimination will be sanctioned accordingly. All discrimination-based harassment, including third-party complaints, must be reported to the Institutional Equity/EEO Office immediately.

Discrimination Grievance Procedures: [Applicable to all regular non-probationary staff employees; applicants and, students alleging discrimination in the work place, classroom or related activities. Probationary, temporary, occasional, emergency hire employees and applicants may only appeal matters of discrimination through stage two of this procedure. Only performance evaluations with overall ratings of "unsatisfactory," "needs improvement," or "does not meet expectations" may be appealed using this procedure. See section 4.05.40 for faculty discrimination appeals procedures.]

While employees are encouraged to resolve issues through discussion with the immediate supervisor(s), all discrimination matters are to be reported to the Institutional Equity/EEO Office immediately. There may be occasions when disputes may be resolved at the departmental level without direct involvement of the office of Institutional Equity/EEO, however, the Institutional Equity/EEO director is to be consulted to ensure consistency. Employees shall be free to discuss matters with the Institutional Equity/EEO director and file grievances without fear of reprisal.

#### STAGE ONE – Institutional Equity Review

Informal Complaint: The complainant may elect to file an informal complaint by completing the EEO complaint form within 15 working days of occurrence of the grievable item(s). During the informal stage, the complainant may elect not to self identify. The remedy may include seminars, exchange of information, newsletter articles, memorandums, administrative review, or counseling. Informal settings (where the parties are identified) may also include mediation at the departmental level or other direct communication with both parties. If the informal filing does not result in resolution, the complainant may exercise the formal grievance process within 5 working days of completing the informal complaint process.

Formal Grievance: Any person with a sexual harassment or discrimination complaint should (whenever feasible) first approach the person or persons engaging in the inappropriate conduct and indicate that the conduct is unwelcome. If the inappropriate behavior persists, the aggrieved would either report the complaint to the appropriate supervisor or the Institutional Equity/EEO director. All discrimination complaints made to a person in a position of authority must be reported to the Institutional Equity/EEO director at the O'Loughlin House, 1130 East University Avenue, immediately, regardless of whether or not permission was given by the party subjected to the discrimination. Completion of the EEO Grievance Form is required within 15 working days after the occurrence or within 5 working days following the informal complaint process (unless extenuating circumstances warrant exception). The grievance will be accepted or denied in writing by the Institutional Equity/EEO director (or designee). If denied, the complainant may appeal in writing to the executive vice president and provost (or designee) within 5 working days of receipt of written denial letter. If accepted, the party charged will be provided with a copy of the complaint documents and will be extended 10 working days to respond. The complainant will be provided a copy of the response, and may amend the initial grievance within 2 working days of receiving the response. If amended, the party charged will also be extended 2 working days to provide any additional documentation. The Institutional Equity/EEO director (or designee) will investigate relevant issues, secure appropriate statements, and prepare a report for administrative review. All employees and students should be aware that the university is prepared to take action in a timely manner to prevent and remedy such behavior and that individuals who engage in such behavior are subject to disciplinary action. All individuals are required to cooperate with any investigation in response to an allegation of unlawful harassment. Refusal to cooperate in an investigation may result in disciplinary action in accordance with university policy. Any disciplinary action may be appealed through the appropriate procedure.

Confidentiality Statement: To the extent possible, every effort will be made to safeguard confidentiality, consistent with reporting obligations and the need to investigate promptly and thoroughly.

Disclosure of Documents: All witness statements are the responsibility of the person filing or responding to the grievance(s). Witness statements provided by either complainant or the party charged will be provided to the opposing party at the time the statements are presented to the Institutional Equity/EEO Office or the Employee Relations Office. The Institutional Equity/EEO director may conduct any further investigation deemed appropriate, which may include additional witness statements. The result of that investigation is the work product of the investigator and not subject to disclosure. Documents protected by the Family Educational Rights and Privacy Act (FERPA), Privacy Act of 1974, The New Mexico Public Records Act, etc. will not be subject to disclosure.

#### STAGE TWO - Administrative Review

The executive vice president and provost (or designee) will review the report and render a decision. The determination letter will be transmitted in writing by the Institutional Equity/EEO director (or designee) to the complainant, party charged and appropriate administrators. If the complainant or party charged is not in agreement with the decision, new or additional documentation may be provided through the Institutional Equity/EEO Office to the executive vice president and provost (or designee) within 5 working days of receiving the determination letter. Following the review of the new or additional information, a final decision will be issued from the executive vice president and provost (or designee) within 5 working days of receipt of the information to the complainant and party charged.

Retaliation: The university prohibits any unlawful practice regarded as retribution or intimidation against any university employee or student who has in good faith: (a) opposed any discriminatory or employment practice covered by university policies/procedures or state/federal laws; (b) filed a complaint of discrimination or grievance with the Institutional Equity/EEO Office or external state/federal agency with statutory jurisdiction over discrimination filings; (c) reported a discriminatory matter to a supervisor; or, (d) testified, assisted with or participated in an investigation, proceeding or hearing protected under same. Such retaliation in and of itself may result in disciplinary action, up to and including termination.

[This stage exhausts the internal appeal process available to applicants, students, probationary, and all complaints of discrimination, including sexual harassment, and/or retaliation.]

#### **4.05.11 Appeals/Grievance - Non-Discrimination-Based Staff, Applicable to all Regular Non-Probation Employees**

Hostile Work/Academic Environment: A hostile environment claim may be based on offensive conduct or behavior that is sufficiently severe and/or pervasive to create an abusive work/academic environment or related activities. See below for definition:

Nondiscrimination-Based Harassment: The university prohibits any unlawful practice of harassment in work place, classroom environments, including related activities, which has the effect of creating a hostile environment based on disputes arising from nondiscrimination matters. Responsibility for such matters is designated to the appropriate directors, department heads, deans, vice presidents or vice provosts. On the occasion that nondiscrimination harassment is reported or discovered during an investigation by the assistant director of Employee Relations, a referral to the appropriate official may be made for further review and action. Examples of nondiscrimination harassment may include conduct and behavior that is sufficiently severe and/or pervasive to create an abusive work or academic environment. (See section 4.05.10 for discrimination-based harassment)

Grievance Exceptions: Grievable items do not include basic management rights such as, but not limited to, the right to manage, direct and assign employees, determine staffing patterns, rate of pay and/or tasks to be performed. Any action or complaint commenced in any state or federal agency or court (or before any state or federal employee or hearing officer) may, at the discretion of the executive vice president and provost result in a stay of any pending or filed internal proceeding (grievance, appeal, etc.) filed by or on behalf of an employee of the Board of Regents. Upon termination of the external proceeding the Executive vice president and provost will review the status of the internal proceeding in the light of the results of the external proceedings. If, in the Executive vice president and provosts= opinion, further action is required, the internal proceeding may continue in accordance with established procedures. If no further action is deemed necessary, the internal proceeding will cease

Nondiscrimination-Based Grievance Procedures: Employees are encouraged to resolve issues through discussion with the immediate supervisor(s) and may contact the Employee Relations Assistant Director for consultation on nondiscrimination matters at any time. If resolution is not attained, a formal or informal grievance may be filed with the Employee Relations Office. Employees shall be free to discuss matters with the Employee Relations Assistant Director and file grievances without fear of reprisal.

#### STAGE ONE

Informal Complaint: The complainant may elect to pursue an informal complaint by meeting with the Assistant Director of Employee Relations within 15 working days of occurrence of the grievable item. During the informal stage, the complainant may elect not to self identify. The remedy may include seminars, exchange of information, newsletter articles, memorandums, administrative review, or counseling. Informal settings (where the parties are identified) may also include mediation at the departmental level or other direct communication with both parties. If the informal filing does not result in resolution, the complainant may exercise the formal grievance process within 5 working days of completing the informal complaint process.

Formal Grievance: Completion of the Employee Relations Grievance Form is required within 15 working days after the occurrence or within 5 working days following the informal complaint process. The complainant will include the basis of the grievance which identifies specific employment practices and procedures. The grievance will be accepted or denied in writing by the Employee Relations Assistant Director (or designee). If denied, the complainant may appeal in writing to the executive vice president and provost (or designee) within 5 working days of receipt of written denial letter. If accepted, the party charged will be provided with a copy of the complaint documents and will be extended 10 working days to respond. Additional time may be granted on a case-by-case basis by written request. The complainant will be provided a copy of the response, and may amend the initial grievance within 2 working days of receiving the response. If amended, the party charged will also be extended 2 working days to provide any additional documentation. The Employee Relations Assistant Director (or designee) will investigate relevant issues, secure appropriate statements, and prepare a report for administrative review.

Disclosure of Witness Statements: All witness statements are the responsibility of the person filing or responding to the grievance(s). Witness statements provided by either complainant or the party charged must be provided to the opposing party at the time the statements are presented to the Employee Relations Office. The Employee Relations Assistant Director may conduct any further investigation deemed appropriate, which may include additional witness statements. The result of that investigation is the work product of the investigator and not subject to disclosure.

#### STAGE TWO - Administrative Review

The executive vice president and provost (or designee) will review the report provided by the Employee Relations Office and render a decision. The determination letter will be transmitted in writing by the Employee Relations Assistant Director (or designee) to the complainant, party charged, and appropriate administrators. If the complainant or respondent is not in agreement with the decision, new or additional documentation may be provided through the Employee Relations Office to the executive vice president and provost (or designee) within 5 working days of receiving the determination letter. Following the review of the new or additional information, a final decision will be issued from the executive vice president and provost (or designee) within 5 working days of receipt of the information to the complainant and party charged.

STAGE THREE - Board Review: [The Human Resources Board may be convened to address: terminations, suspensions, demotions, and related issues resulting in reduction/loss of wages and/or appeals of overall Aunsatisfactory,@ Aneeds improvement,@ or Adoes not meet expectations@ performance evaluation ratings for regular non-probationary staff employees.]

If the complainant does not agree with the executive vice president and provost=s decision in STAGE TWO, a request to convene the Human Resources Board may be submitted in writing to the Employee Relations Office within 5 working days of receiving the determination letter or executive vice president and provost=s final letter. The complainant and party charged will be required to provide all documentation to be reviewed by the Human Resources Board according to procedures cited herein. The Human Resources Board will hold a hearing and issue a recommendation to the executive vice president and provost (or designee) within 5 working days of said hearing. Should the Human Resources Board require additional time, the chair will notify the complainant, party charged, and executive vice president and provost. The executive vice president and provost (or designee) will issue a final decision in writing to both complainant and party charged within 5 working days of receiving the Human Resources Board's recommendation. STAGE THREE concludes the appeal process for non-probationary staff employees at the university.

[BYPASS - If the complainant wishes to bypass STAGES ONE and TWO and go directly to STAGE THREE, a letter requesting a Human Resources Board hearing may be addressed to the Employee Relations Assistant Director (or designee) within 10 working days of the occurrence. In addition to the letter, the complainant will be required to complete the appropriate grievance form and provide supporting documents. These documents will be provided to the party charged, who will prepare a response and submit any supporting documents to the Employee Relations Assistant Director (or designee) within 10 working days of receipt of complainant's documents. The Employee Relations Assistant Director (or designee) will provide the complainant with a copy of materials submitted by the party charged and provide the Human Resources Board with copies of all appropriate documents.]

#### HUMAN RESOURCES BOARD OPERATING PROCEDURES

The Complainant is Responsible for Providing the Employee Relations Assistant Director (or Designee) with:

1. A written request for a Human Resources Board hearing within 5 working days of completing STAGE TWO or within 10 working days if STAGES ONE and TWO are bypassed.
2. A list of witnesses (by name, title, employer, telephone number, and order of appearance at the hearing). It is the complainant's responsibility to secure permission from and arrange for attendance of named witnesses prior to submittal.



3. Seven copies of all documentation to be reviewed during the hearing, plus an additional copy for each individual named in #2 above.
4. The name(s) of legal counsel and/or other representative(s) who will be in attendance at the hearing. Legal counsel or representative(s), who are not university employees, may only actively participate in the hearing process for appeals involving termination, demotion, or suspension. Cross examination of witnesses will be permitted through the chair. Any questions for parties charged/complainant(s) may be channeled through the chair, who will determine the relevance and appropriateness of the question.
5. A written request for an open or closed hearing.
  - a. Open Hearing - an open hearing is one in which the public may attend, but may not participate in the hearing. In an open hearing, witnesses may stay only after completing their testimony.
  - b. Closed Hearing - a closed hearing is one in which only the complainant and party charged may be present to offer testimony to the Human Resources Board. In a closed hearing, witnesses will be present only during their testimony.
6. A request for special accommodation(s), if needed.

The Party Charged is Responsible for Providing to the Employee Relations Assistant Director (or Designee) with:

1. A list of witnesses (by name, title, employer, telephone number, and order of appearance at the hearing). It is the responsibility of the parties charged to secure permission from and arrange for attendance of named witnesses prior to submittal.
2. Seven copies of all documentation to be reviewed during the hearing, plus an additional copy for the complainant.
3. The name(s) of legal counsel and/or other representative(s) who will be in attendance at the hearing. Legal counsel or representative(s), who are not university employees, may only actively participate in the hearing process for appeals involving termination, demotion, or suspension. Cross examination of witnesses will be permitted. Parties charged will not be subjected to cross examination.
4. A written request for an open or closed hearing.
5. A request for special accommodation(s), if needed.

The Employee Relations Assistant Director (or Designee) is Responsible for Ensuring that:

1. The Human Resources Board has been notified in writing of the hearing.
2. The parties charged, complainant(s) and Human Resources Board members are advised in writing of the date, time, and location of the hearing.
3. The complainant and party charged are informed in writing of time constraints of 2 hours each to present material, including witness testimony and rebuttal. (Additional time may be considered, if requested).

4. Grievance procedures and exchange of statements are provided to both the complainant and party charged at least 48 hours prior to the hearing.
5. A pre-hearing orientation is provided to the Human Resources Board for purposes of receiving documents, instructions, and appropriate policies and procedures.
6. An agenda is prepared for the hearing and time constraints are monitored.
7. An official tape recording of the hearing is available, upon written request, to the complainant and/or party charged.
8. Reasonable accommodations are made, upon request.

The Chair is Responsible for Ensuring that:

1. An open or closed hearing is stated for the record during the hearing.
2. Instructions at the hearing are recorded for the record.
3. The nature of the charge is clearly understood.
4. All issues presented during testimony are relevant to the charge. It is the chair's prerogative to determine when issues have been clarified and may terminate the process accordingly.
5. Additional documentation (if provided by either party after documents have been submitted) is pertinent and reasonable.
6. Both parties are extended an opportunity for an Executive Session at the end of the Human Resources Board hearing (not recorded). An Executive Session provides the complainant and party charged with an opportunity to present any relevant extenuating or mitigating matters after closing statements, not to exceed 5 minutes each. During an Executive Session, only the voting board members and party requesting Executive Session will be present.

The Human Resources Board is Responsible for Ensuring that:

1. An open or closed hearing is designated after considering the sensitivity of the issues, in conjunction with any specific requests from the complainant or party charged.
2. A conflict of interest situation is called any time a Human Resources Board member's relationship or association (personal or business) with either the complainant or party charged may interfere with the process.
3. A written Human Resources Board recommendation is forwarded to the executive vice president and provost within 5 working days following the hearing.

Nonexempt Human Resources Board: The Nonexempt Human Resources Board members are restricted to two consecutive terms of 3 years each. The Nonexempt Human Resources Board will hear grievances from nonexempt employees only. Representatives include:

- Chair Dean selected by the executive vice president and provost to serve for 3 years. The previous chair will serve as alternate and assume all duties of the chair in case of absence. [Note: The same chair will serve on both nonexempt and exempt boards.]

- Member Nonexempt employee and alternate selected from and by the Advisory Council on Administrative Policy to serve for 3 years.
- Member Nonexempt employee and alternate selected from and by the Institutional Equity/EEO Advisory Committee to serve for 3 years.
- Member Nonexempt employee and alternate appointed by the president to serve for 3 years.
- Member Employee Relations Assistant Director (or designee), permanent, ex officio member.
- Member director of human resource services, permanent, ex officio member.

Exempt Human Resources Board: Exempt Human Resources Board members are restricted to two consecutive terms of 3 years each. The Exempt Human Resources Board will hear grievances from exempt employees only. Representatives include:

- Chair Dean selected by the executive vice president and provost to serve for 3 years. The previous chair will serve as alternate.  
[Note: The same chair will serve on both nonexempt and exempt boards.]
- Member Exempt employee and alternate selected from and by the Advisory Council on Administrative Policy to serve for 3 years.
- Member Exempt employee and alternate selected from and by the Institutional Equity/EEO Advisory Committee to serve for 3 years.
- Member Exempt employee and alternate appointed by the president to serve for 3 years.
- Member Employee Relations Assistant Director (or designee), permanent, ex officio member.
- Member Director of Human Resource Services, permanent, ex officio member.

#### **4.05.20 Appeals - Consulting**

The faculty member may appeal decisions (denial of consulting privileges) to the University Appeals Board.

#### **4.05.30 Appeals - Disability Accommodation (See Appeals - Discrimination 4.05.40 Appeals- Staff 4.05.10)**

#### **4.05.40 Appeals Discrimination B Faculty**

Applicable to all faculty who allege discrimination, to include sexual harassment and disability. The grievance procedures for applicants, students and staff employees are contained in Section 4.05.10 Appeals B Staff and External Applicants. The university is dedicated to providing equal employment opportunities in all areas of occupation without regard to age, ancestry, color, disability, gender, national origin, race, religion, sexual orientation, or veteran status, in accordance with state and federal laws. Employees shall be free to discuss matters with the director of Institutional Equity/EEO and file grievances without fear of reprisal. All discrimination allegations (to include sexual harassment and denial of disability accommodations) are to be reported to the Institutional Equity/EEO Office immediately. [See Grievance Exceptions section.]

#### **PROCEDURES**

Informal Complaint - The complainant may elect to file an informal complaint by completing the Informal Complaint Form within 15 working days of occurrence of the grievable action. During the informal stage, the complainant may elect not to self-identify. The remedy may include seminars (to include the party charged), exchange of information, newsletter articles, memorandums for campus distribution, or documentation for the record only. Informal actions (when the parties are identified)

may include mediation, letters, memos, telephone calls, and other direct means of communication. If the informal filing does not result in resolution, the complainant may file a formal grievance.

Formal Grievance - Completion of the EEO Grievance Form is required within 15 working days of the occurrence or following the informal complaint process above. The complainant will specify the basis of the grievance as either discrimination and/or employment practices and procedures. The grievance will be accepted or denied in writing by the Institutional Equity/EEO director (or designee). If denied, the complainant may appeal in writing to the executive vice president and provost (or designee) within 5 working days of receipt of written denial letter. If accepted, the party charged will be provided with a copy of the specific allegations, the name of the complainant, and will be extended 10 working days to respond. The complainant may also have an opportunity to receive a copy of the response (upon request), and amend the initial grievance within 2 working days of receiving the response. If the complaint is amended, the party charged will also be extended 2 working days from receipt of the amendment to provide any additional documentation. Additional time for filing may be granted on a case-by-case basis. The Institutional Equity/EEO director (or designee) will investigate relevant issues, secure appropriate statements, and prepare a formal report for administrative review. The executive vice president and provost (or designee) will review the EEO report and render a decision. The determination letter will be transmitted in writing by the Institutional Equity/EEO director (or designee) to the complainant, party charged, and appropriate administrators. If the complainant or respondent are not in agreement with the decision, new or additional documentation may be provided through the Institutional Equity/EEO Office to the executive vice president and provost (or designee) within 5 working days of receiving the determination letter. Following the review of the new or additional information, a final decision will be issued from the executive vice president and provost (or designee) within 5 working days of receipt of the information to the complainant and party charged. (This stage exhausts the internal appeal process for grievances of discrimination, including sexual harassment.) Sexual harassment is a form of gender discrimination and is subject to the procedures outlined above.

#### **4.05.50 Appeals B Faculty**

This section includes (1) a description of procedures for appealing salary increase/performance evaluations to the Review Board of Faculty Salary Increase/Performance Evaluation; (2) a description of the procedures for appealing violations of procedure or due process regarding promotion/tenure and general administrative actions to the University Appeals Board; and, (3) a description of the procedures for appealing the involuntary termination of a continuous contract or a Temporary Contract During Its Term to the Senior Senator Review Committee. (See also Appeals - Discrimination) Under normal circumstances, employees are encouraged to resolve issues through discussion with the immediate supervisor(s). If resolution is not attained, the employee may appeal to the next level of administration. If resolution is not attained, an informal or formal grievance may be filed with the Office of Institutional Equity/EEO. Employees shall be free to file grievances without fear of reprisal.

Grievance Exceptions: Any action or complaint commenced in any state or federal agency or court may, at the discretion of the president/executive vice president and provost, result in a stay of any pending internal proceeding (grievance, tenure review, appeal, etc.) filed by or on behalf of an employee, unless the complainant alleges any form of prohibited discrimination. In that case, the internal proceeding will continue until all administrative remedies are exhausted, without regard to the nature of and/or conclusions of any external proceeding. Upon termination of the external proceeding, except those involving discrimination allegations, as described above, the president/executive vice president and provost will review the status of the internal proceeding in the light of the results, if any, of the external proceedings. If, in the president's/executive vice president and provost's opinion, further action is required, the internal proceeding will continue according to policy and procedure. If the president/executive vice president and provost decide that no further action is necessary, the internal proceeding will terminate.

Review Board of Faculty Salary Increase/Performance Evaluation: The Review Board of Faculty Salary Increase/Performance Evaluation hears appeals regarding salary increases and performance evaluation.

Composition of the Review Board: The Review Board of Faculty Salary Increase/Performance Evaluation consists of three elected tenured faculty members and one member of the administration. The faculty members will serve staggered 3-year terms and the administration member will also serve a 3-year term. Three alternate members to the Review Board will also be elected. These will serve staggered 3-year terms as replacements for regular members of equivalent terms, should a regular member be unable to complete the term, and may also be used as replacements when regular members are otherwise unable to serve for a particular case. Nominations for the faculty positions will be through members of the Faculty Senate. The nomination must specify the position for which the nominee will run. (Normally two positions, one Review Board member and one alternate, will be vacated each year.) Elected Review Board members in the faculty positions must be from different colleges. Two or more nominees for the administrative position on the Review Board will be made by the president; nominees will be at the level of department head, assistant dean, or above. Presidential nominations will be submitted after the election results are known in order to assure representation of the various colleges. The presidential nominee receiving the second highest number of votes will serve as alternate in cases involving the administrative member of the Review Board or administrative member's staff. Faculty members of the Review Board will be elected by faculty ballot. The administrative position will be elected by ballot of Faculty Senate members. A plurality of 40 percent of the votes cast will be necessary for election for each position and, if necessary, a runoff election between the nominees with the largest number of votes will be held. A quorum of the Review Board will consist of four members. No member will sit in cases involving that Review Board member or members of that Review Board member's department. In order to avoid actual or perceived conflicts of interest, the chair can excuse any member of the Review Board. The elected faculty Review Board member in the third year of service will serve as chair. The elected faculty Review Board member in the second year of service will serve as chair-elect. The chair-elect will serve as chair in case of absence or disqualification of the chair.

## GRIEVANCE PROCEDURES

A working day<sup>@</sup> is defined here and throughout this chapter as Monday through Friday, except for official university holidays.

The faculty member first should seek to resolve a grievance by conferring with the department head and, if necessary, the dean. If the grievance is not resolved through these informal conferences, the following outlines the process for appealing salary/performance evaluation through the Review Board of Faculty Salary Increase/Performance Evaluation. If circumstances warrant, the chair or the executive vice president and provost may extend specified time limits upon the written request of any party. The opposite party will be given an opportunity to comment on such a request before a decision is made.

STEP ONE - Filing: Within 10 working days of notification of an administrative action, a faculty member may present in writing to the department head or appropriate administrator a memo with the subject line AGrievance,<sup>@</sup> containing a comprehensive rationale for the grievance, including the basis for the grievance and the remedy requested.

STEP TWO - Administrative Review: Within 10 working days of receipt of the grievance, the department head/appropriate administrator will meet with, the dean or appropriate administrator, the chair of the Review Board of Faculty Salary Increase/Performance Evaluation, and the appellant, in an attempt to settle the grievance. Within 5 working days of this meeting, the dean or appropriate administrator will reply in writing to the appellant, with copies to the department head, chair of the

Review Board, and the executive vice president and provost, describing the action taken, if any, to adjust the matter.

STEP THREE - Referral to Review Board of Faculty Salary Increase/Performance Evaluation: If the grievance is not resolved by administrative review, the faculty member may initiate a formal appeal within 10 working days by petitioning the chair of the Review Board by memo through the Office of the Executive Vice President and Provost. The faculty member will provide the dean and the chair of the Review Board a copy of this appeal memo. The faculty member will forward to the Office of the Executive Vice President and Provost a copy of the following material:

- § Appellant's evaluation form with summary sheet and appendages submitted by the faculty member during the evaluation period.
- § Written statements from the department head to the faculty member outlining objectives agreed upon during the evaluation session.
- § Memoranda and/or documents submitted by the faculty member, including the comprehensive rationale for the grievance.
- § Written recommendations by the department head, deans, or appropriate administrators regarding the appeal.
- § Correspondence and recommendations from the administrative review.

Within 5 working days of receipt of the above material, the Office of the Executive Vice President and Provost will provide four copies of all appropriate materials to the chair for distribution to the Review Board. The chair of the Review Board will submit a statement of its findings and recommendations within 10 working days to the executive vice president and provost, along with related correspondence.

STEP FOUR - Hearing: The Review Board meets no more than 20 working days after a petition has been referred to them according to the guidelines specified below. The chair of the review board will submit a statement of its findings and recommendations within 10 working days to the executive vice president and provost, along with related correspondence.

STEP FIVE - Disposition: A final decision by the executive vice president and provost, along with a copy of the Review Board's findings and recommendations, will be issued in writing to the parties involved, with copies of the decision to the members of the Review Board of Faculty Salary Increase/Performance Evaluation, within 10 working days. All documentation, including the executive vice president and provost's decision, will be filed in the Office of the Executive Vice President and Provost.

Review Board Guidelines:

1. The chair of the Review Board will attempt to settle an issue to the satisfaction of the parties involved before pursuing more formal avenues of action.
2. At least 2 working days in advance of the hearing, the chair of the Review Board will distribute to Review Board members and both parties (through the Office of the Executive Vice and Provost) copies of additional notices and communications from either party. The Review Board members will review these materials, along with those noted in STEP THREE above, previous to the hearing.
3. No new written information may be presented in the hearing by either party without the consent of the chair.
4. The chair will be designated the official timer.

Hearing Procedure: The Review Board will begin the hearing no more than 20 working days after a petition has been referred to them. Participants will be members of the Review Board, the appellant,

department head and dean of the college or appropriate administrators, and the graduate dean or designee if the appellant is a member of the graduate faculty, and may include at the option of the appellant one faculty member to assist in the preparation and presentation of the case. Neither administrators nor appellant may be represented at the hearing by legal counsel. The hearing will normally be limited to 1 hour; however, the chair will assure that all parties have an opportunity to present their cases. Therefore, the appellant and administrators should be prepared to make concise statements of their respective positions. Each hearing will consist of the following elements:

Phase 1: All participants will be present. The main spokesperson for the administrators, usually the department head, will explain their rationale. Other administrators, keeping within a time constraint of no more than 15 minutes total time for administrators, may supplement the statement. The appellant's rationale will also be presented within a time constraint of no more than 15 minutes. The next 15 minutes will be devoted to questions and brief statements from administrators and the appellant concerning previous statements.

Phase 2: Members of the Review Board and appellant will be present. Five minutes will be allotted should the appellant choose to make a statement to the Review Board with administrators not present.

Phase 3: Members of the Review Board and administrators will be present. Five minutes will be allotted to the administrators should they choose to make a statement to the Review Board with the appellant not present.

Phase 4: The Review Board will send its recommendation to the executive vice president and provost within 3 working days of the hearing. Within 10 working days, a final written decision will be provided to all participants by the executive vice president and provost. All documentation, including the executive vice president and provost's final decision, will be filed in the Office of the Executive Vice President and Provost.

#### **APPEALS B PROMOTION/TENURE (VIOLATIONS OF PROCEDURE OR DUE PROCESS) AND GENERAL ADMINISTRATIVE ACTIONS**

When a faculty member alleges a violation of policy or due process\* with regard to tenure or promotion,, the University Appeals Board, after review by appropriate administrators through the executive vice president and provost=s level, convenes to hear such appeals. In addition, administrative actions that a faculty member considers unfair may be referred to the University Appeals Board after normal administrative review. Administrative actions that may be appealed include, but are not limited to: actions concerned with the setting of goals and objectives; course load; assignment and schedules; and credit for service activities and supported and unsupported research. The University Appeals Board does not have jurisdiction over appeals of salary increases and performance evaluations, cases involving dismissal of tenured faculty for cause, discrimination, student grievances and staff employee grievances, or cases involving student discipline. In all instances, the University Appeals Board will attempt to resolve all complaints on an informal basis.

\*The process of promotion and tenure decisions includes peer review. The advisory judgments of departmental and college promotion and tenure committees, department head, dean and executive vice president and provost are not, in themselves, appealable. Under the terms of the Civil Rights Act of 1964, such judgments are reviewable insofar as they may be discriminatory; otherwise, appeals of promotion and tenure decisions may be based only on violations of procedure or due process that this manual provides. (See Promotion, - Promotion and Tenure)

Composition of the University Appeals Board: The University Appeals Board will consist of six tenured faculty members and one member of the administration. The faculty members will serve staggered 3-year terms and the administrative member will also serve a 3-year term. Three alternate faculty members also will be elected to the University Appeals Board. These alternates will serve

staggered 3-year terms as replacements for regular members of equivalent term should those members be unable to complete the term or otherwise be unable to serve for a particular case. Nominations for the faculty positions will be made in writing to the vice chair of the Faculty Senate, and accompanied by a brief description of the nominee's qualifications for the position and agreement to run. The nomination must specify the position for which the nominee will run (normally two positions will be vacated each year). No two University Appeals Board members may be from the same department. Two or more nominees for the administrative position on the University Appeals Board will be made by the president of the university. Nominees may be at the level of department head, assistant dean, or above. Faculty members on the University Appeals Board will be elected by faculty ballot. The administrative member and the alternate administrative member will be elected by secret mail ballot of faculty senators. The administrative nominee receiving the second highest number of votes will serve as alternate administrative University Appeals Board member. In both instances, a plurality of 40 percent of the votes cast will be necessary for election for each position and, if necessary, a runoff election between the two nominees for a given position with the largest number of votes will be held. A quorum of the University Appeals Board will consist of five members. In order to avoid actual or perceived conflict of interest, either party involved in an appeal may request that a particular member be recused. If such a request is made, the University Appeals Board will meet and by majority vote, can recuse any member. In the event the chair of the University Appeals Board is thought to be the member to have the conflict of interest, the chair-elect will call a meeting to determine if the chair will be recused. In any event, no member will sit in cases involving that University Appeals Board member or staff member. The University Appeals Board will annually, no later than March 31, elect a chair and a chair-elect. The chair-elect will serve as chair in case of absence or disqualification of the chair.

Procedures: (Refer to flowchart in Appendix 4-A.) A faculty member with a grievance should first seek to resolve it by conferring with the administrator involved and, if necessary, the supervisor of the administrator involved. If the issue is not resolved through these informal conferences, the following outlines the process for a grievance and appeal to the University Appeals Board. The executive vice president and provost or the chair of the University Appeals Board has discretion to extend specified time limits for administrative or other purposes or upon the written request of any party. The opposite party will be given an opportunity to comment on such a request before a decision is made. The process described below may be terminated at any point if a settlement acceptable to all parties involved is reached or if the appellant withdraws the grievance/appeal.

STEP ONE - Filing: Within 10 working days of notification of an administrative action, the faculty member with a grievance will present in writing to the administrator involved a memo with the subject line AGrievance,@ containing a comprehensive rationale for the grievance, including the basis for the grievance and the remedy requested. Grievances that occur as a result of an accumulation of acts or actions may be filed at any time, provided the last alleged action occurred within 10 working days. The appellant may consult with the chair of the University Appeals Board to determine the form this memo should take. Copies will be sent to the administrator(s) involved in the grievance and to the chair of the University Appeals Board. If the department head of the appellant is not the administrator involved, then the department head will receive a copy of the grievance and all other relevant documents. The appellant may request that the chair of the University Appeals Board appoint a senior faculty member, not in the appellant=s department and not a member of the University Appeals Board, as a mentor who may assist in developing the case through all the steps.

STEP TWO - Initial Review: Within 10 working days of receipt of the grievance, the administrator involved will conduct a meeting of with, the chair of the University Appeals Board, the dean or the immediate supervisor of the administrator involved, and the appellant (and mentor if assigned), in an attempt to settle the grievance. Within 5 working days of this meeting, the administrator involved will reply in writing to the appellant, with a copy to the immediate supervisor of the administrator involved, University Appeals Board chair, and the executive vice president and provost, describing the action taken, if any, to adjust the matter.



STEP THREE – Executive Vice President and Provost's Review: If the grievance is not resolved at the initial review, the appellant may, within 10 working days of notification of the results of the review described in STEP TWO, request a meeting with the executive vice president and provost by memorandum, attaching the original memorandum and responses from the initial review. This meeting should take place within 10 working days of the date of receipt of the memorandum by the Office of the Executive Vice President and Provost. Attendees at this meeting will include the appellant (and mentor if applicable), the chair of the University Appeals Board, and the executive vice president and provost. Within 10 working days of this meeting, the executive vice president and provost will reply in writing to the appellant, describing the action taken, if any, to adjust the matter. The executive vice president and provost will provide copies of this reply to those who participated in the initial review.

STEP FOUR - Referral to University Appeals Board: If the grievance is not resolved by the executive vice president and provost's review, the faculty member may initiate a formal appeal within 15 working days of receipt of the executive vice president and provost's decision by petitioning the chair of the University Appeals Board by memo through the Office of the Executive Vice President and Provost. The faculty member will provide the administrator involved and the chair of the University Appeals Board a copy of this appeal memo. The faculty member will forward to the Office of the Executive Vice President and Provost a copy of all appropriate material, including:

- § A memo citing the basis for the grievance, a comprehensive rationale, and the remedy requested.
- § A copy of the memorandum originally filed in STEP ONE.
- § A copy of all previous correspondence and administrative responses to date.

The Office of the Executive Vice President and Provost will provide seven copies of all materials to the chair for distribution to the University Appeals Board, within 5 working days of receipt of the formal appeal.

STEP FIVE - Investigation: The University Appeals Board will meet within 10 working days after an appeal has been referred to them to determine if the appeal merits further study. At least 2 working days before this meeting, the chair of the University Appeals Board will distribute the appeal to the University Appeals Board members. If the University Appeals Board agrees that the case merits further study, it will conduct an investigation and hearing. The University Appeals Board will review the petition containing the written statement of the grievance, the written administrative response, and other supporting evidence collected. A copy of any written administrative response will be provided to the appellant. The University Appeals Board will consider these written statements as the initial element in its investigation of the appeal.

- § If the University Appeals Board decides not to hold an investigation, it will forward its decision directly to the appellant, with copies to the president and all persons involved with the administrative review.
- § If the University Appeals Board does agree to investigate the appeal, it will submit, within 10 working days, a copy of the appeal, additional notices, and communications to the party(ies) against whom the grievance is directed with an invitation for them to submit a written reply to the chair of the University Appeals Board within 15 working days. The chair of the University Appeals Board will provide the appellant with a copy of this response. The University Appeals Board will review the appeal containing the written statement of the grievance, the written administrative response(s), and other supporting evidence collected. A copy of any written administrative response will be provided to the appellant. The University Appeals Board will consider these written statements as the initial element in its investigation of the appeal.
- § During the investigative phase of an appeal, procedures will be informal, and records will be limited to minutes of University Appeals Board meetings. The University Appeals Board may interview both parties, separately or jointly. The investigation will be completed within 25

working days from receipt of the written reply from the administrator involved. Both parties will have access to all of the investigation results. If an informal settlement of the issue is reached during the investigation, the chair will terminate the investigation and notify the appropriate parties within 10 working days of the settlement.

STEP SIX - The Formal Hearing: At the end of the investigative stage, if no settlement has been reached, the chair of the University Appeals Board will call a formal hearing on the appeal. The chair will notify the parties involved in writing at the conclusion of the investigation concerning the time and place of the hearing, the issues to be considered, and provide them with a written report of the investigation results. The formal appeals hearing will be held within 10 working days following this notification.

- § The hearing will be limited to specific items identified during the investigation.
- § The University Appeals Board will decide if the hearing will be open or closed. A tape recording of the hearing will be preserved in the executive vice president and provost=s archives, copies of which will be available to either party upon request.
- § The hearings of the University Appeals Board will not be bound by the rules of civil procedure, and any evidence of probative value in determining the issues involved may be admitted. Every possible effort will be made to obtain the most reliable evidence available.
- § Each party may bring a representative (e.g., a mentor or other person) to assist in the preparation and presentation of the case. However, neither administration nor the appellant will be represented at this hearing by legal counsel.
- § Each party may present witnesses to testify to facts in support of the party=s position; however, the statements of these witnesses must be made in the time allocated for the party having the floor. Normally, each party will have a total of 45 minutes in which to present. Upon the completion of formal statements, including presentations of witness testimony by both parties, there will be an opportunity for cross-examination, not to exceed 30 minutes for each party. Finally, each party will have not longer than 10 minutes for a summary statement.

STEP SEVEN - Decision: After all statements have been taken, parties and witnesses will be excused. The University Appeals Board will then deliberate and reach its decision. Within 15 working days of the appeals hearing, the chair will submit summary minutes, recommendations and rationale, copies of the tape recordings, and related papers to the president. The recommendations and rationale will include a summary of the University Appeals Board=s opinion(s), including any dissenting opinion(s). The chair will also distribute a copy of the findings and recommendations to each party. The chair may, at this time, call a meeting with the president and the University Appeals Board to discuss the decision. Within 10 working days of receipt of these materials, the president will inform, in writing, the University Appeals Board and other appropriate persons of the final decision. Complete documentation, including the president's decision, and rationale if applicable, will be filed in the archives of the executive vice president and provost. If the president rejects the decision of the University Appeals Board,, reasons for the rejection must be provided in writing. **A record of the decision of the University Appeals Board, all documentation, and the president=s decision will be deposited in the archives of the Faculty Senate.** The University Appeals Board will report annually to the Faculty Senate at its September meeting on the number of cases heard in the preceding academic year and the outcome of these cases. [See flowchart in Appendix 4-A.]

#### **SENIOR SENATOR REVIEW COMMITTEE: APPEALS OF INVOLUNTARY TERMINATION OF A CONTINUOUS CONTRACT OR A TEMPORARY CONTRACT DURING ITS TERM**

A faculty member alleging that a continuous contract has been unfairly or unjustifiably terminated or that a temporary contract has been unfairly or unjustifiably terminated is entitled to peer and administrative review. If a hearing is requested, the executive vice president and provost will request the chair of the Faculty Senate to convene the Senior Senator Review Committee.

Composition of the Senior Senator Review Committee: The Senior Senator Review Committee will consist of the senior senators from each of the academic colleges. If one of these is from the same department as the appellant, the senate member of next longest service from the same college will replace that senior senator. If two senators have identical length of service, the person with the longest service at the university will be placed on the Senior Senator Review Committee. The senior member will chair the Senior Senator Review Committee.

When the appellant is a member of a community college faculty, the Senior Senator Review Committee will be composed of the elected Faculty Senate member from each of the community colleges, except that community college in which the appellant is employed, and the senior senator from the campus college which administers the departmental discipline in which the appellant has been serving, and the senior senator from a campus college other than that described above. If two members have identical service on the Faculty Senate, the senator with the longest continuous employment at the university will be placed on the Senior Senator Review Committee. The campus member from the college which administers the departmental discipline in which the appellant has been serving will chair the Senior Senator Review Committee.

When the appellant is a member of the Cooperative Extension Service, the Senior Senator Review Committee will be composed of the two elected Faculty Senate members from the Cooperative Extension Service and four elected Faculty Senate members from four of the six colleges. These four senators will be chosen as follows: from a group of six senior senators, one from each of the academic colleges, the four most senior senators will be chosen. (If two or more senators have the same length of service on the Faculty Senate, the one with the longest continuous employment at the university will be placed on the Senior Senator Review Committee.) The senior senator from the Cooperative Extension Service will chair the Senior Senator Review Committee. In the event that the appellant is a Cooperative Extension Service representative on the Faculty Senate, the appellant will be disqualified from the committee and the above procedure will be carried out, choosing five members instead of four from the six colleges.

A quorum of the Senior Senator Review Committee will consist of six members. In the event a hearing is requested during the summer months, the Senior Senator Review Committee will be composed of the most senior senator available from each college. In the event the elected senators from the community colleges or Cooperative Extension Service are not available to serve, the chair of the Faculty Senate will select replacement(s) from their respective colleges or units.

#### PROCEDURE

The following is an outline of the hearing process. If circumstances warrant, the chair may change specified time limits upon the written request of any party. The chair will give the opposite party opportunity to comment on such a request before making a decision.

STEP ONE - Filing: Within 10 working days of notification of the termination for cause or termination of a temporary contract during its term, a faculty member may file a request in writing to the executive vice president and provost for a hearing before the Senior Senator Review Committee.

STEP TWO - Referral to Senior Senator Review Committee: Within 10 working days of the appellant's request, the executive vice president and provost will direct the chair of the Faculty Senate to convene a Senior Senator Review Committee following the guidelines above.

STEP THREE - Settlement Attempt: The chair of the Senior Senator Review Committee will meet with the parties involved and attempt a settlement. If a settlement is not attained, a hearing will be held within 30 working days, but not less than 15 working days without the consent of the petitioner. A comprehensive rationale for the grievance, including any documentary evidence supporting the allegations of unfair treatment, and the remedy requested must be submitted to the chair of the Senior

Senator Review Committee 5 working days prior to the hearing. Any material from the respondent(s) must also be submitted to the chair of the Senior Senator Review Committee 5 working days prior to the hearing.

STEP FOUR - Hearing: The Senior Senator Review Committee meets according to the hearing guidelines. The chair of the Senior Senator Review Committee will submit a statement of its findings and recommendations to the president along with related correspondence.

STEP FIVE - Disposition: Within 10 working days of receipt of the recommendations of the Senior Senator Review Committee, a final decision by the president, along with a copy of the findings and recommendations of the Senior Senator Review Committee, will be issued in writing to the parties involved, with copies of the decision to the Senior Senator Review Committee. All documentation, including the president's decision, will be filed in the Office of the Executive Vice President and Provost.

Settlement: The chair of the Senior Senator Review Committee will attempt to settle an issue to the satisfaction of all parties before pursuing a formal hearing. If such a settlement is not possible, the Senior Senator Review Committee will then proceed with the hearing.

Hearing Procedure:

1. The chair will notify the petitioner and other appropriate persons in writing the date, time, and location of the hearing. The hearing will be scheduled within 30 working days, but no sooner than 20 working days from the attempted settlement.
2. The hearing will be limited to the specific cause(s) of termination.
3. The Senior Senator Review Committee will decide if the hearing will be open or closed. A tape recording of the hearing will be preserved by the Senior Senator Review Committee, copies of which will be available to either party upon request.
4. The hearings of the Senior Senator Review Committee will not be bound by the rules of civil procedure, and any evidence of probative value in determining the issues involved may be admitted. Every possible effort will be made to obtain the most reliable evidence available.
5. Each party may bring a representative or legal counsel to assist in the preparation and presentation of the case. Both administration and the appellant may be represented at this hearing by legal counsel.
6. Each party may bring witnesses on his or her behalf; however, the statements of these witnesses must be made in the time allocated for the party having the floor.
7. The chair will assure that all parties have an adequate opportunity to present their cases, including witnesses. Upon the completion of formal statements by both parties, there will be an opportunity for cross-examination. Finally, each party may make a summary statement.
8. After all statements have been taken, parties and witnesses will be excused. The Senior Senator Review Committee will then deliberate and reach its decision. Within 15 working days of close of the appeal hearing, the chair of the Senior Senator Review Committee will submit a statement of its findings, its recommendations, the tape recordings, and related papers to the president. Each party will also receive a copy of the findings and recommendations.

Within 10 working days of receipt of these materials, the president will issue a final written decision to the Senior Senator Review Committee and other appropriate persons. All documentation, including the president's decision, will be filed in the Office of the Executive Vice President and Provost.

**4.05.60 Appeals - Intellectual Property (See Intellectual Property below and Appeals - Consulting)**

Decisions of the Intellectual Property Committee may be appealed to the University Appeals Board.

**4.05.70 Appeals - Layoff/Financial Exigency**

Employees who are to be laid off may appeal through faculty processes or through staff processes, as applicable. (See Appeals - Faculty, or Appeals - Staff)

**4.05.80 Appeals B Sick Leave Bank (See Chapter 7 Benefits B Leaves B Sick)**

If application for use of leave is denied, the decision of the human resource services director may be appealed to the executive vice president and provost, whose decision is final.

**4.05.90 Appeals B Student (See *Student Handbook* and current *Undergraduate or Graduate Catalog*)**

**4.10 Children, Employment of**

Normally, employment of children under 16 years of age is prohibited. Consult the Human Resource Services Office for any special considerations. Children under age 18 may not be employed or permitted to labor in any underground mine or quarry or at or about any place where explosives are used.

**4.15 Compensation (See Chapter 5 Faculty - Compensation or Chapter 8 Staff - Compensation)**

**4.20 Discrimination (See Chapter 3 Codes - Discrimination)**

**4.25 Due Process**

Due process opportunities are available to all regular employees. These policies and procedures are designed to provide an objective consideration of employee grievances. Employees are provided peer group representation on review boards and committees in order to ensure fair and impartial hearings of their complaints. Within each appeal procedure, notice is given as to who makes the final decision. These decisions are final and cannot be further appealed within the university structure. The Board of Regents will periodically review these policies but will not hear individual grievances. The appeals procedures are designed to resolve grievances at the lowest level possible. Prior to formal appeal, all parties should exhaust every opportunity to settle the grievance through administrative review at the department or college level.

**4.26 Employee Separation Policy**

When an individual leaves employment with the university, a number of details must be attended to, both by the employee and the employing department. Employees separating from the university

should make arrangements to return all university property in their possession and settle any accounts with the university prior to their separation. Property should be returned when an employee transfers from one department to another department within the university as well. Examples of property that should be returned include, but are not limited to: keys, identification cards, university-issued credit cards, computer hardware and software, cell phones, classroom materials (such as grade books/files, completed exams), sponsored project files, etc. Accounts to be settled may include such things as parking or library fines, tuition and fees, advances or overpays, personal phone calls, and so on. Departing employees may need to make arrangements with the Office of Human Resource Services regarding such things as health insurance and retirement rollovers as well.

Supervisors of employing departments are separately responsible for ensuring that required forms and notifications to Payroll and Human Resources are submitted in a timely manner, and that access to university property and systems is terminated by having combinations changed, canceling computer system access codes, etc. Computer hard drives should also be checked for sensitive information and unlicensed software.

An optional NMSU Separation Checklist is available that employees and employing departments may find helpful in the separation process and can be found at:  
<http://www.nmsu.edu/%7Eboffice/forms/PDF%20Files/termchk.pdf>

#### **4.30 Hiring (See *Search Committee Handbook* and Chapter 5 Faculty - Searches) Specific forms and procedures are available through the Human Resources web page.**

The Board of Regents has delegated to the president or to whomever the president delegates, the employment of all faculty, staff, and other university personnel. Although the Board should never actively nor directly participate in the actual hiring of university personnel, with the exception of selection of the president, the Board should always be at liberty to review any particular hiring by the administration to determine whether or not the Board's hiring policies are being followed.

Exempt and Faculty Hiring Procedures: The recruitment, selection, and hiring of exempt employees is accomplished by the employing department with approval of the appropriate director, dean/vice president, or executive vice president and provost, and the Human Resource Services Office. Additional procedures for filling executive and faculty positions are contained in the *Search Committee Handbook*.

Recruitment: If no underutilization exists in the job grouping, positions may be posted for a minimum of 14 calendar days. If underutilization exists, the position is normally posted for 28 calendar days in order to generate an adequate applicant pool. Requests for exception to the 28 day posting may be submitted to the Human Resource Services Office for consideration.

Search Committee Procedures: Procedures to be followed when involving a search committee in the recruitment and selection process are contained in the *Search Committee Handbook* which is available in all departmental offices and the Office of Institutional Equity/EEO.

Dual Career Couples: Dual career couples comprise an increasing percentage of university professionals. To recruit and retain diverse employees, New Mexico State University and the University of Texas at El Paso support efforts to accommodate the needs of dual career couples. Assistance in identifying employment opportunities in the southern New Mexico and El Paso, Texas area is available to aid in family relocation to our communities.

Job Sharing: When two people may be in the same academic department, a job sharing arrangement may be established. Salary and work duties are negotiable between the two people and the department subject to approval by the appropriate college dean and the executive vice president and provost.

Candidates should discuss job sharing with the department head as early as possible in the search process.

#### **4.30.05 Employment Background Review Policy [Adopted by Administrative Council 4/11/06; ratified by Board of Regents 9/8/06]**

In order to create a safe and secure workplace and to ensure that New Mexico State University employees are qualified to perform the duties and responsibilities of the positions they hold, the university has adopted a background review policy.

The Policy as set forth is:

Background reviews, depending upon the position, may include:

- Credential verification (academic degrees certification, professional licenses, etc.)
- Criminal history and identity (Federal, State and Local)
- Employment references
- Consumer credit reports
- Drug testing
- Social Security Number traces
- Motor vehicle driving history

The following employees will be subject to background review:

- All regular employees who are hired, rehired, transferred, promoted, reclassified, or appointed to interim positions. Rank promotions of tenured, tenure track and non-tenure track faculty are not subject to a background review upon promotion.
- University employees competing for vacancies through an external search process.
- University employees changing positions from faculty to academic administrative or to administrative status.
- Graduate assistants, teaching assistants, post doctoral appointments, temporary employees, student employees, volunteers (with the exception of 4-H volunteers) and affiliates with significant responsibilities listed in the NMSU Sensitive Duties Checklist. A background review will be conducted at the initial time of hire. Employees holding positions in any of these categories will not be subjected to another background review unless there is a break in employment of one year or more.

For short-term hires of 30 days or less (no extensions), a waiver may be granted by human resource services. However, the department head/director is responsible for ensuring that the employee does not perform duties listed in the NMSU Sensitive Duties Checklist without adequate safeguards

A signed Candidate Consent and Disclosure Form is required as part of the application process and must be present before any background review may be conducted.

Any background review report that reveals adverse information on an applicant or employee shall not automatically disqualify a candidate for the position being sought or held conditionally pending results of review.

Any material misrepresentation or omission on an application document may be grounds for rejection of the application, termination of employment, or refusal of subsequent employment consideration with the university.

Additional employment reviews may be required by law, regulation, or contract.

Background review information findings are to be regarded as highly confidential and will be released only under conditions consistent with applicable law.

Procedures:

When a department initiates any action requiring a background review, the hiring department will coordinate with Human Resource Services to determine the type(s) of background review(s) to be conducted.

All job postings must contain notice that background reviews will be performed on the finalist. The application packet required of candidates must include a Candidate Consent and Disclosure Form to be considered a complete application. Access the form at [www.NMSU.hr.preempforms](http://www.NMSU.hr.preempforms).

The hiring department is responsible for obtaining the following information on finalists when required for the position:

- Educational credentials – Verify through official transcripts the highest (terminal) degree of final candidates.
- Employment references and past performance - Check and document at least three of the relevant references listed on the application or resume. Verify work dates, job titles, work experience and performance of candidates.
- Professional license or certifications - If a position requires a license or certification(s), such as a licensed practical nurse, contact the responsible licensing board (local or national) to verify and document that the candidate has a current and valid license or include this in your background review request.

Once a finalist is selected, the hiring department will forward to Human Resource Services a completed permission to offer, Employment Background Review Request Form, a copy of the signed Candidate Consent and Disclosure Form, pertinent application materials, and sensitive duties checklist. The Human Resource Services department will work with the hiring department to coordinate the appropriate background reviews.

The Human Resource Services department will coordinate requests to external vendors for the applicable background review checks and will note on the Employment Authorization Form the date the authorization was received and the date the request was made to external vendors. The Human Resource Services department will review all background review reports received.

*Non-Adverse Information Discovery* - If background review reports are non-adverse, the Human Resource Services Department will notify the hiring department that the offer may be finalized or, if the individual is currently working, that the background check has been successfully completed and the hiring process is finalized.

*Adverse Information Discovery* - If the background review reports produce any information that might be considered as a cause for an adverse employment action, Human Resource Services will work with the hiring department, appropriate dean/VP and Office of General Counsel to evaluate the value of the information against the total past employment record and future employment potential. These parties will assess the relevance of the information to job duties, the date of the offense(s), the nature of the offense(s), and the accuracy of the information the individual provided on the employment application. If consensus cannot be reached, the Executive Vice President and Provost (or designee) will make the final decision.

If the information is deemed relevant and prompts the university to consider taking adverse employment action (*i.e.*, denying employment, reassignment, or termination), the Human Resource Services Department, in compliance with Fair Credit Reporting Act (FCRA), is required to forward a



Pre-Adverse Action Notice to the applicant that includes a copy of the individual's background report and a copy of "A Summary of Your Rights Under the Fair Credit Reporting Act." The Pre-Adverse Action Notice will provide the candidate an opportunity to challenge the information provided in the report and take steps to correct inaccuracies or provide explanation. A final employment decision will not be made by the hiring department until all information is gathered and considered, or at such time as the applicant fails to respond as required. A minimum of five days for an applicant to refute, explain or correct the information is required.

The Adverse Action Notice forwarded to the applicant must include:

- The name, address, and phone number of the reporting agency.
- a statement that the agency supplying the report did not make the decision to take the adverse action and cannot give specific reasons for it; and
- a notice of the individual's right to dispute the accuracy or completeness of any information the agency furnished, and the right to receive a free additional consumer report from the agency upon request within 60 days, and to dispute with the reporting agency the accuracy or completeness of any information in a consumer report furnished by the agency.

The Human Resource Services Department will manage and retain employment background review information. Information collected on successful applicants will be stored separately from the official employee files. Information collected on unsuccessful applicants will be stored with the candidates' application materials and retained for three years. Documents related to employment background review information collected by hiring departments will be filed and maintained in the departments and destroyed three years after rejection for unsuccessful candidates or three years after termination or retirement for successful candidates.

All hiring departments should contact the Human Resource Services Department for further assistance if information obtained from a consumer report is to be used to take adverse action against a candidate or employee.

**NMSU BACKGROUND REVIEW - SENSITIVE DUTIES CHECKLIST**

New Mexico State University requires a background review on graduate assistants, teaching assistants, post doctoral appointees and other temporary employees, student employees, volunteers and affiliates that have significant responsibilities listed below:

<b>Item</b>	<b>Description</b>
A	Care, safety and security of people or property (includes sworn public safety officers, childcare workers, camp counselors, etc.)
B	Direct access to, or control over, cash, checks, credit card account information (includes cash handling or credit card acceptance positions)
C	Authority to commit financial resources of the university through purchases or contracts
D	Control over campus-wide or departmental business processes, either through functional roles or systems security access (includes network administrators, system programmers, etc.)
E	Access to detailed personally identifiable information about individuals or organizations associated with NMSU (includes information about volunteers, affiliates, students, staff, alumni, and/or vendors)
F	Possession or access to building master or sub-master keys; access to residences and certain other facilities, particularly laboratories (includes custodial service, locksmith, residential and student services program employees, etc.)
G	Regular operation of university vehicles

Position Being Filled: \_\_\_\_\_

Check items that apply to position:     Item A    Item B    Item C    Item D    Item E    Item F    Item G

Check employment action that applies:     Hire     Transfer     Promotion     Reassigned Duties

Department: \_\_\_\_\_

Department Contact/Title: \_\_\_\_\_

Contact Phone No.: \_\_\_\_\_

#### **4.30.10 Hiring - Definitions (See Appointments - Nontenure Track, Chapter 5)**

Academic Appointment (Main Campus and Community Colleges): Academic appointments are extended to members of the faculty, administrators of academic programs, and individuals appointed to faculty ranks in the Cooperative Extension Service, at the community colleges, and in the University Library. Academic appointments are either regular or temporary as defined below:

Regular: A regular academic appointment is an employment status for an individual in a 9-month or 12-month position, and with an FTE employment of .5 or greater. The position normally is advertised and the individual employed must have formally applied. An E-Hire Form is required. The E-Hire Form may or may not specify an appointment end date. College-rank appointments with appointment end dates may be renewed after appropriate review and approval.

Temporary: A temporary academic appointment is an employment status for an individual hired for a period of time in excess of 30 days, not to exceed 1 year. Advertising is optional (with the exception of visiting faculty), but if used must specify the temporary nature of the position. Eligibility for benefits is limited to the following: ERA, FICA, Worker's Compensation, and Unemployment Compensation. The E-Hire Form, I-9 Form, application/vita and Notice of Separation Form are required. An offer of employment may be extended only after appropriate approvals are obtained. The E-Hire Form must have an appointment end date.

Noncontract Visiting Faculty: The employment period for a visiting faculty member will not exceed 2 years. The position must be advertised. Some visiting faculty may qualify for health insurance.

Staff: The employment period for temporary staff at .50 FTE or greater may not exceed 12 months, but may be extended with appropriate administrative approvals. A temporary nonexempt employee is normally employed at an entry-level salary and will remain at this rate during employment unless specifically exempted by the director of human resource services.

Temporary (Nonfaculty Category): All temporary appointments will terminate within 1 year if at a .50 FTE or greater. Temporary employees hired at less than a .50FTE can be hired each fiscal year by submitting an E-Hire Form and a Notice of Employee Separation Form, attached to the transmittal form. Temporary employees will normally be hired with a termination date of June 30 each year unless it is known that the appointment will end before or extend beyond June 30. The supervisor may establish and fill an temporary position without advertisement. The person hired must meet minimum qualifications for the position and may be appointed by an E-Hire Form. An I-9 Form, employment application, and Notice of Separation Form apply. Temporary employees have no entitlement or expectation to continued employment during or beyond the appointment period. An offer of employment may be extended only after approval has been obtained from the Human Resource Services Office.

Emergency (Faculty and Exempt Staff Only): In the event that an emergency exists which prohibits use of the normal posting, recruitment, and selection procedures, a position may be filled on an emergency basis for a period not to exceed 1 year; however, there must be a strong element of urgency in filling the position. Prior approval must be obtained from the Human Resource Services Office to hire an employee on an emergency basis without advertisement. The position must be advertised sometime during the year, and the incumbent may be an applicant. An E-Hire Form with a termination date, I-9 Form, and application or vita are required. The person hired must meet minimum qualifications for the position and may not normally exceed 1 year of employment in emergency hire status. An employee hired in an emergency hire status is eligible for benefits afforded regular employees, and has no entitlement or expectation to continued employment during or beyond the appointment period. Any employee hired in an emergency status who competes for an advertised position and is selected will serve a probationary period not including time served in an emergency hire status.

#### **4.30.20 Hiring of Individuals Named in Contract (Faculty and Exempt Staff Only)**

Under certain conditions it may be necessary for an employing department to hire an individual named in a grant or contract. With prior approval of the Human Resource Services Office and the executive vice president and provost, a faculty or exempt staff member may be hired with full benefits under the following conditions:

1. The individual is named as principal or co-principal investigator of the grant or contract.
2. The individual named in the grant or contract possesses unique or highly specialized qualifications required by the granting agency in order to carry out the responsibilities required of the grant or contract.
3. The granting agency has approved the award of the grant or contract subject to the appointment of the particular individual named.
4. The university is awarded or assumes the oversight of an existing external workforce.

Under these conditions, waiver of the advertising requirements for regular employment must be requested in writing to the Human Resource Services Office and the Office of the Executive Vice President and Provost. Employment of an individual named in a grant or contract is contingent upon funding of that specific grant or contract and is not transferable to another source of funding.

#### **4.35 Intellectual Property (See Chapter 5 Faculty - Research)**

#### **4.40 Layoff/Financial Exigency (See Chapter 8 Staff Layoff)**

University-Wide Exigency: Should the president believe that the university is threatened by a financial crisis which may justify a declaration of a university wide financial exigency, the president will convene and ask the advice of the Emergency Finance Committee. The composition of this committee will be:

- \$ Senior Vice President for Business, Finance and Human Resources
- \$ Controller
- \$ Faculty member appointed by head of Accounting and Business Computer Systems
- \$ Faculty member appointed by head of Agricultural Economics and Agricultural Business
- \$ Faculty Senate representative to Budget Committee
- \$ Chair of the Faculty Senate

The Emergency Finance Committee will elect its own chair. The Emergency Finance Committee will examine the financial records of the university, explore the options available for preventing an exigency and, if necessary, recommend the declaration of a university wide financial exigency to the president. After receiving the advice of the Emergency Finance Committee, the president will consult with the Board of Regents. The Board, after reviewing the Emergency Finance Committee recommendations, will decide whether to declare a financial exigency. (See also Faculty Senate Review of Proposed Program Elimination or Reorganization.) Once the Board declares a university wide financial exigency, the president will so inform the university community, and will convene and ask the advice of the Emergency Action Committee. The composition of this Emergency Action Committee will be:

- Chair (or designee) from each of the following Faculty Senate standing committees: Long-Range Planning, Faculty Affairs, Scholastic Affairs, University Affairs

- § Chair (or designee) from the Advisory Council on Administrative Policy
- § Chair and Vice Chair (or designees) from ASNMSU
- § Chair (or designee) from the Research Council
- § Senior member (or designee) from Group III of the Advisory Council on Administrative Policy
- § Senior member (or designee) from Group IV of the Advisory Council on Administrative Policy
- § Nonvoting ex officio members will be:

- Executive Vice President and Provost
- Senior Vice President for Business, Finance and Human Resources
- Senior Vice President for Planning, Physical Resources and University Relations
- Associate Provost for Academic Affairs and Community Colleges
- Chair of the Faculty Senate
- Director of Human Resource Services

The Emergency Action Committee will elect its own chair. Once convened for an exigency, the voting committee members will continue to serve until the exigency has ended, even though their original office may have been refilled. The president will present the financial records and supporting data for the exigency to the Emergency Action Committee and will ask the managers of appropriate administrative units to prepare plans for achieving their share of the necessary reductions in expenditures. These plans should include a detailed discussion of the probable effects of the actions proposed. The president will present these plans to the Emergency Action Committee and seek the advice of the Emergency Action Committee before making a decision on future action. The Emergency Action Committee will analyze these data and plans, formulate detailed recommendations and report these to the president. After receiving the final recommendations of the Emergency Action Committee, the president will consult with the Board. The Board, after reviewing the Emergency Action Committee recommendations, will determine the procedures to be followed to end the financial exigency. The Emergency Action Committee will also issue periodic reports, and copies of a synopsis of its final recommendations, including estimates of their effects, to the Faculty Senate, the Advisory Council on Administrative Policy, the Research Council and ASNMSU.

Non I&G Unit Exigency: Individual units within the general I&G budget cannot be declared in financial exigency separate from a university wide exigency. However, should the president of the university believe that a financial exigency threatens any individual unit funded by state appropriated line items outside of the main campus I&G, the president will ask the advice of the unit manager and will convene the Emergency Finance Committee and seek its advice. After receiving the advice of the Emergency Finance Committee, the president will consult with the Board. The Board, after receiving the committee report and the recommendation of the president, will decide whether to declare a financial exigency. If the Board declares a unit financial exigency, the president will convene a Unit Emergency Action Committee. The size of each Unit Emergency Action Committee will be determined by the president, but it will be large enough to provide adequate representation for the personnel employed within the unit. Voting members of each Unit Emergency Action Committee shall be members of the unit, appointed by either the Committee on Committees of the Faculty Senate or the Advisory Council on Administrative Policy, depending on the primary functions of the unit, as determined by the president. In addition, the senior vice president for business, finance, and human resources, the chair of the Faculty Senate, the director of the human resource services, or their designees and others as may be appointed by the president, shall serve as nonvoting ex officio members. The Unit Emergency Action Committee shall elect its own chair. The voting members of the Unit Emergency Action Committee shall continue to serve until the exigency has ended. Should a voting member leave the university community, that member will be replaced by appointment by the original appointing body. The unit manager will present a plan for meeting the exigency to the president and the Unit Emergency Action Committee. The Unit Emergency Action Committee will analyze the plan, estimate its possible effects, formulate recommendations, and report to the president and the unit manager. If the president believes that the plan will have a substantial impact on the university as a whole, the president will convene the Emergency Finance Committee and ask its advice

on declaration of a university wide financial exigency. After receiving the final recommendations of the Unit Emergency Action Committee, the president will consult with the Board. The Board, after reviewing the Unit Emergency Action Committee recommendations, will determine the procedures to be followed to end the financial exigency.

Termination of a Financial Exigency: It is the joint responsibility of the president and the Emergency Finance Committee to monitor closely the university's financial situation throughout the duration of the financial exigency. It is the responsibility of the president to inform the university community on a regular basis of the university's financial situation. If the president in consultation with the Emergency Finance Committee should determine that a financial crisis no longer exists, a recommendation that the financial exigency be terminated shall be submitted by the president to the Board of Regents. A state of financial exigency will cease to exist upon its termination by the Board. The president will so inform the university community of the decision of the Board.

Minor Financial Shortfall: In a period of minor financial shortfall in which no financial exigency has been declared, the university may respond on an ad hoc basis the first year. If it seems the financial shortfall might last a second year, the president should consider convening the Emergency Finance Committee during the first year. In such a case, whether or not a financial exigency is declared, planning should begin well before the end of the first year that will entail use of program review information to make decisions for program reductions that could be partially implemented during the second year. If minor financial shortfall continues for 2 or more years, increasing reliance should be placed on planned program reductions.

Policies for Declared Exigency and Minor Financial Shortfall: The following policies will guide the Emergency Action Committee, the unit managers, and the president in their decisions:

General: The primary consideration behind all decisions will be to maintain viable, quality, and logically defensible programs in keeping with the land-grant mission of the university. An attempt will be made to maintain a core university consisting of the historic components necessary for a broad-based liberal education. An appropriate balance among faculty, administrative and support personnel will be maintained. An appropriate balance among teaching, research, and service functions of the university will be maintained. Financially self-supporting units will generally be given priority status.

Human Resources Policies: Prior to any layoffs, personnel will be asked to indicate their desires with respect to early retirement, part-time employment, voluntary resignation, and intra-university transfer. The university shall, to the extent the Board of Regents determines practicable, make a good faith effort to relocate any employee subject to layoff in a suitable vacant position within the university for which that employee is fully qualified. This good faith effort to relocate an employee need not extend beyond the effective date of the layoff. Salary reductions should not be used as a means of meeting financial exigency unless other options have been considered by the Board. When programmatic decisions have been made and faculty within a given program are to be laid off, where the Board so determines, and consistent with program need, nontenure-track faculty will receive lowest priority, followed by tenure-track faculty, then by tenured faculty. Within each of these categories, layoffs will be based on program need, seniority, and performance. Once areas have been identified in which staff employees are at risk because of financial exigency, probationary employees will be considered for layoff first. Other layoffs of staff, if necessary, will be based upon seniority and performance within those job classifications or job titles identified. Specific plans for any area affected by financial exigency will be prepared by the unit manager in accordance with the established university guidelines before any actions are taken. Employees who are to be laid off may appeal. (See Grievances) Following layoffs due to financial exigency, if programmatically defensible, former employees will be considered for rehire prior to new hires for a period to be set by the university administration.

Faculty Senate Review of Proposed Program Elimination or Reorganization: For the purposes of this policy, a program is defined as a department, an undergraduate major, a graduate degree program, or

any other administrative unit composed of or affecting academic personnel, personnel on continuous contract, or tenure-track faculty. A possible result of program review or financial exigency may be the proposal to reorganize and/or eliminate one or more programs. The time constraints imposed upon the implementation of program reorganization or elimination will therefore vary. In this context, program reorganization is meant to involve actions more significant than the transfer or elimination of one or very few positions. Consistent with policies regarding the approval processes for creation of new academic programs or name changes (and considering such time constraints as may be imposed by financial exigency), an opportunity shall be provided for the Faculty Senate to hear the arguments for and/or against proposed program elimination or reorganization. The Faculty Senate will then register a vote of agreement or disagreement to the proposed program elimination or reorganization, and report this result (with rationale and minority reports, if any) to the executive vice president and provost, and the Executive Review Board. After receiving and reviewing all relevant information and reports, the executive vice president and provost will render a decision with respect to program elimination or reorganization, which will be final. Individual employees affected by program elimination or reorganization may appeal decisions concerning their positions according to the relevant policies of this manual.

#### **4.50 Outside Employment and/or Activities (See Chapter 3 Codes of Conduct B Conflict of Interest)**

Employees may not engage in outside business activities while on duty. Violation of this provision may be grounds for involuntary termination. Employees holding a part or full-time second job should not allow such employment to interfere with their performance or attendance. If the supervisor can reasonably demonstrate that performance or attendance problems are resulting from outside employment, the supervisor may ask the employee to terminate such employment. If the employee refuses to do so, the employee may be terminated.

#### **4.55 Personnel Records (See Chapter 2 Miscellaneous - University Records)**

#### **4.60 Public Affairs Participation (See Chapter 3 Codes of Conduct - Conflict of Interest)**

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 university appeals 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 president has discretion to approve requests to serve on international, national, state, and local committees and commissions.

#### **4.65 Security Clearance (Department of Defense)**

Only the following officers have authority and responsibility for negotiation, execution, and administration of Department of Defense contracts: president, executive vice president and provost, vice president for research, graduate studies and international programs, and dean and director of the Physical Science Laboratory, and any regent who qualifies. No other regent, trustee, officer, or director does require, or will require access to any classified information in the possession of the institution, and they will not occupy a position which would enable them to affect adversely the

institution=s policies or practices in the performance of classified contracts for the Department of Defense. Any change in the identity or status of the above-named officers/directors will be promptly reported to the cognizant security office. The foregoing will not be modified, amended, or rescinded without prior notice to the United States Government through the cognizant security office.

#### **4.70 Supplemental Employment/Compensation**

Supplemental compensation may be paid to faculty and staff acting in the capacity of a professional/faculty employee for an additional assignment performed during normal university working hours, providing that assignment is (1) clearly outside the scope of that person=s regular teaching, research and service responsibilities; and (2) does not interfere with those responsibilities. Such time will be counted against a faculty member=s allowed consulting time and must be approved in advance by all cognizant administrators, including the executive vice president and provost. Additional compensation is submitted for approval by the completion of an E-Hire Form. This compensation may be authorized in addition to regular salary for those employees exempt from overtime provisions of the Fair Labor Standards Act and is used to authorize payment for consulting, workshops, etc. Supplemental compensation will not be paid solely on the basis that the salary has been budgeted into the agreement.

##### Supplemental Employment Guidelines:

1. Applicable only to faculty, or those staff acting in the capacity of a professional/faculty employee.
2. Applicable only to employees currently employed during the period when the supplemental compensation was earned.
3. The rate of pay should not exceed the employee=s current rate of pay in the employee=s primary job assignment. Under those special circumstances where a request exceeds the employee=s rate of pay, a special memo of justification approved by the Office of the Executive Vice President and Provost must be attached to the form. Hours worked (a) should not exceed a reasonable percentage of full-time hours (Any percentage greater than 50 percent must be justified in an attached memo.); (b) must be properly documented per grant/contract requirements.
4. Only in unusual cases may an exempt staff and faculty member be paid to work on a grant or contract, as consultants or otherwise, if that effort results in payment in excess of 100 percent FTE unless specifically provided for, as supplemental compensation, in the agreement or approved in writing by the sponsoring agency. For federal grants and contracts, approval will normally be granted only if two conditions exist:
  - § The work is across departmental lines or involves a separate or remote location; and
  - § The work performed by the employee is in addition to the regular departmental workload.



## Chapter 5 Faculty Policies

5.05 Academic Freedom

5.06 Administrative Reviews

Administrative Review of Deans (Applies Also to Community College Executive Officers)

5.06.20 Administrative Review of Associate Deans and Community College Academic Officers

5.06.30 Administrative Review of Department Heads or Community College Equivalent and Community College Division Deans or Heads *[Ratified by Board of Regents 10/22/07]*

5.06.40 Administrative Review of Directors of an Academic School, Center or Program

5.10 Appeals (See Chapter 4 - Human Resources - General B Appeals)

5.15 Appointments (See Search Committee Handbook)

5.15.10 Appointments - Definitions of Faculty Appointments (See Chapter 4 Human Resources - General - Hiring Definitions)

5.15.20 Appointments - Graduate Faculty

5.15.30 Appointments - Joint

5.15.40 Appointments - Nontenure-Track *[Ratified by Board of Regents 10/22/07]*

5.15.50 Appointments - Postdoctoral

5.15.60 Appointments - Qualifications (including community colleges)

5.20 Assignments - General

5.20.10 Assignments - International

5.20.20 Assignments - Teaching Load (See Department Heads - Teaching Load)

5.25 Compensation (See Research - Intellectual Property and Reassignment of Administrators)

5.25.10 Compensation - Continuing Education Courses

5.25.20 Compensation - Department Heads (See Compensation - Summer)

5.25.30 Compensation - Distance Education/College of Extended Learning

5.25.40 Compensation - Summer

5.25.50 Compensation – Employee Recognition Program

5.30 Consulting (See Chapter 8, Staff-Counseling)

- 5.35 Deans (See Chapter 1 Organization - Administrative Council and Academic Deans Council)
- 5.45 Department Heads (See Compensation - Department heads and Reassignment of Administrators)
  - 5.45.10 Department Heads - Leaves
  - 5.45.20 Department Heads - Responsibilities
  - 5.45.30 Department Heads - Teaching Requirements
- 5.50 Due Process/Appeals/Grievances (See Chapter 4 Human Resources - General - Appeals, and Human Resources - General - Due process)
- 5.55 Emeritus Status
- 5.60 Endowed Chairs and Professorships
- 5.65 Faculty Exchange
- 5.70 Grievances (See Chapter 4 Human Resources - General - Appeals - Faculty)
- 5.75 Hiring (Refer to the *Search Committee Handbook*. See Appointments above and Chapter 4 Human Resources - General - Hiring)
- 5.80 Intellectual Property (See Research-Property)
- 5.82 Leaves (See Chapter 7 Benefits - Leaves) (Summer Sabbatical for DH is under DH - Summer)
- 5.84 Office Hours
- 5.86 Performance Evaluation (See Deans, et al - Review and Department Heads - Review, as well as Appointments -- Nontenure-track)
- 5.87 Post-Tenure Review [Adopted by the Faculty Senate 5/6/06; ratified by the Board of Regents 9/8/06]
  - 5.87.1 Introduction
  - 5.87.2 Annual Reviews
  - 5.87.3 More Complete Post-Tenure Reviews
  - 5.87.4 Enhancement Programs
  - 5.87.5 Frequency of Review
  - 5.87.6 Persistent Teaching Deficiencies [Ratified by Board of Regents 10/22/07]
  - 5.87.7 Reporting
- 5.88 Promotion [Will be replaced effective August 1, 2008; Ratified by Board of Regents 10/22/07 See [www](#) New Promotion and Tenure Policy]
  - 5.88.10 Promotion B Qualifications [Adopted by the Faculty Senate 5/6/06; ratified by the Board of Regents 9/8/06]

- 5.90 Promotion and Tenure (See separate listings for Promotion, Tenure in this chapter)
- 5.91 University Procedures for Promotion and Tenure
- 5.92 Reassignment of Administrators/Department Heads (administrators, identical text) and 20 (department heads)
- 5.94 Research (See Chapter 3 Codes of Conduct - Conflict of Interest)
  - 5.94.10 Research Institutes
  - 5.94.11 Research - Intellectual Property
  - 5.94.12 Human Subjects in Research
  - 5.94.13 Procedures and Responsibilities Pertaining to the Use of Animals in Research
  - 5.94.14 Institutional Biosafety
  - 5.94.15 Radiation Safety
- 5.96 Searches for Administrators
- 5.98 Tenure Track and Tenure (Continuous Contract)

## **CHAPTER 5 - FACULTY POLICIES**

### **5.05 Academic Freedom**

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.

### **5.06 Administrative Reviews**

Each dean or community college executive officer is responsible for preparing, scheduling, delivering and retaining appropriate administrative reviews of associate deans, department heads, directors and their equivalent. In addition to annual performance evaluations, administrative reviews are scheduled to occur every few years to determine an incumbent's performance as an administrator. Administrative reviews are often coordinated by a third party (such as NMSU's Institutional Research) and may include written evaluation by both internal and external constituents.

#### **5.06.10 Administrative Review of Deans (Applies also to Community College Executive Officers)**

Academic deans and community college executive officers will be reviewed within six months of the third anniversary of their first appointment to the position and every fifth anniversary thereafter, under the criteria prepared by the executive vice president and provost. Reviews may be conducted at a shorter interval, at the discretion of the executive vice president and provost. In exceptional circumstances, faculty or staff may petition the executive vice president and provost to conduct an administrative review outside of the normal review cycle. Prior to each review, the executive vice

president and provost will request a written and/or oral evaluation of the person(s) being reviewed from the tenured and tenure-track faculty members of the college and/or appropriate exempt staff and will obtain any other pertinent input from relevant constituencies (either on campus or off campus). The person under review may prepare and distribute a statement of professional accomplishments during the review period.

The executive vice president and provost will do the following:

- (1) evaluate the information
- (2) create a summary
- (3) conduct an evaluation session with the individual being evaluated
- (4) share the summary with the relevant faculty and staff
- (5) transmit a summary to the chair of the Faculty Senate and to the president.

#### **5.06.20 Administrative Review of Associate Deans and Community College Academic Officers**

Associate deans and community college academic officers will be reviewed within six months of the third anniversary of their first appointment to the position, and at least every five years thereafter, under the criteria prepared by their appropriate supervisor.

Reviews may be conducted at a shorter interval, at the discretion of the appropriate supervisor. In exceptional circumstances, faculty or staff may petition the appropriate supervisor to conduct an administrative review outside of the normal review cycle.

Prior to each review the appropriate supervisor will request a written evaluation of the associate dean or community college executive officer from each faculty and staff member in the unit and obtain any other pertinent input from relevant constituencies (either on campus or off campus).

The appropriate supervisor will do the following:

- (1) evaluate the information
- (2) create a summary
- (3) conduct an evaluation session with the individual being evaluated
- (4) share the summary with the relevant faculty and staff
- (5) transmit a summary to the executive vice president and provost

#### **5.06.30 Administrative Review of Department Heads or Community College Equivalent and Community College Division Deans or Heads**

Department heads or equivalent and community college division deans or division heads will be reviewed by the appropriate supervisor within six months of the third anniversary of their first appointment to the position, and at least every five years thereafter, under the criteria prepared by their appropriate supervisor.

Reviews may be conducted at a shorter interval, at the discretion of the appropriate supervisor. In exceptional circumstances, faculty or staff may petition the appropriate supervisor to conduct an administrative review outside of the normal review cycle.

Prior to each review, the appropriate supervisor will request a written evaluation of the individual being reviewed from each faculty and staff member in the unit and obtain any other pertinent input from relevant constituencies (either on campus or off campus).

The appropriate supervisor will do the following:

- (1) evaluate the information
- (2) create a summary
- (3) conduct an evaluation session with the individual being evaluated
- (4) share the summary with the relevant faculty and staff
- (5) transmit a summary to the executive vice president and provost or community college executive officer

#### **5.06.40 Administrative Review of Directors of Academic School, Center or Program**

The director of an academic school is reviewed using the same process as used for administrative reviews of department heads or equivalent. Directors of centers and programs are reviewed by their respective supervisors no later than within six months of the third anniversary of their first appointment to the position and at least every five years thereafter, under the criteria prepared by their appropriate supervisor.

Reviews may be conducted at a shorter interval, at the discretion of the appropriate supervisor. In exceptional circumstances, faculty or staff may petition the appropriate supervisor to conduct an administrative review outside of the normal review cycle.

Prior to each review the appropriate supervisor will request a written evaluation of the individual being reviewed from each faculty and staff member in the unit and obtain any other pertinent input from relevant constituencies (either on campus or off campus).

The appropriate supervisor will do the following:

- (1) evaluate the information
- (2) create a summary
- (3) conduct an evaluation session with the individual being evaluated
- (4) share the summary with the relevant faculty and staff
- (5) transmit a summary to the dean and executive vice president and provost

#### **5.10 Appeals (See Chapter 4 - Human Resources - General - Appeals)**

#### **5.15 Appointments (See *Search Committee Handbook*)**

#### **5.15.10 Appointments - Definitions of Faculty Appointments (See Chapter 4 Human Resources - General - Hiring Definitions)**

#### **5.15.20 Appointments B Graduate Faculty**

The ultimate responsibility for the quality of the graduate program resides in the graduate faculty, individual departments offering graduate work, and the cognizant dean. The dean of the Graduate School is responsible for the administration of the Graduate School's policies. Staff members qualified to perform the functions of the graduate faculty are nominated by the heads of their departments for approval by the cognizant dean and the dean of the Graduate School. The Graduate Council shall maintain a standing committee on Graduate Faculty Appointments comprised of three senior graduate faculty currently serving on the Graduate Council. The standing committee on Graduate Faculty Appointments shall review and make recommendations to the dean of the Graduate School on appointment of faculty nominees to the graduate faculty. This standing committee on Graduate

Faculty Appointments also shall review appointment criteria as needed. Approval will be granted in recognition of the staff member's active interest in graduate work as demonstrated by continual study, creative activity, and successful teaching. Appointment to the graduate faculty will normally require that the individual have an earned doctoral degree. The qualifications of each new member of the graduate faculty will be given comprehensive review by the department head, cognizant dean, and the dean of the Graduate School at the end of 3 years. The qualifications of each graduate faculty member will be reviewed every 3-5 years by the department head, cognizant dean, the Graduate Council standing committee on Graduate Faculty Appointments, and the dean of the Graduate School. Selection of instructors to teach courses at the 450-499 level is left to the department head and college dean; however, such persons must have at least a master's degree. Any exceptions to this policy must have prior written approval of the dean of the Graduate School. Graduate students may not assign grades to other graduate students in courses numbered above 450. Selection of individuals to teach courses numbered 500 and above is left to the department head and the college dean. The individual must have an earned doctorate, or a master's degree with extensive experience, and have evidence of creative activity. Any exceptions to this policy must have the prior written approval of the dean of the Graduate School. Members of the graduate faculty chair all graduate committees, direct master's theses, direct doctoral dissertations, teach 600-level courses, serve as representatives of the dean of the Graduate School, serve on educational specialists' exams, and serve on doctoral exams. Any exception to the above policy must be approved in writing by the dean of the Graduate School. Before an individual is appointed to the graduate faculty, evidence of creative activity, in addition to the doctoral dissertation, is required. In implementing this approach, the department heads, the deans and the dean of the Graduate School will review all members of the graduate faculty in their colleges and invoke the >>review clause@ on individuals not meeting the minimum requirements.

### **5.15.30 Appointments - Joint**

At the time of joint appointments, a written agreement is signed by the faculty member and administrative heads of the participating departments. The agreement entails the nature and extent of reciprocal commitments between the faculty member and each academic department. The agreement serves as a guide in the evaluation process and defines the role of all parties in that process. The graduate dean coordinates and ensures equity in the evaluation of joint appointees.

#### Procedures:

1. All joint faculty are assigned to one college for administrative purposes. This college is responsible for initiating all forms, but signatures of both deans and both department heads are required on all forms.
2. A copy of the joint appointment agreement will accompany formal appointment papers forwarded to the executive vice president and provost for action.
3. A mutually agreed -upon statement of goals for the faculty member is prepared at the beginning of each annual evaluation period. These goals serve as the evaluation criteria for the period. The goals statement is arrived at by consultation between the faculty member and the department heads involved.
4. The faculty member submits duplicate statements of achievements (e.g., faculty evaluation forms) to the department heads at the end of the evaluation period.
5. The department heads, in consultation, prepare a single evaluation and recommendation to be forwarded to the appropriate dean or deans.
6. Recommendation at the college level is made in consultation with department heads and deans involved in the joint appointments.

7. The time periods for all steps in the evaluation process are the same as those set by the executive vice president and provost for all faculty.

#### **5.15.40 Appointments B Nontenure-Track**

Nontenure-track faculty will be employed primarily to teach or do research, although other work assignments are allowable. They may be employed full-time or part-time, with regular or temporary status. All appointments and renewals are subject to need and availability of funding. The initial employment base period of a nontenure-track faculty member may be renewed depending on funding availability, needs of the employing unit, and the results of performance evaluations. Providing proper notice of nonrenewal is given, the university does not have any legal obligation to provide funding for any nontenure-track faculty member beyond the current appointment semester or academic year. However, employing units are strongly encouraged to attempt to maintain a stable job environment for this type of appointment.

Job Titles and Ranks: Each nontenure-track faculty member shall hold one of the following job titles and corresponding faculty ranks:

Nontenure-track Faculty Job Titles

Affiliated/Visiting/College Professor  
Affiliated/Visiting/College Associate Professor  
Affiliated/Visiting/College Assistant Professor  
Affiliated/Visiting/College Instructor

Corresponding Faculty Ranks

Professor  
Associate Professor  
Assistant Professor  
Instructor

Affiliated Faculty: When it is in the best interests of the university, individuals who are financially independent of the university may be associated with and provide support or services to one or more university programs without receiving monetary compensation (e.g., no salary, per-course or hourly pay provided). A clear statement of justification as to why it is in the university's best interest to grant affiliated faculty status will be noted on the hiring forms by the department head and forwarded through the academic dean to the executive vice president and provost for each affiliated faculty appointment. The term (not to exceed 12 months), rank, and other conditions and expectations of these honorary appointments will be determined for each individual appointee. The criteria upon which the determinations are based vary depending upon the background of the appointee, the nature of the discipline represented, and the needs of the university. In general, persons appointed should have qualifications commensurate with the corresponding rank of tenure-track faculty appointees. The E-Hire Form/Personnel Action Form must show an appointment end date no later than 12 months from date of hire. Affiliated faculty appointments may be renewed annually. Affiliated faculty may be listed in the university catalogs under appropriate departments and affiliated faculty receive the faculty I.D. card and library privileges in recognition of their contribution to the university.

Visiting Faculty: The executive vice president and provost may allocate visiting positions to departments within the university based upon existing conditions. The visiting appointment will not exceed 2 years. The duration, rank, and other conditions and expectations of these appointments will be determined for each appointee.

Extension Associate: An individual hired into a Cooperative Extension Service position in regular or temporary status, full-time or part-time, funded principally (50 percent or more) by grants or other nonpermanent funds may be designated an extension associate. An individual hired with less than the master's degree may also be designated as extension associate. That individual may also be given the courtesy title of college instructor, college assistant professor, college associate professor, or college professor. An extension associate cannot obtain tenure. When an extension associate either receives a master's degree and/or recurring state funds become available, an extension associate may be considered for appointment to tenure-track status following normal appointment rules. Extension



associates may be notified of nonrenewal with proper notice: those in the first year of service will have 3 months' notice prior to their anniversary date; those in the second or more years of service will have 6 months' notice prior to their anniversary date.

Prior Service: Nontenure-track faculty have duties and/or qualifications and/or expectations different from tenure-track faculty. Consequently, service in the nontenure-track position will not normally count towards tenure in any subsequent tenure-track appointment.

Employment Base and Status: The fixed-period base for employment of a nontenure-track faculty member is a time period that may be a semester, an academic year, or a fiscal year, and the amount of assigned effort may be figured on the basis of hours per week, credits per semester, or credits per academic year. The full-time hourly basis is 40 hours per week. The full-time credit basis is 12 credits per semester or 24 credits per academic year, except in the community colleges, where the full-time credit basis is 15 credits per semester or 30 credits per academic year. The full-time equivalent (FTE) fraction for a nontenure-track faculty member employed on an hourly basis is the ratio of the number of hours assigned per week to the basis of 40 hours/week. The FTE fraction for a nontenure-track faculty member employed on a credit hour basis is the ratio of the number of credits allocated during the applicable base period to the full-time credit basis applicable for that base period. An FTE fraction of .9 or greater is considered full-time, while an FTE fraction less than .9 is considered part-time. A nontenure-track faculty member employed as temporary and averaging an FTE of .50 per college or more over 2 consecutive academic years may be eligible to be considered for a regular nontenure-track appointment after appropriate advertising. If not converted to regular appointment, the employee's FTE must average less than .50 per college during each of the ensuing 2 consecutive academic years. A temporary faculty member averaging less than .50 FTE per college over 2 consecutive academic years may be eligible for renewals of temporary appointments after appropriate reviews and approvals. Temporary appointments require an appointment end date on the hiring form no later than 1 calendar year after the hiring date. All temporary appointments are limited to 1 year at a time. If there is no break in service, both regular and temporary nontenure-track appointments may be renewed without advertising, after appropriate reviews and approvals.

Special Application for Nontenure-Track Temporary Community College Faculty: A nontenure-track faculty member employed as temporary and averaging an FTE of .625 per college or more, over 2 consecutive academic years may be eligible to be considered for a regular nontenure-track appointment after appropriate advertising. (For benefits, see Salaries/Benefits) If not converted to regular appointment, the employee's FTE must average less than .625 per college during each of the ensuing 2 consecutive academic years. A temporary faculty member averaging less than .625 per college over 2 consecutive academic years may be eligible for renewals of temporary appointments after appropriate reviews and approvals.

Qualifications: Qualifications for appointment of nontenure-track faculty are to be determined in such a manner as to be flexible enough to meet the particular needs of each unit utilizing such faculty, but minimum qualifications shall be a master's degree or equivalent experience in the field or related field for the junior ranks of instructor and assistant professor, and an earned doctorate or equivalent experience in the field or related field for the senior ranks of associate professor and professor.

Appointment and Nonrenewal: Each regular or temporary non-tenure track faculty member will be given a copy of the employing Personnel Action Form. At the time of first hire at the university, each regular or temporary nontenure-track faculty member should read this section, as well as the nontenure-track promotion procedures of the appropriate college. Nonrenewal of a nontenure-track appointment may be without implication of criticism or specification of cause. If an appointment end date appears on the initial Personnel Action Form, that constitutes written notice of the end date of the appointment. In such a case, the individual concerned should be informed as soon as possible whether the individual will be offered employment for the semester or year following the appointment end date, either as a renewal of a regular appointment or in temporary status. Successive year renewals of

regular appointments that specified an appointment end date may be made without advertising the position. If such a regular appointment is not renewed for at least the succeeding semester, then it must be re-advertised, unless the incumbent converts to temporary status and back to regular status without a break in service. The minimum written notice of nonrenewal of a regular appointment that does not include an appointment end date on the Personnel Action Form will be as follows: During the first year of service in regular status (9- or 12-month basis), 3 months' notice will be given before the end of the academic year (9-month employees) or the fiscal year (12-month employees). After the first year of service, 6 months' notice before the end of the academic year (9-month employees) or the fiscal year (12-month employees) will be given. Nontenure-track faculty members employed without an ending date on the Personnel Action Form whose employment is contingent upon the availability of non-I&G funds shall be given at least 30 calendar days' notice of nonrenewal. Providing proper notice of nonrenewal is given, the university does not have any legal obligation to provide funding for any nontenure-track faculty member beyond the current appointment semester or academic year. However, employing units are strongly encouraged to attempt to maintain a stable job environment for this type of appointment. A nontenure-track faculty member may be dismissed for cause at any time that the member's conduct becomes inimical to the students, the faculty, the educational program, or the university. The executive vice president and provost must approve any involuntary termination for cause. A nontenure-track faculty member will have the right to appeal human resources decisions, that directly affect the member, according to university appeals procedures. (See Chapter 4 Human Resources - General - Appeals) Any nontenure-track faculty member who proposes to resign shall give written notice to the immediate supervisor at the earliest time possible. A nontenure-track faculty member employed as temporary and averaging an FTE of .50 per college or more over 2 consecutive academic years may be eligible to be considered for a regular nontenure-track appointment after appropriate advertising. If not converted to regular appointment, the employee's FTE must average less than .50 during each of the ensuing 2 consecutive academic years. A temporary faculty member averaging less than .50 FTE over 2 consecutive academic years may be eligible for renewals of temporary appointments after appropriate reviews and approvals.

Salaries/Benefits: Employing units will offer salaries to prospective college and visiting faculty on the basis of qualifications, availability of funding, and supply vs. demand, subject to the administrative approval procedures in effect for prospective tenure-track faculty. Minimum and maximum rates by clock hour or credit hour for part-time, nontenure-track faculty will be set each year for the main campus and for the community colleges for each nontenure-track faculty rank by the executive vice president and provost. Exceptions to the maximum rates must be approved by the executive vice president and provost. These rates will be made available to all faculty. Nontenure-track faculty who are in regular status are eligible for benefits, including group insurance plans. Nontenure-track faculty who are in temporary status are not eligible for group insurance plans and supplemental annuities. They are eligible for ERA, FICA, worker's compensation, and unemployment compensation. Temporary nontenure-track faculty who were in regular status during the previous semester will be notified in the event their insurance benefits can be extended for a limited time. If these individuals again attain regular status, they may again be eligible for certain insurance benefits.

Evaluation, Promotion, Salary Adjustments: Each regular and temporary nontenure-track faculty member will be evaluated annually during the term of employment if the employment is renewed for more than one academic semester. The evaluation will be based on those duties described under the terms of employment as agreed upon by the individual and supervisor under the general headings of teaching or research or professional service or administrative duties, or some combination thereof. A copy of the written evaluation will be given to the faculty member. Promotion in rank and salary adjustments will be made on the basis of the above-mentioned written evaluations and the availability of funds. Meritorious performance may be rewarded by encouraging nontenure-track faculty to apply for a tenure-track faculty position. College faculty in regular status shall participate in the merit system. Each college will develop separate policies, procedures, and criteria for the promotion of nontenure-track faculty. These are subject to final approval by the executive vice president and

provost. These promotions will be handled in the same time period and with documentation similar to that for tenure-track faculty promotions.

Voting Privileges: The tenured and tenure-track faculty in employing units of the university will decide which types and ranks of nontenure-track faculty may vote on (1) routine departmental matters, and (2) policy matters. Should a question arise whether an issue is routine or policy, the tenured and tenure-track faculty will decide. Nontenure-track faculty will not vote on any faculty personnel matters.

Guidelines: As a guideline, the total FTE of nontenure-track faculty with the job titles of college instructor, college assistant professor, and college associate professor shall not exceed 25 percent of the total FTE for tenured, tenure-track, and nontenure-track faculty on the main campus (community colleges excluded). Distinction will be made, if possible, between teaching and non-teaching nontenure-track faculty in any given monitoring period. (See section below)

Monitoring: During each fall and spring semester the executive vice president and provost shall provide the following data to the chair of the Faculty Senate: The number of individuals employed by the university holding academic rank by headcount and FTE, by contract type (tenured, tenure-track, nontenure-track), by job title and rank for each academic rank unit on the main campus, for each of the community colleges, and for all other organization units. Where these numbers include individuals whose primary employing unit is different from the academic rank unit, these data will be footnoted appropriately. The chair of the Faculty Senate will present these data to the Committee on Committees for analysis and monitoring with respect to the above guidelines.

Exempt Employees Hired as Part-Time Faculty: Exempt employees who wish to teach a university class for remuneration may do so if the class meets outside regularly scheduled working hours (normally 8 a.m. to 5 p.m., Monday through Friday). Exempt employees who wish to teach a course for remuneration during regular working hours must obtain approval to do so from appropriate supervisors and the executive vice president and provost. Such remuneration is normally inappropriate, and rather, a percentage of the person's regular salary should be paid by the beneficiary unit for the duration of the teaching service. If work is done after hours by an employee who holds a .50 or more FTE appointment, one E-Hire Form that describes the installments will suffice for an entire semester. [See guidelines under Consulting and Supplemental Employment and Compensation.]

### **5.15.50 Appointments - Postdoctoral**

A postdoctoral appointment is a classification for those individuals who are exemplary scholars, who have recently been awarded a doctoral degree, but who wish to continue their education and research experience under the direction of a professor at the university. This regular professional appointment is normally for 1 or 2 years and under no circumstances will an individual remain in this classification for more than 3 years. The position is advertised and applications submitted to the hiring department in compliance with the guidelines for hiring exempt staff, but without the requirement for a position description questionnaire. An E-Hire Form is submitted through the Human Resource Services Office to the executive vice president and provost. No offer may be made until approval is given. A postdoctoral fellow has the following privileges: (1) may take one course per semester without tuition charge; (2) is eligible to purchase an employee parking permit; (3) may purchase athletic tickets, activity tickets, and gymnasium privileges; (4) is eligible for privileges at the library; (5) is eligible for other employee benefits available to regular employees, including annual and sick leave, and health, dental, and life insurances.

### 5.15.60 Appointments - Qualifications

General Qualifications for Appointment (Main Campus): Common elements to be considered in appointment, differing only in degree in all ranks, are as follows:

Teaching: This element is difficult to define precisely, but is commonly considered to include the teacher's knowledge of the field; awareness of development in the field; skill in arousing interest and evoking responses in students; skill in stimulating students to think critically, to understand the interrelationship of fields of knowledge and the application of knowledge to human problems; skills in integrating domestic and international knowledge and insights into class content; and skill in raising students' awareness about the domestic and international social, political, economic, and ethical implications of their courses of study.

Research: This element is composed, in part, of the person's research or other creative work that indicates professional merit and interest. The results of this activity will find expression normally through accepted channels or media in the respective professional fields or in the person's teaching. Teaching and research are ordinarily closely related; it is difficult to comprehend how a person can teach well without having firsthand understanding of how the knowledge of the field is discovered. The research performance of faculty will be based on domestic and/or international scholarly activity. Annual performance evaluation of any faculty member will recognize that success in research may require long-term efforts. Promotion and tenure and annual performance raises will give equivalent consideration to research effort and success, whether domestic or international.

Service: This element includes the person's general contributions to the organization and development of the university, and services to any local, state, national, or international agency or institution needing the specific benefits to be derived from the person's professional knowledge and skills.

Specific Qualifications for Appointment (Main Campus): In the following statements of required time in each rank, IT SHOULD BE EMPHASIZED THAT THE PERIODS STATED ARE TO BE CONSIDERED AS MINIMUM AND NOT AS MAXIMUM, UNDER NORMAL CIRCUMSTANCES. It is recognized that the time served in a rank at another institution should be taken into consideration. It is also recognized that the evidence of competence differs for various fields, to some extent, and standards of judgment cannot be rigidly uniform.

JUNIOR RANKS (See Appointments – Non tenure-track in this chapter)

Instructor: This rank should be given to persons with advanced training who have demonstrated scholarly/creative ability. Usually, the individual will not yet have demonstrated ability to do both teaching and research independently. An instructor must have knowledge of the particular course materials and should have some intellectual vision; but need not be expected to have acquired a significant understanding and original point of view or philosophy of the general subject. In addition to such general considerations, as stated above, the specific degree requirements for this rank will normally be the master's degree or the equivalent, and except under unusual circumstances the instructor will be encouraged to be studying toward a terminal degree.

Assistant Professor: To be considered for this rank, a person must have demonstrated ability in the field. It is strongly believed that a relationship exists between teaching and research, and that a good teacher or researcher must constantly remold the materials of the courses or projects in the light of new knowledge derived from the person's own creative scholarship as well as that of others. An assistant professor may be expected to have a thorough command of the subject matter of some segment of the general field of the discipline, in addition to a comprehension of the whole. In addition to such general considerations as stated above, specific degree requirements for advancement or promotion to the rank

of assistant professor and, of course, applicable to the senior ranks as well, NORMALLY will be the doctor's degree. Outstanding experience and recognition in the profession outside the academic field may be considered as the equivalent of the degree requirement.

## SENIOR RANKS

Appointment or promotion to either senior rank should represent an implicit prediction on the part of the department, college, and the university that the individual so appointed will make sound contributions to teaching and learning during the remainder of the individual's life. Senior rank status should occur only after careful investigation of the candidate's promise in scholarship, teaching, research, leadership, and learning. By this statement it is meant that serious attention must be given to the caliber of the candidate's professional stature, for this will probably be the key factor in determining the extent to which past performance in teaching and creative work may be expected to carry on through continuing and enlarged contributions. Services rendered to communities and agencies or organizations in the person's professional capacity shall be considered in assessing qualifications for advancement to senior ranks.

Associate Professor: This person's views contribute to departmental policy. An associate professor should have competence and mature outlook over a fairly large part of the whole field. To be considered for this rank a person should expect to serve for at least 4 years as an assistant professor under normal circumstances. A candidate for an associate professorship is expected to have demonstrated capacities in the lower ranks and should offer evidence that teaching and research have kept abreast of times in method and subject matter; that a greater degree of maturity has been attained and that there has been a retention of interest in competent teaching and research. Furthermore, the candidate must have shown evidence of productivity and competent scholarship beyond that completed for the degree of the doctorate.

Professor: Appointment of individuals to professorships is obviously the most critical step in determining the future of the academic caliber of the university. There should, therefore, be clear understanding of the functions and qualifications of individuals in this rank. A professor through teaching, creative activity, and service should have demonstrated substantial command of the whole field, sound scholarship, and a mature view of the discipline. Appointment or promotion to professor should not be considered to be forthcoming merely because of years of service to the university (it should not be expected based on any number of years as an associate professor) or because a continuous contract is achieved. Rather, a person being considered for a professorship is expected to have maintained all of the qualities and conditions required for tenure and the associate professor rank. In addition, a professor should exhibit special stature in the discipline, leadership and substantial strength in all areas--teaching, creative activity, and professional service. In the recommending procedures the department head and the faculty member shall submit information as follows:

### Special Stature in the Discipline:

1. Teaching Performance: Data indicating performance, including innovation, enthusiasm, and contributions to activities designed for the improvement of instruction. Peer and student evaluation may be useful ingredients in determining teaching performance.
2. Creative Activity: Lists of publications, exhibits, recitals, etc. Peer evaluation both on and off campus. The direction of graduate students where appropriate to the individual's discipline.
3. Professional Service: Information showing involvement in state, regional, national, and international groups within the field and contributions to the university. Objective data showing prestige and recognition among the practitioners of the discipline.

Leadership: Information showing initiative, perseverance, and originality and skills in human relations.

Initial appointments for faculty employed with the rank of professor may also include continuous contract.

General Qualifications for Appointment (Community College System): The following qualifications are listed in the order of their relative importance: teaching is more important than professional service; professional service is more important than other service; other service is more important than research.

Teaching: This element is commonly considered to include the teacher's knowledge of the field; awareness of and the application of developments in the field; skill in arousing interest and evoking responses in students; skill in stimulating students to think critically, to understand the interrelationship of fields of knowledge and the application of knowledge to human problems; and skill in awakening students to a realization of the social, political, economic, and ethical implications of their study.

Professional Service: This element includes, above all, the faculty member's service with respect to the organization, development, and welfare of the community college and the university. This element also includes service to any individual or group needing the specific benefits of the faculty member's professional knowledge and skills.

Other Service: This element allows a faculty member to be recognized for service to the general welfare of the community which is interrelated with the welfare of the community college.

Research: Research or other creative work is not required at the community colleges. However, those faculty members who produce research and/or creative work should be encouraged, and such work should be considered for appointment, promotion, and tenure considerations.

The academic credentials of all community college instructors will be reviewed by the community college program coordinators (when appropriate), division heads, and the chief instructional officer to meet the guidelines established by the main campus departments. Instructors must also be approved by the campus executive officer and the executive vice president and provost.

Specific Qualifications for Appointment (Community College System): In the following statements of required time in each rank, it should be emphasized that the periods stated are to be considered as minimum and not as maximum, under normal circumstances. It is recognized that the time served in a rank at another institution should be taken into consideration. It is also recognized that the evidence for various fields, to some extent, and standards of judgment cannot be rigidly uniform.

#### JUNIOR RANKS

Instructor: This rank should be given to persons with the necessary education and/or experience to teach within the community college concept.

Assistant Professor: To be considered for this rank, a person must have demonstrated the ability to teach effectively in the person's field. It is strongly believed that a good teacher must constantly remold the course or project materials in light of new knowledge derived from the teacher's own creative scholarship, as well as that of others. To be considered for this rank, a person should expect to serve at least 3 years as an instructor under normal circumstances. An assistant professor may be expected to have a thorough command of the subject matter of some segment of the general field of the discipline, in addition to a comprehension of the whole.

## SENIOR RANKS

Appointment or promotion to either senior rank should represent an implicit prediction on the part of the community college that the individual so appointed will make sound contributions to teaching and learning during the remainder of the individual's life. It should be made only after careful investigation of the candidate's promise in teaching, professional service, other service, and, if applicable, research and/or creative service. By this statement, it is meant that serious attention must be given to the caliber of the candidate's professional stature, for this will probably be the key factor in determining the extent to which past performance in teaching and service may be expected to carry on through continuing and enlarged contributions.

Associate Professor: An associate professor occupies a position adjunct to that of the professor. This person's views contribute to community college policy. An associate professor should have competence and mature outlook over a fairly large part of the professor's whole field. A candidate for an associate professorship is expected to have demonstrated capacities in the lower ranks and should offer evidence that the candidate's teaching has kept abreast of times in method and subject matter, that a greater degree of maturity has been attained, and that there has been a retention of interest in competent teaching and service. To be considered for this rank, a person should expect to serve for at least 4 years as an assistant professor under normal circumstances.

Professor: Appointment or promotion of individuals to professorships is obviously the most critical step in determining the future of the community college system and the university. There should, therefore, be a clear understanding of the functions and qualifications of individuals in this rank. A professor through teaching and service should have demonstrated substantial command of the professor's whole field, sound scholarship, and a mature view of the discipline. Promotion to professor should not be considered to be forthcoming merely because of years of service to the community college and the university (it should not be expected based on any number of years as an associate professor) or because a continuous contract is achieved. Rather, a person being considered for a professorship is expected to have maintained all the qualities and conditions required for tenure and for the rank of associate professor. Additionally, a professor should exhibit special stature in the professor's discipline, in leadership, and in both teaching and service.

### 5.20 Assignments B General

It is the policy of the university to provide conditions under which high quality instruction, research and service may be expected to occur. The faculty and administration recognize that quality education is based on and will occur as the result of interaction and contact between professionally competent faculty and adequately prepared students. Statements in this manual which are concerned with assignment of faculty load and with the award of academic credit are expressed generally in terms of the amount of contact occurring between faculty and students. In practice, many academic efforts, having little or nothing to do with the amount of contact per se, are nevertheless quantified and rewarded in terms of the credit hours. Such cases are covered by prior approvals among students, faculty and administrators. This policy is based on the following:

Teaching: Refers to activities related to courses given in a current term, such as meeting scheduled classes, grading, preparing lectures, evaluating students, reading student papers, academic advising, supervising teaching assistants, and supervising laboratories. Ordinarily, scheduled class meetings will equal at least 750 minutes per semester per credit hour.

Refers to the statewide non-credit teaching activities of members of the Cooperative Extension Service, and other university faculty members, such as conducting seminars, meetings, workshops and consultations with ranchers, farmers, businessmen, homemakers, community leaders and other citizens

of the State, and the preparation of educational materials--bulletins, newsletters, news articles, radio and television programs, and self-teaching programs.

Research and Other Creative Endeavors: Refers to activities in the faculty member's area of responsibility related to a specific project, such as performing a professional skill, writing or developing research proposals, statistical consulting, writing articles and/or books and/or reviews, creating a new art form(s), performing departmental and/or sponsored research, giving recitals, maintaining an artistic skill.

Professional and Public Service: Refers to activities related to maintaining expertise in a professional field and activities performed to benefit the community outside the institution, respectively. Specific activities in this category include attending professional meetings and/or seminars, editing a journal, serving as an officer in a professional society, consulting, performing professionally as in plays or orchestras, participating in lectures or seminars for the public, and involving oneself in community activities such as civic clubs, agricultural or urban extension services.

Internal University Activities:

1. General contact with students, such as: counseling; preparing recommendations; participating in social interaction; recruiting students; sponsoring student organizations; meeting with parents; attending student recitals; coaching intramural or intercollegiate athletics; directing the band, orchestra, student plays, debate team, or other student groups.
2. Committee participation, such as: attending departmental meetings; Faculty Senate; promotion and tenure committees; planning committees; or admission committees.
3. Administrative duties, such as: performing the duties of a department head, dean, vice president, or any other administrator; keeping records; preparing minutes; writing and answering memoranda; assigning faculty course loads; preparing budgets; gathering data; helping during registration; interviewing candidates for faculty positions; advising on library purchases; escorting visitors.

## **5.20.10 Assignments B International**

Internationalization is the incorporation of international content, materials, activities, and understanding into teaching, research, and public service functions of universities to enhance their relevance in an interdependent world. The major elements of the strategy being used to internationalize our university are:

- § Defining international goals/objectives.
- § Determining specific actions/activities relating to goals/objectives.
- § Identifying individuals/units which have lead responsibilities for implementing activities.
- § Formulating a strategy for the implementation of activities.

The current emphasis is seeking a balance between the concepts of cooperation and competition. This new emphasis places a major responsibility on the U.S. universities for providing relevant educational experiences for their students so that they are equipped to compete, become gainfully employed, and participate effectively as citizens in the new and emerging world environment. The principal purpose of university's internationalization strategy is to systematically and incrementally change the institution to better serve current and future needs of the institution's clientele.



Assignment of Faculty to International Programs: The nature and requirements of the international assignment will be carefully reviewed and understood by university administrators and the faculty member before beginning the assignment. Accomplishments during assignment to international projects will be given consideration in evaluating annual performance, merit increases, promotion, and advancement to continuous contract. In future evaluations, consideration may be given to how knowledge and insight gained during an international assignment are integrated into the faculty member's teaching, research, and outreach responsibilities after returning from this assignment. (See Faculty Exchange in this chapter.)

### **5.20.20 Assignments - Teaching Load (See Department Heads - Teaching Loads)**

A faculty member budgeted exclusively from instruction and general funds (as opposed to a faculty member's time sponsored all or in part to perform research or some other specific tasks) will normally be responsible for the equivalent of teaching 12 credits. (The teaching load for community college faculty members will normally be the equivalent of 15 credits and research will not be required. For community college faculty the full load for 6-weeks is 6 semester credits or equivalent.) The faculty member is expected to participate in some research or creative endeavor, professional and/or public service, and internal university activities. Thus, it should be noted that circumstances such as level and/or type of instruction, number of students, extent of preparation and research or institutional requirements (department head, departmental research, special projects, etc.) may cause the number of credits taught to change from the standard base.

The academic responsibilities of a faculty member are a matter of circumstances and judgment. Such responsibilities will normally be determined annually by discussion between the faculty member and appropriate administrative officers. If agreement on these responsibilities cannot be reached, the faculty member may appeal the case in accord with university procedures. (See Chapter 4 Human Resources - General -Appeals) In an appeal situation, if a change in academic responsibilities will affect the faculty member for more than 1 semester, the appeals procedure must have been completed before the reassignment can be made or continued.

The percentage breakdown of time allocated to each academic activity may vary among faculty members. It will be based on the average time required for the satisfactory performance of the activity. For the purpose of definition and statistical reporting, the following applies:

1. A credit equals 1 hour of lecture per week during a semester.
2. To convert laboratory clock hours to credits, divide the laboratory clock hours by 2. Thus, a course designated as (2+3P) could be evaluated as 32 credits.
3. Courses such as special problems, independent study, or dissertation and thesis supervision do not lend themselves to a credit-for-credit apportionment. The following formula awards credit proportional to #1 and #2 above:

Student credit hours for courses numbered 700, 699, 600 and 599 will be divided by 4.5.

Student credit hours for 598 will be divided by 6.

Student credit hours for all other special problem courses numbered 450 and above will be divided by 10.

Student credit hours for all other special problem courses numbered below 450 will be divided by 15.

In the calculation of faculty teaching loads, credit for any one student will be limited to:

599 courses	-- 12 credits
600, 699, and 700 courses	-- 24 credits cumulative

Credit limits may be extended with the prior written permission of the appropriate dean.

Assignment of academic activities should result in equity between and among the faculty. However, as with any profession, responsibilities may vary from one faculty to another. Responsibilities, therefore, should be examined to evaluate quality and effectiveness of performance. When a faculty member is assigned special duties above the normal load, arrangements will be worked out between the faculty member and concerned administrators to determine the amount of additional compensation, if any, to be received.

Teaching Assignments: A faculty member budgeted exclusively from instruction and general will be responsible for teaching 12 credits or the equivalent. Teaching loads for individuals budgeted less than full-time from instruction and general will be proportionate to the amount of time funded from the instruction and general budget. Teaching loads may include consideration for class size; number of preparations; type, level, and/or content of course; instructional support provided; and method of instruction, provided the assignment has the approval of the department head and cognizant dean(s). For example, a faculty member may have the equivalent of less than a 12-credit teaching load even though the faculty member was assigned 12 credits if the teaching involves only two preparations and both courses have been taught a previous semester and have small enrollments. Another professor teaching 9 credits may have the equivalent of a 12-credit load if the professor's teaching involves three preparations with two new courses involving large enrollments.

Research Assignments: Research sponsored from the instruction and general budget (departmental research) may be included in the 12 credits, provided the assigned research time has been approved by the department head and cognizant dean(s). The following procedures are recommended in approving departmental research:

1. Faculty members will prepare a written statement outlining their requests for assigned time for research or other creative endeavors. The statement should include a description of the research or other creative endeavor, its objectives, probable results, and method of evaluation, as well as time needed to complete the research and amount of assigned time requested.
2. The department head and cognizant dean(s) will review the request and reach an agreement on the amount and duration of the time to be assigned.
3. The department head and cognizant dean(s) will periodically review and evaluate the progress of the research or other creative endeavor, including:
  - \$ Data collection.
  - \$ Proposals presented for funding.
  - \$ Funds granted.
  - \$ Materials submitted for publication.
  - \$ Publications and their quality.
  - \$ Exhibits and productions.
4. Peer review and evaluation may be used where appropriate.
5. Faculty members with unusual service loads not related to a specific course or courses may request an adjustment in their teaching loads through the department head and cognizant dean(s).

6. Faculty members have a professional responsibility to themselves, the students, the university, their profession, and the general public which will not be explicitly acknowledged in the assignment of academic responsibilities.
7. When possible, departments should send materials relative to assignments to new faculty and teaching assistants to allow lead time for preparation before arriving on campus.

## **5.25 Compensation (See Research - Intellectual Property, and Reassignment of Administrators/Department Heads)**

Salary increases are determined after the legislature has appropriated funds for the operation of the university. It shall be the policy of the university that all promotions shall include a fixed percentage salary increase, irrespective of other salary increases, currently six percent of the mean salaries of ranks currently held. (For example, an assistant professor being promoted to associate professor would receive an increase equal to six percent of the current mean salary of all assistant professors).

After promotion dollars are determined, the remaining funds shall be distributed proportionally to each college and community college (unless the community college allocation is separate from the main campus allocation) based on their current salary pool.

Allocation of funds for salary increases will consider performance (based on the annual performance review) and base salary adjustments.

The department head makes a salary recommendation to the college dean. When final salary determination has been made and approved by the department head, deans and executive vice president and provost, the appropriate administrator will inform the faculty member in writing about the member's next year's salary, including a breakdown of base adjustment, performance and/or promotion increments. Faculty hired after January 15 will not receive a salary adjustment. Anyone hired prior to that date and after October 1 would be eligible for a base adjustment during the years a base adjustment is given. Faculty salary and salary increase information shall be made available to the tenured and tenure-track faculty in the form of tables reflecting increases by rank for the university and each college. Salary letters are issued by the Office of the President. The percentage increase in salaries to each college and department is public information which is available upon request. Each year the executive vice president and provost shall report to the faculty on how raise dollars were distributed. The report will include the executive vice president and provost's recommendation for each college's base and merit salary adjustment proportions. Furthermore, the report will include the actual base and merit proportions made by each college dean.

### **5.25.10 Compensation – Continuing Education Courses**

It is the policy of the university that providing life-long learning through continuing education is an important part of *its* mission. In order to encourage faculty to participate in these activities, the faculty may earn extra compensation for teaching in continuing education programs in lieu of consulting. The extra compensation will normally be paid at a rate of  $0.00278 \times 9$ -month salary per hour of instruction. This rate is based on the assumption that 12 credits per semester, for two semesters, for 15 weeks is the normal load for an academic year. [ $0.00278 = 1/(12 \times 2 \times 15)$ ] - maximum rate. For purposes of E-Hire Forms, these hours must be kept separate from for-credit hours.

### **5.25.20 Compensation - Department Heads (See Department Heads)**

### **5.25.30 Compensation - Distance Education/College of Extended Learning**

#### DISTANCE EDUCATION DEFINITION

Distance Education at NMSU is defined as the formal education process of delivering instruction so that students physically remote from the campus of program origin and/or instructor may participate. Course or program delivery may include face-to-face interaction and/or synchronous or asynchronous written, electronic or other media forms. NMSU's four-year campus distance education courses must be approved through the college and the Office of Distance Education/College of Extended Learning. NMSU's two-year campuses will develop their own approval process.

#### FACULTY/STAFF COMPENSATION

##### NMSU College and Two-Year Campus Guidelines

With faculty input, each college and two-year campus will provide written guidelines regarding its practices for compensation faculty who provide distance education courses. An informational copy is to be forwarded to the Vice Provost for Distance Education and Dean of the College of Extended Learning by August 1<sup>st</sup> of each year and made available to faculty in the College or two-year campus. These College and two-year campus guidelines may reflect varied factors that include, but are not limited to, market demand for distance education courses, current compensation of individual faculty and the distance education modalities used in the courses.

Faculty may be compensated for teaching distance education in one of two ways, Differential Compensation and/or Supplemental Compensation.

##### Differential Compensation

Differential compensation involves compensation for preparation of new distance education courses/programs and is determined by each college. This compensation may also be made available to faculty to maintain existing courses or programs.

Faculty members may also receive differential compensation for teaching a distance education course. Differential compensation for teaching distance education courses may be provided as reassigned teaching time, release from other responsibilities, additional salary, Graduate Assistance support, full or part-time support personnel, stipends for contractors/vendors, etc. The form of compensation is at the discretion of the college administrator after consultation with the faculty member. Differential compensation may also be provided for faculty members who travel to an off-campus site to teach distance education courses in addition to approved university travel compensation.

University travel compensation as an addition to differential compensation is to be based on the distance traveled to teach the course and the number of trips made in any given semester for the expressed purpose of teaching the course or advising students in a course or program.

##### Supplemental Compensation

Faculty members who teach a distance education course as an overload may receive supplemental compensation as presented in Section 4.70 or negotiated with the appropriate college dean.

Any contract course is expected to be self-supporting including fringe benefits. Faculty compensation for contract courses must follow appropriate university policy.

Instructors who travel to remote sites shall be compensated for their travel at the mileage and per diem rates determined through university travel policy.

Small Class Sections

Distance education courses with an enrollment of fewer than ten undergraduate or five graduate students will be subject to small course monitoring.

**5.25.40 Compensation - Summer**

Salary for full load is based on 3/4 of 2/9 of applicable annual (9-month) salary (using past year base for Summer Session I and year-to-come base for Summer Session II). However, for persons who have no regular 9-month salary on which to base this formula, salary may be negotiated within the approved per-credit-hour ranges for college rank faculty.

Note: Salaries will be rounded to the nearest dollar.

A faculty member who agrees to teach for a fraction less than the normal amount must sign a statement waiving payment under the normal salary plan outlined below.

<u>Credit Load or Equivalent per Summer Session</u>	<u>Percent of 1/6 of 9-month Salary</u>
.5 (.11 allotment)	11
1.0	22
1.5	33
2.0	44
2.5	56
3.0	67
3.5	78
4.0	89
4.5	100
5.0	111
5.5-6.0	120

Teaching Overloads: In general, faculty members will be employed in one 6-week period only. In exceptional cases, where approved by the executive vice president and provost, a faculty member may serve in two 6-week sessions, and will receive a salary for each session based on the percent of service for that session. Faculty members may be scheduled to teach up to 6 credits in one summer session. The request should be submitted in writing, including justification, to the executive vice president and provost.

Combined Teaching-Sponsored Research: Normal B Teaching is paid under the salary plan described above. Full time research is paid at the rate of 1/36 of annual (9-month) salary per week. Part-time research will be calculated at the appropriate fraction of 1/36 of annual salary per week. (1 day = .2 week; 2 days = .4 week; 3 days = .6 week; 4 days = .8 week; 5 days = 1.0 week)

Sponsored Research: Sponsored research is paid at the rate of 1/36 of annual salary per week. The maximum employment period is 12 weeks, exceptions to be approved by the executive vice president and provost.

Additional Allowable Salary on Institute Programs: Proportionate salary will be paid where institutes allow pre- and post-weeks for preparation and closing. A faculty member serving as an institute director may be paid extra for administration if such payment is permitted under terms of the institute contract.

Maximum Summer Payment for Teaching and/or Sponsored Research: In part to comply with OMB Circular A21, which states AIn no event will charges to sponsored agreements, irrespective of the basis of computation, exceed the proportionate share of the base salary for that period,@ the following maximum summer payment has been established: In the entire summer period between the end of 1 academic year and the beginning of the next, faculty can earn no more than the average of the past year's 9-month base and the coming year's 9-month base, divided by 3. Any exception must have the approval of the executive vice president and provost.

Department Heads: A department head who administers the department during the summer and also has funded research is paid 1/12 from funded research, provided annual leave is taken during the summer. If annual leave is not taken during the summer, the department head may be paid 2/12 from funded research. Some department heads may wish to be on annual leave in the summer, or may wish to work only 1 month, etc. These arrangements may be worked out with the dean and the executive vice president and provost with proper adjustments in accrued days of annual leave and other related policies. No summer session faculty allocation is used for 12-month department heads who teach in the summer.

Graduate Assistants: In summer sessions, graduate assistants will receive the same pay per month as they do in the regular semester. The allotment of one graduate assistant will equal 6-weeks employment at 20 hours per week. Two graduate assistant allotments may be converted to 1.0 faculty allotment with the approval of the executive vice president and provost.

#### **5.25.50 Compensation – Employee Recognition Program (See Chapter 8 Compensation)**

#### **5.30 Consulting (See Chapter 8 Staff - Consulting)**

Full-time Faculty: Consulting by full-time faculty should be considered secondary to the performance of the faculty member's assigned duties. The following definitions, policies, and procedures will be applied to all full-time faculty members:

University - New Mexico State University.

Consulting - services for compensation, not disbursed by the university, in an employee's area of specialization.

Consulting time - that time afforded a faculty member during the faculty member's normal working hours.

A faculty member employed for an FTE fraction of 0.9 or greater is considered full-time, while an FTE fraction of less than 0.9 is considered part-time.

Consulting Policies:

Written notification is required for consulting.

Written permission is required for consulting time. Consulting time shall not average more than 1 day per week during the months of full-time employment excluding those days when university offices are officially closed.

Consulting is to be conducted in an ethical manner that should not create a conflict-of-interest situation.

University facilities, equipment, personnel or supplies which are not freely available to the general public will not be used in consulting without proper arrangements for reimbursement.

Additional assignments performed during normal university working hours, and for which an employee receives supplemental compensation, will be counted against that faculty member's allowed consulting time and must be approved by all cognizant administrators. (See Chapter 4 Human Resources - General - Supplemental Employment/ Compensation.)

The faculty member shall submit a written notification of consulting to the faculty member's immediate supervisor (usually the department head) prior to initiation of consulting. At times, consulting opportunities arise when it is not possible to immediately submit a written notification (such as weekends or holidays). In those cases, the faculty member is expected to make every possible effort to submit the notification on the next regular business day for the university.

The immediate supervisor is responsible for notifying the appropriate dean or director of those faculty members who have submitted notification of consulting.

The faculty member shall obtain prior written permission for consulting time from the faculty member's immediate supervisor and appropriate dean or director. The request for consulting time must be acted upon within 5 working days.

Prior written approval and financial arrangements for reimbursement must be obtained from the immediate supervisor before university facilities, equipment, personnel or supplies may be used in consulting by the faculty member. These arrangements will be reviewed by the appropriate dean or director and may be disapproved, with cause.

Causes for denial of consulting privileges include, but are not limited to: a clear conflict-of-interest situation, unprofessional conduct by the faculty member negatively reflecting on the university, significant interference with assigned university duties, consulting time exceeding an average of 1 day per week, or misuse of university facilities, equipment, personnel or supplies.

The faculty member may appeal decisions to the University Appeals Board.

Additional policies not in conflict with the above may be developed and implemented by the college faculties and administrations. (See Appointments - Nontenure-Track – Exempt Staff Hired as Part-time Faculty in this chapter)

### **5.35 Deans (See Chapter 1 Organization - Academic Deans Council)**

### **5.45 Department Heads (See Reassignment of Administrators)**

A department head serves at the discretion of the dean/director, with the concurrence of the executive vice president and provost. All academic departments are administered by department heads under the cognizance of the college dean, graduate dean, if appropriate, and the executive vice president and provost.

Department Head Increment: It is the policy of the university to provide additional stipends for those administering the academic departments, based upon the number of full-time faculty, part-time faculty, and graduate assistants supported from instruction and general funds. It is understood that this increment is included in the original offer to department heads just joining the faculty and is relinquished if the individual gives up the department head responsibilities.

Faculty Rank: Department heads are academic administrators, with faculty rank, but eligible for consideration under all policies applying to the faculty. For example, some department heads have been promoted to a higher rank and some have been tenured, but obviously the promotion and tenure considerations were in keeping with their positions as members of the faculty.

Length of Appointment: For department heads who are 12-month employees, the year is from July 1 to June 30. Department heads who have negotiated a 9-month appointment come under the policies of the regular faculty with respect to all pay and fringe benefits and normally are excluded from summer teaching. Department heads observe the administrative calendar.

Salary Determination: When an internal candidate is selected, department head salary normally is determined by multiplying the 9-month faculty salary by 12/9 and adding the department head increment.

Summer Session: (See Compensation - Summer)

#### **5.45.10 Department Heads - Leaves**

Annual Leave: Department heads are treated the same as all other 12-month employees, except for those provisions pertaining to teaching responsibilities. For example, regular full-time employees, including department heads, are granted 22 working days annual leave a year beginning with the date of employment. Unused annual leave may be accumulated but shall not exceed more than 30 working days. However, all department heads are urged to take annual leave each year because it is felt that administrators need this time off to ensure their continued effectiveness. A change in assignment of a 12-month person to less than annual regular employment within the university will result in payment of any unused leave up to 30 days. Also, a department head who terminates or retires from the university will be paid for unused leave up to 30 working days. Accurate annual leave records for department heads must be maintained in the deans' offices.

Sick Leave: Under the 12-month plan for department heads, the sick leave policy is observed. Regular full-time employees are granted 12 working days of sick leave a year which may be accumulated up to 800 hours per year. A department head returning to a 9-month faculty contract is not eligible for unused sick leave, but comes under the sick leave policies for the faculty. Accurate sick leave records must be maintained in the deans' offices.

Annual/Sick Leave for Acting Department Heads: Nine-month faculty who serve temporarily in exempt positions such as acting department head should be changed by Personnel Action Form from Afaculty@ to Aexempt staff@ for the period. Consequently, they will earn sick leave and annual leave at the regular 12-month rate, or at 9/12, 10/12, or 11/12 adjusted rates as applicable during the time of administrative service. If the faculty member returns to 9-month faculty status afterward, another Personnel Action Form should change the status again from Aexempt staff@ to Afaculty@.

Sabbatical Leave: Sabbatical leave for department heads is determined by a formula prorating the time they have been on 9- and 12-month contracts during the previous 6 years counted towards the sabbatical leave.

Summer Sabbatical Leave: A department head gains eligibility for sabbatical leave as indicated in the sabbatical leave section(s) of this manual, and may elect to take such leave in segments. Each leave segment should be of sufficient length to permit a significant planned accomplishment. When segments are used, the accrual for the next sabbatical leave begins with the end of the year in which the first segment was taken. The entire sabbatical leave will be charged to the departmental salary budget.



### **5.45.20 Department Heads - Responsibilities**

The following responsibilities of the department head are to be accomplished, insofar as possible, within budget and policy restraints.

1. The department head is expected to be the academic leader of the departmental faculty. The department head is responsible for ensuring that highly qualified faculty are employed. Also, the department head ensures that official transcripts, including highest degree earned, are obtained for every new faculty member's official personnel file (routed through the Office of the Executive Vice President and Provost). Insofar as possible, the kind of atmosphere in which the faculty can do their best work in teaching, research, and service should be maintained.
2. Leadership of the faculty implies working closely with the faculty on the development and sustenance of departmental courses and the stimulation and encouragement of faculty development. A performance evaluation of each faculty member will be carried out at least once a year and should be made in the positive vein of professional development. Evaluation of the progress of tenure-track faculty should be made in consultation with senior department faculty and in accordance with the highest national standards of faculty performance.
3. The department head is responsible for encouraging the national and international professional contacts of the faculty within the constraints of the departmental budget. This implies appropriate travel and bringing well-known professionals to the campus.
4. The department head has no more important task than ensuring teaching excellence. Encouragement and support of good teaching must be given to faculty, especially new faculty. Copies of current syllabi will be maintained in the department head's office. The department head is responsible for ensuring an effective departmental evaluation of teaching, and for advisement of student departmental majors.
5. The department head must ensure the effective administration of the department, including keeping the faculty fully informed of department, college, and university matters. Routine and special reports, including grade reports and other matters, must be handled accurately and on time. Effective supervision and development of the department budget is important. The department head will keep the faculty informed on budgetary matters. All research and program contracts should be carefully supervised, both for fiscal integrity and academic appropriateness.
6. The department head is expected to be an advocate of the department, yet at the same time appreciate the concerns and priorities of the college and university. The most important department activities in the development of faculty, programs, research, and service are done in close partnership with the office of the dean of the college.
7. The department head is responsible to the dean of the college for all the activities of the department. The dean should be kept apprized of all department activities and problems.
8. The department head is responsible for ensuring that department, college, and university regulations are enforced.
9. The department head will inform the search committee chair if an underutilization memorandum is received from the Office of the Executive Vice President and Provost for purposes of meeting affirmative action goals. The *Search Committee Handbook* will be provided by the department head for tenure-track faculty positions.
10. Supervision of Graduate Assistants: Graduate assistants are recommended for appointment by the department head. The appointment requires approval of the college and graduate dean. Three

letters of recommendation are required for the approval. Specific orientation and training of graduate assistants are the responsibilities of the department head. Graduate assistants work under the close supervision of faculty. The policy on academic freedom does not apply to the service expected of graduate assistants. The assignment of teaching duties to graduate assistants is the responsibility of the department head. Such assignment requires that the department head ascertain that the graduate assistant is fully qualified and that the work performed by the graduate assistant be closely supervised by a member of the faculty responsible for monitoring the assigned tasks associated with the graduate assistant's teaching responsibility. Only those graduate assistants proficient in English may be assigned to teaching or teaching-related activities.

### 5.45.30 Department Heads - Teaching Requirements

Minimum teaching	for FA/SP/SI/SII
	<u>Number of courses of 3 credits or equivalent*</u>
Doctorate granting departments	3
Master granting departments	4
Bachelor granting departments	5

**\*Adjustments**

With the approval of the dean, an adjustment of one fewer course than the above number of courses may be made by any department that qualifies for three or more points as listed below.

	<u>Points</u>
With 100 or more majors	1
With 15 or more graduate students	1
With \$300,000 in grants or more and/or \$20,000 in gifts in each year	1
With 15 or more faculty	1
With 30 or more faculty	1

### 5.50 Due Process/Appeals/Grievances (See Chapter 4 Human Resources - General - Appeals and Human Resources - General - Due Process)

### 5.55 Emeritus Status

The university provides for the emeritus faculty member, including the emeritus faculty member of the Cooperative Extension Service, the privileges and services available to all other faculty members. In furthering this objective, the following policies pertain:

Emeritus status for faculty is based upon two conditions: (1) that the faculty member is eligible for retirement under the New Mexico Educational Retirement Act or the Federal Civil Service; and (2) that the faculty member is tenured at the university.

Individual emeritus faculty and agricultural extension faculty shall be listed for life as emeriti in the catalog.

Benefits B (See Chapter 7 -Benefits - Retirement) Emeritus faculty receive general university publications (e.g., Page One) upon request. They may be issued identification cards; be listed in the university phone directory; have on-campus office or work facilities (if available, requested, and approved); and may be requested as an emeritus consultant.

## **5.60 Endowed Chairs and Professorships**

Appointment of individuals to the following endowed chairs/professorships requires the approval of the cognizant dean and also the executive vice president and provost:

- The Gerald W. Thomas Chair in Food Production and Natural Resources
- Jose Fernandez Chair in Field Crop Production
- Telemetering and Telecommunication Chair
- The Tombaugh Professorship in Astronomy

## **5.65 Faculty Exchange**

Eligibility: All full-time faculty and staff are eligible to participate in exchanges, with the approval of the cognizant department head, dean, director, vice president, and executive vice president and provost. The number of exchanges in any period will be limited only by the resources available to support exchange, and to the extent which exchanges can positively affect the teaching, research and service programs of the college. Faculty will be encouraged to consider international exchanges and sabbaticals.

Length: Exchanges may be for any length of time subject to the approval of the cognizant administrators.

Compensation: The university will continue to pay the exchange participant's salary and fringe benefits during participation in an approved exchange program. The participant, in effect, remains under contract with the university. A faculty or staff member preparing for exchange, or on exchange, will be considered the same as a continuing faculty or staff member for the purposes of annual salary incremental decisions. Individuals and departments may propose other approaches to compensation, depending upon the particular exchange circumstance.

Promotion, Leave, and Other Considerations: Exchange participants will not lose rights or progress toward promotion, tenure, and sabbatical leave considerations by virtue of their participation in an exchange program. In other personnel considerations, exchange participants will be treated, to the extent possible, as if they were in residence at the university.

Rights and Responsibilities: Exchange participants will not lose any rights or responsibilities as members of the faculty and staff or as employees of the university by virtue of participation in the exchange program.

Legal and Contractual Obligations: A Leave Request Form is required. Exchange assignments will be detailed in a Home Memorandum of Agreement following placement. Any special legal or contractual obligations of the individual or the institution will be specified on this form. A similar form will be signed between the exchange participant and the host institution. For incoming exchange participants, the college will specify on a Host Memorandum of Agreement any contractual obligations, exchange responsibilities, and any special considerations related to the incoming faculty or staff member. No housing or relocation expenses will be paid to either outgoing or incoming exchange faculty or staff unless agreed to in the Memorandum of Agreement.

## **5.70 Grievances (See Chapter 4 Human Resources - General - Appeals - Faculty)**

## **5.75 Hiring (Refer to *Search Committee Handbook*. See Appointments and Chapter 4 Human Resources - General - Hiring)**

**5.80 Intellectual Property (See Research - Intellectual Property)**

**5.82 Leaves (See Chapter 7 Benefits - Leaves)**

**5.84 Office Hours**

Faculty members will be present and available to students during the entire official dates of every academic semester: for fall B from the date of opening programs for faculty/staff through the date final grades are due; for spring B from the January return date listed as a note on the academic calendar through the date final grades are due. A faculty member is responsible for informing the department head prior to being absent from campus for the purpose of out-of-city or out-of-state travel. Each faculty member is responsible to have office hours clearly posted and to be present during those times. Each faculty member is expected to meet classes as scheduled or to notify the department head in advance if it is necessary to miss classes. Faculty members will meet each class at the place listed in the schedule unless they have approval from the department head to meet elsewhere. (This especially pertains to changing a class to any off-campus location.) In case of illness, the general practice is for another member of the department to substitute until the faculty member returns. However, the faculty member is responsible for informing the department head of absence from classes for any reason. Also, every class will meet during exam week, whether or not a final examination is given at that meeting. Classes are not to be cancelled without prior approval of the appropriate department head, dean, or campus executive officer.

**5.86 Performance Evaluation (See Department Head - Review and Deans et al - Review above, as well as Appointments - Nontenure-Track)**

The performance of each faculty member will be reviewed at least once a year by the department head, comparable administrator, or a committee. This review will include a written report submitted by the faculty member. The form(s) of this report shall be determined by individual colleges (community colleges) in consultation with their departments. The department head or comparable administrator shall report the results of this review to the individual being reviewed. These results shall serve to establish the goals for the following year. A written copy of the evaluation shall be given to the faculty member.

Procedures for the Faculty Performance Evaluation System:

1. Each college uses its own performance evaluation form. Early in each fall semester the department head or comparable administrator supplies each faculty member with a form. At this time the department head confers with new faculty members concerning the recording of objectives and goals and the general use of the form. In the case of continuing faculty members, the department head or faculty may request a conference for the purpose of revising or updating objectives previously agreed upon. Department heads will share the above agreements in writing with the faculty member.
2. Department heads are expected to meet with all new and returning faculty members regarding progress toward promotion and tenure and to certify in writing to the appropriate dean that these meetings have occurred. Specific evaluative comments in each of the three areas of performance are required, as well as separate comments about progress toward tenure and toward promotion.
3. Each faculty member completes a written form detailing and citing accomplishments in the broad categories of teaching, research and/or creative scholarship, and service during the performance evaluation period. The type, method of collection, and disposition of evidence

regarding effectiveness of teaching is of particular importance, and faculty should consult with department heads concerning collection of this evidence. The performance evaluation form, along with any supplemental material, is submitted by each faculty member to the faculty member's department head.

4. The department head reviews the faculty performance forms, prepares a written evaluation based upon accomplishments reported as compared with previously set goals and objectives (a copy of this report will be shared with the faculty member), and confers with appropriate deans to achieve consensus on the written recommendation and the prepared summary to be discussed with the faculty member. Following the conference with the dean, the department head meets with the faculty member to discuss all aspects of the performance evaluation, addressing separately the person's progress toward promotion, progress toward tenure, strengths, and weaknesses. This conference also serves to set goals and objectives for the ensuing year. No mention shall be made at this conference of the recommendation in terms of dollars. These goals and objectives will be placed in writing, with a copy to the faculty member.
5. At community colleges with program coordinators, the coordinator performs the duties of a department head in the evaluation process. The coordinator will confer with the community college executive officer, who in turn confers with the executive vice president and provost.
6. Department heads formulate recommendations where appropriate regarding promotion and tenure on the basis of policies stated in this manual. These are communicated to the college dean.
7. Each college generates its own time schedule for accomplishing the above items, within the parameters of the university calendar.
8. It will be the function of the Faculty Senate to legislate policy regarding the Faculty Performance Evaluation System.

## **5.87 Post-Tenure Review *[Adopted by Faculty Senate 5/6/06; ratified by Board of Regents 9/8/06]***

### **5.87.1 Introduction**

The Post-Tenure Review Policy ensures that all tenured faculty members will receive an annual review and that those with either exceptionally fine performance or serious deficiencies in one or more areas will be identified. Special achievement shall be rewarded in a manner determined by each college or community college campus. For a tenured faculty member who receives two successive unsatisfactory annual reviews with identified and uncorrected serious deficiencies, this policy provides a mechanism to establish a remedial program for correcting the deficiencies. The legislation to which this policy responds is particularly concerned with the quality of teaching, and that fact shall be considered when taking any action under this policy. In particular, faculty whose teaching needs improvement will be urged to take advantage of "programs designed to assist faculty members in enhancing their teaching skills." (*NMSA 1978*, Section 21-1-7.1)

### **5.87.2 Annual Reviews**

1. Tenured faculty members annually participate in and receive an extensive examination of their teaching, their research and scholarly output, and their service as part of the annual review process conducted in accordance with section 5.86 of the Policy Manual. This annual review document shall be labeled the Post Tenure Review of each tenured faculty member. This Post Tenure

Review shall weight the three areas of teaching, scholarly work, and service in proportion to the percentage each category is given in the faculty member's allocation of effort for a given year.

2. Administrators who hold tenured faculty rank are reviewed on the performance of their faculty duties (teaching, research, and service). Administrators who have no assigned faculty duties will not be reviewed under this policy.

### **5.87.3 More Complete Post-Tenure Reviews**

If, in the judgment of a superior, the annual review for a tenured faculty member shows a serious deficiency in the performance of that faculty member, the superior shall inform the faculty member in writing of the deficiency as well as recommend actions the faculty member might take to address the issue. If the deficiency or deficiencies continues for two or more years and if the faculty member has not taken the corrective actions, one of two possible courses of action may ensue:

1. The faculty member may request that the superior submit the record of poor performance and suggested actions to the other tenured faculty members of the unit for consideration in a more complete review, or
2. If the faculty member does not request the review, the superior may initiate such a review with the concurrence of a majority of the tenured faculty in the academic unit.

The more complete review shall have the aim of identifying strengths and weaknesses of the faculty member in teaching, research, and service.

1. This review shall be undertaken by the departmental promotion and tenure committee.
2. If there is no departmental promotion and tenure committee for that unit, the review will be undertaken by the equivalent college-level promotion and tenure committee as specified in section 5.90 of this manual.
3. Student evaluations must be considered when evaluating the faculty member's teaching, along with other factors.
4. If the reviewers conclude that the faculty member's performance is not seriously deficient, the faculty member shall be so informed and a statement of the finding placed in the faculty member's personnel file.
5. If serious deficiency is found, a specific remedial program shall be developed in consultation with the faculty member that includes procedures, criteria for evaluating progress, and a reasonable timetable. If the faculty member's teaching needs improvement, such a program might include participation in programs offered by the Teaching Academy, mentoring by a recipient of teaching awards, intensive study of videotaped classroom sessions, etc. When research and publication needs improvement, collaboration with another faculty member and participation in workshops on publishing might be indicated. However, in accordance with *NMSA 1978*, Section 21-1-7.1, part E(1), any remedial effort can be no shorter than two years in length.

### **5.87.4 Enhancement Program**

Whether or not a tenured faculty member accepts the recommendation to participate in a teaching or scholarly work enhancement program, and whether or not the member performs well in the program, the faculty member's performance will be judged on subsequent teaching and scholarly work.

### **5.87.5 Frequency of Review**

The more complete review shall not be initiated for any tenured faculty member more frequently than once every five years.

### **5.87.6 Persistent Teaching Deficiencies *[Ratified by Board of Regents 10/22/07]***

If a tenured faculty member's teaching deficiencies are considered by the executive vice president and provost to be very serious and to have been uncorrected at the conclusion of the agreed time period, and further, if there is evidence that the faculty member's teaching performance has deteriorated since the award of tenure such that the faculty member's teaching performance is now typically unsatisfactory, the executive vice president and provost shall recommend loss of tenure for the faculty member in question.

If tenure is to be revoked, the university shall follow the processes specified in Section 5.98 for Involuntary Termination of a Continuous Contract, subject to the safeguards of Section 4.25.

### **5.87.7 Reporting**

Every year, each academic dean and the chief community college executive officer of each campus shall report to the executive vice president and provost

1. The number of tenured faculty receiving annual evaluations,
2. The number receiving unsatisfactory evaluations,
3. The number of tenured faculty who have been the subject of a more detailed peer review,
4. The number of faculty who have participated in a remedial program as a result,
5. The results of those programs,
6. And the number of faculty whose tenure have been revoked

**The following Sections 5.88, 5.90 and 5.91 will be replaced August 1, 2008 by Sections 5.90.1 through 5.90.7. The new sections were approved by the Faculty Senate on May 3, 2007 and approved by President Mike Martin on May 11, 2007. Please click on the following link to view the new policy. [New Promotion and Tenure Policy Effective August 1, 2008](#)**

### **5.88 Promotion (See Promotion and Tenure)**

Salary Percentage Increase for Promotions: It shall be the policy of the university that all promotions shall include a fixed percentage salary increase, irrespective of other salary increases.

Effective Dates for Promotions: Recommendations for promotion normally are considered during the spring semester; and the promotion, if approved, is effective at the beginning of the ensuing contract year.

### 5.88.10 Promotion - Qualifications

The working of any fair promotion system requires periodic re-evaluation of all faculty members. Department heads shall annually review the performance of department members and advise the dean regarding (1) change of rank; (2) change of salary with or without change of rank; (3) retention or dismissal of members who have not attained a continuing contract status; and (4) professional improvement. Departmental and college promotion and tenure committees also contribute recommendations for promotions. As re-evaluations are made, it shall be kept in mind that except in very rare cases the granting of continuing contract status implies the possibility of promotion to assistant or associate professor. However, promotion to professor is not implied by the granting of continuous contract. Therefore, as soon as it is realized that qualification for promotion is not likely, a temporarily-appointed faculty member may be released, in the interest of the faculty member and that of the university.

General Qualifications for Promotion (Main Campus): Common elements to be considered for promotion, differing only in degree in all ranks, are as follows:

Teaching: This element is difficult to define precisely, but is commonly considered to include the teacher's knowledge of the teacher's chosen field; skill in arousing interest and evoking responses in students; skill in stimulating students to think critically, to understand the interrelationship of fields of knowledge and the application of knowledge to human problems; skills in integrating domestic and international knowledge and insights into class content; and skills in raising students' awareness about the domestic and international social, political, economic, and ethical implications of their courses of study.

Research: This element is composed, in part, of the person's research or other creative work that indicates professional merit and interest. The results of this activity will find expression normally through accepted channels or media in the respective professional fields or in the person's teaching. Teaching and research are ordinarily closely related; it is difficult to comprehend how a person can teach well without having firsthand understanding of how the knowledge of the chosen field is discovered. The research performance of faculty will be based on domestic and/or international scholarly activity. Annual performance evaluation of any faculty member will recognize that success in research may require long-term efforts. Promotion and tenure and annual performance raises will give equivalent consideration to research effort and success, whether domestic or international.

Service: This element includes the person's general contributions to the organization and development of the university, and services to any local, state, national, or international agency or institution needing the specific benefits to be derived from the person's professional knowledge and skills.

University Library Faculty: *[Adopted by Faculty Senate 5/6/06; ratified by Board of Regents 9/8/06]* Common elements to be considered for promotion and tenure differing only in degree of each rank, are (1) librarianship; (2) research publication, and creative activities; and (3) service.

Specific Qualifications for Promotion (Main Campus): In the following statements of required time in each rank, it should be emphasized that the periods stated are to be considered as minimum and not as maximum, under normal circumstances. It is recognized that the time served in a rank at another institution should be taken into consideration. It is also recognized throughout that the evidence of competence differs for various fields, to some extent, and standards of judgment cannot be rigidly uniform.



## JUNIOR RANKS

Instructor: This rank should be given to persons with advanced training who have demonstrated scholarly or creative ability. Usually, the individual will not yet have demonstrated ability to do both teaching and research independently. An instructor must have knowledge of the instructor's particular course materials and should have some intellectual vision; but need not be expected to have acquired a significant understanding and original point of view or philosophy of the general subject. In addition to such general considerations, as stated above, the specific degree requirements for this rank will be the master's degree or the equivalent, and except under unusual circumstances the instructor will be encouraged to be studying toward a terminal degree.

Assistant Professor: To be considered for this rank, a person must have demonstrated ability in the person's field. It is strongly believed that a relationship exists between teaching and research, and that a good teacher or researcher must constantly remold course or project materials in the light of new knowledge derived from the teacher's or researcher's own creative scholarship as well as that of others. An assistant professor may be expected to have a thorough command of the subject matter of some segment of the general field of the discipline, in addition to a comprehension of the whole. In addition to such general considerations as stated above, specific degree requirements for advancement or promotion to the rank of assistant professor and, of course, applicable to the senior ranks as well, NORMALLY, will be the doctor's degree. Outstanding experience and recognition in the profession outside the academic field may be considered as the equivalent of the degree requirement.

## SENIOR RANKS

Promotion to either senior rank should represent an implicit prediction on the part of the department, college and the university that the individual so promoted will make sound contributions to teaching and learning during the remainder of the individual's life. Advancement should occur only after careful investigation of the candidate's promise in scholarship, teaching, research, leadership and learning. By this statement it is meant that serious attention must be given to the caliber of the candidate's professional stature, for this will probably be the key factor in determining the extent to which past performance in teaching and creative work may be expected to carry on through continuing and enlarged contributions. Services rendered to communities and agencies or organizations in the candidate's professional capability shall be considered in assessing qualifications for advancement to senior ranks. For degree requirements, see the preceding section.

Associate Professor: An associate professor is one whose views contribute to departmental policy. An associate professor should have competence and mature outlook over a fairly large part of the professor's whole field. To be considered for this rank, a person should expect to serve for at least 4 years as an assistant professor under normal circumstances. A candidate for an associate professorship is expected to have demonstrated capacities in the lower ranks and should offer evidence that the candidate's teaching and research have kept abreast of times in method and subject matter; that a greater degree of maturity has been attained; and that there has been a retention of interest in competent teaching and research. Furthermore, productivity and competent scholarship beyond that completed for the degree of the doctorate must be evident.

Professor: Appointment of individuals to professorships is obviously the most critical step in determining the future of the academic caliber of the university. There should, therefore, be clear understanding of the functions and qualifications of individuals in this rank. A professor through teaching, creative activity, and service should have demonstrated substantial command of the professor's whole field, sound scholarship, and a mature view of the professor's discipline. Promotion to professor should not be considered to be forthcoming merely because of years of service to the university (it should not be expected based on any number of years as an associate professor) or because a continuous contract is achieved. Rather, a person being considered for a professorship is expected to have maintained all of the qualities and conditions required for tenure

and the associate professor rank. In addition, a professor should exhibit special stature in the professor's discipline, leadership and substantial strength in all areas B teaching, creative activity, and professional service.

In the recommending procedures the department head and the faculty member shall submit information as follows:

Special Stature in the Discipline:

Teaching Performance: Data indicating performance, including innovation, enthusiasm, and contributions to activities designed for the improvement of instruction. Peer and student evaluation may be useful ingredients in determining teaching performance.

Creative Activity: Lists of publications, exhibits, recitals, etc. Peer evaluation both on and off campus. Off-campus peer evaluation shall consist of at least three letters evaluating the individual's creative activity. The direction of graduate students when appropriate to the individual's discipline.

Professional Service: Information showing involvement in state, regional, national, and international groups within the candidate's field and contributions to the university. Objective data showing prestige and recognition among the practitioners of the discipline.

Leadership: Information showing initiative, perseverance, and originality and skills in human relations.

Upon request, the head of department should submit the names of those recommended for promotion, along with supporting materials, including the departmental committee's numerical vote, to the cognizant dean. The dean will add recommendations, pro or con, and forward all materials to the dean of the Graduate School, if appropriate, or to the executive vice president and provost. The dean of the Graduate School adds recommendations and forwards the materials to the executive vice president and provost, who will review the recommendations from all sources and take final action. Upon receiving notification of final action, the executive vice president and provost will inform the cognizant deans, the senior vice president for business, finance and human resources, and the director of human resource services of all approved promotions and the effective dates. The deans may then notify their department heads and the department heads, in turn, may inform the faculty members concerned.

Special Application for the Cooperative Extension Service: Promotions in equivalent rank, only, will be considered. Title changes and changes in assignment are considered administrative matters and are handled by the associate dean and director. Such changes will not appear on any promotion lists.

Special Application for Full-time Community College Faculty: Promotions in equivalent rank, only, will be considered; however, criteria for promotions will be based on the activities and qualifications specifically applicable to the community colleges.

Qualifications for Promotion (Community Colleges): (For nontenure-track faculty, see Appointments - Nontenure Track.) (The following qualifications are listed in order of their relative importance: teaching is more important than professional service; professional service is more important than other service; other service is more important than research.)

Teaching: This element is commonly considered to include the teacher's knowledge of the field; awareness of and the application of developments in the field; skill in arousing interest and evoking responses in students; skill in stimulating students to think critically, to understand the interrelationship of fields of knowledge and the application of knowledge to

human problems; and skill in awakening students to a realization of the social, political, economic, and ethical implications of their study.

Professional Service: This element includes, above all, the faculty member's service with respect to the organization, development, and welfare of the community college and the university. This element also includes service to any individual or group needing the specific benefits of the faculty member's professional knowledge and skills.

Other Service: This element allows a faculty member to be recognized for service to the general welfare of the community which is interrelated with the welfare of the community college.

Research: Research or other creative work is not required at the community colleges. However, those faculty members who produce research and/or creative work should be encouraged, and such work should be considered in appointment, promotion, and tenure decisions.

Specific Qualifications for Promotion (Community College System): In the following statements of required time in each rank, it should be emphasized that the periods stated are to be considered as minimum and not as maximum, under normal circumstances. It is recognized that the time served in a rank at another institution may be taken into consideration. It is also recognized that the evidence for various fields, to some extent, and standards of judgment cannot be rigidly uniform.

#### JUNIOR RANKS

Instructor: This rank should be given to persons with the necessary education and/or experience to teach within the community college concept.

Assistant Professor: To be considered for this rank, a person must have demonstrated the ability to teach effectively in the person's field. It is strongly believed that a good teacher must constantly remold the course or project materials in light of new knowledge derived from the teacher's own creative scholarship as well as that of others. To be considered for this rank, a person should expect to serve at least 3 years as an instructor under normal circumstances. An assistant professor may be expected to have a thorough command of the subject matter of some segment of the general field of the discipline, in addition to a comprehension of the whole.

#### SENIOR RANKS

Appointment or promotion to either senior rank should represent an implicit prediction on the part of the community college campus that the individual so appointed will make sound contributions to teaching and learning during the remainder of the individual's life. Advancement should occur only after careful investigation of the candidate's promise in teaching, professional service, other service, and, if applicable, research and/or creative service. By this statement, it is meant that serious attention must be given to the caliber of the candidate's professional stature, for this will probably be the key factor in determining the extent to which past performance in teaching and service may be expected to carry on through continuing and enlarged contributions.

Associate Professor: An associate professor occupies a position adjunct to that of the professor. This person's views contribute to community college policy. The associate professor should have competence and mature outlook over a fairly large part of the professor's whole field. A candidate for an associate professorship is expected to have demonstrated capacities in the lower ranks and should offer evidence that the professor's teaching has kept abreast of times in method and subject matter, that a greater degree of maturity has been attained, and that there has been a retention of interest in competent teaching and service. To be considered for this rank, a person should expect to serve for at least 4 years as an assistant professor under normal circumstances.

Professor: Appointment or promotion of individuals to professorships is obviously the most critical step in determining the future of the community college and the university. There should, therefore, be a clear understanding of the functions and qualifications of individuals in this rank. A professor through teaching and service should have demonstrated substantial command of the professor's whole field, sound scholarship, and a mature view of the discipline. Promotion to professor should not be considered to be forthcoming merely because of years of service to the community college and the university (it should not be expected based on any number of years as an associate professor) or because a continuous contract is achieved. Rather, a person being considered for a professorship is expected to have maintained all the qualities and conditions required for tenure and for the rank of associate professor. Additionally, a professor should exhibit special stature in the professor's discipline, in leadership, and in both teaching and service.

## **5.90 Promotion and Tenure (See separate listings)**

Department heads are expected to meet with all new and returning tenure-track faculty members regarding progress toward promotion/tenure and to certify in writing to the appropriate dean that these meetings have occurred. Progress toward tenure and progress toward promotion should be addressed separately, since the timetables for attaining these goals are not necessarily the same, especially in the case of promotion to full professor.

Faculty Participation: The selection and retention of faculty members are of utmost importance to the quality of the university, the achievement of university goals, and the future of the institution. In order to ensure the selection and retention of excellent faculty, it shall be the policy of the university to consult its faculty members, as specified below, concerning promotions and the issuance of temporary and continuous contracts. A tenure-track faculty member under consideration for one of these actions will be termed a candidate for the purpose of this section. In the event the person being considered has an administrative position, the next highest administrator will function as the department head throughout this section.

Departmental Promotion and Tenure Committee\*: Each department shall annually form a committee to advise the department head on the issuance of temporary and/or continuous contracts and the promotion of faculty. This committee shall be referred to in this section as the Departmental Promotion and Tenure Committee. The department head may appear before the Departmental Promotion and Tenure Committee to present information; however, the department head will not be present during Departmental Promotion and Tenure Committee deliberations and voting. The composition of the Departmental Promotion and Tenure Committee will vary depending on the size of the department and on college guidelines. In no case will there be fewer than three members. The Departmental Promotion and Tenure Committee may have members from outside the department in accordance with college guidelines. The department head will not be a member of the Departmental Promotion and Tenure Committee within the department head's department. Members of the Departmental Promotion and Tenure Committee must hold continuous contracts. In cases of promotion, members must hold ranks equal to or higher than the rank to which the candidate is to be promoted. Any eligible member of a department may elect to serve on the Promotion and Tenure Committee.

\*The University Library, as well as the Alamogordo, Carlsbad, and Grants Community Colleges, do not use departmental promotion and tenure committees; rather, promotion and tenure actions in these units begins with the College Promotion and Tenure Committee as described below. In the Doña Ana Community College, a division promotion and tenure committee functions in the same manner as a departmental committee.

College Promotion and Tenure Committee: The tenured and tenure-track faculty from each college will elect the members of the College Promotion and Tenure Committee. The composition of the College Promotion and Tenure Committee may vary from college to college, but in no case will consist of fewer than five tenured faculty members. College guidelines will be followed in cases where there are inadequate numbers of tenured and senior faculty to constitute a college committee for the purpose of promotion and tenure recommendations. Department heads will not serve on the College Promotion and Tenure Committee, nor will committee members serve on reviews of faculty members from their own departments. In cases of promotion, members must hold ranks equal to or higher than the rank to which the candidate is to be promoted. The college dean and department heads may appear before the College Promotion and Tenure Committee to present information; however, the college dean and department heads will not be present during College Promotion and Tenure Committee deliberations and voting. These College Promotion and Tenure Committee procedures apply to the University Library and to Alamogordo, Carlsbad, and Grants Community Colleges (all of which use only one Promotion and Tenure Committee), with the following exception: Promotion and Tenure Committee members may serve on the committee and review faculty members in their own departments.

Extension Promotion and Tenure Committee: For Cooperative Extension faculty members, the Extension Promotion and Tenure Committee advises the associate dean and director, and the dean, concerning each application for tenure or promotion of an extension faculty member. Two subcommittees are formed from the Extension Promotion and Tenure Committee members elected by the college faculty. One subcommittee will be for state faculty (five state specialists, one from each program area), elected from nominations submitted by the Extension Specialists Association. A second subcommittee will be for county faculty (five county extension faculty) elected from nominations submitted from the 4-H, Agriculture, and Home Economics Agent Associations. The Extension Promotion and Tenure Committee members will be elected for 3-year staggered terms, and a chair will be selected by the associate dean and director. These peer committees will serve in an advisory capacity to the associate dean and director and the dean. Members must hold continuous contracts and have full professor rank. The Extension Promotion and Tenure Committee chair will vote as a regular committee member, and all voting will be by secret ballot. The Extension Promotion and Tenure Committee members will not vote on candidates from their department or county. The Extension Promotion and Tenure Committee chair will prepare a report in memo form to the associate dean and director concerning the recommendation on each candidate, containing the actual votes (for, against, abstention), as well as reasons for positive and negative recommendations for promotion, and positive recommendations for tenure. Reasons will not be given for negative recommendations on tenure. All voting forms will be destroyed by the Extension Promotion and Tenure Committee chair. Additional information and procedures may be found at: [www.cahe.nmsu.edu/employee/docs/guidelines.html](http://www.cahe.nmsu.edu/employee/docs/guidelines.html) .

Documentation File: Each faculty member should maintain a current file documenting the member's teaching, research, and professional service achievements.

Withdrawal Rights: By written request, a candidate may withdraw from further consideration at any time prior to the final signature of the executive vice president and provost. If a person listed by the promotion and tenure committee does not wish to be considered for promotion or tenure, that person must so indicate to the department head in writing. However, if the person is in the fifth year of tenure-track service, withdrawal for consideration for tenure must be accompanied by written notice of resignation effective at the end of the sixth year of service. (This notice to be received by the department head before the end of the fifth year of service.)

Appeals--See Chapter 4 Human Resources - General - Appeals.

Implementation: Each college (including Library, community colleges, and Cooperative Extension Service) will:

- develop guidelines for the standards of performance expected for promotions and for the issuance of temporary and continuous contracts.
- develop the procedures to be used by the departments in making recommendations concerning promotions and the issuance of temporary and continuous contracts.
- develop the procedures to be used by the departments and the college for selection of the Promotion and Tenure Committee members.

Following the college guidelines each department will develop:

A goals and objectives statement. This statement will inform the faculty of what the department expects from its faculty in teaching, research, and professional service; it must be approved by the college dean in consultation with the College Promotion and Tenure Committee. A copy of the statement must be given to all tenure-track faculty during their first year of employment by the department head.

Procedures to be used by the department in making recommendations for the issuance of continuous contracts and the promotion of tenure-track faculty; these procedures must be approved by the college dean in consultation with the College Promotion and Tenure Committee. A copy of these procedures must be given to all tenure-track faculty during their first year of employment by the department head.

## **5.91 University Procedures for Promotion and Tenure**

NOTE: Dates indicated here and elsewhere are used as suggested guidelines. 12-month appointments may require a different time schedule. The Cooperative Extension Service and the community colleges will develop guidelines for Promotion and Tenure Committee selection and procedures. These guidelines shall follow the guidelines below where applicable. The Promotion and Tenure Committees within the Cooperative Extension Service and the community colleges shall be advisory to the appropriate campus executive officers, directors, and deans.

### **CONTRACTS**

#### **NEW TEMPORARY CONTRACTS**

##### **SPRING**

The Departmental Promotion and Tenure Committee will (1) review the current documentation file (including a current vita) and evaluate the progress toward a continuous contract of each tenure-track faculty member and report in writing to the department head indicating the progress towards a continuous contract as well as the strengths and weaknesses of each in the areas of teaching, research, and professional service; and (2) recommend in writing to the department head whether a new temporary contract should be issued to each of these faculty members. Progress toward tenure and progress toward promotion should be addressed separately, since the timetables for attaining these goals are not necessarily the same, particularly in the case of promotion to full professor. The department head will review the candidate's documentation in the areas of teaching, research, and professional service and then render a separate recommendation on the matter of issuing a new contract. The department head will forward this recommendation, along with the Departmental Promotion and Tenure Committee recommendations, to the college dean. The college dean will,

after consultation with the department head, make the final recommendations regarding renewal or nonrenewal of any temporary contract and forward these recommendations to the executive vice president and provost. Nonrenewal of contract will be made in writing according to the schedule detailed in *Section 5.98*

*Tenure Track & Tenure.* After the final decision, in the case of nonrenewal of a temporary contract, a signed copy of the Contract Status Form will be provided to the faculty member. If a new temporary contract is to be issued, a Contract of Employment (Temporary Appointment) Form will be sent through the dean to the candidate by the executive vice president and provost.

#### CONTINUOUS CONTRACT (TENURE)

##### MID APRIL

Preliminary Recommendations: The Departmental Promotion and Tenure Committee will review the current documentation file(s) of each of the tenure-track members of the department, and recommend in writing which of these should be considered for a continuous contract effective at the beginning of the contract year succeeding the year immediately ahead. The Departmental Promotion and Tenure Committee's recommendation as to consideration for advancement to candidacy for a continuous contract must be made within the first 5 years of the tenure-track service. The department head will inform the tenure-track faculty member(s) in writing of the Departmental Promotion and Tenure Committee's recommendation. If a person listed by the Departmental Promotion and Tenure Committee does not wish to be considered for promotion or tenure, the person must so indicate to the department head in writing. However, if the person is in the fifth year of tenure-track service, withdrawal from consideration for tenure must be accompanied by written notice of resignation effective at the end of the sixth year of service (this notice to be received by the department head before the end of the fifth year of service).

##### JUNE, JULY, AUGUST

Documentation File: The department head will assist the candidates in completing their files documenting their achievements in teaching, research, and professional service. Files for candidates who have been assigned time for research must contain at least three external (outside department) letters reviewing the candidate's research activities. If the file is to contain external letters, then the Departmental Promotion and Tenure Committee in conjunction with the department head will (1) ask the candidate for a list of people whose stature in the candidate's research area is such that they should be able to write an informed objective evaluation; (2) have the option to add names to this list; (3) select the external reviewers from the extended list (although at least one reviewer should be selected from the candidate's original list); and (4) contact the reviewers and arrange for the letters. Reviewers will be sent copies of the candidate's work to assist them in their evaluations. An outside reviewer should be aware that the candidate will have an opportunity to read the letter of assessment. Furthermore, this letter may be reviewed by third parties in the event of an EEOC or other investigation into a tenure or promotion decision. A candidate may review all items included in the packet of materials assembled for the review of appropriate committees and administrators. Once the packet is prepared, nothing will be changed, added, or deleted from it without the knowledge of the candidate and the committees of promotion and tenure.

##### OCTOBER

Final Recommendations: The Departmental Promotion and Tenure Committee will consider the completed files of the candidates for continuous contract. The chair of the Departmental Promotion and Tenure Committee will survey (secret written ballot) this committee-of-the-whole on their support of the committee's recommendation. The numerical results of the ballot will be submitted to the department head. The Departmental Promotion and Tenure Committee will submit a written

report of the numerical vote and its recommendations on each candidate to the department head and a summary of this report to the other committee-eligible members of the department. The department head will (1) transmit the committee's report and ballot results to the college dean; (2) submit a separate written recommendation to the college dean; (3) submit a signed Contract Status Form for each candidate to the college dean; and (4) inform each candidate in writing of the departmental committee's report and department head's report, including relevant recommendations and addressing the documentation in each of the areas of teaching, research, and professional service. In the case of a negative recommendation, the candidate may request withdrawal from further consideration. [Note: If, however, the candidate is in the fifth year of service withdrawal from consideration for tenure must be accompanied by a letter of resignation effective no later than the end of the sixth year of service.]

#### LATE OCTOBER

The college dean will transmit the Departmental Promotion and Tenure Committee and department head reports and numerical ballot results to the College Promotion and Tenure Committee.

#### NOVEMBER, DECEMBER

The College Promotion and Tenure Committee will review the department heads' and the Departmental Promotion and Tenure Committees' recommendations concerning continuous contracts. The College Promotion and Tenure Committee will inform the dean if a department fails to follow its procedures and its goals and objectives statements. The College Promotion and Tenure Committee will review the files of all tenure-track faculty members no later than their sixth year of service. The College Promotion and Tenure Committee will then submit in writing its recommendations on each candidate to the dean.

#### JANUARY - FEBRUARY

The college dean will inform the candidate in writing of the recommendations of the College Promotion and Tenure Committee and the dean. The college dean will transmit to the executive vice president and provost all previous recommendations and a signed Contract Status Form for each candidate.

#### MARCH - APRIL

The executive vice president and provost will meet with the college dean and review each of the recommendations made for each candidate. The executive vice president and provost's recommendations will be indicated and signed-off at this meeting. For each candidate, the executive vice president and provost is responsible for informing the president of the recommendations of the department head, college dean and the executive vice president and provost. The executive vice president and provost will prepare an official list of tenure decisions. If a continuous contract is to be issued, a Contract of Employment (Continuous Appointment) Form will be sent through the dean and the department head to the candidate by the executive vice president and provost. The department head will give a copy of the Departmental Promotion and Tenure Report to the candidate, and discuss it with the candidate. If a continuous contract is not to be issued, the department head will give a signed Contract Status Form to the candidate for signature (acknowledging notification of nonrenewal.)

#### PROMOTION

#### MID-APRIL



Preliminary Recommendations: The Departmental Promotion and Tenure Committee will review the current documentation file (including a current vita) and recommend which faculty members will be considered for promotion. The department head will inform the candidate in writing of the recommendations. Progress toward tenure and progress toward promotion should be addressed separately, since the timetables for attaining these goals are not necessarily the same, particularly in the case of promotion to professor. Any faculty member who feels ready for promotion may ask to be included among those names under consideration.

#### JUNE, JULY, AUGUST

Documentation File: The department head will assist the candidates in completing their files documenting their achievements in teaching, research, and professional service. Files for candidates who have been assigned time for research must contain at least three external letters reviewing the candidate's research activities. If the file is to contain external letters (outside department), then the Departmental Promotion and Tenure Committee in conjunction with the department head will (1) ask the candidate for a list of people whose stature in the candidate's research area is such that the reviewer can write an informed objective evaluation; (2) have the option to add names to this list; (3) select the external reviewers from the extended list (although at least one reviewer should be selected from the candidate's original list); and (4) contact the reviewers and arrange for the letters. Reviewers will be sent copies of the candidate's work to assist them in their evaluations. An outside reviewer should be aware that the candidate will have an opportunity to read the letter of assessment. Furthermore, this letter may be reviewed by third parties in the event of an EEOC or other investigation into a tenure or promotion decision. A candidate may review all items included in the packet of materials assembled for the review of appropriate committees and administrators. Once the packet is prepared, nothing will be changed, added, or deleted from it without the knowledge of the candidate and the committees of promotion and tenure.

#### OCTOBER

Final Recommendations: The Departmental Promotion and Tenure Committee will consider the completed files of the candidates for promotion. The chair of the Departmental Promotion and Tenure Committee will survey (secret written ballot) this committee-of-the-whole on their support of the committee's recommendation. The numerical results of the ballot will be submitted to the department head. The Departmental Promotion and Tenure Committee will submit a written report of the numerical vote and its recommendations on each candidate to the department head and a summary of this report to the other committee-eligible members of the department. The department head will (1) transmit the committee's report and numerical ballot results to the college dean; (2) submit a separate written recommendation from the department head to the college dean; and (3) inform each candidate in writing of the departmental committee's report and department head's report, including relevant recommendations and addressing the documentation in each of the areas of teaching, research, and professional service. In the case of a negative recommendation, the candidate may request withdrawal from further consideration; submit a signed Recommendation for Promotion Form for each candidate to the college dean.

#### LATE OCTOBER

The college dean will transmit the Departmental Promotion and Tenure Committee's and department head's reports and numerical ballot results to the College Promotion and Tenure Committee. The College Promotion and Tenure Committee will review the department heads' and the Departmental Promotion and Tenure Committees' recommendations concerning promotions. The College Promotion and Tenure Committee will inform the dean if a department fails to follow its procedures and its goals and objectives statements. The College Promotion and Tenure Committee will then submit in writing its recommendations on each candidate to the dean.

#### JANUARY - FEBRUARY

The college dean will inform each candidate in writing of the recommendations of the College Promotion and Tenure Committee and the dean. In the case of a negative recommendation, the candidate may request withdrawal from further consideration. The college dean will transmit to the executive vice president and provost (1) all previous recommendations and numerical ballot results of the two committee votes; and (2) a signed Recommendation for Promotion Form for each candidate.

#### MARCH - APRIL

The executive vice president and provost will meet with the college dean and review each of the recommendations made for each candidate by the college. The executive vice president and provost's recommendations will be indicated and signed-off at this meeting. For each candidate, the executive vice president and provost is responsible for informing the president of the recommendations of the department head, college dean and the executive vice president and provost. The executive vice president and provost will prepare an official list of the final results of the promotion requests for distribution to cognizant deans, the senior vice president for business, finance and human resources, and the director of human resource services. The deans will then notify department heads, who in turn will notify the promoted faculty members. In the case of a negative promotion decision, the executive vice president and provost will inform the candidate in writing.

### **5.92 Reassignment of Administrators/Department Heads**

Due to the larger scope of responsibility of most administrative positions, the reassignment of an administrator with faculty rank to a faculty position normally results in a reduction of salary. Several factors are considered in making the salary determination, including the level of faculty salaries in the department where the reassignment occurs. Normally, department heads who have less than 4 complete years return to 75 percent of their base salaries (not including department head increment), and department heads who serve 4 or more years return to 80 percent of their base salaries. Again, several factors are considered in making the salary determination, including the level of faculty salaries in the department where the reassignment occurs.

### **5.94 Research (See Chapter 4 Human Resources - General - Conflict of Interest)**

Philosophy: Research is an important component of every academic activity, and is, therefore, the source of content for quality instructional programs. It is the policy of the university to recognize research as essential to the vitality of the university and to recognize the support of research as part of its institutional responsibility. It is also the policy of the university to promote academic inquiry and to protect academic freedom for those engaged in it.

Council of Research Centers: The Council of Research Centers coordinates policy and procedure for the university's contracted research efforts, including such things as monitoring overhead waivers and enforcing federal cost accounting standards. It is chaired by the vice president for research, graduate studies and international programs. The council is composed of the research center directors of each of the colleges, the dean and director of the Physical Science Laboratory, and the chair of the University Research Council, who serves in an ex officio capacity.

University Research Council: The University Research Council is a stand-alone council established to foster research at the university. Its role is to offer advice to the vice president for research, graduate studies and international programs and the executive vice president and provost regarding research affairs at the university. The University Research Council defines needs of the faculty and other researchers; analyzes services, policies, and procedures that affect research; and makes recommendations which, in its view, will facilitate the research process and research

productivity at the university. The University Research Council is not a policy-making body, but rather a council established to develop policy recommendations to be passed on through the vice president for research, graduate studies and international programs. The structure of the University Research Council consists of an elected chair, an executive committee, and committees established to address specific issues. The University Research Council chair will be responsible for conducting regular University Research Council meetings. In the absence of the chair, the chair-elect will assume these duties. Appointments to the subcommittees are made by the executive committee. The Office of the Vice President for Research, Graduate Studies and International Programs will serve as the office of record for the University Research Council.

University Research Council Membership: Faculty B Two faculty members from each college (three from Arts and Sciences) and one representative from the Physical Science Laboratory will serve on the University Research Council. In order to be eligible, a faculty member, must be a member of the graduate faculty and be actively involved in research as these pursuits are defined by the faculty member's college. Representatives from each college will serve 2-year terms on the council. These terms will be staggered such that one person will be selected each year (two in 1 year and one the next year from the College of Arts and Sciences). This process allows colleges to be represented by at least one experienced University Research Council member at all times. University Research Council members are eligible for reappointment. If a University Research Council representative is unable to serve out a term, the dean of the appropriate college will arrange for a replacement to fill the position.

Terms of office for faculty representatives to the University Research Council will officially end on June 30. In order to ensure an orderly progression of University Research Council activities, however, the retiring University Research Council chair should inform the college deans in early April each year as to the membership status of college representatives. This procedure will allow colleges time to make selection arrangements before the spring semester ends. New University Research Council members will, therefore, be in place and ready for the first University Research Council meeting each fall. Selection procedures for faculty representatives will be determined by the individual colleges. Newly elected officers will assume duties on July 1.

Position appointments consist of (1) vice president for research, graduate studies and international programs and chair of the Council of Research Centers; (2) dean of the Graduate School; (3) dean of the University Library; (4) Faculty Senate representative, as well as directors of the following campus research units and organizations:

- Center for International Programs
- Information and Technological Services
- Computing Research Laboratory
- Southwest Technology Development Institute
- Water Resources Research Institute

Designated Representatives: If position appointees are unable to be active participants in the University Research Council, they may appoint a designated representative to serve as their proxy. Designated representatives will serve 1-year appointments, which may be renewed.

Executive Committee: Five University Research Council members will serve on an Executive Committee: chair; chair-elect (vice chair); immediate past-chair; faculty representative; and position appointment representative. Responsibilities of the Executive Committee include, but are not limited to: preparing agenda, appointing subcommittees, and delivering charges to these subcommittees. Early in the spring semester, the current Executive Committee will appoint a nominating subcommittee charged with the task of preparing a slate of University Research Council members willing to serve on the next year's Executive Committee. Offices of chair and chair-elect will alternate between faculty and position appointment representatives. Executive Committee elections

will subsequently be held at the March or April University Research Council meeting. Once a faculty representative has been selected to serve a 3-year sequence as chair-elect, chair, and past-chair, the college will be permitted to select an additional representative to either complete an unexpired term or to serve a regular 2-year term, whichever is appropriate. A faculty member serving as immediate past-chair will be considered an ex officio member of the University Research Council if the faculty representative is no longer serving as an elected representative from a particular college.

Procedures for Proposal Preparation and Submission:

1. Proposal preparation and submission is the responsibility of the college research centers. This responsibility includes developing budgets consistent with relevant cost accounting standards and obtaining appropriate certifications, permits (e.g., for drug use), and permissions (e.g., use of humans and animals in research). Records of these permits and permissions are maintained by the Office of the Vice President for Research, Graduate Studies and International Programs.
2. The Business Office, in cooperation with the Office of the Vice President for Research, Graduate Studies and International Programs and the college research centers, maintains a financial monitor on grants and contracts; is responsible for the review and preparation of financial reports and the receipt and disbursement of funds received from the sponsoring agency or enterprise; and is responsible for the maintenance of an up-to-date inventory of all equipment and the preparation of property reports as required.
3. The vice president for research, graduate studies and international programs (or designee) signs award documents related to sponsored programs. The university Proposal/Award Form will be used by all principal investigators and project directors seeking externally sponsored project funding. This form will be processed in the early stages of proposal development. Approximately 10 days before the date of submission, it will be routed to the department head, director, and college dean. This is a mandatory form, and no research proposal will be signed nor sent out from the university unless this form is signed by the cognizant administrative officers or the designated representatives.

Procedures Upon Receipt of a Grant or Contract: Award documents are routed immediately to the relevant college research center for preparation of an award documentation packet. Following college approval, the packet is forwarded to the Office of the Vice President for Research, Graduate Studies and International Programs for final review and acceptance. An inventory of all grants and contracts is maintained for data purposes.

Procedures Following Receipt of a Research Grant or Contract: Requisitions and purchase vouchers shall be signed by the principal investigator, the head of department, and the director of the respective research unit and/or in accordance with appropriate procedures as established by the research unit. No charges against grants will be made by on-campus service units without such signatures. An information copy of each requisition shall be sent to the cognizant dean. Staff additions or reassignments for university personnel will be processed and signed by the following, if appropriate: employee, principal investigator, head of department, dean of the graduate school, and college dean or director of appropriate unit\*.

\*Currently defined as Agricultural Experiment Station, Arts and Sciences Research Center, Bureau of Business Research and Services, Center for Health and Social Services, Educational Research Center, Engineering Research Center, Physical Science Laboratory, and Water Resources Research Institute.

Accountability for Equipment Acquired Through a Research Grant or Contract: It is incumbent upon the principal investigator and the department head to inform the research unit of all acquisitions or dispositions of equipment. Equipment acquired under sponsored programs administered by the research units will be recorded on the university's inventory until the expiration of the grant or

contract. The disposition of the property should be negotiated before the award is made and not after it terminates. The university property administrator will be kept informed so that the inventory may be updated and the necessary final property reports prepared. Whenever equipment is a part of the faculty termination or hiring process, a list of all equipment concerned with the transaction, including the source or sources of funds used in the purchase, the current tag numbers, and any outstanding obligations related to the equipment will be furnished by the appropriate department head to the department head's dean. At the time of hire, the dean will provide a list of any equipment that is part of the transaction process to the Human Resource Services Office. The dean will also forward the list of equipment to the director of the purchasing with a statement that this equipment is being acquired. Purchasing will then tag the equipment and add it to the university inventory. When a person terminates who has been hired under these conditions, the dean will notify the Central Purchasing Office that the equipment is being released from the university and that they should take appropriate steps to see that the equipment is properly deleted from the equipment inventory and the employing university notified.

Research Support in the Colleges from the State University Research Fund: The State University Research Fund is allowed by the state to support research, and is based on the overhead earned by the university. Funds to support academic research from the State University Research Fund are relatively scarce and must be used in a variety of ways (e.g., to support research, to stimulate new research, to support public service, and to support scholarly endeavors as well as the necessary administration). In general, it is desirable to keep the administrative costs at a minimum and, therefore, make available to the faculty as much support as possible for nonrecurring research expenses. It is the underlying philosophy to use this research support in a flexible manner in keeping with college and department priorities. Encouragement is given to the faculty to secure outside support for research, at the same time recognizing that it is important to provide some support to scholarly pursuits which may not produce outside funds. Operational procedure:

1. The central university administration will retain a portion of the State University Research Fund for flexible support of research and public service and to respond to unusual targets of opportunity. The percentage may vary somewhat according to overhead level, the mix of overhead funds between various research areas, and recurring commitments which are considered entitlements.
2. Research centers are required to stay within their available funds and, therefore, should carry forward adequate balances of the State University Research Fund to cover contingencies.

Ethics as Related to Misconduct in Scholarship and Research: The university hires faculty and exempt staff who have high academic standing and character. It assumes that without oversight, faculty and staff members will conduct themselves according to high ethical standards. Individuals who think that academic misconduct, dishonest behavior, or unethical practices have occurred in scholarship or research are obligated to report such occurrences. Misconduct, dishonest behavior, or unethical practices are defined as any form of behavior which entails an act of deception whereby one's work or the work of others is misrepresented. Other terms, such as research fraud or scientific misconduct, are subsumed within the term Academic misconduct as defined. Academic misconduct is distinguished from honest error and from ambiguities of interpretation that are inherent in the scientific process. The principal element of academic misconduct is the intent to deceive others or misrepresent one's work. Misconduct involves significant breaches of integrity which may take numerous forms such as, but not limited to:

Falsification of Data: Ranging from fabrication to deceptive selective reporting of findings and omission of conflicting data, or willful suppression and/or distortion of data with the intent to falsify results.

Plagiarism: The misappropriation of the written work of another and its misrepresentation as one's own original work.

Improprieties of Authorship: Improper assignment of credit, such as excluding other authors, inclusion of individuals as authors who have not made a definite contribution to the work published, or submission of multi-authored publications without the concurrence of all authors.

Misappropriation of the Ideas of Others: The unauthorized use of privileged information (such as violation of confidentiality in peer review), however obtained.

Violation of Generally Accepted Research Practices: Deceptive practices in proposing, conducting, or reporting research.

Material Failure to Comply with Governmental Requirements Affecting Research: Including but not limited to serious or substantial, repeated, willful violations involving the use of funds, care of animals, human subjects, investigational drugs, recombinant products, new devices, radiation, or radioactive, biologic, or chemical materials.

Inappropriate Behavior in Relation to Misconduct: Including unjust and malicious accusation(s) of misconduct, failure to report misconduct, withholding or destruction of information relevant to a claim of academic misconduct, or malicious retaliation against persons involved in the allegation or investigation of academic misconduct.

In the rare event that any member of the university community is accused of unethical conduct as it relates to scholarship and research activity, the matter will be referred, in writing, to the vice president for research, graduate studies and international programs, who will examine the allegation, hold necessary discussions, including the faculty member(s) if necessary, and verify if there is substance to the allegation. This investigation will be conducted thoroughly and in the shortest possible time. If the allegation is not deemed substantive, the matter will be dropped. The decision of the vice president for research, graduate studies and international programs will be reviewed by the dean of the Graduate School and the dean of the college. If the allegations, however, are deemed serious, the vice president for research, graduate studies and international programs will discuss the allegation with the faculty member(s) and refer the matter to the director(s) of the research center(s), the dean(s) of the college(s), or the vice president of the appropriate administrative unit. These individuals will conduct a more extensive, private, and careful inquiry safeguarding the character of the faculty member(s) and affording the affected individual(s) confidential treatment to the maximum extent possible. At this stage, no notice will be sent to the fund-granting agency or to other areas in the university. However, a written report will be prepared by the vice president for research, graduate studies and international programs that states what evidence was reviewed, summarizes relevant interviews, and includes the conclusion of the inquiry. A period of 60 days will be allowed for this inquiry.

As a result of this inquiry, the matter may be dropped or, if the infraction is minor, appropriate disciplinary action will be taken by the dean(s) of the college(s) or appropriate vice president. If the infraction is deemed substantive and serious, the matter will be formally investigated by the university within 30 days of the completion of the inquiry, and the funding agency, if any, that supports the research will be notified that such investigation is underway. The investigation will be conducted by a committee chaired by the vice president for research, graduate studies and international programs and consisting of the dean(s), the director(s) of the research center(s), the department head(s), and three faculty or exempt staff members from the University Research Council selected by the vice president for research, graduate studies and international programs. Substitutions, in the event of conflict of interest, will be made by the vice president for research, graduate studies and international programs. The investigation should be completed within 120 days of its initiation. This includes conducting the investigation, preparing the report of findings, making

the report available for comment by the subjects of the investigation, submitting the comment by the subjects of the investigation, and submitting the report to the appropriate governmental agency. The affected individuals shall be offered an opportunity to comment on allegations and findings of the inquiry and/or the investigation.

If the committee concludes that serious infractions have occurred, the matter will be referred to the executive vice president and provost for disciplinary action. As in all other disciplinary actions, the usual university appeal procedures will be available to the faculty member or exempt staff member. The decision of the executive vice president and provost will be the final step in the university process. In addition to the above procedures, detailed documentation of the inquiry and investigation must be maintained in the office of the vice president for research, graduate studies and international programs for at least 3 years and must, upon request, be provided to authorized governmental personnel. If the research is funded by the Public Health Service, the institution must also notify the appropriate governmental agency within 24 hours of obtaining a reasonable indication of possible criminal violations, take appropriate interim administrative actions to protect federal funds and ensure that the purposes of the federal financial assistance are being carried out. The institution must also advise the Office of Scientific Integrity of any developments during the course of the investigation which disclose facts that may affect current or potential federal funding for the individual(s) under investigation or that the funding agency needs to know to ensure appropriate use of federal funds and otherwise protect the public interest, make efforts to restore the reputations of persons alleged to have engaged in misconduct when allegations are not confirmed, and protect to the maximum extent possible the positions and reputations of those persons who, in good faith, make allegations of scientific misconduct, and those against whom allegations of misconduct are not confirmed.

Proprietary, Secured, and Patentable Material: Some materials and/or information developed at the university may be proprietary. The Physical Science Laboratory, as well as all other research centers and institutes receive many contracts in which information may be considered proprietary. (See the Physical Science Laboratory's *Code of Ethics and Standards of Business Conduct*, P. 9) Likewise, other employees may be involved in activity which results in patents and copyrights. (See Research - Intellectual Property)

Institutional Review Board Functions and Responsibilities:

1. The Institutional Review Board shall recommend to the vice president for research, graduate studies and international programs, and review on a continuing basis, university policies and procedures regarding the use of human subjects in research.
2. The Institutional Review Board shall review and have authority to approve, require modifications to secure approval, or disapprove all research activities involving human subjects or data related to human subjects.
3. Research activities shall be reviewed by the Institutional Review Board for compliance with established federal regulations related to the protection of human subjects, as issued by the U.S. Department of Health and Human Services and the U.S. Food and Drug Administration (FDA), and contained in the Code of Federal Regulations 45, Part 46.
4. Research covered by these regulations that has been approved by the Institutional Review Board may be subject to further appropriate review and approval or disapproval by officials of the university. However, those university officials may not approve the research if it has not been approved by the Institutional Review Board.
5. The Institutional Review Board shall provide advice and guidance to investigators regarding the protection of the rights and welfare of human subjects.

6. The Institutional Review Board shall ensure that investigators have been certified in the ethical principles of using human subjects in research.
7. Where necessary, the Institutional Review Board shall serve as a referral board for complaints from subjects of research.
8. The Institutional Review Board shall require that information given to subjects as part of informed consent is in accordance with federal regulations as indicated in the Code of Federal Regulations 45, Part 46. The Institutional Review Board may require that information in addition to that specifically mentioned in Code of Federal Regulations 45, Part 46 be given to the subjects when, in the Institutional Review Board's judgment, the information would meaningfully add to the protection of the rights and welfare of the subjects. Documentation of that process shall also be required. The Code of Federal Regulations outlining requirements for the protection of human subjects is available by contacting the Office of the Vice President for Research, Graduate Studies and International Programs.
9. The Institutional Review Board shall notify investigators in writing of its decision to approve or disapprove the proposed research activity or of modifications required to secure Institutional Review Board approval. If the Institutional Review Board decides to disapprove a research activity, it shall include in its written notification a statement of the reasons for its decision and give the investigator an opportunity to respond in person or in writing.
10. The Institutional Review Board shall conduct continuing review of research covered by these regulations at intervals appropriate to the degree of risk, but not less than once per year, and shall have authority to observe or have a third party observe the consent process and the research.
11. The Institutional Review Board shall have authority to suspend or terminate approval of research that is not being conducted in accordance with the Institutional Review Board's requirements or that has been associated with unexpected serious harm to subjects. Any suspension or termination of approval shall include a statement of the reasons for the Institutional Review Board's action and shall be reported promptly to the investigator and appropriate university officials.
12. If a research subject registers a complaint, the investigator shall attempt to relieve the complaint by explanation or by a change of procedure. Written Institutional Review Board approval is required for procedural changes.
13. It is the responsibility of the Institutional Review Board to determine whether applications that involve more than minimal risk to human subjects are of sufficient scientific merit to answer the proposed research questions or hypotheses.
14. It is recommended that all investigators review the AInstitutional Review Board Policy Definitions,@ and AAnswers to Frequently Asked Questions About Institutional Review Board Regulations,@available on-line from the NMSU home page B Research, Faculty/Staff Resources/ On-Line Documentation.

General Procedures for Submitting an Institutional Review Board Application: It is the obligation of each investigator (faculty, staff, or student) to bring any proposed research activity involving the use of human subjects or data related to human subjects to the attention of Institutional Review Board or chair for review and approval. All Institutional Review Board applications (regardless of level of review described below) must contain certain documents and information, as described below:



Completed Application for Permission to Use Human Subjects in Research. Applications must be completed in full, and must be typed for processing.

Protocol of Research Project: This section of the application should briefly state the study's procedures, and describe all aspects of interaction with human subjects and should address:

- Subject recruitment procedures.
- Exclusion/inclusion criteria.
- Procedures to be used to gather data.
- Who will have access to the data collected.
- Whether and how data will be made available to future researchers, funding organizations, or the public.
- The research framework.
- Rationale for the study grounded in previous literature.
- The research questions or hypotheses.

Safety Measures: This is the most critical section of the application. This section should describe fully:

- Potential risks to subjects (including emotional or physical discomfort or harm, social or financial consequences, etc.).
- Justification for the use of deception and description of debriefing techniques, if applicable.
- Potential benefits to subjects.
- Steps that will be taken to minimize risk.
- How confidentiality or anonymity will be maintained.
- Procedures for obtaining informed consent.

Certification of Education in the Use of Human Subjects in Research: Every applicant must become certified in the care and use of human subjects. The certification form must be attached to the application upon submission.

Application for Exemption from Full Institutional Review Board Review or Application for an Expedited Institutional Review Board Review: These forms are only necessary for applications believed to qualify for either an expedited review, or exemption from full Institutional Review Board review. A description is contained in section below entitled Levels of Institutional Review Board Review.

Consent/Assent Forms: Institutional Review Board applications must include a copy of consent forms (for adults) and assent forms (for minors). Applications requesting an exemption from full Institutional Review Board review may not require a consent form. (Contact the chair of the Institutional Review Board with questions.)

Measures/Data Collection Instruments: Researchers must include a copy of all data collection instruments. If measures are copyrighted, please include a description of the instrument, with sample questions. For qualitative research, areas of inquiry must be specified.

Levels of Institutional Review Board Review: The Institutional Review Board authorizes four levels of review based on the type of research activity. These levels are (1) review by the Institutional Review Board chair; (2) review by a course instructor; (3) review by the Institutional Review Board chair and one other member; and (4) review by the full Institutional Review Board. The following are general procedures to be followed by researchers when preparing Institutional Review Board applications.

1. Review by the Institutional Review Board Chair (for Research Projects Exempt from Full Institutional Review Board Review): Research activities in which the only involvement of human subjects will be in one or more qualifying categories are exempt from full Institutional Review Board review, but need to be submitted to the chair for approval prior to collection of data. The categories of research qualifying for an exemption from full Institutional Review Board review are described on the Application for Exemption from Full Institutional Review Board Review. The investigator should submit an Application To Use Human Subjects in Research and an Application for Exemption from Full Institutional Review Board Review with appropriate supporting materials to the chair for review. The applications should follow the guidelines outlined above. If the chair determines that the research does not meet the criteria for exemption, the investigator will be notified that the proposal must be reviewed by the full Institutional Review Board. It is then the investigator's responsibility to initiate the procedures for a full Institutional Review Board review, as described below.
2. Review by Course Instructor: Student research activities (below the master's thesis level) that are undertaken as partial fulfillment of course requirements need only be submitted to the course instructor for approval prior to collection of data, provided the instructor has an approved Certification Form for Course Instructors for that course on file with the Institutional Review Board. An instructor must complete a Certification Form for Course Instructors for each course the instructor teaches in which students collect data from human subjects for research projects. Once filed with the Office of the Vice President for Research, Graduate Studies and International Programs, the certification will remain in effect for 3 academic years. No research within this category shall be initiated until written approval has been obtained from the faculty member. Approval by the faculty member indicates that the research involves no more than minimal risk to the human research subjects. If the research activity involves more than minimal risk to the subject(s), the faculty member must refer the project to the Institutional Review Board for the appropriate level of review. All students (below the master's thesis level) wishing to conduct research activity as a project within a course, for which the faculty member does not have an approved Certification on file with the Institutional Review Board, must submit their project to the Institutional Review Board for review and approval following the procedures described in this section. This requirement applies to all investigators who are conducting research as students of the university even if the activity is not taken for academic credit.
3. Review by Institutional Review Board Chair and One Other Member (for Research Projects Qualifying for an Expedited Review): Research activities in which the only involvement of human subjects will be in one or more of eight qualifying categories are eligible for an expedited review by the Institutional Review Board chair and one other Institutional Review Board member. The categories of research qualifying for an expedited review appear on the Application for Expedited Institutional Review Board Review. The investigator should submit an Application To Use Human Subjects in Research and an Application for an Expedited Institutional Review Board Review with appropriate supporting materials to the Institutional Review Board chair for review. The Institutional Review Board application should follow the guidelines outlined above. If the Institutional Review Board chair determines that the research does not meet the criteria for an expedited review, the investigator will be notified that the proposal must be reviewed by the full Institutional Review Board. It is then the investigator's responsibility to initiate the procedures for a full Institutional Review Board review, as described below.
4. Review by Full Institutional Review Board (for Research Projects that Do Not Qualify for Exempt or Expedited Reviews): For all research which does not fall within the exempt or expedited categories or which is not part of a class project below the master's thesis level, the investigator shall submit 12 copies of a full Application To Use Human Subjects in Research to the Office of the Vice President for Research, Graduate Studies and International Programs. The Institutional Review Board application must follow the guidelines described above.

Applications that are incomplete (e.g., missing or not fully addressing one of the sections) will be returned due to insufficient information. The 12 copies of the Institutional Review Board application should be submitted to the Office of the Vice President for Research, Graduate Studies and International Programs two weeks prior to the regularly scheduled Institutional Review Board meetings. The schedule of Institutional Review Board meetings will be on file in the Office of the Vice President for Research, Graduate Studies and International Programs and will be distributed to faculty and unit administrators at the beginning of each academic year. Meetings are generally scheduled four times per fall and per spring semester. The Institutional Review Board does not schedule regular meetings during the summer months; however, an investigator may contact the chair with an application that needs to be reviewed during the summer months. The chair will arrange a review by the full Institutional Review Board, if necessary. Attendance by the investigator or a designated representative at the Institutional Review Board review meeting in which the investigator's research activity is scheduled for discussion is welcome. No research within the purview of the Institutional Review Board shall be initiated until approval has been given.

Actions and Time Limits Pertaining to Institutional Review Board Review: The formal actions taken by the Institutional Review Board will be communicated to investigators in writing following the review, and will take one of the following forms:

- AApproved,@ indicates the researcher may begin data collection and that the project meets the Institutional Review Board standards for protection of human subjects in research.
- AApproval Withheld Pending Resubmission to the Full Institutional Review Board 201D,@ indicates approval by the Institutional Review Board has been withheld pending revision of specific points. Research may not be undertaken until the outlined revisions are submitted to and approved by the Institutional Review Board.
- AApproval Withheld Pending Resubmission to the Institutional Review Board chair 201D,@ indicates approval by the Institutional Review Board has been withheld pending revision of specific points, to be approved upon resubmission directly to the Institutional Review Board chair.
- ADisapproved,@ indicates the proposed research does not meet university and/or federal guidelines for the protection of human subjects. The research activity may not be undertaken and will not be afforded university endorsement. The investigator shall have the opportunity to respond in or in writing to the Institutional Review Board.

Approval of proposed research is usually granted for a period of 12 months commencing with the date approval is granted by the Institutional Review Board. Based on the degree of risk to human subjects, the Institutional Review Board may grant special conditions whereby the investigator has a shorter approval period or must report research progress at specific intervals. Continuation of projects past the approval period requires re-submission to the Institutional Review Board. It is the responsibility of the investigator to reapply and obtain the approval of the Institutional Review Board prior to expiration of the approved period. At least 1 month prior to the expiration of the approved period of continuing projects, a Progress Report should be submitted to the Institutional Review Board. When a student is conducting the approved research, the faculty member identified on the original proposal as directing the research is responsible for ensuring that the progress report is submitted on schedule or, failing that, for suspending the research activity by the student. The Institutional Review Board will formally notify the investigator of Institutional Review Board action in writing. When the research activity involves an outside agency (e.g., hospital, public school, clinic), the investigator must secure written approval from the appropriate official within the agency prior to receipt of final approval from the Institutional Review Board. If the Institutional Review Board gives the research proposal an AApproval Withheld Pending@ status, the investigator must

contact the Institutional Review Board chair regarding the required action within 60 days or the proposal will be withdrawn from further Institutional Review Board action.

Grievance Procedure: If a research subject registers a complaint, the investigator shall attempt to relieve the complaint by explanation or by a change of procedure.

1. If the research was originally approved by a student's instructor (other than master's thesis research), documentation of the procedural change should be submitted to the faculty member for review. If the faculty member determines that the procedural change remains within the purview of the certification, then the faculty member has the authority to approve the change. However, if the faculty member determines the procedural change would place the subjects above minimal risk, a referral to the Institutional Review Board is required. In such cases, a description of the original project and the procedural changes are required.
2. If the research activity was originally approved by the Institutional Review Board, the chair, or the chair and one other member, documentation of the procedural change must be submitted to the Institutional Review Board for action.

Sponsored Research and Development: Employment conditions of faculty members on a temporary or continuous contract working on sponsored projects or grants will be the same as for those faculty who are supported entirely from university funds, unless the terms of the grant or contract specify otherwise.

State-Supported Research: The faculty member conducting research under an assigned time arrangement will be required to submit to the department head annual and final reports, and will submit a concise project proposal at the outset. Assigned time for other activities will require similar procedures modified to fit the situation.

Interdisciplinary Research: The breadth and scope of complex projects frequently require interdisciplinary approaches. These may involve research in areas that go beyond traditional disciplinary boundaries and the usual departmental or college organizations. Evaluation of persons engaged in such efforts may present unusual administrative problems and therefore requires special administrative cognizance. The following guidelines will be followed to ensure correct procedure:

1. Establishment of a Written Work Plan: A faculty member engaging in an interdisciplinary research project with other university personnel should develop a written statement of goals and objectives (work plan). This plan should be consistent both with the long-term plans of the project and with progress toward promotion or tenure (whichever is appropriate). The plan should be developed with input from the project director and the department head; written agreement with the work plan by all three parties is required. At this time, the graduate dean will be informed of the project initiation and faculty members involved.
2. Performance Evaluation: During the annual performance evaluation, faculty members engaged in interdisciplinary research shall request a written evaluation by the project director and submit it to the department head, who considers that evaluation within the context of the faculty member's total effort. The project director's evaluation is also sent to the college dean who may consult with the project director to supplement the written evaluation included in the record. The dean of the college then enters an evaluation into the record. The graduate dean maintains a special cognizance of interdisciplinary research activities in the evaluation process. The faculty member is informed of all evaluations and the record is maintained for future promotion and tenure considerations.
3. Evaluation for Promotion and Tenure: Evaluation procedures for promotion and tenure are covered elsewhere in this manual. Departmental promotion and tenure committees will review progress of the faculty member toward tenure in terms of the agreements mentioned in #1 above.

(For more information, see Web site <<http://www.nmsu.edu/Research>>)

#### **5.94.10 Research Institutes**

Designated Research Institutes\* are those institutes having outside agencies as the primary source of funding. They are formed by the university when support funds are available and the institutes do not compete for other university funds. Such institutes may be created by the university in anticipation of outside funding. They revert to discretionary status or go out of existence if funding does not materialize. The Water Resources Research Institute is an exception to the policies indicated by\*. Designated Research Institutes are located within or external to a college and reports to the vice president for research, graduate studies and international programs or one of the college research centers. The decision on the reporting line for a Designated Research Institute is made by the executive vice president and provost with the advice of the Academic Deans= Council.

Discretionary Research Institutes\* are those institutes having the primary source of support in the university. A Discretionary Research Institute is formed at the discretion of the college, is located in the college, is the responsibility of the college, reports to the college as the dean directs, and relies on the college for support.

\*Neither type of institute retains indirect cost recovery. Subject to the approval of the office to which the institute reports, a Designated Research Institute may receive some support from the State University Research Fund.

#### **5.94.11 Intellectual Property and Patents**

New Mexico State University recognizes that faculty and staff members may create commercially valuable intellectual property as a result of their involvement in their normal duties of teaching, scholarship, research and service. It is the policy of the university to foster the creation and dissemination of intellectual property by establishing a strong motivational influence to members of the faculty and staff, to provide the advice and assistance of university administration to originators of intellectual property and to assure compliance with agreements between the university and sponsors of university programs.

A. Definitions - When used in this section the following definitions apply:

ACopyright@ is the intangible property right granted by Federal statute for an original work fixed in a tangible form of expression. Copyright provides the owner with the exclusive right to reproduce a work, to distribute it by sale or otherwise, to display or perform it publicly and to prepare derivative works.

AEarnings@ shall mean actual proceeds received by the university from the sale of licensing of Intellectual Property in the nature of sales proceeds, license fees and royalties; but shall not include: (1) proceeds in the nature of research or development funding or contracts or reimbursement for same to the university or its designee; or (2) amounts required to be paid or reimbursed to or offset by third parties under any contractual obligation.

AIntellectual Property@ shall consist of those properties eligible for protection under federal law. These may include, but not be limited to, books, articles, plays, films, audio and video works, written lectures, works of art, musical compositions, laboratory manuals, demonstration devices, computer programs, chemical compounds, new materials or processes and instruments.

AIntellectual Property Office@ shall mean the office of the university or its designee with the responsibility (using outside assistance as necessary) of receiving and processing Intellectual

Property disclosures, obtaining Intellectual Property protection, maintaining and enforcing Intellectual Property and commercializing the Intellectual Property.

AIntellectual Property Officer” shall mean the Vice President for Research.

AOriginator@ shall mean the person or persons primarily responsible for developing the Intellectual Property.

APatent@ is the right granted under Federal statute for a discovery or invention. To be patented, the discovery or invention must be novel, useful and not of an obvious nature. A patent gives the owner the right to exclude others from producing or using the discovery or invention for a limited period of time.

ASignificant use@ shall mean use of university resources which imposes on the university appreciable costs or liabilities that otherwise would not be incurred.

ATrademarks@ are distinctive symbols, logos, pictures, sounds or words that are used to distinguish and identify the origin of products. Trademarks may also include distinctive and unique packaging, color combinations, building designs, product styles and overall presentations. A trademark provides the owner with the exclusive right to use it on the product it was intended to identify and often on related products. Service-marks receive the same legal protection as trademarks but are meant to distinguish services rather than products.

AUniversity@ shall mean the New Mexico State University.

## B. Equities

Ownership of intellectual property shall be determined as follows:

1. Personal Resources. Intellectual property developed by employees, students or other personnel (1) outside normal university working hours and (2) without any use of university resources, belongs to the originator.
2. Consulting Activities. Intellectual property developed by a member of the faculty (1) during that person=s allowed consulting time and (2) without the significant use of university resources, belongs to the originator. Ownership of Intellectual Property developed as the result of consulting activity by a university employee, and to which the university is a party, will be determined in accordance with the terms of the consulting agreement.
3. Instructional Materials. Intellectual property developed for any course offered by the university but without the significant use of university resources belongs to the originator.
4. Scholarly and Artistic Works. Intellectual property developed by a member of the faculty engaged in scholarly or artistic activity without the significant use of university resources belongs to the originator.
5. Student Work. Intellectual property developed by a student without the significant use of university resources belongs to the originator.
6. University Employment. Intellectual property developed by an employee of the university within the scope of the employee’s regularly assigned duties belongs to the university. The university or its designee with either (1) patent or register copyrights in such intellectual

property and share the earnings with the originator as specified in Part C below, or (2) return or assign rights to the originator.

7. University Resources. Intellectual property developed with the significant use of university resources by employees, students or other personnel, belongs to the university. The university or its designee will either (1) patent or register copyrights in such intellectual property and share the earnings with the originator as specified in Part C below, or (2) return or assign rights to the originator.
8. Grants and Contracts. Ownership of intellectual property developed as a result of projects funded by a contract or grant to the university will be determined in accordance with the terms of the contract or grant.

C. Distribution of Earnings from Intellectual Property

Net earnings from intellectual property owned by the university will be shared with the originator. After the repayment of all costs incurred by the university or its designated agent to obtain and manage a patent or copyright (including legal, management and marketing fees), further earnings will be divided as follows:

1. Total Distribution to Originator. Annually, the originator, or originator's heirs, will receive not less than fifty percent (50%) and the university the remainder.
2. Multiple Originators. Where more than one originator is involved, the originator's share of earnings will be divided among the originators as agreed upon by them in writing.
3. Distribution by University. Earnings received by the university will be used to promote creative endeavor. One-third of the university's share will go to the originator's college or appropriate division, one-third will go to the originator's department and one-third to the Office of the Vice President for Research, Graduate Studies and International Programs.

D. Procedures

1. Intellectual Property Agreement. In accordance with Federal regulations, all employees of the university will sign the Intellectual Property Agreement.
2. Intellectual Property Office. The Intellectual Property Office will receive and process disclosures of originators concerning intellectual property; notify the appropriate dean or director of originator, if applicable, as to appropriate steps recommended as to the intellectual property; file for, obtain and maintain patents and/or copyrights for the intellectual property; provide for maintenance and enforcement of the intellectual property; attempt commercialization of the intellectual property; and attempt resolution of all disputes or claims concerning the intellectual property. The originator is expected to cooperate with the intellectual property office concerning all these activities, including signing all necessary papers, as requested.
3. List of Intellectual Property. The University Intellectual Property Office will maintain a current list of patents, copyrights and trademark registrations which have been obtained through that office. This list will be available to all interested parties.
4. Disclosure of Intellectual Property. When an invention or other commercially exploitable material is developed within the scope of the originator's regularly assigned duties, with the significant use of university facilities, or under the sponsorship of a contract or grant, notice must be submitted to the Intellectual Property Office by the originator. The Intellectual

Property Office shall recommend to the university to pursue legal protection for the intellectual property.

5. University Assistance. Intellectual property belonging solely to the originator may be submitted to the Intellectual Property Office to obtain the university's assistance in protecting and commercializing the intellectual property. The originator and the university must negotiate and sign a written agreement before the university will assist the originator. The university will generally require some consideration for such assistance, such as an assignment, a license (with the right to sublicense), the right to receive royalties or other earnings, as mutually agreed upon between the University Intellectual Property Office and the originator.
6. Federal Government Funding of Intellectual Property. Patentable intellectual property developed under the sponsorship of a Federal agency is subject to Federal Policy as detailed in P/L/ 96-157 (35 U.S.C. ' 200). This law allows grantees and/or contractors to take title to inventions made in the course of their Federally funded research. To enjoy the full benefits of this law, the University Intellectual Property Officer will:
  - a. Inform the sponsoring Federal agency of an invention within two months of disclosure of invention to the Intellectual Property Officer.
  - b. Elect within 12 months of disclosure whether the university wants title rights.
  - c. File a patent application within two years of electing title or by the expiration of the patent filing deadline in the U.S. Patent and Trademark Office.
  - d. Grant a royalty-free license to the Federal Government within 6 months after filing a patent application.
  - e. Provide the Federal Government with annual reports on utilization of Federally supported inventions administered by the university.
  - f. Secure signed intellectual property agreements from employees working on Federally assisted research projects.

Unless otherwise defined or limited by contract, grant or consulting agreement, distribution of shared earnings from intellectual property will follow the guidelines detailed in Part C.

7. Special Dispute Resolution Committee. Disagreements between the originator and the appropriate dean or director concerning ownership of intellectual property may be appealed to a special committee designated or established by the originator, dean or director and the University Intellectual Property Officer. The Dispute Resolution Committee will provide a written decision within 10 working days after the date the appeal is reviewed. Decisions of the Dispute Resolution Committee may be appealed to the University Appeals Board.

## **5.94.12 Human Subjects in Research**

The university, through the Office of the Vice President for Research, Graduate Studies and International Programs, has established these policies and procedures for the conduct of research involving human subjects in order to protect the rights, well being, and personal privacy of individuals; to assure a favorable climate for the conduct of scientific inquiry; and to protect the interests of the university and its faculty, students, and staff. The university has established the Institutional Review Board to administer university policies and procedures regarding research involving human subjects. A list of the current university Institutional Research Board members and chair is available from the Office of the Vice President for Research, Graduate Studies and



International Programs. The following general principles apply equally to all research involving human subjects or data related to human subjects, whether carried out solely within the university resources or with the assistance of extramural funds. The university assumes responsibility for providing procedural guidelines; however, all faculty members, staff, and students who anticipate conducting development, demonstration, or research projects involving human subjects are responsible for familiarizing themselves with the policies.

The university and the individual members of its faculty, staff, and student body recognize their responsibility for protection of the rights and welfare of human subjects.

Appropriate professional attention and facilities shall be provided to insure the safety and well being of human subjects. No subject in a research activity shall be exposed to unreasonable risk to health or well-being.

No subject will be coerced in any way to participate in a research project but will do so on a strictly voluntary basis.

The confidentiality of information received from subjects in experiments or respondents to questionnaires shall be fully protected, both during and after the conduct of a research activity, within the limits of the law.

In research which involves more than minimal risk or which involves substantial stress or discomfort, such risk, stress or discomfort shall be carefully explained in advance to the subject. The investigator shall be satisfied that the explanation has been understood by the subject; and the written consent of the subject, such consent containing the substance of the explanation, shall be obtained and kept as a matter of record. The elements of informed consent are established by the federal government and by the university.

Research involving special subject populations (e.g., pregnant women, persons under the legal age of consent\*, other legal incompetents, subjects of reduced competence, prisoners) may be conducted as long as a qualified guardian signs the consent form.

A request by any subject to withdraw from a research activity shall be honored promptly without penalty or loss of benefits to which the subject is otherwise entitled, within the limits of the research.

\*Eighteen years of age in New Mexico; for the legal age elsewhere, contact the individual state.

### **5.94.13 Procedures and Responsibilities Pertaining to the Use of Animals in Research**

The Board of Regents support the use of animals in research, education, and as agricultural resources, providing that the usage is reasonably expected to advance knowledge about human or animal welfare. It is the policy of the Board to meet or exceed all federal and state standards and regulations applicable to animal use. It is both a unique characteristic of human beings and the mission of universities to seek knowledge and understanding of all disciplines, including the biology and behavior of man and other species. An important part of the mission of a land-grant university is to conduct appropriate research to optimize the use of animals in the service of man, and to advance human and animal welfare and basic research. It is clear that for the foreseeable future, human civilization will continue to require animals for food and fiber, for education, and for biomedical research. Alternatives to the use of living animals in research often exist, and these are widely employed at the university. However, the complexity of living organisms prohibits the substitution of alternative systems for many critical problems (e.g., animal research during the early eighties at the university led to the first vaccine for serum hepatitis). Other animal research has supported the development of synthetic growth hormone to treat stunted growth in children and has led to the approval of the current drug of choice for treating heart attacks.

All use of vertebrate animals must be reviewed and approved in advance by an Institutional Animal Care and Use Committee to ensure the necessity of animal use and high standards of humane treatment. Animal research must be conducted by adequately trained persons using all necessary measures to prevent or minimize distress to an animal. The university defends the right of free speech, and genuine concerns regarding the use of animals by the institution should be addressed to the Institutional Animal Care and Use Committee. However, coercion, intimidation, and unlawful acts will not be allowed on university property and will not influence university policy.

#### **5.94.14 Institutional Biosafety**

The university, through the Office of the Vice President for Research, Graduate Studies and International Programs, has established the Institutional Biosafety Committee which provides guidelines for university employees conducting research involving recombinant DNA. University researchers using or planning to use recombinant DNA methods must submit the scope of their research to the Biosafety Committee for approval.

#### **5.94.15 Radiation Safety**

The university, through the Office of the Vice President for Research, Graduate Studies and International Programs, has established the Radiation Safety Committee which provides guidelines for university employees conducting research involving radioactive materials/sources and x-ray generating equipment. University researchers planning to conduct a program which has radiation implications must submit a proposal of their research to the Radiation Safety Committee for approval. The program proposed or acquisition of radioactive materials must not be initiated until the request is approved by the Radiation Safety Committee.

#### **5.96 Searches for Academic Administrators**

Guidelines and procedures for a search may be found in the *Search Committee Handbook*, copies of which are available in departmental offices or through the Office of Institutional Equity/ADA. Faculty members shall serve on search committees for academic administrative positions. They will be nominated and elected for this specific purpose. Also, the executive vice president and provost will inform the chair of the Faculty Senate about nonacademic administrative searches, and the chair may request similar faculty representation.

Persons serving as interim academic administrators at or above the Department Head/Division Head level are not eligible to apply for the permanent position. A waiver allowing an interim incumbent to apply for the Department Head/Division Head searches can be requested only by a majority of the department/division's tenure-track faculty members from the Dean of the College or Campus Executive Officer.

#### **5.98 Tenure Track and Tenure (Continuous Contract)**

Tenure at the university is placed in a specific department/program/community college where the criteria for each individual's tenure are established. (Tenure at the community college means at the community college, not on the main campus. There is no obligation to bring the person to the main campus if the person's position ceases to exist at the community college.) Excerpts from this manual regarding promotion and tenure will be presented to each new member of the faculty\* prior to appointment and the faculty member's acceptance of an appointment indicates understanding and acceptance of the provisions of the contract as specified in this manual. The manual can be viewed on-line at: <<http://www.nmsu.edu/manual>>. Information regarding social security, retirement,

hospitalization, disability, and life insurance will be presented to each prospective member of the faculty prior to appointment and acceptance of the conditions of employment. The patent policy for the university staff will be presented to each prospective member of the faculty prior to appointment, and acceptance of the appointment indicates understanding and acceptance of this policy.

Temporary Contracts (Issued by the Office of the Executive Vice President and Provost): Contracts which cover an employment period of either 9 months or 12 months are issued as follows:

Contracts are issued to full-time tenure-track faculty members.\* A Full-time@ is interpreted to apply to tenure-track faculty members who are released no more than 1/4 time to duties other than academic and/or research programs and/or academic administration. Unless prior approval for exception is obtained from the department head, dean, and executive vice president and provost, it will be considered that all other faculty are less than full-time and occupy nontenure-track positions.

\*Interpreted as including all tenure-track and tenured members of the instruction staff and the Agricultural Experiment Station staff; all Cooperative Extension Service state staff members; the Research Centers' staffs; and any others whom the Board of Regents may designate.

Nine-month contracts cover the period from the opening faculty meeting in the fall to the date final grade reports are due for the spring semester; 12-month contracts are issued effective July 1 and terminate on June 30 of the following year. Temporary contracts are presumed to end at the conclusion of the stated term. The terms shall be stated in contractual form and a copy retained by the university and the appointee.

New tenure-track faculty reporting for duty after the last Friday in September (12-month employees) or the second Friday in October (9-month employees) will not receive a temporary contract. Instead, the dean will prepare an agreement for the new faculty member's signature covering employment for the remainder of the year (this form to be submitted with the initial Personnel Action Form). The first contract will be issued at the beginning of the next contract period, which will constitute the first year of the probationary period toward tenure.

Probationary Period: The probationary period (1 year at a time) for personnel with or without previous experience agreed upon from other institutions of higher education will ordinarily not exceed 6 years. At the discretion of the administration, the trial period may be shortened. Thereafter, there shall be a presumption of permanence in employment and the requirement of cause as indicated below assigned for dismissal.

Nonrenewal of Contracts and Termination of Appointment: In the process of evaluating performance and issuing temporary contracts, it may be necessary not to renew a temporary contract. During the trial period, nonrenewal of the contract may be without implication of criticism or specification of cause. Although no cause for termination need be given, department heads must consult with senior faculty of the department before any recommendation of nonrenewal is forwarded to the dean. Notification of the nonrenewal of short-term or non-continuous appointment is made in writing according to the following schedule: (1) for faculty members in their first year of service at this university B 3 months or more before the end date of their contract; (2) for faculty members in their second year of service at this university B 6 months or more before the end date of their contract; (3) for faculty members who will have 3 or more years of service at this university at the time of nonrenewal B 1 year or more before the end date of their contract. (A Contract Status Form must be processed by the department head for the nonrenewal of a temporary contract prior to the deadlines established for notification. The employee should acknowledge receipt of such notification by dating, signing, and returning the Contract Status Form.)

Voluntary Termination of a Temporary Contract: Any staff member who proposes to resign shall give written notice to the administration at the earliest time possible, but in no case later than 30 days

after the staff member receives written notification of the terms of the next year's contract, or 3 months prior to the start of the following academic year, whichever is later, except when mutually agreed upon by the individual and the administration. The faculty member should inform the department head in writing. The department head will inform the dean, who in turn will notify the executive vice president and provost. The department head should then submit a terminating Personnel Action Form at the earliest possible date. If death is the reason for termination, payment will be made for all unused annual leave accrued at the time of death to a maximum of 52 working days of leave. If a person listed by the promotion and tenure committee does not wish to be considered for promotion or tenure, the person must so indicate to the department head in writing. However, if the person is in the fifth year of tenure-track service, withdrawal from consideration for tenure must be accompanied by written notice of resignation effective at the end of the sixth year of service (this notice to be received by the department head before the end of the fifth year of service).

Involuntary Termination of a Temporary Contract: The approval of the executive vice president and provost is necessary prior to any involuntary termination. A temporary contract will be terminable for the following causes B professional incompetence, moral turpitude, gross neglect of professional responsibilities, or conviction of a felony. Before charges will be filed because of any of the causes listed above (except moral turpitude or conviction of a felony), the person to be charged must have had previous warning in writing as to an offense within the area of the cause mentioned and must have, after such warning, repeated such offense.

The faculty member on a temporary contract may be relieved from duty for cause at any time that the member's conduct becomes inimical to the students, faculty members, the educational program, or the university, and given notification that the temporary contract will be terminated. Dismissal evidence must be concurred in by the cognizant department head, the cognizant deans, the executive vice president and provost, the president, and the Board of Regents. The dismissed faculty member on a temporary contract may request a hearing within 10 working days following formal notification of dismissal. If a hearing is requested, a standing committee of the faculty shall review the individual case concerned. The dismissed faculty member on a temporary contract will be paid salary for one-half month following the date of dismissal, at which time salary payments shall cease, excepting a faculty member dismissed during the last two weeks of the contract period shall receive only the remaining amount stipulated in the contract. A temporary appointment shall also be terminable because of financial retrenchment, the elimination of departments by the university, or the elimination within a department of a position requiring specialized competence. (See Chapter 4 Human Resources - General I- Appeals: Involuntary Termination of a Continuous Contract or a Temporary Contract During Its Term.)

Change to Continuous Contract: The department head initiates the Contract Status Form to accomplish the change from temporary to continuous contract. All recommendations for tenure must be accompanied by notification to the executive vice president and provost from the dean of the result of the faculty committee vote. When tenure is awarded, it is awarded in the unit that initiated the request for tenure (continuous contract). No temporary appointment can become continuous without the official action of the university administration.

Continuous Contracts: A continuous appointment is not a matter of right, but is made after the **provisional period** has been completed successfully, providing the individual's services are needed. Such an appointment is made by the issuance of a new contract at the time of continuous appointment or shortly thereafter, and the contract becomes the abiding instrument governing employment, except that the terms may be modified from time to time by endorsement. Continuous contracts are issued by the Office of the Executive Vice President and Provost following receipt of an approved Contract Status Form. Continuous contracts are not reissued until there is a promotion in rank. Each spring an official contract amendment (salary letter) is issued by the president's office which informs the faculty member of final performance evaluation and annual salary for the ensuing year. Once a faculty member has been appointed to a continuous contract, that faculty member will

retain continuous contract status even though the faculty member accepts appointment at less than full time.

Transfers: Normally there are four types of transfers of faculty members within various agencies of the university:

1. A faculty member leaving an instructional/research department to serve in a different instructional/research department. Under these circumstances, the individual may be given credit toward a continuous contract for the years served in the earlier department. With proper departmental and college vote, and the completion of a Contract Status Form by the new department, tenure may be transferred with a faculty member from one department to another.
2. The transfer of a faculty member from a noninstructional division to an instructional division or vice versa. Under these circumstances, years of service in the prior position will not necessarily count toward a continuous contract in the new position. Proven performance in the first position, under these circumstances, might not assure that the individual would be able to render satisfactory professional service in the new area of assignment.
3. The transfer of a faculty member from the university community college campuses to an instructional division on the main campus or vice versa. Under these circumstances, years of service in the prior position will not necessarily count toward a continuous contract in the new position or assure appointment in an equivalent rank. Proven performance in the community college or main campus position might not assure that the individual meets the rank requirements of the new position.
4. The transfer of a faculty member from one community college to another. Under these circumstances, the individual may be given credit towards a continuous contract and rank for the years in the previous community college.

Voluntary Termination of a Continuous Contract: The section above on voluntary termination of temporary contracts also applies to continuous contract employees.

Involuntary Termination of a Continuous Contract: The approval of the executive vice president and provost is necessary prior to any involuntary termination. A continuous contract shall be terminable for the following causes B professional incompetence, moral turpitude, gross neglect of professional responsibilities, or conviction of a felony. Before charges will be filed for any of the causes listed above (except moral turpitude or conviction of a felony), the person to be charged must have had previous warning in writing as to an offense within the area of the cause mentioned and must have, after such warning, repeated such offense. A continuous contract can be terminated for cause only in the following manner: A standing committee of the faculty shall review the individual case concerned. The person whose continuous contract is the issue shall have the right, however, to waive hearing by a faculty committee, and/or challenge any one member of said committee. The faculty committee shall review each case not so waived and shall report the evidence and their findings to the president, whose decision may be appealed to the Board of Regents. Exceptions to this procedure may be made in cases of moral turpitude or conviction of a felony, when the facts are admitted. In such cases the offender may be terminated summarily.

In cases where other offenses are charged and in all cases where facts are in dispute, the accused faculty member shall always have the opportunity to face the accusers and to present a defense before all bodies that pass judgment on the case. In the hearing of charges of professional incompetence, the testimony of scholars in the same field, both from the accused's own and from other institutions, may be taken. Termination for reasons other than moral turpitude or conviction of a felony shall not take effect before the end of the semester in which the employee is notified, and in no case shall there be less than 3 months' notice. A continuous contract shall also be terminable

in the case of a major financial emergency as declared by the Board of Regents, the elimination of departments by the university, and the elimination within a department of a position requiring specialized competence. Termination of a continuous appointment because of financial exigencies shall be sought only as a last resort, and after every effort has been made to meet the need in other ways and to find for the staff member other employment in the institution. No continuous contract shall be terminated for reasons of financial retrenchment so long as any faculty member holding a temporary contract remains on the staff of the department, except where there is elimination within a department of a position requiring specialized competence. (See Chapter 4 - Human Resources - General - Appeals/Grievances: Termination of a Continuous Contract or a Temporary Contract During Its Term.)

## **Chapter 6**

### **Academic-Related Policies**

- 6.05 Academic Units B Creating, Reorganizing, Relocating, Etc. (See Chapter 2 Miscellaneous - Naming Policies)
- 6.10 Academic Units/Programs (Procedures for Changes) (See Appendices 5 A and B for flowcharts of both academic and non-academic unit/program change and see Chapter 2 Miscellaneous - Naming)
- 6.15 Articulation Agreements
- 6.16 Authorized Absences
- 6.20 Class Cancellation
- 6.25 Class Disruption/Interruption
- 6.26 Class Schedules and Catalogs
- 6.30 Commencement
- 6.35 Curricula Changes
- 6.40 Course Material/Textbooks
- 6.45 Course Prefixes
- 6.50 Degree Revocation
- 6.55 Distance Education (See Chapter 5 Faculty - Compensation, as well as Distance Education Web page)
- 6.60 Examinations/Tests
- 6.65 General Education Courses [Adopted by the Faculty Senate 5/6/06; ratified by the Board of Regents 9/8/06]
- 6.70 Grade Reports [Ratified by Board of Regents 10/22/07]
- 6.75 Honorary Degrees [Ratified by Board of Regents 10/22/07]
- 6.80 Independent Studies
- 6.82 Majors and Minors
- 6.84 Military Science Coordinator
- 6.86 Registrar
- 6.87 Policy on Student Admission and Residency Processes in Relation to Immigration [Adopted by Administrative Council 9/13/05; ratified by Board of Regents 9/8/06]
- 6.88 Summer Session (See Chapter 5 Faculty - Compensation - Faculty)
- 6.89 Transfer Credit

6.90 [Tutoring Services](#)

6.92 [Withdrawals, Administrative](#)



## **CHAPTER 6 - ACADEMIC-RELATED POLICIES (See academic policies contained in the *Undergraduate and Graduate Catalogs and Student Handbook*)**

### **6.05 Academic Units B Creating, Reorganizing, Relocating, Eliminating (See Chapter 2 Miscellaneous - Naming Policies)**

For the purpose of this policy an academic unit is defined as a college, a department, an undergraduate major, a graduate degree program, or a library, whether these units are located on the main or a community college. Any proposal to create, reorganize, relocate or eliminate an academic unit must be submitted for review and recommendation by the Faculty Senate, the Academic Deans Council, and the president to the Board of Regents for their consideration and action. Proposals to create, reorganize, relocate, or eliminate an academic unit formally originate with a bill submitted to the Faculty Senate. The proposed legislation shall follow the procedure specified in Faculty Senate Constitution ARTICLE IX B Propositions for Consideration of the Constitution of the Faculty Senate, except that no such proposal will be considered as emergency legislation. If approved, the creation of a department will be effective either January 1 or July 1 following the approval.

Procedure: After approvals from the appropriate authorizing bodies are obtained (*i.e.*, Faculty Senate, Academic Deans Council, etc.), the requesting department head/director must submit an Organization Change Request Form to the Office of Human Resource Services for processing. The form must be submitted with all relevant documentation attached no later than November 30 (for January 1 effective date) and May 31 (for July 1 effective date).

Creation of New Colleges: The creation of a new college is a decision based on the weighing of a number of criteria, including those below. An attitude of flexibility, reality, and organizational feasibility should be maintained in applying these criteria. The structure of the entire university, if a new college is formed, is an important consideration.

There should be a documented professional need for the college in the state and region.

Rationale: This can be expressed through increasing student enrollment in programs that would be part of the new college, or an obvious need for professional graduates of the college as expressed by state and local groups who desire to hire these professions.

The proposed college should be of a recognized profession or group of disciplines.

Rationale: The new college should give a desirable added professional recognition and development in the area of the new college.

At the outset, the new college shall have a minimum student enrollment of 250 with demonstrated ability to reach an enrollment of 500 within a 3- to 5-year period and a sufficient number of faculty to make it a viable administrative unit within the university.

Rationale: After several development years, the quantity of faculty and students should be sufficient to lend themselves to a quality of organization, instruction, and service that will provide a viable thrust to the university.

The quality and quantity of the faculty in the proposed college should be capable of maintaining with distinction an academic undergraduate and graduate program.

The university must be willing to make the commitment to furnish financial support for an additional college.

**Rationale:** This should include an adequate budget to provide for an expanding staff at the college level and funds for additional housing at a professional level.

**Changing a Department or Group of Departments into a School:** The proposed school should incorporate more than one area of specialization or should offer more than one degree (may include interdisciplinary cooperative efforts or more than one department). The proposed school should be an administrative and support unit with undergraduates and graduate students and an established, nationally recognized teaching and research program. The administrative head of a school may be called a chair, a head, or a director, but this person's administrative level will be equal to that of a department head. The legislation must contain a clearly stated and convincing justification for the name change, and must have support of the department and college faculty and administration.

**New Academic Unit:** There should be a documented academic/educational need for the academic unit, including but not limited to, an increasing student enrollment or significant employment opportunities for graduates in that field. The new program(s) should be consistent with the mission of the university and the college in which it will be located. There are sufficient faculty and resources to staff the program.

**Relocation or Reorganizing an Academic Unit:** Proposals to relocate a department must meet all of the following criteria:

The relocation will produce a more homogenous set of programs and departments in both colleges.

- The relocation will enhance the professional identity of the program or department involved.
- The relocation will not cause undue hardship for other academic units.
- The faculty and administrators directly affected are in agreement.
- Such a change will better serve the university community, clients, and/or the mission of the university.
- Address the transfer of resources, courses taught, and the faculty rank and tenure (or years to tenure) of those individuals being transferred.
- If a unit is being relocated to another college, there should be significant support from the unit being transferred and the unit receiving the transferred personnel/resources.

**Elimination of an Academic Unit:** (See Chapter 4 Human Resources - General - Layoff/Financial Exigency - Faculty Senate Review.) Proposals to eliminate an academic unit must meet the following criteria:

- A significant decline in enrollment, either as measured by number of majors or student credit hours.
- The resources are needed by programs or departments with much higher enrollment or student credit hour production.
- In evaluating a proposal to eliminate an academic unit, the unit's contribution in the areas of teaching, research, and service shall be considered.

**Undergraduate Program Changes:** (See Course Description Changes) All undergraduate program changes, including those of associate degrees, will be reported by the appropriate college representative at the fall curriculum meeting of the Associate Deans Academic Council. If applicable, adequate library resources and support services should be confirmed.

## **6.10 Academic Units/Programs (Procedures for Change) (See Appendices 5-A and B for flowcharts of both academic and nonacademic change procedures)**

### **6.15 Articulation Agreements**

The decision to participate in an articulation agreement with another institution(s) rests with the faculty. For those articulation agreements that are initiated by the New Mexico Higher Education Department, the administration will appoint a representative to the HED Statewide Articulation Task Force. The

representative will consult closely with faculty in individual departments on discipline-specific course equivalencies prior to signing any articulation agreements. Department faculty must approve any changes which affect how credit is awarded in their discipline prior to implementation. Faculty approval is not required if the proposed changes are already reflected in the Course Transfer Matrix established by the Registrar's Office. (See Transfer Credit in Undergraduate Catalog) In cases where a change in the current HED Articulation Agreement will affect the university's general education requirements, the representative will consult closely with the General Education Committee prior to signing any articulation agreements. The General Education Committee must approve any changes affecting the structure of the university's general education curriculum prior to its implementation. For those articulation agreements initiated by a university department or college, the initiating department or college will consult closely with the faculty in individual departments on discipline-specific course equivalencies prior to signing any articulation agreements. Department faculty must approve any changes in how credit is awarded in their discipline prior to implementation. Faculty approval is not required if the proposed changes are already reflected in the Course Transfer Matrix established by the Office of the Registrar. (See Transfer Credit in Undergraduate Catalog)

The Board of Regents endorses the concept of articulation between 2 and 4-year colleges and universities. At the university, the evaluation of transfer students' transcripts has been done by one central office for over 15 years. By centrally evaluating these transcripts, the majority of the problems with respect to articulation have been resolved. In addition, the university has prepared academic transfer guides for all two-year institutions in the state of New Mexico. To promote the continuous efficient, forward progress of students through the educational system of New Mexico, the Board endorses practices and matrices which facilitate the intrastate transfer of credit and support the development and implementation of a statewide articulation plan. To this end, students awarded the Associate of Arts or Associate of Science degree from an accredited New Mexico postsecondary institution will be accepted at the junior level\* in baccalaureate degree-granting institutions.

\*Students will be allowed to register as juniors. They may be required to take lower division course work to fulfill specific baccalaureate degree requirements. This interpretation will be published in catalogs and student transfer guides.

## **6.16 Authorized Absences**

Students making satisfactory progress in their classes will be excused from classes when they are representing the university at a university sponsored event (e.g., ASNMSU President represents the university at legislative session, student-athletes competing in university scheduled athletic events, or educational field trips, and conferences). Authorized absences do not relieve the student of class responsibilities. Prior written notice of the authorized absence will be provided to the instructor by the sponsoring department.

## **6.20 Class Cancellation**

Classes are not to be canceled without prior approval of the appropriate department head and dean.

## **6.25 Class Disruption/Interruption**

Any disruption or interruption of classes is to be reported promptly to the department head, who will in turn inform the dean and the dean will inform the executive vice president and provost.

## 6.26 Class Schedules and Catalogs

The minimum class meeting time is 750 minutes per credit hour per semester. A chart of minimum class meeting times follows. For more information, contact the Scheduling Office.

Course Length	Credit Hours	Meets 1 Time/Week	Meets 2 Times/Week	Meets 3 Times/Week	Meets 4 Times/Week	Meets 5 Times/Week
16-weeks	3.0 (2250 min.)	2 hrs 30 min	1 hr 15 min	50 min	40 min	30 min
6-weeks	3.0	6 hrs 25 min	3 hrs 15 min	2 hrs 10 min	1 hr 45 min	1 hr 25 min
5-weeks	3.0	7 hrs 30 min	3 hrs 45 min	2 hrs 30 min	2 hrs	1 hr 30 min
4-weeks	3.0	9 hrs 25 min	4 hrs 45 min	3 hrs 10 min	2 hrs 20 min	1 hr 55 min
9-weeks	3.0	4 hrs 20 min	2 hrs 10 min	1 hr 25 min	1 hr 5 min	50 min
8-weeks	3.0	4 hrs 45 min	2 hrs 25 min	1 hr 35 min	1 hr 15 min	60 min
Short-course	1.0					2 hrs 30 min

A credit equals 1 hour of class per week during a semester. To convert laboratory clock hours to credit hours, divide the laboratory clock hours by 2. Thus a course designated as (2+2P) could be evaluated as 3 credits. (See Chapter 5, Faculty - Assignments for other proportional credit calculations)

The term Avariable@ in the class schedules and catalogs shall be reserved for the following courses only: 599, 600, 699 and 700.

Courses showing credits X-Y (for example, 1-3) are limited to a maximum of 9 credits. That is, they may be listed for 1-9 credits, but not 1-10. Following the course description or title there should be a statement in regard to the maximum credit which may be taken for any given semester and the total maximum credits.

In the printed class schedule the word Avariable@ following a course shall be applied to those courses in paragraph 1 above. Courses referred to in paragraph 2 above will be scheduled 1-3, 1-4, etc., according to the maximum credit which may be taken for any given semester.

The chair of the Associate Deans Academic Council may approve the offering of new courses on a one-time-only basis if the courses are to be used in programs with special outside funding, or under the following circumstances:

- The course responds to a special circumstance that could not be anticipated (*e.g.*, to take advantage of the expertise of someone hired in a professorial chair, such as the Gerald Thomas Chair).
- The course responds to specific needs in a grant recently received.
- Changes in certification requirements dictate immediate changes in the curriculum.

College deans are to urge department heads to submit to the University Curriculum Committee special topics courses at the lower division, upper division and (if applicable) graduate levels.

Associate Deans Academic Council approval of course changes for the ensuing catalog automatically authorizes scheduling of these courses during the semesters preceding the publication of the catalog if requested by so indicating on the course change form on the line marked Astarting date.@

Faculty members will meet each class at the place listed in the schedule unless they have approval from the department head to meet elsewhere. (This especially pertains to changing a class to any off-campus location.)

### 6.30 Commencement

Two ceremonies may be held at the end of each semester, one ceremony on Saturday morning for three colleges and one Saturday afternoon for the other three colleges. Graduate students will participate with their respective colleges, but all graduate students in each ceremony will sit and be identified together. One honorary degree may be awarded at each ceremony.

ASymbolic@ Commencement: Candidates for degrees sign applications which clearly state that the awarding of degrees is subject to completion of all requirements and cannot be interpreted as a commitment. Commencement ceremonies for the associate degrees awarded by the community colleges will be arranged by the respective community college.

Each college may approve distinctive symbols to be worn by the top 10 percent of its graduates at commencement. Only one such symbol may be worn by each graduate. In addition, the student with highest honors in each college may wear a crimson-colored gown. No other symbolic additions to academic regalia are allowed without the approval of the Academic Deans Council.

### 6.35 Curricula Changes

All new courses, course changes (description, credit, prerequisite, etc.), and course deletions are approved by the Associate Deans Academic Council, prior to being placed in the catalog or in the Schedule of Classes. This includes courses offered at the community colleges that meet for less than a full semester. A special meeting is called when appropriate to consider interim courses and other course changes approved for review by the chair of the Associate Deans Academic Council. Deadlines for having this information to appropriate offices will be announced and enforced. The chair is empowered to act for the committee on a one-time-only basis in the case of extenuating circumstances.

Although a grade of D is "passing" but "below-average" work, it is recognized that in some courses and sequences of courses highly cumulative in nature, below-average work is not adequate preparation for the subsequent courses. In such cases the Associate Deans Academic Council may approve a prerequisite specifying "a grade of C or better in the prerequisite course."

A department wishing to initiate a new course, delete a present course, or introduce changes in descriptions, credits, or prerequisites must submit the request to the cognizant dean on the NCR form designed for this purpose. (These forms, commonly called "flimsies," are available in the deans' offices.) Format guidelines for flimsies are also available in the deans' offices.

Summary sheets, in alpha-numeric order by prefix, provide a cover list of changes. (For example, a number change B BIOL 116 to BIOL 119; a title change B CHEM 199, Intro. to CHEM to Elementary Chem; a credit hour change B PE101, 1 cr to 2 cr; a prereq. change BE T 101 to E T 112; a course deletion B GEOG 206; or a new course.) Copies of summary sheets and flimsies are distributed by each dean as follows:

	# of summary sheet copies	# of flimsy copies
AGHE	9	9
A&S	24	5
BA&E	6	2
ED	7	4
ENGR	8	2
HSS	2	2
Executive Vice President/Provost	1	1
Catalog Editor	1	1
Graduate School	1	1
Scheduling	1	1
Library	1	

Objections to any change cited on a flimsy are resolved prior to the meeting of the Associate Deans Academic Council. If this is not possible, a written statement must be submitted to the committee chair prior to the day of the meeting. Automatic approval of the committee will be extended to all courses for which there are no written objections. Any dispute regarding a flimsy that cannot be resolved by the Associate Academic Deans Council will be referred to the executive vice president and provost for a final decision.

The recommendations of the Associate Deans Academic Council are reported immediately to the departments by the deans. An approved copy of the NCR form is distributed to the scheduling office, cognizant dean, and the cognizant department head. Courses which have not been offered for 5 years are subject to automatic deletion by the scheduling office. Before initiating deletion, the scheduling director prepares a list of such courses, and departments may request that they be maintained if suitable justification exists.

#### **6.40 Course Material/Textbooks**

Course Material: Department heads are responsible for having on file a course outline for each course offered by the department. Each professor is responsible for course content and selection of required materials (textbook(s), supplementary printed material, equipment, supplies) for the course. The professor is obligated to keep course costs to the student as low as possible. The department head is responsible for the approval of bookstore requests, requests for supplementary materials, and for the coordination of requirements for multiple sections. The department head should be cognizant of course costs to students and advise the professors should such costs appear to be excessive.

Textbooks: All textbook orders from faculty must be channeled through the department head for signature and approval and then forwarded to the bookstore manager. The bookstore manager will review departmental requests for textbooks and order as per the department head's request. Order quantities may be increased or decreased by the bookstore manager if previous enrollment or sales history indicate that it is necessary. Department heads must notify the bookstore manager immediately when additional sections are opened or courses canceled. Faculty will not be allowed to order and/or sell books on or off campus without written approval from the appropriate dean and the bookstore manager. Before a faculty member may require students to buy a textbook or other material authored or coauthored by that faculty member, approval from the department head is required. The department head may convene a committee of department faculty to consider the matter. If the department head is the author/coauthor of the required textbook or other material, a committee of department faculty will consider the matter and make a recommendation to the dean, whose approval will be required. Supplementary materials, published or unpublished, produced by departments or individuals for sale to students will be sold through the university Bookstore or through other vendors who are authorized to purchase such materials from departments only, not from individual faculty members. Payment by the vendors shall be made to the department upon receipt of an appropriate departmental voucher or invoice. Faculty and staff members may request reimbursement from their departments for their expenses.

#### **6.45 Course Prefixes**

Colleges or departments may propose new course prefixes through appropriate channels to the executive vice president and provost. It is assumed that the prefix will convey desirable information. New prefixes by the departments may be instituted only if they will be applied to at least 9 credits of course work.

Lower-Division Occupational Education Courses at the University=s Community Colleges: All courses taken toward fulfilling requirements for an associate degree and/or individual courses offered for credit at community colleges only will have an OE (Occupational Education) designation. The third and fourth letters will designate the area in occupational education (e.g., WU, Water Utilities; MM, Mid-Management).

## 6.50 Degree Revocation

The Board of Regents recognizes that on rare occasions a degree may be awarded to an individual who, upon review, has not properly completed all requirements for the degree.

1. Allegations regarding academic misconduct which may result in permanent expulsion or degree revocation shall be brought immediately to the attention of the appropriate dean.
2. The dean shall conduct a preliminary investigation with an appropriate professional body within the university.
3. The dean may consult experts in the professional field in which misconduct is suspected. The purpose of this consultation shall be to provide an evaluation of the alleged misconduct.
4. If, after such preliminary investigation, serious academic misconduct which could result in degree revocation is suspected, the dean shall notify the executive vice president and provost.
5. In all cases where such serious academic misconduct is suspected, the dean shall convene a misconduct review panel consisting of the department head of the appropriate department, or if appropriate, Graduate Council chair, the chair of the Faculty Senate, and an administrative officer of the unit in which the suspected misconduct occurred. No one who has participated in any previous decisions relating to the facts underlying the allegations in question may participate on the Review Panel (or on the ad hoc committee, described below). In the event of a conflict of interest, alleged bias against the accused or refusal to serve on the panel, the dean shall appoint a replacement from the senior faculty. This panel shall review the evidence and its evaluation, decide whether a formal charge is appropriate, and advise the dean and the executive vice president and provost.
6. If so advised, the dean shall:
  - issue in writing a formal charge, detailing the basis for the charge, to be delivered to the accused as described below.
  - notify the accused in writing of the formal charge(s), including the factual allegations, in detail, upon which such charge(s) are based. This notice will also inform the accused of the right to appear at a hearing before an ad hoc committee and to present evidence at that hearing. The notice shall inform the accused of the proposed date of the hearing and that, if the allegations are substantiated, the revocation of the accused's degree will be considered as a sanction. In addition, a copy of these procedures shall be included with the notice. This notice shall be delivered to the accused in person or by registered or certified mail, return receipt requested.
7. The ad hoc committee shall be composed of five senior faculty members appointed by the executive vice president and provost. The executive vice president and provost shall designate one member of the committee as the chair. In the event of a conflict of interest, bias against the accused, or refusal to serve on the committee, the executive vice president and provost shall appoint a replacement.
8. A hearing shall be held before the ad hoc committee, which hearing shall begin between 20 and 30 working days after the accused has been notified of the allegations, unless an earlier hearing is requested by the accused. The accused may request, and shall be granted, additional time, not to exceed 20 working days, to prepare for the hearing before the ad hoc committee. All hearings and appeals described in this procedure will be closed meetings unless the accused student or former student requests that they be open to the public.

9. The accused shall be given the opportunity, at least 10 working days before the ad hoc committee hearing, to examine any documentary evidence that may be used in support of the allegations, and to interview any witnesses who will be called in support of the allegations.
10. The accused may be represented by legal counsel, at the accused's expense, who shall be allowed to fully participate in all proceedings following notice of the charge(s) to the accused.
11. The university may designate and appoint an attorney to present the evidence against the accused and to fully participate in all aspects of the proceedings.
12. The hearing by the ad hoc committee and any subsequent proceedings shall be recorded by a certified court reporter.
13. All testimony before the ad hoc committee shall be sworn and upon the oath or affirmation of the witness.
14. The burden of proof shall be on the university to prove the charge(s) by clear and convincing evidence.
15. At the hearing before the ad hoc committee, the accused shall be entitled to present witnesses and cross-examine adverse witnesses, and to present such other written or documentary evidence as may be relevant to the charge(s).
16. No formal rules of evidence shall be used by the ad hoc committee. The chair shall control the conduct of the hearing and shall rule on the admissibility of any disputed evidence and may exclude any evidence which, by its nature, would appear to be untrustworthy, irrelevant, or redundant.
17. The ad hoc committee shall present written findings of fact to the dean. These findings shall state whether the charge(s) against the accused were substantiated by clear and convincing evidence and shall also set forth the specific pertinent factual findings established by the evidence. The ad hoc committee shall not make recommendations concerning possible sanctions.
18. The ad hoc committee's findings shall be by majority vote and shall be reported to the dean, in writing, within 10 working days of the conclusion of the hearing.
19. Following the hearing and upon receipt of the formal, written advice of the ad hoc committee, the dean shall decide upon the disposition of the case and, if appropriate, recommend the imposition of sanctions. Within 5 working days of the receipt of the ad hoc committee's report, the dean will forward the record, and the dean's decision and recommendations to the executive vice president and provost.
20. Within 5 working days following receipt of the disposition and recommendation from the dean, the executive vice president and provost will submit a recommendation as to sanctions, if any, together with the reports of the ad hoc committee and the dean, to the president of the university.
21. The president will make a decision regarding the imposition of any sanction or penalty. This decision shall be rendered within 5 working days following receipt of the recommendation from the executive vice president and provost. The decision shall be delivered to the accused in person or by certified or registered mail, return receipt requested.
22. The decision of the president may be appealed, in writing, to the Board of Regents. In the event the accused wishes to exercise such appeal, the accused shall, within 20 days of the date the decision of the president is mailed to the accused, provide the executive vice president and provost with written notice of appeal to the Board. This notice shall be forwarded to the president. The president shall



then forward the notice, a copy of the president's written decision, and the record of proceedings, including the evidence presented to the ad hoc committee, to the Board.

23. An appeal to the Board of Regents shall be considered by the Board at its next regularly scheduled meeting.
24. The Board of Regents shall allow oral arguments by both the general counsel and counsel for the accused, or by the accused, not to exceed 30 minutes in length for each side. The accused, and general counsel, may present written arguments to the Board, by service upon the executive vice president and provost, not later than 10 working days prior to the time that the Board will hear oral arguments. The general counsel for the university shall be allowed to present its argument first, and to reserve any portion of the allotted 30 minutes for rebuttal following the accused's presentation.
25. The Board, by majority vote, in open session, may affirm the action of the president, modify such action, or dismiss the allegations against the accused.
26. The decision of the Board shall be reported, in writing, to the accused (by certified or registered mail, return receipt requested) within 30 days following oral argument, with a copy to the ad hoc committee. The decision of the Board shall be final.

#### **6.55 Distance Education (See Chapter 5 – Faculty – Compensation - Distance Education)**

1. All costs for off-campus programs must be recoverable from contracts and/or specified state appropriations and tuition.
2. The following costs must be recovered:
  - That portion of salaries of faculty and site facilitators required for the delivery of the course off-campus.
  - Charges for use of off-campus facility(ies).
  - Expenses for the production and transmission of the course(s).
  - Transportation and per diem for travel to remote site(s).
  - Other expenses such as telephone calls, shipping materials, and supplies.
  - College and/or departmental and Distance Education increments.
3. When contract and/or tuition funds are not sufficient to cover all the costs of Item 2, costs listed under the first and last items in Item 2 above may be negotiated to meet the constraints of funding.
4. All of the above may be modified to meet different educational approaches; however, the total allocated resources would not be reduced.
5. Following approval by the college dean, off-campus graduate course proposals are forwarded to the dean of the Graduate School, who is the academic officer responsible for field-based graduate offerings.

#### **6.60 Examinations/Tests**

Exam Week: Normally, every class meets at least 750 minutes per credit hour. The registrar will schedule the sixteenth week of instruction of each regular semester in 2-hour blocks. These blocks may count toward the 750-minute minimum per credit hour if necessary, or it may exceed the 750-minute rule. In either case, the exam week class time is not optional and must be used for some culminating activity, whether or not the instructor requires a final exam. The examination schedule will be included in the class schedule at registration. The fall semester will be completed before the winter holidays. Faculty are not

allowed to hold examinations lasting more than one class period during the last week of regular classes. In addition, faculty can only reschedule exams outside of the regularly scheduled exam period with the unanimous consent of the students and permission of the department head. Students who feel that their rights have been violated should contact the respective department head. During exam week, a student cannot be required to take more than three exams in 1 day. Instructors of exams that would occur after the third must permit the student to take the exam at another time if the student desires. Any student having more than three examinations scheduled in any 1 day may notify the instructor of the last examination listed and ask for alternate arrangements to be made for examination. If the fourth exam is a departmental exam, the instructor of the third exam will make alternate arrangements. (See the Schedule of Classes for deadline for notifying instructors.) Each faculty member will be requested by the deans to announce intentions as to final examinations and term papers during the first week of the semester. Also, the faculty member will request students with problems of scheduling to report them to the office of the college dean. A regularly scheduled evening class will have precedence over examinations scheduled in other courses outside the normal class meetings. When a conflict occurs, the department scheduling the examination will arrange for students to complete the examination at another time. Students shall be permitted to see any examination or test paper upon request within a reasonable period of time after the conclusion of the test.

#### **6.65 General Education Courses [Adopted by the Faculty Senate 5/6/06; ratified by the Board of Regents 9/8/06]**

##### Common Core Defined

*The New Mexico Higher Education Department (HED) mandates a lower-division general education common core curriculum which will be transferable between all universities within the state of New Mexico. Additionally New Mexico State University may require other courses for the student to complete (lower and upper division credits) before graduating. See the Undergraduate Catalog for specific category requirements, options and required credits that will fulfill the HED common core as well as NMSU requirements.*

##### Local Procedures

General education at New Mexico State University attempts to foster intelligent inquiry, abstract logical thinking, critical analysis and the integration and synthesis of knowledge; it strives for literacy in writing, reading, speaking, and listening; it teaches mathematical structures, acquainting students with precise abstract thought about numbers and space; it encourages an understanding of science and scientific inquiry; it provides a historical consciousness, including an understanding of one's own heritage as well as respect for other peoples and cultures; it includes an examination of values and stresses the importance of a carefully considered values system; it fosters an appreciation of the arts; and general education provides the breadth necessary to have a familiarity with the various branches of human understanding

A permanent standing committee, the General Education Course Certification Committee, comprised of one member of the library staff and two faculty members (one as alternate) from each college (each selected by the deans of the colleges in consultation with the executive vice president and provost), and one nonvoting member from the Committee on Committees (elected by the Committee on Committees) will be charged with certifying that a course meets the criteria for a general education course. The General Education Course Certification Committee will report directly to the executive vice president and provost, who will serve as chair. Recertification of courses will be required every 4 years, following an initial probationary period of one year. During the first and every fourth year, the General Education Course Certification Committee will receive a narrative summary and other relevant information from the faculty member in charge or the department head of the general education course describing the content and assessing the effectiveness of the course in meeting the desired ends of the course. The General Education Course Certification Committee may also meet with the faculty member during the recertification process. Annually the General Education Course Certification Committee will be supplied with the course records

(enrollment, number of sections offered, student evaluations of the general education content of the course, and grade distributions) for each general education course.

Any college or department may offer a general education course, provided it meets the criteria and is certified by the permanent standing General Education Course Certification Committee. Similarly, any faculty member (or team of faculty members) may teach a general education course. The Committee on Committees is charged with reviewing implementation of any legislation adopted by the Faculty Senate; therefore, any faculty member or administrator who wishes to appeal a decision of the General Education Course Certification Committee as it applies to the interpretation of the general education policy statement can do so to the Faculty Senate's Committee on Committees. Decisions made by the General Education Course Certification Committee on individual course proposals are not appealable. Since the Faculty Senate has legislative jurisdiction over policies affecting the academic mission of the university, changes in the general education policies can be made through the normal legislative procedures of the Faculty Senate.

### **6.70 Grade Reports [Ratified by Board of Regents 10/22/07]**

The deadline for submission of grades will be 5 p.m. on the second working day after the last day of classes at the end of the semester or as assigned by the official academic calendar. Necessary forms will be furnished by the registrar. At the request of the student, the instructor will provide information on progress in the course prior to the last day to drop a course.

Personally identifiable information, such as names, social security numbers and/or Banner I.D. numbers, in whole or in part, shall not be used for the purpose of publicly posting student grades, unless specific written permission (signed and dated) has been obtained from the student prior to grades being posted.

It is permissible to publicly post student grades without consent only if it is done in a manner that is not personally identifiable – *i.e.*, the faculty member assigns a unique identifier to each student for this purpose, and the identifier is kept confidential and known only to the student and the faculty member.

## **Honorary Degrees**

Bachelor=s B An honorary bachelor's degree may be awarded under the following conditions:

- A student who has completed all but the final semester of a degree program at the university is by accident, serious illness, death, or other unanticipated event prevented permanently from completing the final semester of study;
- Prior to involuntary termination of enrollment, the candidate's record provides evidence of consistent satisfactory academic progress; and
- The candidate or candidate's family is willing to accept the degree as recognition of the candidate's accomplishments.

Master=s B An honorary master=s degree may be granted to an individual who has brought honor to the university or to someone whom the university wishes to honor for that individual's contributions to the university, the state, or the nation.

Professional Degree B An honorary professional degree may be granted to a person who has achieved extraordinary professional distinction. The degree may be awarded under the following conditions:

- The individual has made an outstanding professional contribution to his or her field and is recognized for professional achievement; and
- § The nominee or the nominee's family is willing to accept the degree.

Procedural Consideration for Awarding Honorary Bachelor=s/Master=s Degrees: The honorary bachelor's degree will be awarded upon recommendation of the major department and the appropriate dean, with the approval of:

- Faculty of the appropriate academic department
- Executive Vice President and Provost
- President of the university
- Board of Regents

The degree will be awarded at commencement exercises along with the conferral of earned degrees, or at another appropriate time approved by the executive vice president and provost.

Procedures for Awarding an Honorary Master=s Degree:

Nomination Process: A letter of nomination and support material, which should include support letters and/or documents describing the contributions and/or accomplishments of the nominee, is presented to the dean of the appropriate unit through the department head.

Approval Process: All documentation will be submitted for approval to the following officers in the order listed below:

- Faculty of the appropriate academic unit
- Dean of the appropriate unit, upon the advice of an existing or appointed unit-wide committee
- Dean of the Graduate School upon advice of the Graduate Council
- Academic Deans Council
- Executive Vice President and Provost
- President of the University
- Board of Regents

The degree may be presented at a special ceremony or at another appropriate time approved by the executive vice president and provost. Honorary master=s degrees should be limited to not more than two per college or library each year to maintain prestige and distinction of the award.

Procedures for Awarding an Honorary Professional Degree:

Nomination Process: A letter of nomination and support material, which should include support letters and/or documents describing the contributions and/or accomplishments of the nominee, is presented to the dean of the appropriate unit through the department head.

Approval Process: All documentation will be submitted for approval to the following officers in the order listed below:

- Faculty of the appropriate academic unit
- Dean of the appropriate unit upon the advice of an existing or appointed unit-wide committee
- Academic Deans Council
- Executive Vice President and Provost
- President of the university
- Board of Regents

The honorary professional degree may be presented at a special ceremony, or at another appropriate time approved by the executive vice president and provost, and shall be limited in number to one candidate from each college or library per semester. These initiatives are separate from the established practice of awarding an honorary doctoral degree at each commencement and are intended to expand public

recognition opportunities where it is deemed appropriate and conducive to enhance public relations for the university.

Honorary Doctoral Degrees: *[Ratified as amended [lw added pink] by Board of Regents 10/22/07]* Selection of honorary doctoral degree recipients rests with the Board of Regents. The responsibility for seeking qualified nominees for the honorary doctorate degree rests with the Office of University Advancement. Nominations will be sought from the campus community, alumni, and volunteers. No current faculty member or administrator of the university, nor any currently serving elected official, should receive honorary degrees; however, with a unanimous vote of the Board, these prohibitions can be overruled. The vice president for university advancement will screen the nominations, provide biographical information, and make recommendations through the NMSU president to the Board. The Board will make the final selection. The honorary doctoral degree is normally presented during commencement ceremonies.

## 6.80 Independent Studies

Independent studies are for students capable of self-direction who meet the requirement for the S/U option, i.e., if the students are not eligible for the S/U option, they are not eligible for independent study. Class tickets will not be issued, nor will on-line scheduling unless the student presents a signed AIndependent Study Permit@ to the card issuer. Independent study courses are considered part of a faculty member's load. Departments will establish standards for each independent study course offered. The instructor should file a summary of requirements with the department head for each student enrolled in an independent study course before the last day to add or drop a course. Independent study research or reading courses may not be challenged.

## 6.82 Majors and Minors

Majors: New majors, including those of associate degrees, are endorsed by the Academic Deans Council, then approved by the Faculty Senate and the Board of Regents. A major is defined as a recognized area of study in which there is an extensive and well-developed curriculum offered at the university, as well as adequate library resources and support services. A major may include courses from more than one department, but as a minimum it must consist of at least 24 credits in the major field, of which 18 credits must be upper-division courses. A student may take a double major. In this case, the student must meet all of the requirements in the catalog for each degree. Courses taken outside of the two major fields may be used to fulfill the conditions of both degrees.

Supplementary Majors: In addition to a major, a student may elect to undertake a A supplementary major.@ The academic colleges offer supplementary majors in areas where sufficient numbers of courses of a closely-related nature are available so as to constitute a significant body of study. The minimum requirements for a supplementary major are 24 credits taken from the catalog listing for the field of study, of which 18 credits must be upper-division courses.

Minors: A student may also minor in a particular area. A minor is based on courses that encompass a recognized field of study. As a minimum, a minor must consist of 18 credits of course work, of which 9 credits are at the upper-division level. Upon approval of the dean of the college, departments may offer a minor that meets these requirements by describing it and receiving approval from the dean of the college. Departments may require that certain courses be a part of a minor and may exclude other courses. Acceptable minors are those listed in the catalog for a department. If a particular minor is not offered by a department, a student may petition for the recognition of that minor at the time of filing for a degree. If the department and the college concerned approve, they will notify the student and the registrar to that effect. Succeeding catalogs will then list that department as offering the particular minor and the requirements that must be met.

## 6.84 Military Science Coordinator

The university's Reserve Officer Training Corps (ROTC) program is established as a voluntary course of study. It is the policy of the university to advocate and promote the ROTC, and the ROTC officers on campus shall be given faculty status. The dean of the College of Arts and Sciences serves as the military science coordinator and represents the university administration at various military functions. The dean also approves the faculty members assigned to the Departments of Aerospace Studies and Military Science.

Dismissal from ROTC Programs: When an ROTC department makes a decision to cancel the contract leading to a commission for a student in the advanced ROTC program, the following university procedure will apply:

1. If the contract is canceled during a semester when the student is currently enrolled in an advanced ROTC course, and the student is demonstrating satisfactory academic performance, the student may be dropped from the course only with the student's approval and with a grade of W.
2. The student wishing to complete a given advanced course for graduation or for credit, whose contract is canceled during the semester in which the student is enrolled in the course, will be permitted to complete the course, provided the student continues to demonstrate satisfactory academic performance. The course may be completed by continued attendance at classes, or by extra-class arrangements made for individual instruction at the discretion of the professor of military science or aerospace studies. Extra-class arrangements must provide to the student the opportunity to achieve the same grade which could have been received by remaining in class.

## 6.86 Registrar

The Registrar's Office cannot provide official academic information to unauthorized persons, nor can it reduce the amount of information obtained in the registration process below what is required by the New Mexico Higher Education Department, state statutes, and the National Center for Education Statistics. In these requirements, the Registrar's Office follows the minimum recommended by the American Association of Collegiate Registrars and Admissions Officers. Strict adherence to academic policies is an integral part of record integrity. A balance must be maintained between public relations and the responsibilities of record-keeping.

Duties of the Registrar:

- Record and preserve academic data on all students registered for credit at the main campus and at the community colleges.
- Determine assignment of resident or nonresident tuition and fees, in accordance with state law and the uniform definition established by the New Mexico Higher Education Department and the Attorney General's Office.
- Submit reports of official enrollment statistics to the New Mexico Higher Education Department and to the National Center for Education Statistics.
- Develop procedures for registration of students in any program in which academic credit is issued.
- Coordinate preparation of a schedule of classes for each academic semester or summer session.

Transcript of Credit: Upon written request, the Registrar's Office will furnish, for a \$3 fee, an official transcript of a student's academic record to the student or designee.

Transcripts: Transcripts will not be furnished without the student's consent if the student is 18 years of age or over, except as requested by a parent claiming the student as a dependent under the definition established by the Internal Revenue Service. If a student is under 18, the parents may request and receive a transcript of the academic records. The Registrar's Office will also furnish to the student, upon written request, an

information copy of the student's academic record. Transcripts, either official or unofficial, may be furnished to university faculty members or professional staff members upon request, with or without the student's permission. Prior to each advisement period, information copies are produced for the advisors.

Release of Student Information: Information concerning a student that is published in the official student directory may be released to anyone requesting such information. This information will be published unless a request to withhold is received by the registrar by the last day of late registration for the fall term (Buckley Amendment - PL 93-380). Information recorded on the academic record page and in the student's file is released according to the procedures covering issuing of transcripts. Information in the student's folder is confidential, and is not released except to those authorized under the Buckley Amendment to PL 93-380 and the Family Educational Rights and Privacy Act of 1974.®

Eligibility for Registration: Students under any type of sanction may not register until the sanction is removed by the appropriate office. On-line entry or clearance of sanctions is entered by the university agency involved. Students on scholastic suspension may apply for readmission and register when eligible. Students with disabilities may petition for early registration through the Services for Students with Disabilities Office, Room 100, Garcia Annex.

Statistical Data: Certain statistical data are required from the student in order to furnish data to the New Mexico Higher Education Department, the National Center for Education Statistics, and university officials. Other information required is for identification of student records. Registration of students who refuse to furnish requested data is subject to cancellation.

Establishing Residence Status for Tuition Purposes: This responsibility, delegated to the registrar, is based upon state law and various rulings from the New Mexico Higher Education Department and the Attorney General's Office. The general counsel may be consulted by the registrar in cases where legal advice seems warranted. Determination is made by the registrar on the basis of information and affidavits submitted by the student. The burden of proof is on the student, and the final decision will be made by the university. Information on residence requirements may be obtained from the Registrar's Office. The Admissions Office determines residency for tuition purposes for first-time applicants.

Release of Registration Statistics to the Press: Final or near final registration statistics are released by the registrar through the vice president for student success to the associate vice president for university communications and marketing services, who in turn furnishes such figures to the media. Such release is not made until the close of registration. Any university official may release final enrollment figures after they are published.

Recording Academic and Demographic Data on the Academic Record: Registrar's Office updates and corrects data entered by admissions on the student's record at the time of matriculation. The following data are entered: last name, first, middle/maiden; date of birth; college or school to which admitted; degrees granted from the university; date of degrees; major field; minors; other institutions attended, and credits granted; high school last attended; admission status; and social security number or alternate identification number. Also recorded on the undergraduate academic record page, upon approval by the academic dean, are allowable credits from military service, challenged courses, CLEP, or ACT. Such credit will be treated as transfer credit without a grade, will count toward graduation, and may be used in fulfilling curriculum requirements as specified by the student's academic college.

Registration: Eligible students may reserve courses in the offices of the academic deans or on-line by computer, as determined by the academic calendar. Subsequent schedule changes may be made on the dates published in the Schedule of Classes. Students with disabilities may petition for early registration through the Office of Services for Students with Disabilities, Room 100, Garcia Annex. Eligible students may complete registration by mail, phone, Web, or in person by making a minimum down payment to the Business Office. Students who reserve classes but fail to complete registration by the published deadline will be disenrolled from all classes. At the close of the drop/add/late registration period, students who have

not made the required payment will be disenrolled from all classes and may not attend until the next scheduled session.

Academic Scheduling: (See Scheduling, Course)

Grade Reporting to the Registrar: Faculty members report grades for students in their classes, through the department head and dean, on forms furnished by the registrar. It is the responsibility of the faculty member to submit these grades according to regulations and dates recommended by the Faculty Senate and approved by the president. Subsequently a list of grades assigned is sent to each instructor for verification.

Justification of AI@: An AI@ Grade Information Form shall be sent to the dean's office with instructor's grade sheet for each AI@ grade assigned. Forms are available in the offices of the academic deans.

Procedures for Approval of Degree Candidates:

1. Three days (1 day in summer) after final grades are recorded on-line, the Registrar's Office will furnish each academic dean a list of degree candidates, showing the results of the final record check.
2. The deans' offices will confirm candidates who have met all requirements, and delete those who have not.
3. The deans will certify graduation for the candidates listed.
4. The Registrar's Office will furnish the executive vice president and provost a list of approved degrees after the deans' certifications are received. The official graduation date will be the date degrees are approved by the executive vice president and provost.
5. The Registrar's Office will record degrees approved and mail diplomas to graduates.

### **6.87 Policy on Student Admission and Residency Processes in Relation to Immigration Status *[Adopted by Administrative Council 9/13/05; ratified by Board of Regents 9/8/06]***

The rules and regulations for establishing student residency for tuition purposes are defined by the New Mexico Higher Education Department which is authorized by the Constitution of the State of New Mexico and state statutes.

1. All international students entering the United States on a non-immigrant student visa will apply for admission through the International Admissions Program Office located in Garcia Annex. Consult the Undergraduate Catalog section on Foreign Students for specific restrictions and procedures (<http://www.nmsu.edu/academics.html>).
  - a. Any non-citizen entering an institution of higher education on a non-immigrant visa (i.e., student, diplomatic, visitor or visiting scholar), including spouses and dependents, shall be classified as a non-resident for tuition purposes.
2. All legal immigrants (permanent residents), partially documented, undocumented or refugee students, who have attended a secondary educational institution in New Mexico for at least one year and have either graduated or received a general education development (GED) certificate in New Mexico, will apply for admissions through the Undergraduate Admissions Office located in the Educational Services Building.
  - a. Legal immigrants or refugees must present documentation of their status to the Admissions and Registrar's offices.



- b. Students meeting requirements may be eligible for in-state tuition as determined by the Office of the Registrar in accordance with the State of New Mexico Higher Education Department (<http://hed.state.nm.us>).
- c. Students eligible for in-state tuition may be eligible for state-funded financial aid.

## 6.88 Summer Session

Summer teaching at the university is considered a privilege and not a right. Departments will use the following guidelines in determining summer teaching assignments within the department's FTE summer allocation:

1. The first priority must be student and program needs. As resources permit, courses needed by the students to complete programs in a timely fashion should be offered.
2. After student needs, continuing tenured and tenure-track faculty will have priority in teaching assignments.
3. Departments will have the flexibility to develop their own policies after priorities #1 and #2 above have been met. The departmental policy must be written and available to all departmental faculty and other interested parties.
4. The departmental policy must adhere to existing policies related to summer teaching (e.g., current policy states that, in general, faculty members will be employed in one 6-week period only).
5. No summer session faculty allocation is used for 12-month department heads who teach in the summer.

Schedule: Two 6-week sessions will be scheduled between the end of the spring semester and the beginning of the fall semester. Colleges and departments offering courses numbered 450 and above, designed primarily to meet the needs of teachers have permanent approval to offer courses on a 5-week schedule. During the first summer session, the 5-week option schedule begins after the first week of instruction. In the second summer session, the 5-week option schedule ends after the fifth week of instruction. It is recognized that students may be registered in both 5-week and 6-week courses. Graduate students in a combined registration may not register for more than 6 credits.

Faculty B Teaching-Normal: Because the summer schedule must be prepared well in advance, and summer funding is always uncertain, early agreements regarding summer teaching must be identified as tentative. No actual commitment is made until approvals are completed on an E-HireForm B Permission to Offer section). Full load for 6 weeks is 4.5 semester credits or equivalent. (For community college faculty the full load for 6 weeks is 6 semester credits or equivalent.)

Salary for Summer Session: (See Chapter 5 Faculty - Compensation - Summer Session)

## 6.89 Transfer Credit

The decision to award a student credit for work completed at another institution rests with the faculty. The registrar will maintain a data base of commonly transferred courses from other institutions and their NMSU equivalents. Every 4 years faculty from each department will have the opportunity to review the equivalents from their department and make changes to the data base. Transferred courses that are not in the data base will be individually evaluated by the Registrar's Office. If uncertain about which NMSU course is equivalent, the registrar will consult with the faculty in the relevant department. Transferred credits from nonaccredited institutions will be evaluated by faculty from the relevant department after the student has shown acceptable performance at NMSU for two semesters. It is the student's responsibility to

provide departmental faculty with sufficient materials to determine which of the department=s courses is equivalent to the credits being transferred. The determination whether a course is from an accredited institution will be based on where the course was actually taken. (For example, a course taken at a workplace for which college credit was later awarded by an accredited institution would be treated as credit from a nonaccredited institution.)

## **6.90 Tutoring Services**

All tutors paid from university funds will be recommended by the head of the department in which the course is taught. In addition, approval must be obtained from the dean of the college. Graduate students must also obtain the approval of the dean of the Graduate School. Additional requirements for tutorial services are outlined in the *Student Employment Handbook*. Graduate assistants, fellows, and trainees may be employed as tutors. Such employment must be shown to be free of conflict of interest and must be consistent with policies governing supplemental appointments of such students. (See *Graduate Catalog*)

Hourly Tutoring Rates: (See the *Student Employment Handbook*. For exceptions to published rates for graduate students, contact the dean of the graduate school.)

## **6.92 Withdrawals, Administrative**

When an administrative withdrawal from a course is initiated for a student who is representing the university at an official out-of-town event, the withdrawal will become effective upon the return of the student to the university from that event, or 5 class days after the signed drop slip arrives in the dean's office, whichever is sooner.

## **Chapter 7**

### **Benefits**

- 7.03 Deferred Compensation (457 Program) [Ratified by Board of Regents 10/22/07]
- 7.04 Domestic Partners
- 7.05 Educational Opportunities for Employees and Their Families [Ratified by Board of Regents 10/22/07]
- 7.08 Employee Health Center (See Chapter 3 Codes of Conduct - Drug Free Workplace)
- 7.09 Healthcare Flexible Spending Accounts [Ratified by Board of Regents 10/22/07]
- 7.10 Holidays (NMSU Official)
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- 7.20 Leaves
  - 7.20.05 Leaves - Absence for Purpose of Course Registration
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  - 7.20.20 Leaves - Absence, Unauthorized (Staff)
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- 7.20.85 Leave Without Pay [Ratified by Board of Regents 10/22/07]
- 7.23 New Employee Orientation [Ratified by Board of Regents 10/22/07]
- 7.24 Pre-Tax Premium Plan
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- 7.26 Retirement, Educational (See Chapter 5 Faculty - Emeritus) [Ratified by Board of Regents 10/22/07]
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- 7.30 Social Security (FICA)
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- 7.45 Work-Related Injuries/Workers= Compensation [Ratified by Board of Regents 10/22/07]

## CHAPTER 7 - BENEFITS

### 7.03 **Deferred Compensation (457 Program) [Ratified by Board of Regents 10/22/07]**

The university provides a voluntary deferred compensation program. This program allows full-time and part-time employees who work 1,000 hours in a calendar year to exclude a portion of their salary, within certain limits, from their current taxable income by electing to have their payroll deduction invested in a deferred compensation program. The program may be used in addition to the New Mexico Educational Retirement Account, the New Mexico Alternative Retirement Program and Tax Sheltered Annuity (403b) contributions. Employees may choose from a list of approved companies that offer 457 programs for the university. Employees may also choose, within the approved company, which accounts they would like their contributions distributed. To become an approved company with the university, a company must enroll 20 employees at one time and sign the university's Hold Harmless Agreement. Payroll deductions for the company will not begin until it becomes an approved carrier. Enrollments are due by the first day of the month for the 15<sup>th</sup> pay date and the 15<sup>th</sup> day of the month for the end of month pay date. During the months of May and December enrollment forms must be completed and returned at an earlier time. Contributions end when an employee terminates employment, retires, completes a Salary Reductions Agreement canceling contributions or when contributions have exceeded annual maximums. Annual maximums are determined by the Internal Revenue Service. NMSU will automatically set all 457 contribution amounts with a maximum equal to the current year's annual maximum, unless otherwise instructed on the salary reduction form. Retirees who return to work at the university or temporary employees may enroll in a 457, if they meet the eligibility requirement described above. (Contact the Benefit Services department or visit their Web site for more information and procedures.)

### 7.04 **Domestic Partners**

New Mexico State University is committed to providing equal employment and educational opportunities to all individuals. All university employees that have a domestic partner as defined below shall be provided services and benefits on the same basis provided to legal spouses.

Domestic Partners: The university defines domestic partners as two individuals who live together in a long-term relationship of indefinite duration. There must be an exclusive mutual commitment similar to that of marriage, in which the partners agree to be financially responsible for each other's welfare and share financial obligations.

To be recognized as domestic partners by New Mexico State University, both individuals must meet all the following criteria, sign an Affidavit of Domestic Partnership form and submit any necessary documentation to the Employee Benefits Office.

1. Both partners must be unmarried.
2. Domestic partners must have been in a mutually exclusive relationship for the last 12 months, intending to do so indefinitely and must share the same primary residence.
3. Domestic partners must meet the age requirements for marriage in New Mexico and be mentally competent to consent to contract.
4. Domestic partners must not be related by blood to the degree prohibited in a legal marriage in the State of New Mexico
5. Domestic partners must be jointly responsible for the common welfare of each other and share

financial obligations. An Affidavit of Domestic Partnership form signed to that effect and proof of three of the following must be submitted to the Human Resource Services Office:

- A joint mortgage or lease
- Joint ownership of a motor vehicle
- Joint bank account
- Joint credit account
- Domestic partner named as beneficiary of the other=s retirement benefits
- Domestic partner named as beneficiary of the other=s life insurance
- Domestic partner named as primary beneficiary in the other=s will
- Domestic partner assigned durable property or health care power of attorney
- Household expenses are shared by both partners

The university may require proof that those applying for status of domestic partnership meet the above requirements. Providing false information may result in disciplinary action, dismissal and reimbursement of costs involved in providing benefit coverage.

Termination of Domestic Partnership: Individuals granted domestic partnership status must report any change in status that terminates the relationship to the Human Resource Services Office, within 45 calendar days, by completing a Termination of Domestic Partnership form.

Qualifying as a Dependent of Domestic Partner: The child of a domestic partnership qualifies as an eligible dependent:

- if either of the domestic partners is the biological parent of the child
- if either or both partners are adoptive parents of the child
- if the child has been placed in the domestic partner=s household as part of an adoptive placement

Services and Benefits: Domestic partners and their dependents, as defined above, shall be granted all and the same services and benefits as those provided to legal spouses and their dependents, except where expressly prohibited by law. All university policies that affect employees ,legal spouses and their families also apply to employees, domestic partners and their families.

Taxability: The value of tuition and insurance benefits provided to the domestic partner is considered taxable income to the employee by the Internal Revenue Service and is subject to social security, federal, and state income tax withholding.

## **7.05 Educational Opportunities for Employees and Their Families [Ratified by Board of Regents 10/22/07]**

New Mexico State University encourages all regular employees to engage in life-long learning to enhance their careers by taking advantage of the program below:

Tuition Remission: With appropriate administrative approval from the current employer/supervisor, regular employees with a .50 FTE or greater position are entitled to take course(s) at the university's main and community colleges totaling no more than 6 credit hours (supported by regular I&G funding) each fall and 6 credit hours each spring semester without a charge of tuition or the general fees included in the tuition rate. No more than a total of 4 credit hours may be taken at the university's main and community colleges during each summer session. This does not include challenged or nontraditional courses for which the university does not receive formula funding, nor any reciprocal agreements the university might have with other higher education institutions. The legal spouse or domestic partner of the eligible employee may also take the tuition-free courses. However, the tuition-free courses taken by the employee and spouse/domestic partner must not exceed 6 credit hours for the

fall and spring semesters, and must not exceed 4 credit hours for each summer session. This benefit is not transferable to another university employee who is eligible for a free course. Employees who take a course during working hours may be required to make up the time spent away from the work station (or take annual leave) unless enrollment is a requirement for continued employment. All courses may be subject to federal and state tax withholdings. Staff and spouses/domestic partners who enroll full-time will be subject to the full-time tuition rate unless the free credit hours reduce their full-time hours below the full-time tuition rate. Other fees not included in the tuition rate (e.g., fees particular to a given course, late registration fees, graduation fees, thesis fees, etc.) are not included in the waiver. Registration follows the same procedures governing all students, and by use of the Tuition Remission form. The Tuition Remission forms are due in the Benefit Services department by the Thursday before classes begin. This benefit does not apply to individuals holding graduate assistantships.

When university faculty or exempt staff members enroll in a program to earn a graduate degree at this university, a potential for conflict of interest may arise as a result of the dual role as student and as a faculty or staff member. Persons in this status must demonstrate that the potential for conflict of interest will not compromise the quality of their program of study. Approval of cognizant department heads and deans will be required. Such programs are approved on a case-by-case basis by the dean of the Graduate School with the concurrence of the provost. When appropriate, the dean may confer with the Graduate Council about the potential for conflict of interest in such programs. The graduate dean may require a specific representative on such a graduate committee, possibly including off-campus representatives, as a condition for approving programs.

Retiree Benefits: Retirees of New Mexico State University are eligible for tuition remission benefits. A Retiree Tuition Remission form must be completed and submitted to the Benefit Services department each semester or summer session the retiree chooses to participate in this benefit. Tuition Remission forms are due in the Benefit Services department by the Thursday before classes begin. See Section 7.26 for further details.

Employees are encouraged to contact university Accounts Receivable if there is a change in the class registration after the Tuition Remission form has been processed to ensure appropriate adjustments are made to the employee account.

Dependent Children Reduced Tuition Program: The program provides a 50% discount on tuition and the general fees included in the tuition rate for both full-time and part-time students. Other fees not included in the tuition rate (e.g., fees particular to a given course, late registration fees, graduation fees, thesis fees, etc.) are not included in the discount. Biological children, adopted children, and legally dependent stepchildren, under age 25, of regular employees and of official university retirees who are New Mexico residents, are eligible to participate in this program. Students must be enrolled in undergraduate courses (eligible for undergraduate tuition) on the main campus or any one of the community colleges. A student enrolled in more than 18 credit hours will be charged the normal overload rate for any credits over 18.

Courses eligible for a grade will be included in this program; audited courses and challenged credits will be excluded. The student's status and the employee's employment status on the university census date (third Friday of the semester or last day to add or register for summer session courses) will determine participation eligibility. If the employee's status changes before the census date, the student will no longer be eligible and the charges will be recalculated. If the student reaches his/her 25<sup>th</sup> birthday before the census date, the student will no longer be eligible and the charges will be recalculated. The Financial Aid Office will be informed of a student's participation in this program. A reduction of the student's financial aid package may result from the reduced tuition. Information on the possible effect of this program on the student's financial package should be obtained from the student's financial aid advisor.

Recognition of Employees Earning Degrees: Half-time or greater regular staff employees and full-time tenure track faculty with above-average job performance who earn degrees from an accredited institution of higher education during their employment will be rewarded in appropriate ways whenever possible. Guidelines for this program are:

1. The regular employee must have earned at least 24 credits towards the associate's degree, 48 credits towards the bachelor's degree, and/or 18 credits towards the graduate degree while continuously employed as a regular employee with the university. The employee must meet the minimum amount of hours required from the time any previous degree has been awarded.
2. The Human Resource Services Office will verify through performance evaluations that the individual has maintained above-average job performance.
3. An employee will receive recognition only once for each type of degree awarded (i.e., associate's, bachelor's, master's, and doctorate). An employee shall not receive an increase for earning a lower degree than already held. An employee may only receive an increase for earning the same level degree as already held if the degree is directly related to the position and no increase has been previously awarded.
4. The salary increases will be effective on the first day of the month following award of the degree, or on the first day of the month in which a degree increment request is received by the Human Resource Services Office, whichever is later.
5. Degree increments will not be paid on a retroactive basis.
6. Employees who have met the above criteria will be eligible for a salary increase of:
  - 5 percent of their current salary, not to exceed \$1,000, for an associate degree.
  - 5 percent of their current salary, not to exceed \$1,200, for a bachelor's degree.
  - 5 percent of their current salary, not to exceed \$1,400, for a master's degree.
  - 5 percent of their current salary, not to exceed \$1,600, for a doctorate.

This policy does not apply to faculty who were hired at salaries comparable to others in the department who already have doctorates.

## **7.08 Employee Health Center (See Chapter 3 - Codes of Conduct - Drug Free Workplace)**

Employees will not be charged leave for visits or appointments at Employee Health Center or for participation in the EAP (Employee Assistance Program). Employees will be required to charge sick leave when taking dependents to Employee Health Center. The EAP is a confidential counseling and referral service available to all university employees. Personal problems can affect an employee's sense of well-being and ability to perform on the job. The EAP offers professional help in preventing/resolving these problems. Employees may refer themselves or can be referred by supervisor to the program by calling (505) 646-6600.

## **7.09 Health Care Spending Account Policy [Ratified by Board of Regents 10/22/07]**

Health Care Spending Accounts allow employees to set aside dollars from their paycheck on a pre-tax basis in order to be reimbursed for out-of-pocket health expenses for themselves and their dependents as defined by IRS codes. All regular employees working at least a .50 FTE or greater are eligible for this plan within the first 31 days following their hire date with the plan becoming effective the first day



of the month following their first 31 days of their regular employment. If an employee does not return a completed and signed enrollment form to the Benefit Services department within their first 31 days of employment, they will not be eligible to participate in the plan until the next open enrollment period.

Open enrollment occurs during the fall of each year with any changes or new enrollments becoming effective January 1<sup>st</sup>. During open enrollment eligible employees who are not currently enrolled in the plan may enroll and employees currently enrolled in the plan must complete paperwork to continue the plan.

Employees may only make changes or new enrollments to their plan outside of the open enrollment period within 31 days after a change in status occurs. The proper forms must be executed with the Benefit Services department within the 31-day period. Examples of a change in status include but are not limited to:

- § Marriage
- § Divorce
- § Legal Separation
- § Childbirth
- § Adoption of child
- § Death
- § Loss of prior coverage
- § Loss of dependent status

If a change in status occurs and an employee elects to reduce or cancel coverage, the employee may not reduce or cancel coverage to a point where the total plan year account balance is less than the amount of funds already reimbursed for the employee. An employee's account balance after a change has been made during a plan year will be calculated by adding any balance (including a negative balance) remaining in the employee's account immediately preceding the change, to the newly elected plan year election amount for the remainder of the plan year in which the change in status took place.

If coverage is cancelled, no refund of contributions will be made and no claims incurred after the last day of the month in which the change in status occurred will be eligible for reimbursement.

While on leave without pay, employees are responsible for continuing to make contributions to the plan. If contributions are not made, the plan can be cancelled for the remainder of the plan year. The employee will only be eligible to rejoin the plan during the next open enrollment period held in the fall of each year with the plan becoming effective January 1<sup>st</sup>.

If an employee separates employment from the university, coverage will continue until the last day of the month in which they were employed and claims incurred during that time may be submitted for payment no later than 90 days following the plan year. Employees are allowed to continue the coverage following separation through COBRA. Contact Benefit Services for more information.

## **7.10 Holidays (New Mexico State University Official) (See Chapter 8 Staff - Compensation - Holidays)**

Regular full-time and part-time employees on a prorated basis are eligible for holiday pay. The university recognizes the following holidays:

- Martin Luther King, Jr. Day
- Spring Holiday (1 day)
- Independence Day
- Memorial Day
- § Labor Day
- § Thanksgiving Day
- § Friday following Thanksgiving Day
- § Christmas Eve Day through New Year's Day

When a holiday falls on a Saturday, the preceding Friday is observed; when a holiday falls on a Sunday, the following Monday is observed. If the beginning of the Winter Break (Christmas Eve Day) falls on a weekend, the preceding Friday is observed and if the end of the Winter Break (New Year's Day) falls on a weekend, the following Monday is observed. Any regular employee shall forfeit payment for any holiday if the employee has an unexcused absence on the last regular work day preceding such holiday or on the first regular work day following such holiday. Employees on leave without pay are not entitled to holiday pay. To be eligible for holiday pay, any employee who voluntarily terminates with less than 5 years of regular service on or after a holiday must have worked one day (immediately following the holiday or holiday period) for each day of the holiday period. Leave will be considered as time worked only for those employees continuing permanent employment with the university. Employees with 5 or more consecutive years of regular service may retire or terminate on December 31 and be eligible for all holiday pay in December. If employees with 5 or more years of service retire or terminate after December 31 they must work and be physically present one day (immediately following the holiday period) for each day of holiday pay to be received. Leave will not be considered as time worked. Any regular staff or 12-month faculty employee hired after the first Monday in December will be eligible for holiday pay on Christmas Day and New Year's Day only. A staff employee's first day of work may not begin on a holiday. An employee returning from leave without pay must be on the job at least one day for each day of the holiday period immediately before and after the holiday.

## 7.11 Identification Cards

Regular full-time and part-time employees are issued a permanent identification card. Postdoctoral fellows and temporary employees (including college professors) will be issued cards with expiration dates and notes on the reverse side of the card. If appointments are extended, employee will obtain a new sticker for the card from the Human Resource Services Office. Other persons eligible for identification cards include campus ministers (and associated persons) and affiliated faculty.

All cards must have a sticker on the reverse side denoting Aregular@ or Atemporary@ to be valid. All cards (both regular and temporary) are issued free of charge. Employees have their pictures taken at the Auxiliary Services Office in Corbett Center. The cards are forwarded to the Human Resource Services Office to obtain the stickers and are issued from that office.

The identification cards are required for admittance into the Activity Center, Natatorium, for ticket discounts, library privileges and to obtain a parking permit.

Upon termination the identification card must be stapled to the Notice of Employee Separation Form. The PAF, Notice of Employee Separation Form and the identification card are then forwarded to the Human Resource Services Office.

## 7.15 Insurance (See Chapter 9 Facilities - Motor Pool for Mexico trip coverage and Chapter 1 Governance - Board of Regents) *[Ratified by Board of Regents 10/22/07]*

### GROUP MEDICAL INSURANCE

Eligibility: The university offers group medical insurance for all eligible employees. Full-time and part-time (.50 FTE or more) regular employees are eligible to participate in the group policy. Regular employees hired with a pre-determined termination date will be eligible only if hired for at least 1 academic year (9-, 10-, and 11-month employees) or 1 full year for all others. Optional dependent coverage is available. Part-time (less than .50 FTE) employees, temporary employees, postdoctoral candidates, graduate assistants, other student employees, and Cooperative Extension Service employees with federal appointments are not eligible to participate in the group policy. Note: Nine-,

ten-, and eleven-month employees will receive full benefits except for unemployment compensation during the off employment period.

Effective Date of Coverage: Coverage is optional and is available from the date of active regular employment. Coverage is effective the first pay period after 30 days of employment. Coverage may begin on the first or sixteenth day of the month. Employees must complete and return an enrollment form to the Benefit Services department within 31 calendar days of their regular date of employment to receive this benefit without late enrollment provisions.

Enrollment Procedures: Coverage is not automatic. Within the first 31 calendar days of regular employment, each eligible employee must either enroll in or waive coverage under the policy by completing an enrollment form. Details of coverage and provisions of the medical plan are available in the plan Benefit Summary.

Premium Payments: Premium payments are made by payroll deduction. The university pays a percentage of the premium for the employee and, if the employee's dependents are enrolled in the plan, a percentage of their premium also. Premium payments begin the pay period in which coverage begins. Note: A full fiscal year of premiums (July-June) will be deducted over 18 paychecks (August - May) for 9-, 10-, and 11-month faculty/staff.

Coverage Changes: An employee is responsible for requesting changes to insurance coverages by completing and submitting appropriate forms in order to adjust premiums. When an employee experiences a change in status, the employee has 31 calendar days from the date of the status change to contact the Benefit Services department to make coverage changes. A change in status includes, but is not limited to:

- Marriage
- Divorce
- Childbirth or adoption
- Change in employees FTE, moving from less than a .5 FTE to a benefit eligible status
- Loss of prior coverage or gain of new coverage
- Dependent no longer meeting insurance eligibility rules due to age or marriage

All status changes which result in an insurance coverage and/or premium change will be effective the day following the date of the change in status, except in the following cases:

- For a newborn or placement of child(ren) through adoption - the coverage becomes effective the date of birth or date of placement
- For divorce or legal separation – the change is effective the day before the legal documents are filed with the appropriate court
- For dependent children who lose eligibility due to age or marriage – the change is effective the day before their 25<sup>th</sup> birthday or the day before they are legally wed.

All changes that affect premiums will result in a full premium being deducted for the pay period in which the change takes place.

Coverage During Disability: If any employee is terminated because of total disability, coverage may be continued in certain circumstances. Refer to the COBRA section of the medical plan Benefit Booklet for details.

Coverage After Retirement: An employee who officially retires from the university and receives a monthly benefit from the Educational Retirement Board immediately upon termination of employment (those eligible under the Alternative Retirement Plan must meet the regular Educational Retirement Board eligibility rules and immediately begin receiving a benefit) may elect to continue medical

insurance after retirement, providing the employee had been covered under the plan for the prior 10 consecutive years and worked in a regular employment status. Time while enrolled as an employee or as a spouse of an active employee will be counted toward the 10 years. Coverage as the spouse of a retiree will not be credited toward the 10 years. The university continues to pay a percentage of the premium. When a retiree or dependent becomes age 65 and/or eligible for Medicare, all medical coverage will be moved to the Medicare Carve-Out Plan. If the retiree or dependent enrolls in Medicare Part D, they will no longer be eligible access prescription coverage through the medical plan. The university reserves the right to unilaterally increase, decrease or discontinue coverages, plan provisions, and premiums.

Dependent Coverage after Retirement: Spouses of eligible retirees covered at the time of retirement may continue coverage after retirement. Only dependent children covered at the time of retirement may continue coverage after retirement. New spouses of retirees acquired after retirement may be added to the plan under certain circumstances. In order to add a new spouse, an enrollment form must be completed. The new spouse may not be added until 1 year after the date of receipt of the form by the Benefit Services department; the retiree must still be living and have medical insurance coverage at the end of the 1 year waiting period. New spouse coverage begins the first day of the month following the 1 year waiting period. There will be no university contributions to the new premium, and the retiree will be responsible for paying 100 percent of the premium for the new spouse's coverage. The new spouse will be eligible for surviving spouse benefits. If a retiree passes away during the new spouse's 1-year waiting period, the new spouse will not be eligible for surviving spouse benefits. New dependent children acquired after retirement may not be added to the plan. A retiree who rescinds retirement, returns to full-time employment, and later retires, may only continue coverage for dependent children who have been covered as a dependent for at least 10 years. Time covered under the retiree as an active employee will count toward the 10 years. If coverage is discontinued by the retiree for self or any covered dependent (including spouse), retiree and/or dependent may never re-enroll. Surviving spouse of a deceased retiree may continue coverage until re-marriage if they receive a monthly benefit from the ERB and pay 100 percent of the premium. Surviving dependent children of a deceased retiree may continue coverage until they no longer meet the rule of a dependent child under the medical plan by paying 100 percent of the premium. If coverage is terminated or dependents are removed from the plan for any reason, enrollment in the plan at a later date is prohibited.

Coverage During Leave Without Pay (LWOP): During periods of leave without pay, medical insurance may be continued at the option of the employee. Continued coverage will not exceed 3 years. Arrangements for timely payment of premiums will be made with the Benefit Services department and the university Accounts Receivable Office. If the employee is on LWOP for more than 51% of the pay period the employee is responsible for both the university's and employee's portions of premium (except FMLA LWOP). Failure to make full payment of premiums may result in cancellation of coverages. If coverage is not continued or cancelled during any leave without pay period, the employee will be required to re-apply for coverages upon return to work (If approved for FMLA, the employee may be reinstated immediately upon return to work, provided the employee requests coverage from the Benefit Services department within 31 days from the date of return.). Reinstatement of coverage is not automatic, is subject to late enrollment provisions set by the insurance carrier, and is subject to the pre-existing conditions clause.

Coverage for Dependents of Deceased Employees: The spouse and eligible dependents of a deceased regular employee who at the time of death met the criteria for retirement under Educational Retirement Board rules and draw a monthly benefit from the Educational Retirement Board or a monthly annuity from the Alternative Retirement Plan may continue coverage provided they have been participating in the plan for at least 1 year prior to the death of the employee and the deceased employee had been participating in the plan for 10 consecutive years immediately prior to the date of death. Eligibility will cease upon remarriage and/or loss of dependent status. If coverage is terminated for any reason, enrollment in the plan at a later date is prohibited.

Coverage After Termination (12-Month Faculty and Staff): Coverage ceases at midnight on the 15<sup>th</sup> day of the month if employment terminates between the 1<sup>st</sup> and 15<sup>th</sup> day of the month, provided the applicable premium for the pay period has been paid. If an employee terminates employment between the 16<sup>th</sup> and last day of the month, coverage ceases at midnight on the last day of the month, provided the applicable premium for the pay period has been paid. The policy contains continuance in compliance with state and federal law. Complete information on these procedures is available in the Benefit Services department.

Coverage After Termination (9-, 10-, 11-Month Faculty and Staff): When employees or faculty members do not return the next academic year, only dental and medical coverage will remain in effect until June 30<sup>th</sup>. All other insurances stop at the end of the pay period in which their regular employment ends. See the health insurance carrier's Benefit Booklet for details.

Certificate of Group Medical Plan Coverage: The Certificate of Group Health Plan Coverage may be obtained from the employee's previous medical insurance carrier. Upon losing coverage with the university plan, this certificate will be issued from the medical plan carrier. Creditable coverage is defined as length of coverage under an individual or group health insurance policy. If there has been a break in coverage of 63 calendar days or more, prior coverage is not used to offset the length of the pre-existing condition exclusion period for a new medical plan. Employees and dependents that are not considered late enrollees are not subject to pre-existing condition limitations under the university medical plans.

Late Enrollees: Employees are required to waive or accept coverage within 31 calendar days of regular employment. If an employee does not complete an enrollment or waiver form within 31 calendar days of regular employment, then the employee will automatically waive the right to medical insurance coverage. If the Benefit Services department receives the enrollment form after the first 31 days of regular employment, the employee will be subject to a 90 calendar day waiting period from the date the completed and signed enrollment form is received. Coverage will begin the first day of the pay period following the date of the completion of the 90 calendar day waiting period. A one year pre-existing condition waiting period on out-of-network benefits will apply for late enrollments. Please see medical insurance carrier's Benefit Booklet for more information.

Pre-Existing Condition Exclusion: Employees and dependents who are considered late enrollees in the Blue Cross Blue Shield of New Mexico PPO and Cigna Health Care Open Access Plus plans will be subject to a 1-year pre-existing condition exclusion for out of network services. This exclusion does not apply to late enrollees in the Presbyterian HMO Plan. If any expenses are incurred for an injury or sickness, including a mental, psychoneurotic or personality disorder, during the 6 months before the date the employee or the employee's dependent is covered, benefits may not be payable for the particular condition. Expenses for services, supplies, and treatment for an injury or sickness, or any related conditions, which was diagnosed and treated, or for which medication has been taken within 6 months prior to the date a person becomes insured are subject to pre-existing condition exclusion. This limitation shall not apply to any expenses incurred:

- After the end of a 12-consecutive month period during which the person involved was continuously insured under NMSU's medical insurance program.
- By a newborn or newly-adopted child(ren), provided the child(ren) is enrolled within 31 days of birth or adoption. See the health insurance carrier's Benefit Booklet for details.

Medical Plan Provisions: Details on the medical plan provisions are contained in the medical insurance carrier's Benefit Booklet and questions should be referred to the Benefit Services department.

## GROUP DENTAL PLAN

Eligibility: The university offers group dental insurance for all eligible employees. All regular full-time and part-time (.50 FTE or more) employees are eligible to participate in the group policy. Regular employees hired with a predetermined termination date will be eligible only if hired for at least 1 academic year (9-, 10-, and 11-month employees) or 1 full year for all others. Part-time (less than .50 FTE) employees, temporary employees postdoctoral candidates, graduate assistants, other student employees, and contract-for-service employees are not eligible to participate in the group policy. Note: Nine, ten and eleven-month employees will receive full benefits except for unemployment compensation during the off employment period.

Effective Date of Coverage: Coverage is optional and is available from the date of active regular employment. Coverage is effective the first pay period after 30 days of employment. Coverage may begin on the first or sixteenth day of the month. The employee must complete and return an enrollment form to the Benefit Services department within 31 calendar days of their regular date of employment to receive this benefit.

Enrollment Procedures: Coverage is not automatic. Within the first 31 calendar days of regular employment, each eligible employee must either enroll in or waive coverage under the policy by completing an enrollment form. Details of coverage and provisions of the dental plan are available in the plan Benefit Summary

Premium Payments: Premium payments are made by payroll deduction. The university pays a percentage of the premium for the employee and, if the employee's dependents are enrolled in the plan, a percentage of their premium also. Premium payments begin the pay period in which coverage begins. Note: A full fiscal year of premiums (July-June) will be deducted over 18 paychecks (August - May) for 9-, 10-, and 11 month faculty/staff.

Coverage Changes: An employee is responsible for requesting changes to insurance coverages by completing and submitting appropriate forms in order to adjust premiums. When an employee experiences a change in status the employee has 31 calendar days from the date of the status change to contact the Benefit Services department to make coverage changes. A change in status includes, but is not limited to:

- Marriage
- Divorce
- Childbirth or adoption
- Change in employees FTE, moving from less than a .5 FTE to a benefit eligible status
- Loss of prior coverage or gain of new coverage
- Dependent no longer meeting insurance eligibility rules due to age or marriage

All status changes which result in an insurance coverage and/or premium change will be effective the day following the date of the change in status, except in the following cases:

- For a newborn or placement of child(ren) through adoption – the coverage becomes effective the date of birth or date of placement
- For divorce or legal separation – the change is effective the day before the legal documents are filed with the appropriate court
- For dependent children who lose eligibility due to age or marriage – the change is effective the day before their 25<sup>th</sup> birthday or the day before they are legally wed.

All changes that affect premiums will result in a full premium being deducted for the pay period in which the change takes place.

Coverage After Retirement or Termination (12-Month Faculty and Staff): Coverage ceases at midnight on the 15<sup>th</sup> day of the month if employment terminates between the 1<sup>st</sup> and 15<sup>th</sup> day of the

month, provided the applicable premium for the pay period has been paid. If an employee terminates employment between the 16<sup>th</sup> and last day of the month, coverage ceases at midnight on the last day of the month, provided the applicable premium for the pay period has been paid. The policy contains continuance provisions. Complete information on these procedures is available in the Benefit Services department.

Coverage After Retirement or Termination (9-, 10-, 11-Month Faculty and Staff): When an employee or faculty member does not return the next academic year, only dental and medical coverage will remain in effect until June 30<sup>th</sup> (all other insurances stop at the end of the pay period in which their regular employment ends). The policy contains continuance in compliance with state and federal law.

Coverage During Leave Without Pay (LWOP): During periods of LWOP, dental insurance may be continued at the option of the employee. Continued coverage will not exceed 3 years. Arrangements for payment of premiums will be made with the Benefit Services department and the university Accounts Receivable Office. If the employee is on LWOP for more than 51% of the pay period, the employee is responsible for both the university's and employee's portions of premium (except LWOP). Failure to make full payment of premiums may result in cancellation of coverage. If the coverage is not continued or cancelled during the leave without pay period, the employee may re-enroll during the next scheduled open enrollment period.

Late Enrollees: Late enrollment is not available for the dental plan. Employees may add dental benefits during an open enrollment period, unless the employee qualifies for a special enrollment through a change in status (defined above).

#### GROUP TERM LIFE INSURANCE

Eligibility: The university provides group life insurance for all eligible regular employees. All regular full-time and part-time (.50 FTE or more) employees are eligible to participate in the group policy. Regular employees hired with a predetermined termination date will be eligible only if hired for at least 1 academic year (9, 10, 11-month employees) or 1 full year for all others. Regular part-time (less than .50 FTE) employees, temporary employees, postdoctoral candidates, graduate assistants, and other student employees are not eligible to participate. Note: Nine-, ten-, and eleven-month employees will receive full benefits except for unemployment compensation during the off employment period.

Enrollment Procedures: At the time of regular employment, each new eligible employee must either enroll in or waive coverage under the policy by completing an enrollment form. Employees must enroll in or waive coverage within the first 31 calendar days of regular employment. If an employee does not complete an enrollment or waiver form within 31 calendar days of regular employment, the employee will automatically waive their right to life insurance and will be subject to approval by the life insurance carrier for coverage to begin.

Effective Date of Coverage: Coverage is optional and may begin the first day of the month following the date of regular employment, if the employee completes and returns an enrollment form and sends it to the Benefit Services department within 31 calendar days from the date of regular employment. Details of the provisions of the plan are available in the Benefit Services department.

Premium Payments: Premium payments are made by payroll deduction, and the university pays a percentage of the premium. Premium payments begin the pay period in which coverage begins. Note: A full fiscal year of premiums (June-July) will be deducted over 18 paychecks (August-May).

Change of Beneficiary: Employees are asked to keep the Benefit Services department notified of any name change or beneficiary change. Change forms may be obtained from the Benefit Services department.

Coverage During Disability: If an employee is totally disabled, the employee may request a waiver of premium from the insurance company. If granted, the insurance will remain in force without payment of premium for the length of the disability or until age 65, whichever comes first. Please see the plan description for more details.

Coverage After Retirement: When an employee officially retires from service with the university with at least 10 years of service, \$2,000 of group life coverage may be continued and paid for by the university, providing the employee has been covered under the plan for the prior 10 consecutive years. The employee may elect to continue and pay for coverage under this policy up to a scheduled maximum (schedules of amounts are available from the Benefit Services department); however, double indemnity provisions for accidental death and dismemberment are canceled for all insurance carried into retirement. If coverage is terminated for any reason, enrollment at a later date is prohibited.

Coverage During Leave Without Pay (LWOP): During periods of LWOP, life insurance may be continued at the option of the employee. Continued coverage will not exceed 3 years. Arrangements for payment of the premiums will be made with the Benefit Services department and the university Accounts Receivable Office. If premiums are not paid coverage will end as of the last date premiums were paid. If coverage is not continued or is canceled during leave without pay, the employee will be required to re-apply for coverage as a late enrollee upon return to work. Reinstatement of coverage is not automatic and is subject to approval from the carrier. If the employee is on LWOP for more than 51% of the pay period the employee is responsible for both the university's and employee's portion of premiums (except FMLA LWOP).

Coverage After Termination: There is a conversion privilege which allows a terminated employee to convert the group policy to an individual policy without medical examination. Application must be made to the insurance carrier within the 31 calendar days following termination of employment. Retired employees may also exercise the conversion privilege on the remaining portion of the coverage. Forms are available in the Benefit Services department. Coverage ceases at midnight on the 15<sup>th</sup> day of the month if employment terminates between the 1<sup>st</sup> and 15<sup>th</sup> day of the month, provided the applicable premium for the pay period has been paid. If an employee terminates employment between the 16<sup>th</sup> and last day of the month, coverage ceases at midnight on the last day of the month, provided the applicable premium for the pay period has been paid. .

Death Claims: When an employee dies, the Benefit Services department will be available to meet with the beneficiary to explain the policy and process claim requests.

Discontinuing Coverage: An employee who discontinues coverage and then wishes to re-enroll in the future will be required to submit evidence of insurability by completing a statement of health (a medical examination at the employee's expense may also be requested). Reinstatement of coverage is not automatic, is subject to approval or disapproval by the university's insurance carrier, and is subject to the pre-existing conditions clause.

#### GROUP LONG-TERM DISABILITY INSURANCE

Eligibility: The university provides group long term disability insurance for all eligible regular employees. All regular full-time and part-time (.75 FTE or more) employees are eligible to participate in the group policy. Regular employees hired with a predetermined termination date will be eligible only if hired for at least 1 academic year (9, 10, 11-month employees) or 1 full year for all others. Regular part-time (less than .75 FTE) employees, temporary employees, postdoctoral candidates, graduate assistants, and other student employees are not eligible to participate. Employees must maintain a .75 FTE in a regular employment status to remain eligible for this benefit. Note: Nine-, ten-, and eleven-month employees will receive full benefits except for unemployment compensation during the off employment period.



Effective Date of Coverage: Coverage is optional and may begin on the first day of the month after 30 days of eligible employment, provided the employee completes and returns a Long-Term Disability Enrollment Form to the Benefit Services department within 31 from the date of regular employment.

Enrollment Procedures: At the time of regular employment new employees will be required to complete an enrollment form to either enroll in or waive coverage within the first 31 days of employment. The employee may change the original intent at any time until the eligibility date has expired. If an employee does not complete an enrollment or waiver form within 1 year of regular employment, then the employee will automatically waive their right to long-term disability coverage and will be subject to approval by the long-term disability carrier for coverage to begin. An employee who desires to drop the coverage after initial enrollment may request this by completing and returning a change form to the Benefit Services department. Details of provisions of the plan are available in the Benefit Services department.

Premium Payments: Premium payments are made by payroll deduction, and the university pays a percent of the premium. Premium payments begin the pay period in which coverage begins. Note: A full fiscal year of premiums (July-June) will be deducted over 18 paychecks (August-May).

Application for Benefits: When an employee is disabled, it is the employee's responsibility to notify the Benefit Services department. The Application for Disability and a Physician's Statement of Disability must be completed and returned directly to the insurance carrier for processing, along with the Employer Statement. The Employer Statement can be requested from the Benefit Services department. The long term disability carrier will not process incomplete applications.

Pending Approval for Claims: The employee remains on leave if available or on leave without pay while the carrier processes the application. If the application is denied, then employment may be terminated if the employee is unable to return to work.

Employees on Long-term Disability: Employees who qualify and enter into long-term disability will:

- Use all remaining sick and annual leave to offset long-term disability benefits. Total compensation, to include annual/sick leave and long-term disability benefits, may not exceed the employee's regular rate of pay unless a minimum disability benefit is being paid by the carrier.
- Be placed on extended leave without pay for up to one year from the date the disability benefits are effective. If the employee is not able to return to work within one year from the date disability benefits are effective, the university will attempt to place the employee in an appropriate position for which they are qualified during the first 90 days after becoming eligible for employment. If an appropriate position is not available or the employee refuses the offered position, the employee may be terminated.
- Be required to submit a copy of their certificate of continued disability to the university and the insurance company as required by the policy.
- Retire or terminate at the end of one year, and in order to retain other insurance benefits during that year, the employee must pay premiums like any other employee on LWOP.
- If the employee qualifies and decides to retire, the employee may continue medical insurance the same as any other retiree, provided the medical benefits remained in effect during the leave of absence.

Coverage After Retirement or Termination: Coverage is not available after retirement or termination.

Coverage ceases at midnight on the 15<sup>th</sup> day of the month if employment terminates between the 1<sup>st</sup> and 15<sup>th</sup> day of the month, provided the applicable premium for the pay period has been paid. If an employee terminates employment between the 16<sup>th</sup> and last day of the month, coverage ceases at midnight on the last day of the month, provided the applicable premium for the pay period has been paid.

Coverage During Leave Without Pay: During periods of leave without pay (except for employees collecting long-term disability benefits), long-term disability may be continued at the option of the employee. Continued coverage cannot exceed three years. Arrangement for payment of premiums will be made with the Benefit Services department and the university Accounts Receivable Office. If premiums are not paid coverage will end as of the last date premiums were paid. If coverage is not continued or is canceled during leave without pay, the employee will be required to re-apply for coverage as a late enrollee upon return to work. Reinstatement of coverage is not automatic and is subject to approval from the carrier. If the employee is on LWOP for more than 51% of the pay period the employee is responsible for both the university's and employee's portion of premiums (except FMLA LWOP).

Discontinuing Coverage: An employee who discontinues coverage and then wishes to re-enroll in the future will be required to submit evidence of insurability as specified by the carrier and may include a medical examination at the employee's expense. Reinstatement of coverage is not automatic, is subject to approval or disapproval by the university's insurance carrier, and is subject to the pre-existing conditions clause.

#### SUPPLEMENTAL LIFE INSURANCE

Eligibility: The university provides an employee-paid supplemental life insurance plan. All regular full-time and part-time (.75 FTE or more) employees and their eligible dependents are eligible to participate in this policy. Regular employees hired with a predetermined termination date will be eligible only if hired for at least 1 academic year (9-, 10-, and 11-month employees) or 1 full year for all others. Note: 9-, 10-, and 11-month employees will receive full benefits except for unemployment compensation during the off employment period.

Effective Date and Enrollment Procedures: Coverage is optional and coverage may begin on the first day of the month following date of employment or first day of month following carrier approval. If enrollment is within the first 31 calendar days of regular employment, employees may receive guaranteed issued coverage as follows:

- Employee coverage up to \$50,000
- Spouse coverage up to \$50,000 (spouse coverage may not exceed ½ of the employee's coverage for any amount above the guaranteed amount)
- Dependent child(ren) coverage

For coverage amounts over \$50,000 or enrollment forms received after 31 calendar days of regular employment; a statement of health must be completed along with enrollment forms. The insurance carrier will determine if the employee, spouse and/or dependent child(ren) are approved for amounts of coverage requested. If coverage is approved by the insurance carrier, then the coverage begins the first day of the month following the date the Benefit Services department receives notification of approval. See Benefit Services department for more information.

Premium Payments: Premium payments are made by payroll deduction. Premium payments begin the pay period in which coverage begins. Note: A full fiscal year of premiums (July-June) will be deducted over 18 paychecks (August-May). The policy contains a waiver of premium provision which allows for waiver of premium payments during a period of disability without reduction of insurance coverage.

Coverage After Retirement or Termination: There is a conversion privilege which allows a retired/terminated employee to convert the group policy to an individual policy without medical examination. Application must be made to the insurance carrier within 31 calendar days following the date of retirement or termination of employment. Forms are available in the Benefit Services department.

Coverage ceases at midnight on the 15<sup>th</sup> day of the month if employment terminates between the 1<sup>st</sup> and 15<sup>th</sup> day of the month, provided the applicable premium for the pay period has been paid. If an employee terminates employment between the 16<sup>th</sup> and last day of the month, coverage ceases at midnight on the last day of the month, provided the applicable premium for the pay period has been paid.

#### GROUP ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE

Eligibility: The university provides an employee-paid accidental death and dismemberment plan. All regular full-time and part-time (.50 FTE or more) employees are eligible to participate in this policy. Regular part-time (less than .50 FTE) employees, temporary employees, postdoctoral candidates, graduate assistants, and other student employees are not eligible to participate. Regular employees hired with a predetermined termination date will be eligible only if hired for at least 1 academic year (9-, 10-, and 11-month employees) or 1 full year for all others. Note: 9-, 10-, and 11-month employees will receive full benefits except for unemployment compensation during the off employment period.

Premium Payments: Premium payments are made by payroll deduction. Premium payments begin the pay period in which coverage begins. Note: A full fiscal year of premiums (July-June) will be deducted over 18 paychecks (August-May). The policy contains a waiver of premium provision which allows for waiver of premium payments during a period of disability without reduction of insurance coverage.

Effective Date and Enrollment Procedures: Eligible employees may enroll at any time as there is continuous enrollment under this plan. Coverage is optional. Coverage begins on the first day of the month following the date the completed enrollment form is received by the Benefit Services department. See Benefit Services department for more information.

Coverage After Retirement or Termination: There is a conversion privilege which allows a retired/terminated employee to convert the group policy to an individual policy without medical examination. Application must be made to the insurance carrier within 31 calendar days following the date of retirement or termination of employment. Forms are available in the Benefit Services department.

Coverage ceases at midnight on the 15<sup>th</sup> day of the month if employment terminates between the 1<sup>st</sup> and 15<sup>th</sup> day of the month, provided the applicable premium for the pay period has been paid. If an employee terminates employment between the 16<sup>th</sup> and last day of the month, coverage ceases at midnight on the last day of the month, provided the applicable premium for the pay period has been paid. .

### **7.20 Leaves - Applicable to Regular Employees Only (See Insurance Section in this Chapter for Coverages During Leaves)**

Requests for leave will be considered by a supervisor with primary consideration given to the requirements of the job. Requests should be made in writing in advance whenever possible. Temporary and 9-month faculty do not accrue annual or sick leave. All leave may only be used or paid in accordance with an employee's official FTE. Exempt employees are required to submit approved leave taken to their supervisor each month via Employee Self Service. Non-exempt employees are required to submit approved leave taken to their supervisors each pay period via Employee Self Service. All exempt and non-exempt employees who earn leave may view their leave balances via Employee Self Service (the official leave tracking program of the university). Exempt employees who ordinarily work more than 40 hours a week may be given flexibility in reporting leave of one-half day or less. Notes regarding faculty leaves:

- § Faculty leaves normally do not exceed 1 year and, if exception is granted, are not normally extended beyond the second year.
- § Periods of sabbatical, educational, and personal leave (with or without pay) normally do not count toward eligibility for tenure and/or promotion decisions. Professional and other types of leave periods may count toward such eligibility upon agreement among the faculty member, the department, and the administration.
- § Twelve-month faculty accrue and report annual and sick leave as usual while on sabbatical or educational leave. Any leave at less than half pay does not accrue leave.

Exempt employees may only accrue leave based upon their designated FTE regardless of the number of hours worked, and may not be placed on leave without pay for less than 8 hours in a work day (except when the Family Medical Leave Act applies). Nonexempt employees will accrue leave on an hourly basis not to exceed the maximum accrual rate for their designated FTE regardless of the number of hours worked, and may be placed on leave without pay for less than 8 hours in a work day. Employees will accrue leave while on annual, sick, jury duty or compassionate leave. Supervisors are responsible for establishing and maintaining the appropriate leave records.

For information about maintaining insurances during periods of leave, contact the Employee Benefits Office.

#### **7.20.05 Leaves - Absence for Purpose of Course Registration**

Annual leave will not be charged against an employee who is registering for a tuition-free course as a part of the university's benefits program.

#### **7.20.10 Leaves - Absence for Purpose of On-Campus Interview**

Annual leave will not be charged against an employee who is requested to interview for another university position.

#### **7.20.15 Leaves - Absence for Purpose of Voting**

On election day, any registered voter may be absent from employment for 2 hours for the purpose of voting between the time of opening and the time of closing the polls. The appropriate supervisor may specify the hours during this period in which the voter may be absent. This does not apply to employees whose work day begins more than 2 hours subsequent to the time of opening the polls or ends more than 3 hours prior to the time of closing the polls. This policy applies to city, county, state, and national elections.

#### **7.20.20 Leaves - Absence, Unauthorized (Staff)**

A staff employee who is absent from work without proper authorization or notification for a period of 1 working day, or if less than 1 working day for more than one occurrence, may be terminated. Such action will be considered as just cause for termination and processed as an involuntary termination. If subsequent investigation and information reveals extenuating circumstances, the employee may use annual leave, sick leave, or leave without pay for the days absent and may be subject to other disciplinary action.

#### **7.20.25 Leaves - Annual (See Chapter 5, Department Heads)**

[Faculty members on 9-month contracts are not included in this policy.]

Regular 12-month full-time employees shall accrue 22 working days (176 hours) of annual leave each year. (To be prorated for regular half-time or more employees and for non-faculty 9, 10 and 11-month employees.) Leave will be earned from the first day of employment and may be used as it is earned. Hours worked over 40 hours per week do not accrue either annual or sick leave. Annual leave may be accumulated to a total of 416 work hours. Up to 240 hours accumulated annual leave may be carried forward each July 1 and may be paid upon termination of employment. In the case of death, the maximum payment for unused leave shall be 416 work hours. The end of the fiscal year (June 30) is the date for determining accumulated leave to be carried to the succeeding fiscal year. It is the responsibility of the employee/director/department head to ensure that the use of annual leave is programmed in advance and used so the employee will not lose any leave. However, an employee who has accumulated leave on June 30 in excess of 240 hours may take such excess leave prior to October 1 of the succeeding fiscal year. An employees pay can be docked for a voluntary day off if they do not have a leave balance to cover (see section 8.15 Compensation).

Annual leave will be transferred with the employees from one department to another. Staff employees who convert from regular to temporary status may be paid for unused annual leave as stated above. Faculty employees who convert from 12-month status to academic 9-month status may be paid for unused annual leave not to exceed 240 hours, prorated for less than full-time FTE. Employees who are terminating may request terminal leave (with administrative approval) in lieu of lump sum payment and will not accrue leave during terminal leave unless they return to permanent work status. Employees who are retiring may accrue leave during terminal leave.

### **7.20.30 Leaves - Compassionate**

In the event of the death of a member of the immediate family, an employee is allowed a leave, not to be charged against sick or annual leave, of up to 3 regular working days immediately following the death of the family member without loss of pay to attend the funeral or to handle affairs immediately associated with the death. The spouse, child, parent, brother, sister, mother-in-law, father-in-law, grandparent, grandchild, and legal guardian of an employee are considered immediate family for this purpose.

### **7.20.35 Leaves - Educational (With and Without Pay)**

Educational Leave With Pay: After 5 years of satisfactory service, leave with partial pay may be requested by any full-time faculty member on regular appointment with rank of instructor or above (including exempt staff with faculty rank in the Cooperative Extension Service), normally for the purpose of taking coursework toward a degree, professional licensure or certificate which is related to the individual's university job assignment. If granted, the recipient of such leave shall be required to sign a supplementary contract agreeing to return to the employing university unit and to serve for a minimum of 2 years. Failure to do so would require immediate full refund of all salary paid by the university during the leave. Normally, no individual may receive more than one such leave with pay. In the case of a non-tenured faculty member, time used for educational leave (with or without pay) will not apply toward the probationary period. The time granted for educational leave with pay will not normally exceed the time allowed for a sabbatical leave. The following options apply:

- One semester at no reduction in annual salary.
- One full academic year at half salary. (Those within 5 years of retirement may wish to request full salary for 1 semester or a 6-month period and personal leave without pay for the other half.) Semester II (spring) of 1 year and Semester I (fall) of the following year, at 1/4 annual salary for each semester of leave.

Educational Leave Without Pay: Any regular full-time exempt staff member or faculty member on regular appointment with rank of instructor or above is eligible for and may request an educational leave of absence without pay after 3 years of service, normally for the purpose of taking coursework toward a degree, professional licensure or certificate which is related to the individual's university job assignment. If the leave is approved, all annual leave should be used before the educational leave without pay begins. The individual's sick leave balance at the beginning of the leave remains on hold during the period of the leave. The university will contribute the employer's portion of insurance premiums during the leave period. A faculty member on educational leave without pay, on continuous or temporary contract, will be required to notify the department head in writing 90 days before the educational leave without pay terminates, or 30 days after notification of salary and position, whichever is later as to the date of return to academic service on the faculty. In the absence of such notification, the department head may immediately initiate proceedings for termination of the contract.

#### **7.20.40 Leaves - Employees Funded from External Sources**

The President is authorized to develop and implement alternative leave, holiday, compensation, and insurance programs for groups of employees whose salaries are funded from external sources.

#### **7.20.45 Leaves - Family and Medical**

This policy is written to comply with the Family and Medical Leave Act of 1993 (FMLA). The act's governing regulations covering definitions and details will apply to this policy. Employees approved to take leave for FMLA purposes must use accrued sick leave for conditions involving themselves and qualified dependents as defined in the sick leave policy (up to six weeks for parents or adults children with serious health condition as defined below who do not meet the definition of dependent in the sick leave policy). Annual leave for purpose of the FMLA may only be taken when available sick leave is exhausted and will be subject to approval or disapproval by the employee's supervisor. If annual leave is denied, leave without pay may be used for FMLA purposes. FMLA leave periods will run concurrently with any accrued paid leave taken. Pay for exempt employees taking partial day leave without pay under FMLA shall be deducted from their pay. The following employees are eligible for leave under the FMLA:

- § All employees who have been employed at the university at least 12 months (need not be consecutive) and who have worked at least 1,250 hours for the university during the 12-month period immediately preceding the commencement of the leave (including faculty, staff and temporary employees).

Eligible employees may take up to 12 weeks in a 12-month period (beginning from the date of the first leave taken under FMLA), for one or more of the causes listed below (a total of 12 weeks for all causes). Any type of leave taken for the conditions listed below will be considered as leave for FMLA purposes:

1. **Childbirth**: Leave must be taken within the first 12 months following birth. Combined FMLA leave time for birth mothers and fathers whom both work for the university cannot exceed 12 weeks within the 12-month period.
2. **Adoption or Foster Care**: Leave must be taken consecutively within the first 12 months following placement. Combined FMLA leave time for mothers or fathers whom both work for the university cannot exceed 12 weeks within the 12-month period.
3. **Care of spouse, child, or parent with a serious health condition**. Combined FMLA leave time for spouses whom both work for the university to care for a seriously ill parent cannot exceed 12 weeks within the 12-month period.

4. Employee's own serious health condition preventing employee to perform the job.
5. A serious health condition is defined as: inpatient care in hospital, hospice or residential medical care facility; or continuing treatment by a health care provider for a serious health condition.

An intermittent schedule may be arranged for #3 and #4 above only if medically necessary and justified. Intermittent schedules for #1 and #2 above are granted at the discretion of the employee's supervisor. In all cases for leave taken for #1 and #2 above, all leave must be completed within the 12 months immediately following the date of birth/placement of the child. The employee may be required to provide medical certification for any of the above from the attending physician describing the medical condition on a specified form available from the Employee Benefits Office. In addition:

For #3: The certification will also include a statement that the employee is needed to care for the family member and the expected length of time needed.

For #4: The certification will also include a statement that the condition prevents the employee from working.

The employee will give the employee's supervisor as much notice as possible of the upcoming leave. Departments will notify the Employee Benefits Office when an employee has taken more than 3 continuous days of sick leave, annual leave or leave without pay for medical circumstances for that individual or individual's family member in order to coordinate FMLA benefits. The university will continue to contribute the employer portion of the medical and dental insurance premiums during the family leave. The employee must pay the employee's portion of health and dental premiums on a timely basis in order to continue coverage and both the employee and employer's share of other coverages as described in ALeave Without Pay.@ If an employee fails to return from FMLA leave, the employee will be required to repay the employer's share of any insurance premiums paid by the employer during leave without pay. If an employee is not scheduled to work during a holiday when the university is closed, that time will not count toward the 12 week FMLA period.

## **7.20.50 Leaves - Jury and Witness**

Jury Duty: In order for university employees to fulfill their civic responsibility as jurors, regular full-time and part-time employees may be granted leave for this purpose. Employees are not required to report for work after serving 8 hours of jury duty during the day. If service is less than 8 hours in a day, employees will return to work for the remainder of their 8-hour shift (or may request annual leave). Jury duty is that service and time spent away from a university job as a result of a subpoena or notice issued by the court and counts as time worked. Department heads are authorized to grant jury duty leave upon the presentation of a subpoena or notice issued by the appropriate court. The university will pay regular employees who serve such duty their normal salary for each regular work day of service, not to exceed 8 hours per day. Temporary employees will not receive compensation; however, they may be reimbursed through or by the appropriate court. A copy of a written statement furnished the employee by the court indicating the number of days or hours served should be furnished to the supervisor. It is the responsibility of the employee to keep the supervisor informed of the anticipated time to be spent away from the job. Employees must use annual leave or leave without pay for jury duty/witness service in a jurisdiction other than that of their primary work locale, with the exception of employees residing in El Paso and working in Las Cruces. Regular employees may not receive any form of compensation from state courts other than mileage. All employees may receive compensation while serving on federal juries.

Court Witness: University employees, as do all citizens, have the right, and on occasion the obligation, to serve as witnesses in a court of law. As such, they are not representative of the university, but are private citizens. Their conduct in the case of court appearances as private citizens should, however, reflect well on the community of university scholars. Employees shall be granted annual leave, or placed on leave without pay if ineligible for leave, for time spent testifying as a witness. The employee should provide the supervisor with a copy of the subpoena. University employees who are plaintiffs in any legal action against the university must use annual leave or leave without pay for all time spent in activities related to such action. University employees appearing on behalf of the university or as a representative of the university in any legal action, to include depositions or witness testimony, will not be required to use annual leave or leave without pay for such purposes unless the employee receives a witness fee.

### **7.20.55 Leaves - Military (Regular Employees)**

Training leave for public employee: That all state, county, and municipal employees who are members of organized units of the Army or Air National Guard or Army, Air Force, Navy or Marine Reserves, shall be given not to exceed 15 days military leave with pay annually when they are ordered to active duty training with such organized units, such leave to be in addition to other leave or vacation time with pay to which such employees are otherwise entitled. (Section 20-4-7, New Mexico Statutes 1978, Annotated, providing for Training Leave for Public Employees). Employees that are mobilized or volunteer for active duty status will be placed on leave without pay until the date of discharge or release from active duty status at which time the employee will return to regular employment. The following under the Uniformed Services Employment and Reemployment Rights Act (USERRA) conditions will apply:

1. The employee must hold an other than temporary job. (The job need not be Apermanent.)
2. The employee must leave employment for the purpose of going on active duty.
3. The employee must not remain on active duty longer than 5 years, unless the period beyond 5 years is active duty during a war or declared national emergency or active duty in support of a critical mission. Service beyond 5 years required to complete initial period of obligation service from which a person by no fault of their own is unable to obtain release within the 5 year limit.
4. The employee must be discharged or released from active duty under honorable conditions.
5. The employee must apply for re-employment as follows:
  - If the period of military service was less than 31 days, the service member must report to the university not later than the beginning of the first full regularly scheduled work period on the first full calendar day following completion of the period of service plus 8 hours, after a period allowing for safe transportation from place of service to residence.
  - If the period of military service was more than 30 days but less than 181 days, the service-member must apply for re-employment not later than 14 days after military service is completed, or the next full calendar day when such application becomes possible. A copy of a DD214 must be submitted with the application for re-employment .
  - If the period of military service was greater than 180 days, the service-member must apply for re-employment not later than 90 days after service is completed. A copy of a DD214 must be submitted with the application for re-employment..
  - In all cases above, if the member through no fault of their own the employee cannot re-apply for employment within the time periods listed above, they must report back to work as soon as possible.



6. If a fitness for duty exam is required before a service member can return to work, regardless of the time the employee was on active duty, the service member must report to the university no later than first full regularly scheduled work period on the first full calendar day following completion of the period of service plus 8 hours, after a period allowing for safe transportation from of service to residence.
7. Discharge will not occur without cause for a period of time based on the period of military service: 6 months if the military service was 30-181 days; 1 year if the service was more than 180 days in length.
8. If a service member incurs or aggravates a disability while on active duty, the member has up to 2 years from the date the member is hospitalized or convalescing due to apply for re-employment. The time will be extended to accommodate a circumstance beyond the member's control that would make the reporting within the 2 year period impossible or unreasonable.

Employees may, but are not required, to use annual leave during their active duty status. Employees are not entitled to use military leave if they are mobilized or volunteer for active duty. Military leave may only be used for training purposes. Employees may continue insurances during the leave-without-pay period by paying 100 percent of the total premiums (both employee and employer shares). Any employee called to active duty who discontinues insurance coverages during the leave-without-pay period may be placed immediately back on the plans upon return to employment without providing evidence of insurability. Injuries/illnesses sustained during the active duty period will not be covered by the university health plan. These conditions would be covered by the Veterans Administration. An attorney general's opinion, rendered after the passage of this law, points out that it does not pertain to temporary employees. Dates for such leave must have prior administrative approval within the department and retained with internal leave records. AAnnually@ is defined as federal fiscal year.

#### **7.20.60 Leaves - Professional (Without Pay)**

After 3 years of service and with the approval of appropriate department head and administrators, any regular full-time exempt staff member or any faculty member of regular appointment with rank of instructor or above may submit an application for professional leave without pay, normally not to exceed 1 year, for the purpose of undertaking some project that will directly benefit the university and the person's professional development. These benefits must be detailed in the application. If the leave without pay is approved, all annual leave should be used before the professional leave without pay begins. Annual and sick leave do not accrue during professional leave without pay. All days, including legal holidays, in the period between the date the professional leave commences and the date the employee returns to work are taken without pay. The university will contribute the employer's portion of insurance premiums during the leave period. In cases where the individual enters a contract with a state or federal agency, such agreements must provide for a calendar-year evaluation to be prepared by the appropriate supervisor in that agency and forwarded to the appropriate department head or supervisor. Periods of professional leave without pay normally will not apply toward the probationary period for tenure. All conditions of professional leave without pay, including the status of the individual upon return to the university and (if appropriate) the effect of this period on tenure and promotion eligibility, must be in writing prior to the leave period.

#### **7.20.65 Leaves - Records**

Supervisors are responsible for tracking and approving annual leave, and sick leave usage for all persons reporting directly to them. The official leave tracking program of the university is Employee Self Service. The annual leave record will be forwarded with the Personnel Action Form when an employee terminates or is placed on leave without pay.

## 7.20.70 Leaves - Sabbatical

Purpose: The purpose of a sabbatical leave is to promote professional growth and increased competence among faculty members by subsidizing significant study and research, creative work, or some other program which is judged to be of equivalent value and which cannot be accomplished during the fulfillment of normal academic duties and responsibilities. All departments and colleges including community colleges are encouraged to participate fully in the sabbatical program.

Qualifications and Options: Application for sabbatical leave may be made by any tenured full-time faculty member (above the rank of instructor) with at least 12 regular semesters of full-time service at the university without a sabbatical. A faculty member who is in the last year of the probationary period may be considered for sabbatical leave if a favorable decision on tenure has already been made. Sabbatical leave may be taken in conjunction with earned annual leave, personal leave, or educational leave without pay. Personal leave and educational leave without pay must comply with university policies. In instances where, for good and sufficient institutional reasons, a sabbatical leave is delayed (not to exceed 2 years), the faculty member will become eligible for a succeeding sabbatical leave after an equivalently reduced period. A faculty member should be given as much notice as possible if a sabbatical leave cannot be approved for the time frame requested. Sabbatical leave is available under the following options:

- One semester at no reduction in annual salary.
- One full contract year at 60 percent salary (Those within 5 years of retirement should consult the Employee Benefits Office about the possible negative impact on the retirement benefit formula.)
- Semester II (spring) of 1 year and Semester I (fall) of the following year, at 30 percent annual salary for each semester of leave.

When a person has served as both a 9-month and 12-month employee in the 6-year period immediately prior to the requested sabbatical, the amount of time allotted for the sabbatical will be prorated. A faculty member employed on a continuing basis on a 12-month contract may take a 6-month leave at full salary or a 12-month leave at 60 percent salary.

Applications: Sabbatical leave will not be granted automatically upon the expiration of the necessary period of service. Rather, a qualified faculty member shall, normally at least 6 months in advance of the leave, submit an application and proposed leave program to the department head or chair, with evidence of research, creative activity, or other academic achievement, including publications, to support the program of work which is planned for the sabbatical period. Also, this program shall give reasonable promise of accomplishing the major purpose of the leave. Request for a sabbatical leave should be accompanied by a detailed explanation of the benefits to the faculty member, university, and the state resulting from the sabbatical leave. For main campus faculty, the approval of the cognizant dean, graduate dean and provost are required. For community colleges, the approval of the division dean, CAO and CEO are required. In addition to the work plan, the leave application should include: (1) a statement regarding choice of options; (2) departmental verification that during the applicant's absence, teaching, research, and service duties can be managed by the department; (3) a statement concerning compensation to be received during the leave. A faculty member on sabbatical leave at full pay usually will not take other paid employment during the leave; and (4) a clear statement of the benefit of the proposed leave to the university. A person on sabbatical at 60 percent time usually will not take more than 40 percent time employment. However, it is recognized that such employment may be necessary for or enhance the leave. In such cases, a request to take compensated employment should be included in the proposal submitted and must have administrative approval. The evaluation of an application should be based on whether the planned program satisfies the aims and goals explicitly set forth in the APurpose@ statement above. These aims and goals may be independent of geographical location of the leave activities and, therefore, the place of the faculty member's residence during leave

should be only one factor in considering the merits of the application. However, to ensure that the sabbatical experience provides opportunities not otherwise available to the main campus faculty member, the sabbatical period will normally include a component of study/work away from the home institution.

Related Conditions: Time toward each new sabbatical begins immediately after return to full-time service regardless of the semester of return. The sabbatical leave will not adversely affect salary increases or promotions. Institutional participation in faculty retirement and group insurance will be continued for staff on sabbatical leave with pay. A faculty member on sabbatical leave may request, through the department head, travel support for participation in professional meetings. Consideration will be given if the faculty member is an officer of the professional organization or is to participate in some other significant way. Educational or other leaves are excluded as time counted toward eligibility for sabbatical leave. Twelve-month faculty will accrue annual and sick leave (at 60 percent for those on 60 percent pay) and will report annual and sick leave as usual.

Departmental Implementation: Long-range department plans should consider the necessity of, and provide for, temporary absences for sabbatical leave. The initial leave discussions and concomitant management of duties is primarily a matter for discussion and approval by the concerned department. However, in transmitting the final leave request to the dean and provost, the department head should provide assurance that all student needs will be served by the department during the faculty member's absence. In some departments, the absence of one faculty member might place an undue load on the other department members. After a department has taken every step possible to plan for sabbatical leaves, it should submit its proposal to the dean for consideration. The administration will attempt to accommodate these special cases.

Procedures:

1. At least 6 months prior to the requested leave period (exceptions to be considered on a case-by-case basis), application for sabbatical leave is submitted to the department head on a Request for Leave Form and includes the supporting materials detailed in the Application section.
2. Preliminary approval is obtained when signatures of the department head, cognizant dean, dean of the Graduate School, and the provost are affixed to the Request for Leave Form. For community college faculty, preliminary approval is obtained when signatures of the department chair, division dean, CAO and CEO are affixed to the Request for Leave Form. A supplementary contract, stipulating that the faculty member is obligated and agrees to return to the university to serve a period of 1 year, and failure to do so would require immediate full refund of all salary paid by the university during the leave, is prepared and sent to the faculty member. Upon receipt of the signed supplementary contract, final approval of the leave is granted and the faculty member is notified.
3. Department heads or chairs submit a Personnel Action Form to place the faculty member on sabbatical.

Post Sabbatical Obligations: Sabbatical leaves will be approved only with the clear understanding that at the completion of the sabbatical and/or supplemental leave, the faculty member will return to the university for a period of service of 1 year. Failure to do so will require immediate full refund of all salaries and benefits costs paid by the university during the sabbatical, and repayment for any annual leave accrued and used during the extended leave. Within the first semester upon return from the sabbatical, the main campus faculty member shall submit to the provost, through the department head and dean a full report of the research, creative work, publications, or other results of the period of leave. This final report should contain a brief summary of the proposal, including a review of the objectives, as well as a summary of what was accomplished. An explanation should be given in the event that some objective(s) were not met. This report will be incorporated in the faculty member's

annual written report and may be used in the annual performance evaluation process. The dean will forward the report with both the dean's and department head's comments to the provost regarding the overall value of the sabbatical to the faculty member and to the university and indicating the extent to which the sabbatical plan was accomplished. Community college faculty will submit a similar report to the CEO through their immediate supervisor.

## **7.20.75 Leaves - Sick**

Twelve-Month Exempt and Nonexempt Employees: Regular full-time employees shall be granted 12 working days of sick leave a year. This is prorated for half time or more employees. Temporary employees are not eligible for leave. Leave will be earned from the first day of employment and may be used as it is earned. Hours worked over 40 hours per week do not accrue either annual or sick leave. Employees may accrue and bank 100 working days (800 hours) of accumulated sick leave (prorated for less than full-time employees and for any partial months by annual 9-month employees). On July 1 every year, any employee who has accumulated more than 100 working days of sick leave will have the sick leave balance reduced to 100 days. A department may require supporting documentation for any usage of sick leave any time abuse of sick leave is suspected. Any grant of sick leave in excess of 3 consecutive working days should be supported by a medical certificate or other evidence administratively acceptable. Abuse of sick leave may be grounds for immediate dismissal. Annual leave will be applied (if available) against sick leave in excess of the allotted sick leave days, but sick leave will not be applied against annual leave in any case. Any employee who terminates, retires or converts from a 12-month paybase to an academic faculty paybase will be paid for earned sick leave over 600 hours (not to exceed 200 hours). The payment will be made at a rate of 50 percent of the employee's straight-time hourly salary multiplied by the number of sick leave hours accrued over 600 to a maximum of 200. The payment may not exceed 50 percent x hourly rate x 200. (According to Educational Retirement Board rules, this payment will not be included in the 5-year average salary used for the retirement benefits calculation.) Sick leave will be transferred from one department to another with the employee. Sick leave may be used when the employee's presence is reasonably required for the care of dependents during illness or recovery from injury. For this purpose, dependents are defined as spouse, children, or immediate family members any of whom normally reside in an employee's household and who are dependent upon the employee for support and maintenance. A physician's statement may be required to support the usage of sick leave for dependents. Sick leave may be granted to a full-time employee for the purpose of caring for a newly adopted well child under the age of 5 years. Exceptions may be considered for children ages 5 and older upon request to the human resource service director. The leave may be given upon request and approval commencing with formal adoption or receipt of placement papers. Leave time may not exceed 6 weeks. If both adoptive parents are employed by the university, combined leave time may not exceed 6 weeks. Birth fathers and mothers may use up to 6 weeks of sick leave within the first 12 weeks immediately following the birth of a child. Birth mothers may use more than 6 weeks of sick leave for time that is required to be off work due to complications arising from the birth of the child that is directly associated with the mother's health. Time used for care of a newborn child with a serious health condition will be administered under the sick leave policy associated with caring for a dependent. An employees pay can be docked for a voluntary day off if they do not have a leave balance to cover (see section 8.15 Compensation).

Nine, Ten and Eleven-Month And Other Non-faculty Employees: Nine, ten and eleven-month non-faculty staff regular employees may earn 9, 10 or 11 days of sick leave a year (8.00 hours per month worked, prorated based on job FTE). Annual leave or sick leave for 9-, 10- and 11-month non-faculty regular employees may be used only during the regular employment time period they are scheduled to work each fiscal year. Leave is prorated for less than full-time eligible employees.

Nine-Month Faculty Employees: Each case of illness, when duties of a faculty member cannot be made up or covered by coworkers, will be considered administratively, but time off for illness cannot

exceed the equivalent of 2 regular semesters with pay. Normally such cases would be approved on the basis of length of service with 1 semester off equated in terms of 10 years of service.

#### **7.20.80 Leaves - Sick Leave Bank**

This program establishes a Sick Leave Bank to be used by participating university employees affected by a personal emergency, and who have insufficient leave to cover required work absences. A personal emergency is defined as an unusual and catastrophic medical or immediate family medical emergency that is likely to require an employee's absence from duty for a prolonged period of time and to result in a substantial loss of income because of the unavailability of paid leave. Only those items allowable under the university Sick Leave Policy are covered by the Sick Leave Bank; maternity leave in connection with an uncomplicated pregnancy is not a personal emergency. The bank allows employees to share the risk of severe circumstances by donating to a common pool of leave. Members of the pool are required to enroll in the long-term disability insurance long-term disability program as a protection against income loss while recovering from a severe medical condition. The long-term disability policy covers total disability after a waiting period of 135 consecutive calendar days or 100 work days. The maximum a recipient can receive from the Sick Leave Bank is 70 days per personal emergency with no more than one withdrawal from the bank per fiscal year or per personal emergency. No more than 70 days can be withdrawn for a particular medical condition. Employees would be wise to maintain a balance of at least 30 days of combined sick and annual leave to cover them during the first 30 days of a personal emergency or total disability. The Sick Leave Bank does not provide for the first 30 days of the personal emergency; these are the responsibility of the employee and are covered by the employee's sick and annual leave or leave without pay. Program requirements and application procedures are maintained on the web pages for the Employee Benefits and the Human Resource Services Offices.

#### **7.20.85 Leaves - Without Pay (See Leaves - Educational and Leaves - Professional)** *[Ratified by Board of Regents 10/22/07]*

Leave without Pay (LWOP) for a period up to 90 calendar days may be requested by an employee and either approved or disapproved by the director/department head. Refer to Section 7.20.45 Leaves – Family and Medical – for leave without pay granted in accordance with the Family and Medical Leave Act. Requests for LWOP in excess of 90 days should be requested by the employee to the department head/director. If the department head/director recommends approval, the request is forwarded through the dean or vice president to HR Services for consideration. Circumstances in individual cases will determine if such leave will be granted. An employee who is granted a leave of absence without pay and works less than 51 percent of the pay period must make arrangements through the Benefit Services department to pay the full cost (employer and employee) of insurance premiums and make timely payments to university Accounts Receivable (See Educational and Professional Leaves without pay for payment requirements). Employees who do not make timely premium payments by the last day of the month are subject to having their coverage cancelled. Annual and sick leave do not accrue during LWOP. All days, including legal holidays, in the interim period between the date LWOP commences and the date the employee actually returns to work are taken without pay. For exempt employees, leave without pay will begin on the first eight hour day and end on the last eight hour day of the leave period. Any partial days, taken immediately before or after the official LWOP period, shall be deducted from leave accrued upon return. An appointing authority may involuntarily place an employee on leave without pay if approved by the HR Services director and executive vice president and provost. LWOP (including LWOP due to educational leave) will not be granted to an individual who has annual leave unless specifically approved by the executive vice president and provost, except under the Family and Medical Leave Act.

### **7.23 New Employee Orientation [Ratified by Board of Regents 10/22/07]**

All regular employees, except ERA Return to Work Retirees, working .50 FTE or greater are encouraged to either attend a New Employee Benefits Orientation Group Session or review the orientation information and handouts on the NMSU Benefits Web site within 31 days of regular employment. It is the employing department's responsibility to provide employees with a benefits enrollment packet within their first 31 days of regular employment, and to notify employees of their option to either attend a New Employee Benefits Orientation Group Session or review the orientation information. The online information is available on the NMSU Benefits Web site. Employees who do not enroll within established deadlines for the university insurance plans are subject to late enrollment provision, when applicable.

### **7.24 Pre-Tax Premium Plan**

The Pre-Tax Premium Plan allows employees enrolled in the university's health and dental insurance programs to decrease their taxable income by the amount of the employee portion of premiums. This plan is subject to guidelines set forth by the United States Internal Revenue Service. Employees must either enroll in or waive coverage within their first 31 days of employment. If an employee does not complete a form to either enroll in or waive coverage, the employee will waive their right to enrollment in the plan and will not be allowed to enroll until the next open enrollment period held in the spring of each year. Employees may make changes to their coverage (including termination of the plan) during the open enrollment period held in the spring of each year with changes going into effect on July 1. Enrollment in this plan limits the employee's ability to add, change or delete coverage in the health and dental insurance programs. See the benefit booklet provided in the Employee Benefits Office for more information.

### **7.25 Recreational Facilities**

The facilities of the Department of Human Performance, Dance and Recreation are open to all faculty/staff/students under the administration of the Intramural Office (Activity Center). (See the Intramural Office for more information)

### **7.26 Retirement, Educational (See Chapter 5 Faculty - Emeritus) [Ratified by Board of Regents 10/22/07]**

Membership: As a condition of employment, all employees are required to participate in the Educational Retirement and Disability plan for educational institutions in the state of New Mexico as administered by the Educational Retirement Board. Employees hired into faculty positions and certain exempt level positions after June 30, 1991 may participate in the Alternative Retirement Plan. Details on the Educational Retirement Board provisions are provided in the *Employee Handbook* located on the Educational Retirement Board Web site.

Employees excluded from this requirement:

1. Educational Retirement Board retirees and employees hired with an FTE of .25 or less per fiscal year.
2. Employees hired for summer sessions only, including high school students, unless they have Educational Retirement Board covered employment elsewhere during the remainder of the year.
3. Student employees (including graduate assistants).

4. All personnel of the Cooperative Extension Service who are on federal appointment are required to participate in the Federal Civil Service Retirement Program. This group consists of county extension agents, extension home economists, and state office (supervisory) personnel who have the option of exempting themselves from membership in the New Mexico Educational Retirement Plan. This option must be determined by the employee within the first 6 months of employment by the university, after which time the employee may not exempt themselves, but may revoke the exemption.
5. Public Employee Retirement Act (PERA) retirees who have not rescinded their PERA retirement.

An employee who was initially exempted prior to July 1, 1971, may revoke the exemption at any future date by completing Educational Retirement Board Form 42 which is available in the Benefit Services department. Coverage will commence on the first day of the month following the date used in Section III of Educational Retirement Board Form 42.

Contributions and Withdrawals: Contributions are made according to Educational Retirement Board regulations. Educational Retirement Board Form 42 must be completed by all employees including those participating in the Alternative Retirement Plan. Forms are available on the NMSU Benefits Web site or on the Educational Retirement Board Web site. Employees may withdraw their contributions upon termination of employment. A Request for Refund and/or Roll-over may be completed in the Payroll Services department. For those employees enrolled in the Alternative Retirement Plan, refunds/roll-overs of contributions are not permitted.

Request for Retirement and Options Elections: Any member with 5 years of service may elect Automatic Option B prior to actual retirement. Forms for the election of an option are available in the Benefit Services department. Approximately 3 months prior to the desired retirement date, the employee should contact the Benefit Services department to complete appropriate retirement application forms. The Educational Retirement Board will send the employee information regarding benefits to be received. The Benefit Services department will provide information explaining the benefits available after retirement.

Retiree Benefits: An employee will be considered eligible for certain university retirement benefits if the following criteria are met: (The university reserves the right to unilaterally increase, decrease or discontinue all or any retiree benefits and/or charges associated with available benefits.)

1. An employee has at least 10 years (regular status with .5 FTE or more) continuous employment without a break in service for the 10 years prior to the date of retirement and receives an Educational Retirement Board benefit immediately upon termination of employment.
2. An employee is eligible for retirement under Educational Retirement Board rules at the time of termination of employment at the university (including time exempted from Educational Retirement Board coverage). Those eligible under the New Mexico Alternative Retirement Plan must meet the Educational Retirement Board eligibility rules and begins drawing an Alternative Retirement Plan retirement annuity immediately upon termination of employment.
3. An employee of the Cooperative Extension Service must be eligible for and receive federal retirement.

The following is a current list of the university provided nontransferable benefits available to retiring employees with more than 10 years of service:

- Free admission to various Music Department concerts, plays, Natatorium, Activity Center and Tennis Center\*
- Discount Rates for Athletic Events (Season tickets only)\*

- Discount Rates for the NMSU Golf Course\*
- Receipt of University General Publications\*
- Library privileges
- Bookstore 10 Percent Discount (Excludes computer products, sale items, and special order items.)\*
- Parking Permit (Subject to fees for those employees retiring on/or after 9/1/92)
- Remission of Tuition and Fees Up Through a Full Load of Classes (Spouse may enroll for one free course if the retiree is not enrolled\*)
- Dependent Tuition
- University E-mail Address

\*The noted benefits are available to spouses and surviving spouses of retirees.

Alternative Retirement Plan: Certain newly hired faculty and exempt employees are eligible to participate in the NM Alternative Retirement Plan (an optional defined-contribution plan) in lieu of the regular New Mexico Educational Retirement Plan. Eligible employees have 90 days from the date of hire to exercise this option. Carriers are established by the Educational Retirement Board. Contact the Benefit Services department for details.

## 7.27 **Re-Employment of Retirees** [*Ratified by Board of Regents 10/22/07*]

### Re-employment after Retirement

#### \$15,000 or .25 FTE Rule

A retired employee of NMSU may be re-hired and earn up to \$15,000 or an amount calculated under the .25 or less FTE (full time equivalency) provision, whichever is greater, without affecting retirement benefits with the Educational Retirement Board (ERB). The salary for re-hired retirees is calculated on a fiscal year (July 1 – June 30). NMSU will determine if a position equals the .25 FTE.

#### Contract Work

A retiree of NMSU may contract services with NMSU without affecting retirement benefits with the Educational Retirement Board (ERB). NMSU will follow the IRS rules concerning who qualifies as a contractor. NMSU will not enter into a contract with a retiree for the same position the retiree vacated upon retirement.

#### Return to Work Program

The Return to Work (RTW) Program allows retirees to be employed with NMSU without restriction to salary or FTE status. The RTW Program requires the following:

For employees who retired **after** January 1, 2001

1. The retiree must not work for NMSU for 12 consecutive months
2. A Return to Work application must be completed with the ERB and approved before the date of re-hire

Re-hired RTW retirees will continue their benefits with the ERB and will not contribute to the retirement fund upon re-hire.

For Employees who retired **before** January 1, 2001, **and are currently employees**

1. The 12 month requirement does not apply
2. A Return to Work application must be completed with the ERB before moving to a different employment status

Re-hired RTW retirees will continue their benefits with the ERB and will not contribute to the retirement fund.



For Employees who retired **before** January 1, 2001, **suspended their retirement payments and are currently working**

1. Retirees must have had a 12 month period in which they did not work for an ERB institution
2. Retirees must terminate their current employment with NMSU for 90 consecutive days (this time cannot include regular scheduled breaks for summer, winter, spring, vacation or sick leave)
3. A Return to Work application must be completed with the ERB and approved before the date of re-hire

The re-hired RTW retiree can resume collection of the ERB benefits and will not contribute to the retirement fund upon re-hire.

Retirees who become employed by NMSU under ERB Return to Work Program must provide both their employing department and the Benefit Services department with an approved copy of their Return to Work application. Such employment will be treated as any other new hire with the exception of eligibility for benefits through NMSU. Returning to regular employment would not be automatic. Retirees would compete for regular positions the same as other candidates. Retirees may be employed in temporary positions without competition subject to existing hiring policies for temporary employees. Educational Retirement Board retirees returning to faculty positions may only be employed as college non-contract faculty. Educational Retirement Board retirees who are hired as regular 12-month employees may earn 22 days of annual leave per fiscal year (pro-rated based on FTE), but all earned annual leave must be used or forfeited by September 30<sup>th</sup> of the next fiscal year. Retirees will not be paid any annual leave upon termination of employment with the university. Except for annual leave and holiday pay, retirees who return to work as a regular employee will not be eligible for any other benefits extended to regular employees. All other benefits must be maintained as retiree benefits including but not limited to health and life insurance. Retirees will not be eligible for dental, long-term disability, sick leave or any other group insurance or other university benefits offered to eligible regular employees.

#### Other Re-employment of Retirees:

An Educational Retirement Account retiree may be employed as an NMSU temporary employee and earn a salary during the first year after retirement that may be comparable to the salary paid at time of retirement for similar work performed. The sum of that salary is not to exceed the greater of \$15,000 or the time worked shall not exceed one quarter time employment during any fiscal year. Retirees jeopardize their retirement income by not meeting the ERB salary or FTE requirements.

An Educational Retirement Account retiree may be employed as an NMSU full time, regular employee, provided the ERB Return to Work requirements have been satisfied, including an approved RTW application on file with the ERB. Such employment will be treated as any other new hire with the exception of eligibility for benefits through NMSU. Returning to regular employment would not be automatic. Educational Retirement Account retirees would compete for regular positions the same as other candidates. Educational Retirement Act retirees who are hired as regular 12-month employees may earn 22 days of annual leave per fiscal year (pro-rated based on FTE), but all earned annual leave must be used or forfeited by September 30<sup>th</sup> of the next fiscal year. Retirees will not be paid any annual leave upon termination of employment with the university. Except for annual leave and holiday pay, retirees who return to work as a regular employee will not be eligible for any other benefits extended to regular employees. Retirees will not be eligible for medical, dental, life insurance, long-term disability, sick leave or any other group insurance or other university benefits offered to eligible regular employees.

An Alternative Retirement Plan (ARP) retiree is eligible for any type of employment with NMSU. The ARP retiree must identify themselves as an ARP retiree upon hire. ARP retirees will be required to enroll and contribute to the ARP if hired into an ARP eligible position. Except for annual leave and holiday pay, ARP retirees who return to work as a regular employee will not be eligible for any other benefits extended to regular employees. ARP retirees will not be eligible for medical, dental, life insurance, long-term disability, sick leave or any other group insurance or other university benefits offered to eligible regular employees.

### **7.30 Social Security (FICA) (See Chapter 2 Miscellaneous - Social Security Numbers, Use of)**

university employees, full-time or part-time, extension employees who hold federal appointments, and certain other temporary and part-time employees are covered by social security. Payment is made by monthly payroll deduction at a rate set by law, with a matching contribution by the university. (Current rates may be obtained from the Payroll Office.) Each applicant must possess a social security card in order to be employed. If an applicant does not have a social security card or requests the use of a name that is different in any way from the name on the card, it is the responsibility of the applicant to have the matter corrected at the nearest Social Security Administration Office.

### **7.34 Tax Sheltered Annuities**

The university provides voluntary tax sheltered annuities. This program allows full-time and part-time employees who work 1,000 hours in a calendar year to exclude a portion of their salary, within certain limits, from their current taxable income by electing to have their employer invest an amount in retirement annuities. No employer contributions are made to the plan. The program is in addition to the New Mexico Educational Retirement Account, the New Mexico Alternative Retirement Program and 457 contributions. Employees may choose from a list of approved companies that offer Tax Sheltered Annuity programs for the university. Employees may also choose within the approved company which accounts they would like their contributions to be distributed to. To become a new approved company with the university, a company must enroll 20 employees at one time with their company and sign the university's Hold Harmless Agreement. Payroll deductions for the company will not begin until it becomes an approved carrier. Enrollments are due by the first day of the month for the 15<sup>th</sup> pay date and the 15<sup>th</sup> day of the month for the end of month pay date. During the months of May and December enrollment forms must be completed and returned at an earlier time. Employees may make two changes to their tax sheltered annuity amount per calendar year. Cancellations are not counted as a change and are not subject to the two changes per calendar year rule. Contributions end when an employee terminates employment, retires, completes a Salary Reduction Agreement canceling contributions or when contributions have exceeded annual maximums. Retirees who return to work at the university or temporary employees may enroll in a Tax Sheltered Annuity, if they meet the eligibility requirement described above. (Contact the Employee Benefits Office or visit their web site for more information and procedures.)

### **7.35 Tickets (Athletic) for Faculty/Staff**

The Athletics Department provides season tickets at reduced rates in reserved sections for football and basketball to university faculty and staff. Each employee is eligible to purchase a maximum of two football and two basketball season tickets at reduced rates. The same privileges afforded the university employee shall be extended to official university retirees and their surviving spouses. All employee and retiree tickets are for the use of the member and family and are not transferrable. The cost of tickets for retirees and their surviving spouse is 1/3 the highest cost ticket. Tickets are only issued on a season basis. Both employee and retiree tickets are subject to taxation.

### **7.40 Unemployment Compensation**

Unemployment compensation is paid for by the university on a self-insured basis. Former employees may file for unemployment benefits at a local employment office in any state. When an employee has filed for benefits, the university is notified. This notification should be sent to the Human Resource Services Office, but may be sent directly to the department. In this case, it should be sent immediately to the Human Resource Services Office as the notification of filing must be answered within 5 days.

The supervisor will be contacted to verify reasons for the employee no longer being employed. All claims will be reviewed and contested by the university on a selective basis if the stated reason for no longer being employed is other than a layoff (discharged through no fault of the employee) and no penalty has been assessed. Payments will normally be made for a period not to exceed 26 weeks. This may be extended for an additional 13 weeks under certain conditions which are dependent on national and local unemployment percentages. Student employees are not covered under unemployment compensation. Nine-month employees are not eligible during the off-employment period.

#### **7.41 United Fund Contribution**

Annually, in the fall, the university participates in the United Fund campaign drive. The purpose of this program is to afford the university's employees (regular employees only) an opportunity to participate, either by cash contribution or payroll deduction, at one time and not be subjected to multiple solicitations throughout the year.

#### **7.42 United States Savings Bonds**

A regular employee may participate in the savings bond payroll deduction program. Enrollment is optional and forms must be completed and returned to the Payroll Office. (See the Payroll Office for more information.)

#### **7.45 Work-Related Injuries/Workers' Compensation [Ratified by Board of Regents 10/22/07]**

All employees (including student employees) are covered by the provisions of the Workers' Compensation Law of the State of New Mexico. On-the-job accidents and occupational diseases incurred while working for the university are normally eligible for coverage. An employee may also be covered while traveling on official university business. The benefits payable include medical, surgical, and drug expenses and weekly compensation after the first 7 days of disability. If the period of disability lasts for more than 4 weeks from the date of the accidental injury, compensation benefits will be allowed from the initial date of disability. For more information and procedures for filing claims, contact the Benefit Services department or go to the Human Resource Services Office Web site.

Reporting Accidents: All on-the-job accidents or injuries must be reported immediately to the injured employee's supervisor by completing and submitting the Notice of Accident Form whether or not medical care is needed. An Employer's First Report of Accident Form and a Supervisor's Accident Investigation Report Form will be completed by the supervisor whether or not medical care is needed. An Authorization to Release Medical Information and a Claims Explanation Form will be completed by the employee for injuries requiring medical care. All forms are to be sent to the Benefit Services department within 24 hours of the injury or illness. Employees may offset their weekly workers' compensation benefit with their sick/annual leave. Total compensation, to include annual/sick leave and workers' compensation benefits, may not exceed the employee's regular rate of pay. The university will carry the employee on sick leave or leave without pay during the period the employee is receiving payment from the Workers' Compensation carrier up to the maximum of 1 year. Additional information and procedures for filing claims are available in the Benefit Services department or on the Human Resource Services Web site.

## **Chapter 8 Staff Policies**

- 8.05 Area/Shift Differentials
- 8.10 Career Development/Apprenticeship Training
- 8.15 Compensation [Ratified by Board of Regents 10/22/07]
  - 8.15.05 Multi-lingual Pay [Ratified by Board of Regents 10/22/07]
  - 8.15.10 Employee Recognition Program
- 8.16 Hardship Differential Pay [Adopted by Administrative Council 7/11/06; ratified by Board of Regents 9/8/06]
- 8.20 Compensatory Time, Overtime, Holiday Pay (See Chapter 4 - Hiring - Definitions - Employees Exempt) [Ratified by Board of Regents 10/22/07]
  - 8.20.05 On-call Pay [Ratified by Board of Regents 10/22/07]
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- 8.45 Layoffs and Recall (See Chapter 4 - Human Resources - General - Layoff/Financial Exigency)
- 8.50 Performance Evaluation/Probationary Period (See Chapter 5 - Faculty - Deans - Reviews and Department Head - Reviews) [Ratified by Board of Regents 10/22/07]
- 8.55 Promotion and Reclassification (Exempt and Nonexempt Staff)
- 8.60 Resignations
- 8.65 Terminations (See Disciplinary Actions or Resignations)
- 8.70 Transfers
- 8.75 Workweek (See AComp@ Time/Overtime)

## CHAPTER 8 - STAFF POLICIES

### 8.05 Area/Shift Differentials

Shift Differential Pay (Nonexempt): Work schedules are divided into three, 8-hour shifts in any 24-hour work day. Normally, the daytime shift receives the base rate of pay; the second shift (swing) receives a \$.10 per hour pay differential; the third shift (graveyard) receives a \$.40 per hour pay differential. Any granting of differentials other than those specified must have specific approval of the Human Resource Services Office. Payment is reported on Form 302 for employees rotating shifts. A Personnel Action Form is used for nonrotating shift employees. The comment section of the Personnel Action Form should note the base salary and shift differential separately. In order to be eligible for a shift differential, an employee's normal work schedule must extend more than 3 hours into the swing or graveyard shift. An employee is eligible for shift differential pay only for those hours extending into the swing or graveyard shift.

Area Differential Pay: Occasionally, employees are sent on temporary duty to locations outside their normal work area. When the cost of temporary lodging and food exceeds the normal per diem rate, the supervisor may request a temporary adjustment to the employee's base pay during the absence to compensate for this loss. Such requests should be submitted to the Human Resource Services Office. Adjustments in the in-hire rate for nonexempt employees to a rate above the entry rate to compensate for areas or positions in which the university's entry level salary is not competitive may be considered by the Human Resource Services Office.

### 8.10 Career Development/Apprenticeship Training

When qualified applicants are not available to fill a position, or the employing department desires to establish a trainee position, the director/department head, (in cooperation with the Human Resource Services Office) may develop a job development program that will provide an opportunity for the individual to become qualified for a position. Normally, the salary schedule for the trainee will not be less than 80 percent of the minimum nonprobationary salary for the position and will provide for periodic incremental increases.

Apprenticeship Training (Applicable to recognized apprenticeship programs only): Apprenticeship programs may be submitted for approval by the Human Resource Services Office. Apprentices who have satisfactorily completed the training may be promoted to the first available position for which they are qualified without competitive advertising with prior approval by the Human Resource Services Office. All apprentices assigned to the university through federal, state, or local programs may be placed on temporary employment status. Prior to the end of the employment period, the employee will receive a performance evaluation report and either be terminated or granted a regular appointment.

### 8.15 Compensation *[Ratified by Board of Regents 10/22/07]*

#### Salary Schedule:

Exempt Employees - Entry salary for exempt employees is determined in accordance with the exempt salary schedule by direct negotiation between the employee and the supervisor with prior approval of the appropriate dean, director, vice president, or executive vice president and provost and the Human Resource Services Office.

Nonexempt Employees - New employees are normally hired at entry level of the appropriate grade. With justification and prior approval appropriate dean, director, vice president, or executive vice president and provost and the Human Resource Services Office, certain applicants may be hired at 5 percent or 10 percent above the entry level dependent upon experience. Employees hired above entry level are not eligible for an end of probation increase. Adjustments may be made to the in-hire rate for positions or in areas that require a higher rate to be set competitive with the local market. (See Area Differential.) The salaries of all employees occupying nonexempt positions are based on the grade as set by the current salary schedule and the university job classification specification. No employee shall be paid less than the minimum for his or her grade in the salary schedule. Classification specifications are standardized descriptions of the characteristics, duties, and minimum qualifications for a group of positions. The qualifications statement in each classification specification establishes minimum requirements that are to be met by an individual before being considered for appointment or promotion. Combinations of education and experience are specified in the classification specification. Other combinations, if deemed equivalent by the Human Resource Services Office, may qualify an individual for appointment or promotion. Employees may be required by their supervisor to perform duties outside the general skill level of their classification specification on a temporary basis. A supervisor who determines that the standard classification specification does not accurately describe a position should initiate reclassification action (See Promotion and Reclassification).

Temporary Nonexempt Employees: A temporary employee is normally hired at the entry level of the appropriate grade and remains at the in-hire rate unless the salary schedule changes. If the salary scale changes, the salary is adjusted in accordance with the new scale. If the salary scale does not change, the employee may be awarded the appropriate base adjustment. Temporary employees are paid on an hourly basis. The E-Hire Form must specify a termination date that does not exceed 12 months. Temporary employees are not eligible for insurance coverage, benefits or holiday pay. The Notice of Employee Separation Form, employment application/resume, and I-9 Form accompany the appointing E-Hire Form, attached to the transmittal form.

Temporary Exempt Employees: Compensation is in accordance with the exempt salary schedule and may be negotiated between supervisor and employee with prior approval of the Human Resource Services Office and/or the executive vice president and provost. The supervisor makes salary recommendations at the time the position is requested. (See Comp Time/Overtime) Exempt temporary employees are not eligible for insurance coverages, benefits or holiday pay. The appointing E-Hire Form must specify a termination date not to exceed 12 months and should contain a brief explanation of the work to be performed and salary calculation. The Notice of Employee Separation Form, resume and I-9 Form should accompany the E-Hire Form, attached to the transmittal form.

Temporary Assignment to a Position of Another Level:

Nonexempt Employees:

Wage Increases:

Nonexempt employees shall receive a 5% wage increase effective on July 1, 2007; an additional 5% wage increase effective on July 1, 2008; and an additional 5% wage increase effective July 1, 2009. Except as otherwise provided by legislative appropriation, wage increases shall be administered each year as follows:

1. All eligible employees whose base salary is less than \$30,000 prior to the increase shall receive a full 5% wage increase.
2. For eligible employees whose base salary is \$30,000 or more prior to the increase, a percentage of the wage increase – 90% in 2007, 70% in 2008, 70% in 2009 – shall be added to each eligible employee's salary as a cost of living base adjustment. Organizational units

shall be allocated a block of funds for the remaining percentage of the wage increase – 10% in 2007, 30% in 2008, 30% in 2009 – for performance adjustments to such eligible employees, to be distributed at the unit’s discretion as justified by performance evaluation ratings.

3. The following employees shall not be eligible for any wage increase:
  - (a) employees hired after the preceding March 31.
4. The following employees shall not be eligible for a performance adjustment:
  - (a) employees hired after the preceding January 1;
  - (b) employees on Long Term Disability (LTD) or Leave Without Pay (LWOP) status for six (6) months or more during the preceding review period;
  - (c) employees with a “needs improvement” or “unsatisfactory” overall performance rating on the preceding performance evaluation.

All wage increases are contingent upon the specific appropriation of funds by the Legislature for such increases, which shall be implemented if the specific appropriations are granted.

Higher classification: An employee who is temporarily assigned to a higher position for a period in excess of 1 calendar month may be assigned a salary in the higher grade in accordance with the rules for promotion (See Rate of Pay for Promotion) from the first day of the assignment. To be assigned to the grade, the employee must meet minimum qualifications for the position. If there are no qualified employees, the duties will be reassigned to other employees.

Lower or lateral classification: The employee will not receive any adjustment in pay.

Temporary assignments: Temporary assignments will not normally exceed 1 calendar year.

Exempt Employees: Salary adjustments and period of assignment will be approved on an individual basis by the Human Resource Services Office and the executive vice president and provost. Adjustments will be in accordance with the promotion policy outlined below.

Rate of Pay on Demotion (Voluntary or Involuntary):

Nonexempt Employees: When a nonexempt employee is demoted or accepts a position at a lower grade level, a salary rate will be received in the lower salary range that is 5 percent above the entrance level; or the following percentage decrease, whichever is less of a reduction:

- 5 percent if the demotion is one grade.
- 8 percent if two or three grades.
- 15 percent if four grades.
- 5 percent per grade thereafter.

Exempt Employees: Recommendations for exempt salary rates should be submitted to the Human Resource Services Office for approval by the executive vice president and provost.

Rate of Pay on Voluntary Lateral Transfer to the Same Grade: Whenever an employee makes a lateral transfer, there is normally no change in salary.

Rate of Pay for Promotion, Equity or Base Adjustment:

Nonexempt Employees (Nonprobationary): The new base salary for nonexempt employees on a promotion will be:

- 5 percent if promotion is one grade.

- 8 percent if two or three grades.
- 15 percent if four or more grades.
- 5 percent above entry level of new grade, whichever is greater.

Exempt Employees: Exempt employees may receive an internal promotion, equity or base adjustment salary increase of from 0 to 15 percent or to entry of the new salary level with prior approval of the executive vice president and provost. Internal promotions should not normally exceed a two-level increase. Equity adjustments may be considered dependent upon availability of funding for exempt employees. Internal and external market comparisons are reviewed when considering equity adjustment requests.

Nonexempt to Exempt: A nonexempt employee being internally promoted to an exempt position may receive a salary increase of from 0 to 15 percent or to entry of the new salary level with prior approval of the Human Resource Services Office and the executive vice president and provost.

Rate of Pay on Reclassification (Nonprobationary):

Nonexempt Employees: The new base salary on reclassification to a higher grade will be:

- 5 percent if one to three grades.
- 10 percent if four or more grades.
- up to 15 percent if from nonexempt to exempt.
- 5 percent above entry level of new grade, whichever is greater.

A nonexempt employee reclassified to an exempt position may receive a salary increase of from 0 to 15 percent or entry of the exempt level with approval of the Human Resource Services Office and the executive vice president and provost. Reclassification to the same grade level will not affect the salary. An adjustment in classification by the Human Resource Services Office which results in change of grade or elimination of title may or may not result in a salary change. Decisions regarding such changes will be made on a case-by-case basis.

Exempt Employees: Exempt employees may receive a salary increase of 0 to 15 percent or to entry of the new salary level with prior approval of the executive vice president and provost. Reclassifications will not normally exceed two levels.

End of Probation Salary Adjustment (Nonexempt Regular Employees Only): Upon satisfactory completion of the initial probationary period, a new nonexempt employee may receive a 5 percent salary increase. Employees hired above the entry level will not receive an increase. Supervisors complete a Personnel Action Form and performance evaluation to implement the change from probationary to regular status. The salary increase will be effective 6 months following the employee's employment date or upon completion of the probationary period.

Retroactive Pay Adjustment: Retroactive payment may be made back to the day of the calendar month in which the general pay adjustment was approved. Example: an employee was granted a pay adjustment effective April 26 but, due to an error, the proper amount was not paid. The error was discovered on June 15. The retroactive adjustment may be made back to April 26, the date the adjustment was approved. Salary adjustments may not pass beyond fiscal year dates without specific approval of the human resources director. If an employee is overpaid due to an administrative error, the employee will be responsible for reimbursing the university for the total overpayment.

Meal Periods - Rest Breaks: A normal work day shall consist of 8 hours of work with a minimum of one-half hour and a maximum of 1 hour of nonwork time granted for a meal period. Periods of less than 1 hour meal time and specific eating on the job arrangements must be approved by the department head



or director. A 15-minute break period is allowed during each 4-hour work period. Nonusage of break periods may not be used to make up time spent away from work. Break times can not be accumulated.

Three-Year Longevity Increase: Nonexempt employees who satisfactorily complete their initial 3 consecutive years of service will be awarded a 5 percent increase effective on the employee's anniversary date. Temporary or occasional employees are not eligible for the 3-year service award. Prior service with a break in employment in excess of 5 working days is not credited toward the 3 years of service. Leave without pay will not be included as service time.

Service Increase: Regular nonexempt employees may be awarded a service increase upon satisfactory completion of 10, 15, 20, 25 and 30 years of regular consecutive service. The increase will be effective on the first day of the month after the anniversary date (*i.e.*; if the anniversary date is January 13, the award will be effective February 1). The increase will be \$750 after 10 years; \$850 after 15 years; and \$1,000 after 20 years. (To be prorated for less than full time employees). The increase may not be retroactive and will be subject to satisfactory performance as documented on the performance evaluation form.

Daily Maximum Hours of Employment: No employees, other than fire fighters, law enforcement officers, dispatchers, or farm or ranch hands, whose duties require them to work longer hours, or employees primarily in a standby position shall normally be required to work more than 16 hours in any 24-hour period, except in emergency or special situations.

Deductions from Pay: Improper deductions from an employees pay are prohibited. Full day suspensions without pay are allowed for exempt employees. Suspensions must be related to conduct. Supervisors must obtain prior approval from the appropriate dean or vice president/vice provost and the Human Resources director. An exempt employee's pay can be docked for a voluntary day off if leave is unavailable to cover the time. Refer to FMLA policy 7.20.45 for allowable partial day docking. (See 8.30 Disciplinary action/Involuntary Termination and 4.05.11 Appeals/Grievances)

#### **8.15.05 Multi-lingual Pay [Ratified by Board of Regents 10/22/07]**

In facilities or offices where the Employer deems it necessary to have on staff multi-lingual employees to facilitate communications with members of the public, and employees on staff assigned to the facility are available and capable of fulfilling such need, the university may designate a sufficient number of employees in the assigned work force to perform such duties and such employees shall be entitled to a differential in the amount of \$.10 per hour

#### **8.15.10 Employee Recognition Program**

Policy Statement: New Mexico State University recognizes the most important and valuable asset any organization has is its employees. In appreciation for the dedication and accomplishments of staff members, the Employee Recognition Program (ERP) is established to reward and recognize those who demonstrate the professionalism and behaviors consistent with the mission of NMSU and to celebrate achievements that have an exceptional impact on the organization. Departments, colleges and divisions are encourage to develop their own programs to complement established university-level\* programs. This program is exclusive of merit/performance adjustments provided during the annual salary process.

\* Established University-level Employee Recognition Programs:

- Patricia Christmore Faculty Teaching Award
- Fort Bliss Federal Credit Union Award
- Ralph B. Crouch Award
- Donald Roush Award
- Westhafer Award

Bromilow Staff and Teaching Awards  
University Research Council Award  
Stephen W. and Robert E. Roberts Memorial Staff Award  
Darnall Award  
El Paso Energy Award

To ensure fairness and equity, all ERPs must include an application and/or nomination process, defined selection criteria and a process which includes the review and recommendation of a group or a committee. If a donor serves on the committee for which his/her donation is under consideration, the donor must be in the minority of the representation on the committee in order to avoid tax consequences. All employees must have an equal opportunity to compete for bonuses and awards based on the eligibility criteria of an approved program. The Office of Human Resources will review and approve all ERPs, with the exception of awards provided from donated funds. Because of the university's status as a public employer, tax issues and state regulations, rewards are defined as either a **bonus** or an **award**. Exceptions to the following guidelines must be approved by the Office of the Executive Vice President and Provost.

**Bonus:** A bonus is defined as recognition for exceptional performance of duties and responsibilities above and beyond the normal scope of an employee's assigned duties and responsibilities. A bonus is a one-time payment that is paid from instruction and general (I&G) funds, state appropriations and/or any appropriate restricted or unrestricted funding source. The following guidelines apply:

1. A minimum of \$100.00 (net) up to a maximum of \$500.00 (net) may be provided for any individual payment.
2. More than one recipient per department and/or division may receive a bonus depending upon the availability of funding and eligibility.
3. Bonuses paid from restricted/unrestricted funds must comply with the granting agency guidelines.
4. Applicable taxes will be deducted from the gross amount.
5. Bonuses will be processed using a One Time Payment Request.

**Award:** An award is recognition of an exceptional achievement, work ethic and/or service which significantly contributes to an organizational unit. Awards may be paid from any appropriate restricted or unrestricted funding source and/or donated funds. The following guidelines apply:

1. There are no dollar restrictions for awards provided from donated funds.
2. A minimum of \$100.00 (net) up to a maximum of \$500.00 (net) may be provided for any individual recipient of an award paid from restricted/unrestricted funds.
3. More than one recipient per department and/or division may receive an award depending upon the availability of funding and eligibility.
4. Awards paid from restricted/unrestricted funds must comply with the granting agency guidelines.
5. To avoid the appearance of a conflict of interest, services or merchandise (or certificates for such) from vendors or other non-university businesses shall not be solicited or accepted as donations by departments for use as awards. As state employees are not entitled to receive gifts, certificates for such awards shall be called "award certificates".

6. If donated funds are the source of an award, the Office of University Advancement must be consulted prior to the presentation of the award.
7. Awards paid from restricted/unrestricted funds and donated funds are taxable and are processed through a One Time Payment Request.

NMSU encourages nomination of faculty and staff for external (non-NMSU) awards. These awards are subject to the granting agency's criteria and guidelines and will not require a central office review.

### **8.16 Hardship Differential Pay [Adopted by Administrative Council 7/11/06; ratified by Board of Regents 9/8/06]**

Hardship differential pay is extra compensation occasionally paid to employees assigned to work for a fixed period of time on a specific project to meet an objective, and under extraordinary working conditions.

- A. Management should attempt to schedule staff and faculty such that excessive overtime and hardship to the employee is avoided; the hardship differential pay addresses those situations where this cannot be avoided.
- B. Extraordinary working conditions include situations when the employee is required to work an inordinate number of hours beyond the normal forty (40) hour work week, or to work under unusually risky and/or hazardous conditions, or to work away from home through a holiday. Such working conditions should not be the norm, and payment of extra compensation is justified due to the significant hardship placed on the employee during the period of time necessary to meet the work objective.
- C. In order to receive hardship differential pay, the appropriate dean, vice president or designee and the Human Resource Services Office must approve it in writing.
- D. The amount of the hardship differential pay will be a differential over and above the employee's regular salary, to be paid for the duration of the project.
  1. Hardship differential pay will be included in the calculation of overtime compensation for nonexempt employees.
  2. The differential for exempt and faculty employees shall not exceed their regular base rate of pay.

### **8.20 Compensatory Time, Overtime, and Holiday Pay [Ratified by Board of Regents 10/22/07]**

Employees Exempt from Overtime: Any individual employed in a bona fide executive, administrative, or exempt capacity, as defined by the Fair Labor Standards Act, may be exempted from compensatory time or payment of overtime. Employees so exempted shall be termed Aexempt.@ All other categories will be termed Anonexempt.@ Exempt/nonexempt status will be determined by a review of the specific description of duties for the position in question. Positions having like classifications may receive different exempt/nonexempt classifications based on the specific duties and responsibilities required. The Human Resource Services Office may be contacted for information regarding exempt/nonexempt status on any position.

Overtime Administration: A director/department head may prescribe reasonable periods of overtime work to meet the needs of an operation. A nonexempt employee may only work more than 40 hours a

week after having obtained prior approval or instructions from the appropriate supervisor. Complete records of overtime for employees will be maintained in each department or office.

Overtime Payment: Nonexempt employees as defined by the Fair Labor Standards Act (See Chapter 4 Human Resources - General - Hiring Definitions) are eligible to be compensated or given compensatory time for overtime. Upon election by the employee, overtime work may be compensated in the form of overtime pay or compensatory time off. Normally, employees who are eligible for payment of overtime will not work in excess of a 40-hour week. To prevent a backlog, workloads should be adjusted by determining needs sufficiently in advance so that temporary help may be hired. The university has no contractual obligation to pay overtime or approve compensatory time. If it becomes necessary for nonexempt employees to work more than 40 hours in a week, the following will apply:

1. All regular, non-exempt, employees shall be paid for all hours worked in excess of forty (40) hours during a work week at the employee's regular rate of pay and at an additional 0.5 times for the overtime hours worked or be paid for all hours worked in excess of forty (40) hours during a work week at the employee's rate of pay and earn comp time at an additional 0.5 times the overtime hours worked.
2. When regular, part-time, employees are required to work more than their normal scheduled hours, but less than 40 hours per week, they will be paid for additional hours (at straight time rates) up to a total of 40 hours in a work week. All time worked in excess of 40 hours is subject to the provisions in #1 above.
3. When temporary employees are required to work more than their normal scheduled hours, but less than 40 hours per week, they will be paid for additional hours (at straight time rates) up to a total of 40 hours in a work week. All time worked in excess of 40 hours shall be paid at the employee's rate of pay and at an additional 0.5 times the overtime hours worked.

Holiday Pay: Any nonexempt employee required to work on one of the official holidays and who does not receive a day off in lieu of the holiday, may be compensated at one and a half times the regular hourly rate in addition to the holiday pay regardless of the number of hours actually worked during the normal work week. If compensatory time, in lieu of payment, is granted for work performed on a holiday, it shall be granted at the rate of one and one half times the number of hours worked regardless of the number of hours actually worked during the normal work week. An employee whose normal work schedule does not include a day designated as an official university holiday may receive a day off in lieu of the holiday during the same work week in which the holiday falls. Payment for a holiday, annual leave, sick leave, administrative leave, compensatory time, or compassionate leave will be considered as hours worked only during a work week in which an official university holiday occurs. Otherwise, in order to be paid at the overtime rate, actual hours worked must be in excess of 40 hours for an employee's work week. If holiday hours and actual hours worked exceed 40 hours in a workweek, calculation of overtime hours will exclude holiday premium hours already compensated.

Overtime Reporting: Nonexempt employees eligible for payment of overtime who are required to work in excess of 40 hours per week will report overtime hours worked on the University Compensation Overtime Report at the end of the pay period. The method for computing overtime is stated on the form.

Compensatory Time (Comp Time): The purpose of compensatory time is to provide an alternative to cash payment of overtime. A nonexempt employee may only work more than 40 hours a week after having obtained prior approval or instructions from the appropriate supervisor.

Upon election by the employee, overtime work may be compensated in the form of compensatory time off. When such form of compensation is elected, the employee shall be paid for all hours worked in excess of forty (40) hours during the work week (hereinafter "overtime hours") at the employee's regular hourly rate of pay and earn comp time at an additional .5 times the overtime hours worked. The

university shall designate two (2) opportunities each year for employees' to elect to receive comp time for overtime hours worked, to be effective on January 1 and July 1.

The date to be taken as comp time off shall be scheduled by agreement between the supervisor and the employee. Supervisory approval for the use of comp time shall not be unreasonably withheld. A supervisor may direct that an employee use accrued comp time.

A maximum of one hundred and twenty (120) hours of comp time may be accrued in a fiscal year. Comp time earned for overtime and reported by the payroll deadline shall be accrued at the next regularly scheduled pay day. An employee may request payment of accrued comp time at any time, which shall then be paid at the next regularly scheduled pay day. All comp time must be used or paid by the end of each fiscal year or prior to transfer or termination.

#### **8.20.05 On-call Pay [Ratified by Board of Regents 10/22/07]**

The university may assign an employee to on-call status in accordance with the following:

On-call Status – an employee is assigned to on-call status in circumstances where the time expended will not constitute compensable hours worked under the Fair Labor Standards Act shall be paid “on call” pay in the amount equal to \$1.00 per hour for each hour of assigned on-call status.

Unrestricted Call-back Status – On-call pay shall not be paid to employees who are placed on stand by status and who are provided with a pager, cell phone or other electronic device and required to return to work site as soon as practical from the time contact is made, so long as the employee is not required to remain in any specific geographical area or required to return to work within a specific time period. Employees on such status may decline to return to work if contacted, without penalty, discipline or other reprisal if they acknowledge they are not fit to report to duty.

#### **8.20.10 Call-back Pay [Ratified by Board of Regents 10/22/07]**

On-call employees who are required to return to work, or those other employees who are called back to work on a regularly scheduled on-duty day after going off-duty or who are called to work on a regularly scheduled off-duty day, shall be guaranteed a minimum of two (2) hours of pay for the actual time worked at the applicable straight time or overtime rate. For employees called back to work, paid time shall commence at the time the employee begins travel to report for work and ends at the completion of the call-back assignment.

### **8.25 Consulting (Exempt Staff)**

Exempt employees whose full-time duties and responsibilities are similar to those of faculty may be granted consulting privileges subject to prior approval of the appropriate supervisors through the executive vice president and provost. The terms and conditions of these privileges are contained in Chapter 5 - Faculty - Consulting. Other exempt employees who engage in any form of paid consulting, contracting, retail, or wholesale activity not directly related to their university responsibilities normally will do so only on their own time. Outside activities during a normal duty day should have prior approval by a supervisor and be accomplished on an annual leave or compensatory time basis. No paid outside activity may be pursued which would create the appearance of a conflict of interest with university responsibilities or which would reflect unfavorably on the university. Outside activities will not be allowed when they prevent an employee from accomplishing regularly assigned duties.

With prior approval from the appropriate supervisor and cognizant dean/director/vice president, exempt employees may engage in job-related service or professional activities outside the university without taking annual leave (such as serving on an accrediting team or holding a professional office). The

activity must be of benefit to the university and support the goals of higher education. University employees working on government contracts that require accounting for all direct and indirect time, and all sick leave, holiday, and annual leave time, will be required to comply with record keeping systems that meet government audit requirements. Full accountability of all paid time is the general norm for this type of organization. University facilities, equipment, personnel or supplies which are not freely available to the general public will not be used in consulting without proper arrangements for reimbursement. (See Chapter 5 Faculty - Appointments - Nontenure-Track – Exempt Staff Hired as Part-time Faculty)

### **8.30 Disciplinary Action/Involuntary Termination**

Inability to Perform Essential Job Functions: A supervisor may, after having obtained the approval of the appropriate dean/vice president and the Human Resource Services Office, require an employee to be examined by a medical doctor (or other health provider) for the purpose of determining the employee's ability to perform essential job functions. The cost of the examination will be borne by the university. An employee may be terminated if unable to perform the essential job functions of a position.

Absence Without Authorization: A staff employee who is absent from work without proper authorization or notification for a period of 1 working day or if less than 1 working day for more than one occurrence, may be terminated. Such action will be considered as just cause for termination and processed as an involuntary termination. If subsequent investigation and information reveals extenuating circumstances, the employee may use annual leave, sick leave, or leave without pay for the days absent and may be subject to other disciplinary action.

Disciplinary Action (Nonprobationary Regular Employees): The supervisor may request action appropriate to the nature and severity of the offense or unacceptable performance and has the following options available. Items #2, #3, and #4 require prior approval from the Human Resource Services Office.

1. Oral Reprimand or Warning: Supervisor prepares a memorandum of record for departmental file.
2. Written Reprimand, Warning, or Notification of Unacceptable Performance: Supervisor prepares a memorandum to the employee, obtains approval from the Human Resource Services Office, and forwards a copy to the Human Resource Services Office for inclusion in the employee's file.
3. Suspension or Demotion: (See Termination and Just Cause) Suspension of exempt employees will be for a minimum of 1 working day within a work week.
4. Involuntary Termination: (See Termination and Just Cause).

Immediate (Temporary) Removal: The appointing authority may, with approval of the appropriate dean or vice president, and Human Resource Services Office, immediately remove and place an employee on administrative leave with pay. This action may be taken when it is in the best interest of the university or it is necessary to remove an employee from the work site. Requests to place an employee on involuntary leave without pay may be submitted to the executive vice president and provost through the Human Resource Services Office.

Termination - Involuntary (Probationary, Temporary and Emergency Hires): Probationary, temporary, occasional and emergency hire employees may be terminated without cause by providing at least 24 hours notice. The termination of any such employee requires the prior approval of the appropriate dean or vice president, human resources director and executive vice president and provost. Probationary, temporary, occasional, or emergency hire employees have no entitlement or expectation to continued employment during or beyond the probationary or appointment period.

Termination - Demotion and Suspension (Involuntary) (Nonprobationary Regular Employees): A supervisor may, after obtaining prior approval of the appropriate dean or vice president, the human resources director and the executive vice president and provost, terminate, demote, or suspend an employee for just cause. All such actions will be submitted to the executive vice president and provost through the Human Resource Services Office for review and prior approval. Normally, exempt employees will be given at least 10 working days notification of the proposed action. Nonexempt employees will receive at least 5 working days. However, the supervisor, with prior approval of the cognizant dean or vice president, and Human Resource Services Office, may immediately remove and place an employee on administrative leave with pay during the notification period. (See Immediate (Temporary) Removal above) After obtaining the necessary approvals, the supervisor may issue a notice of proposed disciplinary action. The notification will contain the following:

- The type of action being proposed.
- The specific acts resulting in the proposed action.
- The effective date of the proposed action.
- A summary of the information used in support of the proposed action.
- A statement that the employee may respond to the action and allegations in writing or request a review hearing within 2 working days of receipt of the notice of proposed action.
- A statement that if the employee does not respond to the proposed notice or request a review hearing, the proposed action will become final and effective on the proposed date.
- A statement that a post-action grievance may be filed with the Institutional Equity/ADA and Employee Relations Office within 15 working days of receipt of the proposed notice (if the employee does not chose to respond to the notice or request a review hearing) or within 15 working days of receipt of the notice of final determination.

Should an employee respond in writing to the proposed notice and not request a review hearing, the supervisor will consider the employee's response and issue a final determination, after consultation with the Human Resource Services Office. Should an employee request a review hearing, the immediate supervisor (or designee) of the individual issuing the proposed notice, and a representative of the Human Resource Services Office, will meet with the employee within 2 working days of the employee's request. The employee may bring a representative to the hearing. If the representative is an attorney, the employee must so inform the human resources representative to allow the university time to arrange for its general counsel to be present at the hearing. The university reserves the right to have the general counsel present at any and all hearings. A final determination will be issued by the immediate supervisor (or designee) of the individual issuing the proposed notice. Time limits specified may be changed should requests be made and/or circumstances warrant a revision.

Just Cause (Nonprobationary Regular Employees): Employees may be terminated, demoted, or suspended for just cause which may be generally described as any conduct, action, or inaction, arising from, connected with, or impacting on the employee's work, whether on or off duty, that is inconsistent with the employee's obligations to the employer; or conduct reflecting a disregard of the employer's interests, policies or procedures. Just cause includes, but is not limited to, inefficiency, unacceptable performance, incompetence, misconduct, negligence, insubordination, or conviction of a felony or misdemeanor under the provisions of the Criminal Offender Employment Act (Section 28-2-1, et seq., NMSA 1978).

Although impossible to cite an all inclusive list of actions which constitute just cause, examples include but are not limited to:

- Falsification of documents.
- Threatening, assaulting, or abusive behavior towards a supervisor, student, employee, guest or customer of the university.

- Sexual harassment of an employee, student, guest or customer of the university on or off campus which may explicitly or implicitly affect an employee=s performance or unreasonably interferes with a person=s employment or academic endeavors.
- Jeopardizing the safety or health of an employee (including one's self), student, guest or customer of the university.
- Dishonesty or intentional fabrication of events.
- Negligent, incompetent, inefficient or unacceptable performance of duties.
- Willful disregard of reasonable directives or policies or a defiant attitude of noncompliance toward regulations, directives or policies applicable to an employee.
- Conduct that interferes with the efficient operation of the university.
- Inability or unwillingness to perform the duties required of a position.
- Possession or use of alcohol or illicit drugs, reporting to work under their influence, or being under their influence while on the job.
- Possession of drug paraphernalia or stolen property.
- Conviction or admission of a felony or certain misdemeanors.
- Careless, negligent, improper, unauthorized, or malicious use of, or theft of, property, equipment, or funds.
- Abuse of privileges.
- Failure to report for work or to timely report justifiable reason for absence to the department head or immediate supervisor.
- Repeated tardiness or poor attendance.
- Misconduct which adversely affects the interest or reputation of the university or its employees.
- Any repetition of offenses which resulted in a reprimand, warning, demotion, notification of unacceptable performance or suspension.
- Job abandonment.

### **8.35 Grievances (See Chapter 4 Human Resources - General - Appeals)**

### **8.40 Hiring (See Chapter 4 - Human Resources - General - Hiring)**

### **8.45 Layoffs and Recall (See Chapter 4 Human Resources - General - Layoff/Financial Exigency)**

Layoff, transfer and recall, due to a university wide financial exigency of positions funded from state appropriations as a line item, will be made in accordance with the Financial Exigency Policy contained in the Human Resources - General section: Layoffs/Financial Exigency. Transfer, recall, and termination policy for employees (below the rank of director) who are facing termination for reasons other than a university wide financial exigency shall be as follows:

It is the policy of the university to attempt to transfer any nonprobationary, satisfactorily performing employee who will be laid off as a result of a reduction in force, reorganization, or job elimination. Employees may be transferred to like positions for which they are qualified on the basis of seniority (i.e., service within both the university and the department, along with past work performance) as vacancies occur. Those individuals not transferred by their termination date will be placed on leave without pay in accordance with the policy stated under Benefits - Leaves - Leave Without Pay. The university may recall nonprobationary employees on a seniority basis whenever possible, with those having the most seniority and good work records recalled first. Recall rights are limited to the first 90 calendar days after layoff. The transfer or recall of employees to other positions may result in a different rate of pay, level, and job title. Specific plans for any area which is terminating employees will be prepared at the time of the layoff, reviewed by the director of human resources and approved by the executive vice president and provost. Salary and



wage rate will be in accordance with Human Resources - General - Compensation.

This policy is not applicable to positions when wages are derived from external funds or other non-instructional type funding. Departmental layoff plans may be developed and submitted to the executive vice president and provost through the human resources director for these positions, if necessary. All terminations due to a layoff must have the prior approval of the human resources director and executive vice president and provost. Any employee whose position is federally funded, and who is facing involuntary leave due to a temporary federal financial shortfall, may choose to use annual leave or leave without pay during the required absence. Leave without pay requests should be processed in accordance with Benefits - Leaves - Leave Without Pay.

#### **8.50 Performance Evaluation/Probationary Period (See Chapter 5 Faculty - Deans, Review and Department Heads - Review) [Ratified by Board of Regents 10/22/07]**

Initial Probationary Period (New Regular Employees): The probationary period is an essential part of the employment process and shall be used as an adjustment period for new employees and supervisors. Probationary employees have no entitlement or expectation to continued employment during the probationary period. During the probationary period, a new employee may be terminated with or without cause and without recourse to the pre- or post-action grievance procedures except in cases alleging discrimination. Probationary employees may be terminated by providing at least 24 hours notice after having obtained approvals from the Human Resource Services Office, the appropriate dean or vice president, and the Office of the Executive Vice President and Provost in accordance with Disciplinary Action in this chapter. A probationary employee may also resign without notice at any time during the probationary period. The initial probationary period is applicable to a new employee in any position to which appointed. The probationary period shall be the first 6 months of service for nonexempt employees and the first 12 months of service for exempt employees. Time served in a temporary, occasional or emergency hire status does not apply towards completion of the initial probationary period.

Probationary Period (Promotion or Transfer) – Exempt Employees Only: Any employee promoted, transferred or reclassified (voluntarily or involuntarily) will serve an additional probationary period. The length of the probationary period shall be the same as defined in the section immediately above. Any employee promoted, transferred or reclassified (voluntarily or involuntarily) may be demoted and or transferred by a supervisor with or without cause and without recourse to the pre- or post-action grievance procedures by providing at least 24 hours notice after having obtained approval of the Human Resource Services Office and the Office of the Executive Vice President and Provost.

Probationary Period (Adjustment): The director/department head may request an exception to any probationary period. There may be cases in which employees demonstrate exceptional qualities that would permit reduction of the probationary period. Conversely, the type of work and an employee's performance may demonstrate a need for lengthening the period. Variations are normally limited to 3 months for nonexempt and 6 months for exempt employees. Any adjustment should be requested in writing 2 weeks prior to completion of the probationary period, supported by a performance evaluation, and forwarded to the Human Resource Services Office for consideration.

Probationary Period Evaluation Report (Applicable Only to Regular, Nonexempt Employees): Prior to completion of the probationary period, the supervisor completes the Performance Evaluation Form (See Performance Evaluation), and forwards it through channels to the Human Resources Office for inclusion in the employee's personnel file. A Personnel Action Form should accompany the evaluation report if the employee is a new hire and was hired at the entry level. Normally evaluations with outstanding marks are reserved for employees who have consistently, over a period of time demonstrated outstanding performance.

Probationary Period Salary Adjustment (Applicable Only to Newly Appointed Regular Nonexempt Employees): (See Compensation B End of Probation Salary Adjustment)

Performance Evaluation Completion Schedule: An evaluation should be completed:

- After completion of a probationary period for nonexempt employees (may also be used for the annual evaluation if completed in December, January or February).
- Annually for purposes of allocating merit increases.
- Any time a supervisor considers an evaluation necessary.
- Upon transfer of an employee to a new organizational unit.

Performance Evaluation (Nonexempt Staff):

- Evaluations will be made on the approved Nonexempt Performance Evaluation Form.
- The form will be completed by the immediate supervisor and then reviewed and signed by the appropriate second level supervisor prior to discussion with the employee. The employee will be provided with a copy of the completed form within 10 working days of the supervisor's signature.
- The evaluator should discuss the evaluation with the employee to avoid the possibility of misinterpretation. (This discussion should occur after the reviewer has signed the form.)
- The employee may discuss the rating with the reviewer prior to the evaluation being forwarded to the Human Resource Services Office or being filed.
- If the employee does not agree with the evaluation and does not want to go through a formal appeal procedure, the employee may prepare an addendum to the evaluation to be placed in the employee's personnel file within 15 working days after receipt of the evaluation form containing all necessary signatures.
- In the event that a supervisor is not able to evaluate due to lack of longevity in the position or lack of knowledge about the employee, the supervisor may designate a responsible official to complete the Performance Evaluation Form. If this is done, the supervisor must co-sign the evaluation form with the designated official.
- The employee's current supervisor is responsible for completing the evaluation process and may consult with previous supervisors of the employee in assigning evaluation scores.

Performance Evaluation (Exempt Staff):

- Each major administrative unit should utilize a form approved by the Human Resources director or the university approved form.
- All exempt employees will be evaluated at least annually. If performance becomes a concern, interim evaluations may be administered.

Performance Evaluation Appeals: (Non-probationary Employees) An employee appeal may be forwarded in writing to the Human Resources director within 15 working days of receipt of the evaluation form containing all necessary signatures. The appeal should state specifically what area(s) of the evaluation are being appealed and why. The Human Resource Services Office will review the appeal and attempt conciliation. (See Chapter 4 Human Resources – General – Appeals). Performance evaluations with overall ratings of unsatisfactory, needs improvement or does not meet expectations may be appealed using the grievance procedure.)

## **8.55 Promotion and Reclassification (See Compensation - Rate of Pay for Promotions above, and Career Development)**

Internal promotion criteria for regular employees includes:

1. The promotion should be within a major organizational unit, such as a college or vice president's area. Employing departments are encouraged to notify all employees in the organizational unit of the promotional opportunity.
2. The salary increase on promotion will be in accordance with the section ACompensation - Rate of Pay for Promotions.@ Nonexempt promotions of four or more grades and exempt promotions of three or more levels may require advertisement.
3. New employees will not normally be considered for a promotion outside their current department until they have completed their initial probationary period. Requests for exception must have the written release of the current supervisor and approval of the Human Resource Services Office.
4. The employee must meet the minimum qualifications for the higher level position.
5. An E-Hire Form should be submitted after the Human Resource Services Office has determined that the employee meets all qualifications for the new position. The employee should be notified only after approval is received from the Human Resource Services Office.
6. The department that the employee is leaving initiates and forwards an E-Hire Form and leave records to the hiring department.
7. Equal Employment Opportunity/Affirmative Action commitments will be considered during promotions.

Reclassification of Positions: The level and/or grade of positions are determined by the Human Resource Services Office as authorized by the executive vice president and provost. The Human Resource Services Office may direct, through the executive vice president and provost, that duties be added, taken away or reassigned from existing positions in order to correspond with currently authorized levels and/or grades.

Nonexempt Staff Positions: A supervisor requesting to make significant changes in the duties and responsibilities of a position may prepare a Position Description Questionnaire detailing the characteristics, duties, responsibilities and minimum qualifications of the position in question. After obtaining the comments and signatures of the employee when appropriate, the department head/director, and the dean/vice president, the supervisor should forward the completed Position Description Questionnaire to the Human Resource Services Office for a reclassification review. A regular non-probationary employee who has reason to believe a position is misclassified may request a classification review. The Position Description Questionnaire will be sent through channels to the Human Resource Services Office. Supervisors should comment on the Position Description Questionnaire and forward through channels. Reclassification requests will be considered three times per year. Requests submitted in June, July, August, and September will be reviewed in October and effective in November. Requests submitted in October, November, December, and January will be reviewed in February and effective in March. Requests submitted in February, March, April, and May will be reviewed in June and effective in July. Reclassification requests of new or vacant positions are considered upon submission. The director/department head and/or the employee may appeal the reclassification review decision to the human resources director within 15 working days of receiving notification of the decision. The decision of the human resources director may be appealed within 15 working days to the executive vice president and provost, whose decision is final. A nonexempt reclassification action which results in an upgrade of more than 3 grades is normally advertised except when there is no interim career grade or is specifically exempted by the Human Resource Services Office. Reclassification of a position does not, however, guarantee promotion of an incumbent employee. If the incumbent does not have the experience, knowledge, skills or ability to perform the responsibilities of the reclassified position, the incumbent will be considered for transfer. When a position is changed to a classification with a lower grade, the incumbent may be considered for transfer to an appropriate vacant position. The employee's

probationary status will not change. Reclassification requests to change a position from nonexempt to exempt status may be submitted in accordance with the procedure outlined below for exempt positions.

Exempt Staff Positions: A supervisor requesting to make major changes in level, title, responsibilities, or salary range of an exempt position may submit an exempt Position Description Questionnaire and a request in memorandum form through the Human Resource Services Office to the executive vice president and provost for review and consideration. A regular exempt non-probationary employee who has reason to believe a position is misclassified may request a classification review. The director/department head and/or the employee may appeal the reclassification review decision to the human resources director within 15 working days of receiving notification of the decision. The decision of the human resources director may be appealed within 15 working days to the executive vice president and provost, whose decision is final.

## **8.60 Resignations**

A nonexempt employee who desires to terminate services with the university should submit a signed resignation statement to the appointing authority 2 weeks prior to the date of termination. Exempt employees should give 30 days notice prior to termination. If the employee is not available to sign or refuses to sign a statement, the supervisor should so note on the Personnel Action Form and forward for processing. The Notice of Employee Separation Form and I.D. card for faculty/staff employees must accompany the Personnel Action Form. All benefit coverages cease at midnight the date of termination. If an employee's separation from the university is less than 5 working days, seniority and other such employment privileges may be reinstated with approval from the human resources director. Employees may not appeal a resignation of voluntary termination, even if the action was in lieu of termination, unless the employee alleges discrimination.

## **8.65 Termination (See Disciplinary Action/Involuntary Termination or Resignations)**

## **8.70 Transfers**

The university reserves the right to transfer or assign employees throughout the university as work loads and administrative judgment deem necessary. Two appointing authorities may laterally transfer, voluntarily or involuntarily, a nonexempt employee from a position in a classification and grade to another position in the same grade within a major organizational unit, such as a college or division with approval of the human resources director. To cross college or division lines, a request must be made in writing to the human resources director. Exempt employees may be laterally transferred voluntarily or involuntarily throughout the university with prior approval from the human resources director and executive vice president and provost. The employee's education and experience should correspond with those required by the position being transferred to. A salary adjustment will not normally be awarded if the position to which employee is transferred is similar in overall duties and responsibilities. An E-Hire Form, leave records, and performance evaluation form will be submitted after approval for transfer has been obtained. Requests for transfer, initiated by nonexempt employees, will be made on a Transfer Request Form obtained in the Human Resource Services Office. Each request will be evaluated by the merits of the situation. Employees with overall Aneeds improvement@ or Aunsatisfactory@ ratings are ineligible for transfer consideration. Employees serving any type of probationary period may not transfer outside of their organizational unit without obtaining a written release from their current supervisor.

## **8.75 Workweek (See AComp@ Time/Overtime)**

All nonexempt full-time personnel who are paid an annual salary on a monthly or bi-monthly basis shall be required to work 40 hours per week.

## **Chapter 9**

### **Facilities and Services**

- 9.04 Office of Facilities and Services
- 9.05 Campus Planning
- 9.10 Capital Projects
- 9.15 Funding and Costs
- 9.20 NMSU Real Estate [Adopted by Administrative Council 6/13/06; amended and then ratified by Board of Regents 9/8/06]
- 9.25 Maintenance and Repair of Community Colleges and Off-Campus Sites
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- 9.40 Naming of Buildings and Space (See Chapter 2 Miscellaneous Operating Policies - Naming)
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## **CHAPTER 9 - FACILITIES AND SERVICES**

### **9.04 Office of Facilities and Services**

The Office of Facilities and Services is funded by the state and university for the operation and maintenance of Instruction and General space. It exists to provide courteous, responsive, cost-effective campus service by providing a broad range of campus support services. Its core mission is the management, operation, repair, renovation, and construction of the fixed physical assets of the university. All construction activity on university-owned facilities is mandated by state law to be done in accordance with applicable building codes. Should the Office of Facilities and Services become aware of any activity or work which does not meet building codes, that activity or work will be removed and the responsible department will bear the cost of all required remedial actions. In order to coordinate these construction activities and to protect the interest of the university, no contractor will be allowed to work on university-owned facilities without the express permission of the Office of Facilities and Services. Only those entities licensed and acceptable to the Construction Industries Division shall be allowed to perform construction-related activities. Some construction projects may require approval of the Higher Education Department and the State Board of Finance.

### **9.05 Campus Planning (Master Plan)**

The Office of the University Architect is charged with the responsibility for the development and maintenance of facility master plans for the main campus. In addition, the Office of the University Architect coordinates and assists the community campuses in the development of their master plans.

### **9.10 Capital Projects**

The Office of Facilities and Services is charged by the Board of Regents with the responsibility to plan, manage, and oversee all capital outlay construction projects for all locations within the university system. In addition, the Office of Facilities and Services will be responsible for any work which is competitively bid for a construction activity. This is accomplished through the Office of the University Architect. All capital projects that fall under the following categories must be submitted to the Board for approval: (1) any purchase of real property; (2) any project which results in the addition of square footage, whether from the construction of a new facility or of building addition or of purchase or portable buildings; (3) any proposal to issue bonds; (4) any alteration or site improvement over \$300,000 for an institution with an FTE enrollment of over 1,500; and (5) any demolition of an existing building.

Capital Projects Construction Contract Award: The Board authorizes the senior vice president for Business, Finance and human resources (or designee) to award construction contracts to the lowest responsible bidder, on their behalf, so long as the total project budget is within the budget previously approved by the Board. Any increase in total project budget shall be submitted to the Board for approval prior to authorizing the expenditure of the additional funds.

Selection of Architects/Engineers: In order to assist the senior vice president for Planning, Physical Resources and university relations in the selection of an architect and/or engineer for a capital outlay project, a Review Committee (composed of the senior vice president for Planning, Physical Resources and university relations, the university architect, the dean of engineering, two representatives of the user group, and a representative selected by the president) will solicit inquiries and screen potential firms. A short list composed of five firms will be made public at the conclusion of this step in the process. The members of the Review Committee will send individual evaluation sheets to the senior vice president for Planning, Physical Resources and university relations for three most qualified firms. The senior vice president for Planning, Physical Resources and university relations will review the assessments of the Review Committee members and develop a final tabulation sheet, which will be

available for public review. The senior vice president for Planning, Physical Resources and university relations will select a firm to design the capital outlay project. The Board of Regents authorizes the university administration to advertise every 2 years for two architectural firms to design small capital projects on the campus. These firms will be selected through the same procedure detailed above. A sensitivity to the involvement of small and/or minority engineering and other consulting firms in the project team will be a criterion in awarding this contract. The Board of Regents authorizes the university administration to negotiate architect=s and/or engineer=s fees in all cases. The senior vice president for Planning, Physical Resources and university relations reserves the right to terminate any capital project contract for nonperformance of duties.

## **9.15 Funding and Costs**

The Office of Facilities and Services is funded by the state and university for the operation and maintenance of Instruction and General Space. Some of the services are provided at no cost by the Office of Facilities and Services, while others are charged back to the customer. Services paid for by the customer are called billable services. Upon request, the Office of Facilities and Services will provide estimates for billable work. All services rendered in support of non-I&G buildings are billable. Services rendered in support of I&G buildings may or may not be billable depending on the type of service. Each year the State of New Mexico allocates funds to be used for the renovation, repair, and remodeling of I&G buildings and infrastructures at the university (BRR funds).

## **9.20 NMSU Real Estate [Adopted by Administrative Council 6/13/06; ratified by Board of Regents 9/8/06]**

For the purposes of this policy, “NMSU real estate” is defined as all land owned or leased by NMSU. For purposes of this policy, a real estate “transaction”, means any easement, lease, right-of-way, memorandum of understanding, letter agreement, use agreement, license agreement or other agreement that may increase NMSU’s risk of liability or affect the use of, or interest in, NMSU real estate.

### **A. Board of Regents’ Authority**

1. Titleholder: Legal title to all NMSU real estate (land, buildings, air rights, water rights and mineral rights) is vested in the Board of Regents, without regard to the academic or administrative entity that is assigned, occupies, or otherwise uses the real estate.
2. Authority to Convey Property: The title to all property belonging to the university is vested in the Board of Regents as a corporate body. NMSA 1978, § 21-3-4. Pursuant to NMSA 1978, § 21-1-20, the Board of Regents is authorized to buy, sell, lease, or mortgage realty and take such other action, in the best interests of the university.
3. Retention of Authority: The Board of Regents reserves authority to review and approve all transactions affecting NMSU real estate.

### **B. General Policy Regarding NMSU Real Estate**

1. Collaboration between NMSU Offices: The Office of Real Estate shall serve as coordinator for the academic and administrative units for all real estate transactions. Contacts from non-university entities regarding real estate shall be directed to the Office of Real Estate.
  - a. Each proposed real estate transaction of any type or nature shall be initiated by consultation with the director of the Office of Real Estate. Such consultation shall occur as early as possible in the planning process, in order to maximize the university’s bargaining position, and in order for the Office of Real Estate to better provide the

academic or administrative unit with guidance regarding the nature of the transaction and estimated time and cost needed for completion.

- b. After the initial consultation with the Office of Real Estate, the academic and administrative units may make general inquiries and conduct general discussions with third parties; however, all negotiations with property owners, developers, landlords, realtors, brokers and other third parties shall be conducted on behalf of the university by the Office of Real Estate.
2. Philosophy: NMSU is expected to preserve, enhance and maximize the productivity of its real estate assets. It is the policy of the university to preserve adequate land area for all foreseeable academic and support needs and to utilize to the best possible advantage to the university all land areas surplus to the academic and support needs.
3. Purpose: NMSU real estate, consisting of land, buildings, air rights, water rights and mineral rights, shall be used for activities that support the university's mission.
  - a. NMSU property shall not be made available for individual use or gain.
  - b. Acquisitions and gifts of interests in real estate shall not create excess risk of liability or financial exposure, shall support the university's mission, and are subject to acceptance by the Board of Regents.
  - c. NMSU real estate may only be sold or otherwise disposed of after determination that it is in the best interest of the university, approval from the Board of Regents, and compliance with other state requirements.
4. Oversight of Physical Property: Academic and administrative units are responsible for ensuring that the real estate and/or space occupied by, or assigned to, them is being used in accordance with this policy.
5. Minimization of Risk of Liability: The risk of loss to the university shall be minimized with each real estate transaction. Each real estate transaction shall therefore be conducted in accordance with procedures established by the Office of Real Estate, and consistent with finance, purchasing, and other state law requirements.
6. Deposit and Use of Proceeds: Proceeds derived from the sale, lease or consideration for NMSU real estate interests are restricted and will be used for nonrecurring capital outlay items which are typically not funded from traditional sources. Specific proposals will be presented to the Board of Regents for approval before any commitments are made against these funds.
7. Effect on Title: Easements, leases, rights-of-way and other real estate transactions that may encumber NMSU's real estate shall:
  - a. Be limited to the specific purpose requested, and
  - b. Be limited to the minimum amount of land necessary for the proposed operation, and
  - c. Be limited to the shortest term that will accommodate the proposed operation.
8. Periodic Needs Assessments: The Office of Facilities Planning and Construction, Office of Facilities Space Management and Office of Real Estate shall coordinate to conduct periodic reviews of real estate with the College and Library Deans, Vice Presidents, Vice and



Associate Provosts and directors to ensure their real estate needs are being met, and to identify any changes that may need to be made.

### **C. Responsibilities of NMSU Office of Real Estate**

1. The University's Representative for Real Estate Transactions: NMSU entities shall collaborate regarding, and the Office of Real Estate shall oversee, real estate transactions on behalf of the university. Such transactions include, but are not limited to:
  - a. Leases of real estate (regardless of ownership),
  - b. Acquisition and disposal of real estate or interests therein,
  - c. Enhancement and development of NMSU real estate,
  - d. Easements (regardless of ownership),
  - e. Rights-of-Way (regardless of ownership),
  - f. Memorandums of Understanding (relating to real estate),
  - g. Temporary Use Agreements, and
  - h. Access Agreements.
2. Coordination with Other University Departments: The Office of Real Estate shall ensure that each transaction is reviewed by the head of the affected academic or administrative unit; Business and Finance Office, including Purchasing and Risk Management; and university General Counsel prior to presenting for review to the university President or designee and approval by the Board of Regents. The Office of Real Estate may develop and require routing forms and checklists for this purpose.
3. Lead Negotiator and Preparer of Documents: Consistent with the legal opinion of university General Counsel, and in coordination with the head of the affected academic or administrative unit, the director of the Office of Real Estate shall negotiate and prepare all real estate transactions for approval and signature by the Board of Regents.
4. Repository of Original Documents: The Office of Real Estate shall be responsible for the proper retention and safe storage of original real estate documents.

## **9.25 Maintenance and Repair of Community Colleges and Off-Campus Sites**

The Office of Facilities and Services provides maintenance and minor modification support, on a reimbursable basis, to any community college or off-campus site. Due to distances involved, most of that support is limited to the Las Cruces area.

## **9.30 Miscellaneous**

Energy Conservation: Every building, both new construction and remodeled facilities will be designed to be energy efficient, using a minimum of electric power, steam, chilled water, and natural gas, and still provide the necessary interior environment to function successfully.

Landscaping: In the planning of new campus construction, consideration will be given to preserving trees and shrubs growing on the construction site.

Performance Bond Requirements for Contracts on Jobs Under \$20,000: For all building projects where the total expenditure will be less than \$20,000, no surety bonds shall be required of the contractor. In lieu thereof, should the contractor not desire to provide a performance bond, the contractor shall provide the Central Purchasing Office with the following:

1. A Guaranty of the performance of work executed by all principals, partners, owners, and shareholders of the contractor. The Guaranty shall be on a form approved from time to time by the Central Purchasing Office.
2. At least one of the following in an amount not less than half of the total contract price:
  - § A certified check from a bank or savings and loan doing business in New Mexico payable to the Board of Regents. This check shall either be held by or cashed by the university without interest due the contractor.
  - § An irrevocable Letter of Credit from a bank or savings and loan doing business in New Mexico in favor of the Board of Regents.

In all such contracts where bonds are provided as set forth in this policy, at least 50 percent of the monies due the contractor shall not be paid by the university until after completion satisfactory to the university.

Plaque Information: The names of regents and governors for inclusion on plaques are those serving at the time of the construction contract signing. In order to affix any plaque, particularly one of historical significance, to a university building, the approval of the central administration is required.

### **9.34 Fleet Asset Management Program *[Adopted by Administrative Council 9/13/05; ratified by Board of Regents 9/8/06]***

#### Purpose, Scope and Applicability

This document outlines procedures and practices to be used in the operation of a responsive fleet management program, designed to support the mission of New Mexico State University. Emphasis is placed on providing professional, responsive customer service, cost effective solutions to transportation and maintenance issues, and the efficient use and utilization of university vehicles.

For the purposes of the Fleet Management Program, “vehicles” are defined as any motorized conveyance which is licensed or can be licensed by the State of New Mexico for over-the-road use.

This program is applicable to all departments and/or community colleges that utilize funding through New Mexico State University for the acquisition, maintenance, and/or operation of vehicle(s) registered to New Mexico State University and licensed by the State of New Mexico.

#### Policies

The director of Transportation Services, as the department head for Transportation Services, will serve as a central communications and control point for all fleet management responsibilities.

The director of Transportation Services recognizes its responsibility to the New Mexico State University Board of Regents, and the taxpayers of the State of New Mexico. In this recognition, the director of Transportation Services strives to manage the university’s fleet of vehicles in the most cost

effective, advantageous manner possible, consistent with the university's mission, and university policies and procedures.

The fleet size for New Mexico State University will be evaluated by the director of Transportation Services, on a regular basis and, in concurrence with the major head of the respective administrative unit, be adjusted accordingly. The director of Transportation Services will evaluate the motor vehicle needs of the university and assist department heads in determining the needs of individual departments.

#### Related Procedures

*New Mexico State University "Vehicle Use Procedures"* – As governed by the NMSU Transportation Council, establishes directives, responsibilities and accountability for use of university vehicles. See [www.ppd.nmsu.edu/vehicles/index.html](http://www.ppd.nmsu.edu/vehicles/index.html).

*New Mexico State University, "Business Policies and Procedures, Central Purchasing"* – establishes purchasing procedures and guidelines for university vehicles. See [www.nmsu.edu/%7eboffice/bpm/](http://www.nmsu.edu/%7eboffice/bpm/).

#### Fleet Management and Structure

The director of Transportation Services has overall responsibility for planning, coordinating, implementing, and enforcing the Fleet Management Plan. Specifically the director of Transportation Services responsibilities include, but are not limited to:

1. Serving as the central point of contact for New Mexico State University, reporting vehicle data, responding to inquiries about vehicles, processing addition/replacement requests, and ensuring compliance with Federal, State and university policies and procedures, as they relate to the vehicles operated by the university;
2. Coordinating fleet management decisions regarding acquisition and replacement, maintenance and repair, utilization, and vehicle disposal;
3. Reviewing reported inappropriate use of university vehicles;
4. Reviewing departmental vehicles surrendered for either, interdepartmental transfer or disposal by the NMSU Property Office;
5. Keeping informed regarding manufacturer recall notices, safety issues, industry "best practices" and working with the NMSU Transportation Council to adopt or amend existing procedures as required.

#### Acquisition and Use

To comply with the State of New Mexico purchasing guidelines and facilitate the university's mission, there are four possible methods to obtain vehicles. The desired method depends upon the most advantageous, cost effective solution.

1. Leased Vehicles
  - a. Some departments, due to budgetary considerations, may find long-term leases a more beneficial means for acquiring vehicles. Long-term leases should be arranged through Transportation Services. Depending upon the type of usage and the funding source, the vehicle may be a university-owned vehicle or leased from an outside vendor.

## 2. Vehicle Purchases

- a. All new or used vehicle acquisitions will be made by the New Mexico State University Central Purchasing Office. A department, shop, or university organization wishing to purchase or acquire a new vehicle will prepare and submit an appropriate request to the director of Transportation Services, giving as a minimum justification, the following:
  - Unit or department to where the vehicle will be assigned;
  - How the vehicle is expected to be used;
  - The type of vehicle required;
  - Vehicle to be traded in, if applicable;
  - Anticipated geographical area where vehicle is to be placed into service.
- b. The director of Transportation Services will review the total unit fleet and make recommendation to the head of the major administrative unit, concerning suggested vehicle trade-ins and new vehicle acquisitions.

## 3. Surplus/Excess Vehicles

- a. Surplus vehicles may be acquired through the State Surplus Office or directly from other state agencies.
- b. Vehicles acquired through Federal Excess Property programs remain the property of the federal government and are on loan to the college or unit authorized to acquire federal excess property. This property is governed by federal regulation and the sole responsibility of the college or unit to which it is assigned. All costs for the vehicle acquisitions, to include screening, transportation costs, and associated maintenance costs, will be borne by the department or shop where the vehicle is assigned.

## 4. Vehicle Renting

- a. To satisfy the university's short-term vehicle requirements, Transportation Services will operate a rental fleet of vehicles which originate in Doña Ana County. No vehicles may be rented by departments or shops, in Doña Ana County, from a local rental agency, without prior written authorization by the director of Transportation Services.

The director of Transportation Services will be responsible for evaluating all newly acquired vehicles, to assess their condition, road worthiness, and safety, making appropriate recommendations, as may be necessary, for repairs and/or to ensure the vehicles comply with university standards.

### Interdepartmental Transfers

All interdepartmental transfers of university-owned vehicles, will be approved by the director of Transportation Services, to verify the equipment is in a safe operating condition, and in the university's best interest. Departments wishing to transfer a vehicle to another department or wanting to acquire a vehicle from another department must complete an Inventory Change Form and forward it to the NMSU Property Office. The Property Office will forward the form to the director of Transportation Services, who will arrange for the inspection of the vehicle, and subsequent considerations.

### Vehicle Utilization and Replacement Criteria

#### 1. Utilization

- a. University vehicles, should be utilized to achieve their maximum benefit, ensuring the most

advantageous, cost effective use of university property. The director of Transportation Services will coordinate with department heads to ensure all vehicles are utilized to achieve their maximum benefit to the university, and develop related criteria conducive with sound fleet management principals and practices.

- b. The director will identify opportunities for reduction or consolidation, when logical and applicable.

## 2. Replacement Criteria

- a. The director of Transportation Services will review and establish replacement criteria for university vehicles covered by this Program. The replacement criteria will be established using best industry practices, including Life-Cycle Cost Analysis to develop the most cost effective, optimal time for replacement of vehicles.
- b. Replacement criteria will include, but not be limited to:
  - Review of the type of vehicle and usage,
  - Age of vehicle,
  - Vehicle make,
  - Accumulated miles or hours,
  - Depreciation,
  - Cost benefit to the university.

### Alternative Fuel Program

The State of New Mexico, as defined by state statute Section 13-1B-3(A), mandates that seventy-five percent (75%) of all vehicles purchased or leased by state agencies or institutions of higher education, be capable of using an alternative fuel or are a hybrid (gas/electric) type of vehicle. Vehicles are considered “alternative fuel” vehicles if they are flex-fueled, bi-fueled or dedicated. It is the responsibility of the director of Transportation Services to make every effort to comply with the state and federal requirements, wherever possible, without jeopardizing the university’s functionality or ability to perform its mission.

### Fuel Efficiency

The director of Transportation Services will review departmental and shop vehicle requirements, looking at operational money, and state rules and regulations to create a cost effective, fuel efficient fleet; selecting the most cost effective, fuel efficient vehicles available, to accomplish that vehicles function for the university.

### Maintenance

It is imperative that there be uniformity and consistency in the record keeping functions as they relate to vehicles and the potential liability exposure which is inherent to their operation. The director of Transportation Services will be responsible for ensuring vehicles receive preventative maintenance at pre-established regular intervals.

A proper, pro-active preventative maintenance program is paramount to protecting the university’s investment and ensuring the university’s vehicles are managed in a safe, cost-effective manner. The director of Transportation Services is entrusted to ensure the development of schedules and processes to ensure that all vehicles receive preventative maintenance on a regular basis as defined by the manufacturer and/or in accordance with industry accepted practices.

The director will coordinate with department heads in determining the means, procedures, and methodologies necessary to facilitate both preventative and repair maintenance of the university fleet, in the most efficient, cost effective manner available.

### **9.35 Transportation Services-Rental/Lease [Ratified by Board of Regents 9/8/06]**

Rental and long-term lease vehicles are available through Transportation Services. These vehicles are provided for university-related business, and are to be driven only by university employees, students, agents of the university, or volunteers, in the performance of their duties. All operators shall have in their possession an appropriate, current class license to operate a motor vehicle in the State of New Mexico, and an NMSU Driving Permit as issued by New Mexico State University Environmental Health and Safety Office.

Authorized drivers are those who have met the requirements as set forth in Section III of the University Vehicle Use Procedures. Passengers are limited to university employees, students participating in authorized trips, and invited guests engaged in university related activities. Students who are not university employees, that drive a university vehicle, must be affiliated with a university chartered organization and involved in a university-related event.

Responsibility for the safe and appropriate use of state vehicles is delegated by Transportation Services to the driver who signs for the vehicle on the rental agreement. This includes ensuring that any additional drivers are in compliance with Section III of the Vehicle Use Procedures and familiar with the rental policies.

Insurance: State employees are covered by workers compensation as drivers or passengers. It is important to note that all non-employee drivers or passengers, to include "volunteers" have no insurance coverage to include medical payments while in a state owned vehicle. Persons desiring such coverage need to make appropriate arrangements if their personal insurance policies do not provide it. All authorized drivers are protected by state liability coverage.

Mexico Trips: Any trip into Mexico MUST be fully insured by a Mexican Insurance Company prior to ANY travel across the border, including Juarez. Mexican insurance must be obtained and a copy presented to Transportation Services.

For additional information concerning rental fees, operations and policies reference the Transportation Services web site at [www.ppd.nmsu.edu/vehicles/index.html](http://www.ppd.nmsu.edu/vehicles/index.html).

For more information on vehicle operations and policies, reference the Vehicle Use Procedures found at <http://www.ppd.nmsu.edu/vehicles/index.html>.

### **9.40 Naming of Buildings and Space (See Chapter 2 Miscellaneous Operating Policies - Naming)**

### **9.50 Use of Facilities & Space Management**

Classrooms and other academic space at the university will be used primarily for academic purposes for the benefit of an academic program. Under limited circumstances, academic areas may be used for non-academic purposes. The goals of the organization wishing to use the facilities must be consistent with the mission and goals of the university. Large-scale events or those with liability concerns might require the presence of an organizational advisor and/or liability insurance. Building use fees may be charged as follows: (1) recognized university organizations will not be charged a fee; (2) not-for-profit organizations may be charged a minimal fee; and (3) for-profit ventures will be charged a fee.

university facilities may not be used to teach students for private gain or in programs which compete directly with university-supported programs.

Keys and Locks: Employees of the Office of Facilities and Services are instructed not to open locked doors for any individual. The Locksmith Shop will respond and open doors upon confirming the identification of the requestor and securing permission from the department head. Any new keys will be delivered to the department head for issuance.

Use of Community College Facilities: The community college campus executive officers are responsible for assigning space in the following priorities: academic instruction, continuing community education sponsored by the community college, student organizations, and community organizations. The campus executive officers are authorized to refuse use of the facilities on a case-by-case basis and charge a user fee as deemed necessary.

Space Management: It shall be the policy of the Office of Facility Space Management to provide the data and analysis to ensure that all space owned by the Board of Regents of New Mexico State University is being used to its full potential and allocated fairly. Any proposed or requested change in how space is allocated between colleges and/or any other major administrative unit, must be forwarded to the Office of Facility Space Management for analysis and recommendation as part of the approval process.

#### **9.50.10 Use of Facilities - Pan American Center/Corbett Center (Special Events and University Activities)**

The director of special events is responsible for management, operation and supervision of events conducted in the Pan American Center and also serves as the advisor to, and manager of, the ASNMSU concert and cultural programs. The Pan American Center is designed to accommodate athletic events, concert and theatrical presentations, public assemblies, commercial events, conventions and other special events. Use of the facility may involve rental or service fees, and requests for space should be directed to the Special Events Office. As a matter of policy, Pan American Center does not lend or provide its furnishings and equipment to others for outside use except in those cases where specific equipment is intended for use on a rental basis. All entertainment held on campus by the ASNMSU, other student organizations, or the university itself, with contractual agreements in excess of \$2,000, shall be negotiated and coordinated through the director of special events or the advisors of ASNMSU, in cooperation with the organization advisor and officers. Such agreements of \$2,000 or less may be coordinated and negotiated by the organization advisor in cooperation with the director of campus activities. In all cases, contractual agreements for live entertainment shall be processed through the appropriate staff member noted above to the assistant vice president for auxiliary services, who is the only designated authority to sign such contracts on behalf of the university. Legal review necessary to any contract shall be initiated by the assistant vice president for auxiliary services. The university Police Department shall evaluate and approve/disapprove requests for special activities to be held on property under the control of the Board. All requests, exceptions, and interpretations of this policy will be managed by the chief of police (or designee), including determinations of staffing, traffic patterns, and special precautions. All costs incurred because of the event shall be charged back to the sponsor of the event. The decision of the chief of police may be appealed to the human resources director. The decision of the human resources director in these matters will be final.

#### **9.55 Utilities**

The Office of Facilities and Services oversees the acquisition, production, distribution, and management of most campus utility systems. These include domestic water, sanitary sewer, electric power, chilled water, steam, geothermal water, natural gas, and emergency power. The utility use for Instructional and General purpose space is funded by the State of New Mexico under the I&G

appropriation. All other facilities and utility consumers are expected to reimburse the university for the cost of providing the utilities used.

Utility Connections: Utility systems are integral to the well being of the campus. No modification or connection to a utility distribution system is authorized unless approved by the director for operations and utilities and either accomplished by the Office of Facilities and Services or under its direct supervision.

Utility Locates: In accordance with the New Mexico legislation (SFL/SB 415), anyone excavating or preparing plans for excavation on the university's main campus shall request a utility locate a minimum of 2 working days prior to commencing excavation.

NOTE: The A2 working days@ time limit is needed to ensure all locators are informed of the locate request with sufficient time allowed to make their locates. Therefore, the time limit does not commence until both parties listed above are notified. Anyone excavating or preparing plans for excavation are required to provide information regarding the commencement, extent, and duration of the excavation work.

The locate shall be considered valid for 5 days. If excavation has not commenced within that time, a request for a relocate shall be made in accordance with the above. A minimum of 18 inches must be maintained between any marked utilities and the cutting edge or point of any mechanical excavating equipment. Existing utilities must be protected during the excavation. The owners of any utilities damaged or dislocated during the excavation work must be notified, prior to backfilling. The owners must be notified of any tracing tape or tracing wire damaged or dislocated during the excavation work, prior to backfilling.

Utility Outages: The Office of Facilities and Services will normally provide 2 weeks notice for all planned utility outages which affect campus facilities. Any activity that will require an outage must be requested in writing to the director for operations and utilities. On some occasions, emergency situations force an unplanned utility outage. The Office of Facilities and Services will then respond with all available means to repair the situation and restore utility service as soon as is possible.

Utility Tunnels: The university has an extensive network of utility tunnels which exist for the sole purpose of providing a means to carry utility systems to and from campus facilities. Access to those tunnels is not authorized unless specifically approved by the director of operations and utilities (or designee) at (505) 646-2101. The tunnels are potentially dangerous spaces and proper regulations are to be followed by any that enter these areas. No one is authorized to install any additional equipment or devices in the university utility tunnel system unless first receiving approval of the director for operations and utilities.



## **Appendices**

- 1-A Statutes That Define the University
- 1-B Signature Authority [Approved by Board of Regents 9/8/06]
- 1-C Organizational Chart [Approved by Board of Regents 10/22/07]
- 1-D Constitution of the Faculty Senate[Approved by Board of Regents 10/22/07]
- 1-E Constitution and By-Laws of the Advisory Council on Administrative Policy
- 1-F Councils, Boards and Committees [Approved by Board of Regents 10/22/07]
- 4-A University Appeals Board Flow Chart
- 5-A Flow Chart - Academic Program/Unit Change
- 5-B Flow Chart - Nonacademic Program/Unit Change

## Chapter 1 - Governance, Authority, Organizational Structure, and Policy Changes

### 1-A Statutes that Define the University

New Mexico Constitution, Article XII, Section 11: AThe University of New Mexico, at Albuquerque; the New Mexico State University, near Las Cruces, formerly known as New Mexico College of Agriculture and Mechanic Arts; the New Mexico Highlands University, at Las Vegas, formerly known as New Mexico Normal University; the Western New Mexico University, at Silver City, formerly known as New Mexico Western College and New Mexico Normal School; the Eastern New Mexico University, at Portales, formerly known as Eastern New Mexico Normal School; the New Mexico Institute of Mining and Technology, at Socorro, formerly known as New Mexico School of Mines; the New Mexico Military Institute, at Roswell, formerly known as New Mexico Military Institute; the New Mexico School for the Visually Handicapped, at Alamogordo, formerly known as New Mexico Institute for the Blind; the New Mexico School for the Deaf, at Santa Fe, formerly known as New Mexico Asylum for the Deaf and Dumb; the Northern New Mexico State School, at El Rito, formerly known as Spanish-American School; are hereby confirmed as state educational institutions. All lands, together with the natural products thereof and the money proceeds of any of the lands and products, held in trust for the institutions, respectively, under their former names, and all properties heretofore granted to, or owned by, or which may hereafter be granted or conveyed to, the institutions respectively, under their former names, shall, in like manner as heretofore, be held in trust for, or owned by or be considered granted to, the institutions individually under their names as herein above adopted and confirmed. The appropriations made and which may hereafter be made to the state by the United States for agriculture and mechanical colleges and experiment stations in connection therewith shall be paid to the New Mexico State University, formerly known as New Mexico College of Agriculture and Mechanic Arts.@ (As repealed and reenacted November 8, 1960; as amended November 3, 1964.)

From Constitution of the State of New Mexico, Article XII, Section 13: AThe legislature shall provide for the control and management of each of said institutions, except the University of New Mexico, by a board of regents for each institution, consisting of five members, four of whom shall be qualified electors of the state of New Mexico, one of whom shall be a member of the student body of the institution and no more than three of whom at the time of their appointment shall be members of the same political party. The governor shall nominate and by and with the consent of the senate shall appoint the members of each board of regents for each of said institutions. The terms of said members shall be for 6 years, provided that of the five first appointed the terms of two shall be for 2 years, the terms for two shall be for 4 years, and the term of one shall be for 6 years.@

AThe legislature shall provide for the control and management of the University of New Mexico by a board of regents consisting of seven members, who shall be qualified electors of the state of New Mexico, no more than four of whom at the time of their appointment shall be members of the same political party. . . .@

Members of the board shall not be removed except for incompetence, neglect of duty or malfeasance in office. Provided, however, no removal shall be made without 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. (As amended September 20, 1949, effective January 1, 1950 and November 4, 1986.)

From Constitution of the State of New Mexico, Article XV, Section 1: AThere shall be a Department of Agriculture which shall be under the control of the Board of Regents of New Mexico State University . . . .@

New Mexico Statutes Annotated 1978, Article 8, Section 21-8-1, et seq.: AThe New Mexico College of Agriculture and Mechanic Arts (New Mexico State University) shall be an institution of learning 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.@

From New Mexico Statutes Annotated 1978, Article 8, Section 21-8-3: A. . .The management of said college (university) [New Mexico State University] and experiment station, the care and preservation of all property, of which such institution shall become possessed, the erection and construction of all buildings necessary for the use of said college (university) and station, and the disbursement and expenditure of all moneys provided for by this act, shall be vested in a board of five regents. Said five regents shall possess the same qualifications, as required for the regents of the University of New Mexico.\* Said regents and their successors in office shall constitute a body corporate, with the name and style of the regents of the New Mexico College of Agriculture and Mechanic Arts (New Mexico State University), with the right as such of suing and being sued, of contracting and being contracted with, of making and using a common seal, and altering the same at pleasure, of causing all things to be done necessary to carry out the provisions of law. A majority of the board shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time.@

\*See exception for The University of New Mexico above in Section 13 of the Constitution.

From New Mexico Statutes Annotated 1978, Article 1, Section 76-1-1 through Section 76-1-3: These statues reaffirm the creation of a Department of Agriculture under the control of the Board of Regents of New Mexico State University and, to execute the functions, the board was empowered to appoint a full-time director of the department who also A. . shall serve as a representative of agriculture on the executive cabinet.@

### **1-B Signature Authority [Ratified by Board of Regents 9/8/06]**

The Board of Regents approved the Signature Document as an administrative instrument that delegates the authority through the president of the university and the appropriate offices as follows:

<u>SIGNATURE</u>	<u>DOCUMENT(S)</u>
1) Chair of the Board of Regents  Board of Regents Chair and Secretary  All Board Members present	President's employment contract  Official minutes of the Board of Regents  All diplomas for degrees and all other documents requiring Board approval  All land documents  Deletions from equipment inventory and disposition of surplus property  Budgets for major construction projects
b) President or designee	Contracts on behalf of the Board of Regents Selection of Regents Professorships Joint Powers and other Cooperative Agreements Revisions to Business Policy and Procedures Manual with the exception of those items legally requiring approval of the Board of Regents
3) Chair of the Board of Regents, President or designee	Coaches= contracts
4) Vice President for Research, Graduate Studies and International Programs, or designee	Sponsored program agreements
5) Senior Vice President or Associate Vice President for Business, Finance, and Human Resources, or Controller	Bank checks
6) Executive Vice President and Provost, or designee	Faculty employment documents Academic Department name changes
7) Senior Vice President or Associate Vice President for Business, Finance and Human Resources, or Controller, or Assistant Vice President for Auxiliary Services	Maintenance contracts, professional service contracts and leases over \$10,000

- |     |  |  |
|-----|--|--|
| 8)  | Senior Vice President or Associate Vice President for Business, Finance, and Human Resources, or Controller, or Director of Treasury Services                  | Investments  |
| 9)  | Vice President, Dean, or Director  | Travel authorizations (out-of-state)   |
| 10) | Senior Vice President or Associate Vice President for Business, Finance and Human Resources, or Controller, or Assistant Vice President for Auxiliary Services | Entertainment contracts  |
| 11) | Dean or Director and/or Vice President for Research, Graduate Studies and International Programs   | Research, teaching and service proposals   |
| 12) | Director of Human Resources  | Employment, retirement, and group insurance documents  |
| 13) | Director of Purchasing   | Professional service contracts and leases under \$10,000<br>Maintenance contracts and equipment leases   |
| 14) | College of Agriculture and Home Economics  | (Federal Funds)  |
|     | Director, Associate Director or Assistant Director of the Agricultural Experiment Station  | CSREES funds<br>Hatch<br>Regional Research<br>McIntire-Stennis<br>Public Law 89-106  |
|     | Director, Associate Director or Assistant Director of the New Mexico Cooperative Extension Service   | Smith-Lever Funds  |
| 15) | Director, New Mexico Department of Agriculture   | Licenses, permits and other documents as prescribed by various laws  |
|     |  | Cooperative agreements B state & federal agencies  |
|     |  | Predatory Wild Animal & Rodent Control Act:<br>Field Agreements<br>Budget, wage rates, horse/dog allowances, annual work plan, etc. of USDA, Fish and Wildlife Service |

- Expenditures under Farm  
& Range Improvement Act  
State Grasshopper and Other Range Pest  
Control Act  
Request for State Emergency Funds  
Notice of Public Hearing on NMDA regulatory orders  
Employment Forms B NMDA personnel
- 16) Athletics Director  
Athletic contracts
- 17) Senior Vice President or  
Associate Vice President for  
Business, Finance and  
Human Resources, Controller,  
Director of Treasury Services, and  
Payroll Manager  
Electronic wire or ACH transfer of bank funds  
Transfers in excess of \$1,000,000 requires approval  
by two authorized individuals. Payroll manager authorized to  
process direct deposits of payroll via ACH.
- 18) Senior Vice President for Planning,  
Physical Resources and  
University Relations  
Selection of external architects, engineering and design firms  
Allocation of Building Repair and Renewal Funds  
Revisions to Police Department Policy and Procedure Manual
- 19) Senior Vice President for  
Planning, Physical Resources  
All construction project change orders  
Federal Surplus Property acquisition
- 20) Director of Purchasing  
Professional service contracts and maintenance  
under \$10,000
- Equipment leases:
- Leases in excess of \$10,000 per year or for a period  
in excess of 5 years will be forwarded by the Central  
Purchasing Office for legal review, and for the  
subsequent approval of the vice president for  
business and finance or designee. All leases in this  
category will be presented to the Board for review  
and ultimate approval at the next scheduled regular  
meeting of the Board.
- All other leases would be approved on behalf of the  
university by the director of purchasing. At the  
director's discretion, certain leases in this category  
may be forwarded for legal review, and/or the review  
and approval of the vice president for business and  
finance or designee.
- 21) Chemistry Department Head/  
Freshmen Chemistry Coordinator  
All documents required by the Bureau of Alcohol,  
Tobacco, and Fire Arms for the purchase and use of various  
chemical products.

**Exhibit C –Organizational Chart**

**1-D Constitution of the Faculty Senate [Approved by the Faculty Senate on 12/1/05; ratified by the Board of Regents on 9/8/06]**

**CONSTITUTION OF THE FACULTY SENATE  
OF THE  
NEW MEXICO STATE UNIVERSITY**

(As ratified by the faculty and reported to the Senate on July 18, 1961; amended by the faculty and reported to the Senate on November 16, 1984 and January 14, 1988; amended and reported to the Senate on January 14, 1993 [bylaws] and April 4, 1993 [constitution]; amended October 1995, October 2004, December 2004 and December 2005 by the Senate and subsequently confirmed by faculty balloting.)

**ARTICLE I – NAME**

The name of this organization shall be the Faculty Senate of the New Mexico State University. For the purpose of this constitution, the term “faculty” shall refer to any individual who is tenured or holds a tenure-track position and who 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, and service, including the definitions of purpose and objectives.

Section B: Legislation passed by the Faculty Senate shall be submitted to the President of the University and, upon receiving the President’s signature, shall become effective July 1 following unless otherwise specified. If the President takes no action on a proposition within 45 days of its passage by the Faculty Senate, that proposition stands as approved. Any proposition which passes the Faculty Senate but is disapproved and returned by the President may, by a two-thirds vote of the present and voting members of the Faculty Senate, be forwarded to the President. If the President does not rescind the veto in 5 days, the President shall present the proposition to the Board of Regents, with a request for consideration and action by that body.

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

**ARTICLE III – COMPOSITION AND PERSONNEL [Ratified by Board of Regents 10/22/07]**

Section A: The Faculty Senate shall be composed of three categories of members: (1) the elected chair of the Faculty Senate; (2) 54 elected senators; and (3) ex officio nonvoting members\* as specified in a bylaw of the Faculty Senate. Of the 54 elected senators, 4 shall be from the branch colleges (1 from each branch existing in 1982); 3 shall be from the Cooperative Extension Service; 1 from the University Library; and the remaining 46 shall be divided into 2 equal categories, 23 elected from the 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 colleges in proportion to the number of faculty in the main campus academic departments in each college.

\*Ex officio members shall be entitled to all other floor privileges.

The number of members representing each college shall be determined as follows:

The vice chair of the Faculty Senate shall obtain the student and faculty data referred to above from the sources as stipulated in the bylaws. The vice chair will calculate the number of members representing each main campus



college as of the next annual elections as follows:

- Step 1: For each college, compute its fraction from the total majors enrolled (undergraduate and graduate combined).
- Step 2: Multiply the fraction obtained in Step 1 by 23 and truncate the decimal remainder, do not round. The resulting number is the tentative number of members representing each college.
- Step 3: If the sum of the number of members for all the colleges computed in Step 2 is less than 23, assign one additional member to each college in order of the decimal remainders, from highest to lowest, that were truncated in Step 2 until the sum reaches 23. The decimal parts will be computed to as many digits as necessary to avoid ties.
- Step 4: If a tiebreaker is required the names of the colleges having equal decimal fractions and qualifying for the unassigned member(s) will be written on equal sized pieces of paper and the pieces of paper placed into a container. The recording secretary of the Faculty Senate will draw as many names as needed to assign the remaining member(s). A college may be assigned no more than one member using this method. This drawing will be witnessed by the Senate at a regularly scheduled Senate meeting.
- Step 5: Repeat the preceding steps based on the number of faculty in the colleges to apportion the other 23 seats.

The vice chair will present the data and calculations to the Faculty Senate for its review prior to final acceptance.

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 - ELECTIONS

Section A: All faculty as defined in Article I shall be eligible to vote for the election of members of the Faculty Senate and to hold office as members of the Faculty Senate.

Section B: Elections of senators shall occur for the University Library and in each of the colleges and branches during March. Cooperative Extension Service senators shall be elected during the annual conference of the Cooperative Extension Service.

Section C: The vice chair of the Faculty Senate shall oversee all university wide elections. For the purpose of nominating senators, the faculty of each branch, University Library, or Cooperative Extension Service shall meet as a group, hereafter termed faculty electing groups, or may submit nominees to their senior faculty senator. The senior senator of each faculty electing group shall serve as chair.\* The chair of each group shall be responsible for conducting the election of those nominated. Elections shall be by secret written ballot. Elections of faculty senators shall be completed before the end of March each year. In the event of a tie vote, the result shall be determined by lot. Immediately after the election the chair of each faculty election group shall inform the vice chair of the Faculty Senate of the names of the elected senators.

\*In case of a tie in consecutive service, cumulative service in the Faculty Senate will determine the senior senator.

#### 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 seven senate electing groups are: (1) the senators representing the four branches; (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 and the senators representing the College of Agriculture and Home Economics. The senators representing each of the four remaining colleges shall each constitute a separate senate electing group.

Section B: The officers of the Faculty Senate shall be a chair, vice chair, a parliamentarian, and a recording secretary. The terms of the 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 parliamentarian and the recording secretary shall be appointed by the chair with the approval of the Faculty Senate. The chair and vice chair shall be elected members of the Faculty Senate, representing different senate electing groups.

Section C: The Faculty Senate shall elect two senators as nominees for the position as chair at the December meeting. The nominees must be members of the senate at the time of nomination and election and must intend to continue as active (nonretired) faculty during the following academic year. If the chair would otherwise still have been serving in the Faculty Senate during the ensuing term of office, a temporary replacement shall be elected to serve during the chair's term. Immediately following these nominations, a ballot shall be prepared and mailed to all faculty as defined in Article I. The by-laws of the Faculty Senate shall apply to the nomination and election of the chair. 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). In the case of the death, resignation, or retirement of the chair, 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 Committee on Committees. This Committee on Committees 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 Committee on Committees to elect a new chair of the Committee on Committees.

## ARTICLE VII – COMMITTEES

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

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

1. Committee on Committees: The duties of the Committee on Committees shall be: (a) to elect the vice chair of the Faculty Senate; (b) to assign senators to the remaining four standing committees; (c) to create ad hoc or special committees; (d) to initiate, carry out, or lead senate discussions of such topics as it deems appropriate; (e) to determine the time and place of each regular meeting of the Faculty Senate; (f) to review the implementation of any legislation adopted by the senate and to report on the progress and manner of such implementation to the senate; and (g) expedite and monitor electronic communications with and voting on emergency issues by Faculty Senators during those intervals outside of the regular academic year. The 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 nonvoting ex officio members, unless the standing committee chair has also been elected by their senate electing group as a voting member of the Committee on Committees, in which case that standing committee chair may serve as a voting member of the Committee on Committees and remain as chair of that standing committee.
2. Committees on Scholastic Affairs, University Affairs, Faculty Affairs, and Long-Range Planning: The other standing committees shall consider propositions referred to them as described in Article IX, as well as actively develop and prepare for Faculty Senate consideration such policies and propositions as may seem beneficial to the university, particularly in areas suggested by their names. In doing so, they may, through hearings and requests for information, draw on the resources of the university and its administration. Each committee shall have the right to create and constitute subcommittees consisting of individuals whom it designates; such subcommittees shall be chaired by a member of the constituting committee. Each committee shall consist of at least 13 voting members as assigned from the elected senators by the Committee on Committees. 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 Committee on Committees, 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 Committee on Committees.

Section C: The chair of the senate or, in the absence of the 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 President 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 chair will send a notice of the meeting and an agenda to each member of the faculty 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 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 so as to indicate the intended changes. At the time of presentation, copies of the proposition shall be distributed to all senators by the presenting senator(s).

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. A challenge to the referral to committee may be made by any senator. The decision on the committee or committees to which referral shall be made will then be by majority vote of the senate. In exceptional cases, a proposition may be considered by the Faculty Senate as emergency legislation without referral to its committees, provided either:

- (a) 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
- (b) 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: RECOMMEND FOR PASSAGE; RECOMMEND AGAINST PASSAGE; RECOMMEND REPLACEMENT BY A COMMITTEE-DRAWN SUBSTITUTE; or RECOMMEND SENATE DISCUSSION.

Section E: Propositions shall be reported out by the committees and forwarded to the recording secretary of the Faculty Senate 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 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 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 has 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 they shall be 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 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 by laws or amendments thereof shall follow the procedure for presentation of proposals detailed in Article IX of this constitution.

## 1-E Constitution and By-Laws of the Advisory Council on Administrative Policy

### ARTICLE I - NAME

The name of this organization shall be the Advisory Council on Administrative Policy (ACAP) of the New Mexico State University.

### ARTICLE II - FUNCTIONS

Section A: ACAP shall exercise the following functions:

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

Section B: A copy of the minutes of each meeting of the ACAP shall be transmitted to the president and to all council members, department or organizational units, and off main campus units, to be posted and shared with all employees. After consideration of recommendations contained in the minutes, the president shall notify ACAP within a reasonable time of the action taken in reference to these recommendations.

Section C: The ACAP 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 employed full-time. Further elaboration of this definition shall be done as needed by ACAP.

Section B: Membership of the ACAP shall be elected from the following groups which they shall represent. However, individual representatives shall not be restricted to considering matters pertaining only to the group from which they were elected. For purposes of voting and election, employees located in Las Cruces (including Cooperative Extension and Doña Ana Branch Community College) will be considered as either faculty or staff as recorded in the Human Resources Office. Individuals employed outside Las Cruces (including Research Stations, Cooperative Extension, and other branch campuses) will comprise a separate group designated as AOutside Las Cruces@ (OLC).

Faculty	Four primary representatives and four alternates--faculty members (except those in Group OLC), with no more than one primary representative from a college or department.
Exempt Staff	Six primary representatives and four alternates--exempt personnel (except those in Group OLC), with no more than one primary representative from a college or department.

Nonexempt Staff	Seven primary representatives and four alternates--nonexempt staff personnel (except those in Group OLC), with no more than two primary representatives from a college or department.
Outside Las Cruces - Branch	Two primary representatives and two alternates B employed outside Las Cruces will represent personnel of the branch campuses.
Outside Las Cruces - Non-Branch	One primary representative and one alternate will represent personnel of all other off-campus personnel.

#### ARTICLE IV - NOMINATIONS, ELECTIONS, AND TERM OF OFFICE

Section A: The ACAP chairperson 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 group indicating the number of positions to be filled. These shall be sent by November 1 of each year.

Section B: The Election Committee shall send ballots for each position to be filled to all personnel of each respective group by December 1 of each year. All personnel of a group may vote once for each position being filled from their group. 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 chairperson of ACAP of the number of votes received by each candidate. The chairperson 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, ACAP 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, ACAP shall select, by secret ballot, an elected alternate representing the same group as the departing member to fill out the term.

#### ARTICLE V - ELIGIBILITY FOR VOTING AND HOLDING OFFICE

Every full-time employee of the groups 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 groups.

#### ARTICLE VI - OFFICERS AND COMMITTEES

Section A: At the regular February meeting, members of the ACAP shall elect from the primary representatives a chair, chair-elect, and secretary. The secretary shall hold office for 1 year. The chair-elect shall serve 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 ACAP member, he/she will act as an ex-officio member of both the ACAP and its Executive Committee during the 1-year past-chair term.

Section B: ACAP shall have the power to create such committees as may be necessary.

Section C: Any full-time employee shall be eligible to serve on any of the committees created.

#### ARTICLE VII - MEETINGS

Section A: Meetings of ACAP shall take place at least once a month during the regular academic year, and at least once during the summer.

Section B: Time and place of each meeting shall be determined by ACAP at its previous meeting, or by the chairperson of the ACAP.

Section C: The chairperson of ACAP 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 D: Any member of the university staff may attend any of the council meetings. Visitors may participate in the discussions and deliberations at the invitation of the ACAP.

Section E: A simple majority of ACAP shall constitute a quorum.

Section F: The chairperson shall notify ACAP members of meetings in advance and provide members with a copy of the agenda for such meetings.

Section G: 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, ACAP may replace the primary representative with an appropriate alternate.

#### ARTICLE VIII - PROPOSITIONS AND CONSIDERATION

Section A: ACAP may consider matters on its own initiative, matters submitted by the president by an individual full-time employee of the university.

Section B: All propositions except those made by the president or by members of ACAP shall be communicated in writing and be signed by the sponsor.

#### ARTICLE IX - AMENDMENTS

Amendments to this constitution may be proposed by resolution of ACAP. Such proposed amendments shall be considered adopted if approved by a two-thirds majority of ACAP and by the president.

#### ARTICLE X

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

#### ADVISORY COUNCIL ON ADMINISTRATIVE POLICY BY-LAWS Revised May 2001

1. The Advisory Council on Administrative Policy shall establish from time to time by-laws to describe and define the manner by which its activities and functions shall be performed.
2. ACAP may make any motion into a by-law by the agreement of two-thirds of the membership of the council.



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

Chair

- Preside at meetings.
- Review and edit minutes with the secretary.
- Ex-officio member of all ACAP committees.
- Appoint ad hoc committees as needed.
- Ex-officio member of Faculty Senate.
- Member of the Retrenchment Emergency Action Committee.
- Member of Administrative Council.

Chair-Elect

- Substitute for chairperson when he/she is unable to serve.
- Chair the election committee.
- Chair the Roberts Memorial Staff Award Committee.
- Serve as ACAP chair the following year.
- Ex-officio member of the Faculty Senate.
- Chair of Fort Bliss Federal Credit Union Award Committee.

Past-Chair

- Serve in advisory capacity to ACAP and the Executive Committee.

Secretary

- Take roll at meetings (specify members, alternates, visitors).
- Determine if a quorum is present.
- Keep an accurate record of business conducted.
- Arrange for distribution of minutes to the president and to all ACAP members (primary and alternate), department and organizational units, and off-campus units, to be posted and shared with all employees.
- Keep a current record of primary and alternate members with dates of term expiration.
- Maintain a current list of the by-laws of the council and have it available for use at all times.
- Arrange for distribution of constitution and by-laws to council members and others as directed by the chairperson.
- Maintain a file of minutes for the current 3 years.
- Transfer older records to the University Archives in the university Library for retention.
- Coordinate with the Policy Manual editor any changes to ACAP constitution and by-laws.

Primary Representative

- Attend all regular and emergency meetings.
- If unable to attend, arrange for an alternate to attend.

Alternate Representative

- Attend meetings as a nonvoting member (or stay informed about ACAP's business).
- Substitute for voting members as requested by a member or the chair.
- Fill the unexpired term of a member from the same group in the case of the member's resignation.

4. ACAP shall have an Executive Committee that consists of its officers, namely the chair, chairperson-elect, past-chair, and secretary. This Executive Committee shall maintain an agenda for the conduct of the business of ACAP and make other decisions that may appear necessary or that ACAP may ask it to do.

5. ACAP shall have a permanent 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 ACAP. The ex-officio members shall be the human resources director or a designated representative and the local representative, if any, serving on the Educational Retirement Board. The ex-officio members shall be nonvoting. One member shall be an NMSU retiree and an alternate for the retiree will be appointed. Appointments to the committee shall be made by ACAP. The Fringe Benefits Committee shall elect its chairperson and other such officers as it deems necessary. The chairperson shall serve as an ex-officio, nonvoting member of ACAP.
6. ACAP shall have a permanent committee on insurance. The Insurance Committee will be comprised of eight members plus one ex-officio member. The Insurance Committee members shall serve staggered 3-year terms. The ex-officio member shall be the human resources director or a designated representative. The ex-officio member shall be nonvoting. One member shall be an NMSU retiree and an alternate for the retiree will be appointed. Appointments to the Insurance Committee shall be made by ACAP. The Insurance Committee shall elect its chairperson and other such officers as it deems necessary. The chairperson shall serve as an ex-officio, nonvoting member of ACAP.
7. ACAP makes appointments to other campus committees as listed below. The ACAP representative to these committees is responsible for reporting committee activities to ACAP.
  - a. One exempt or nonexempt staff member (primary or alternate) is elected by ACAP to the Campus Planning Committee for a 3-year term. The term runs from May 1 through April 30. If the elected individual's ACAP term expires during the 3-year Planning Committee term, a new representative will be elected.
  - b. One exempt or nonexempt staff member (primary or alternate) is elected by ACAP to the Athletics Council for a 2-year term. This person may serve no more than 2 consecutive 2-year terms. The term runs from September through August.
  - c. The ACAP elects one member from the nonexempt staff and one alternate to serve a 3-year term on the Human Resources Grievance Board for Nonexempt Employees. This person may serve no more than 2 consecutive terms. The terms run from January 1 through December 31.
  - d. The ACAP elects one member from the exempt staff and one alternate to serve a 3-year term on the Human Resources Grievance Board for Exempt Employees. This person may serve no more than 2 consecutive terms. The term runs from January 1 through December 31.
  - e. One exempt or nonexempt staff member (primary or alternate) is recommended by ACAP to serve on the Corbett Center Student Union Board. Appointment is made by the president. The appointment is for 1 year beginning in May.
  - f. One faculty member (primary or alternate) is elected by ACAP to serve as liaison between ACAP and the Faculty Senate and its Committee on Committees (COC). This faculty member will attend Faculty Senate and COC meetings and will keep ACAP and the Senate informed of the other's activities. The Faculty Senate liaison is elected in May and serves for 1 year.
8. ACAP 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) ACAP will select the membership of each committee; (2) the chairperson of the committee shall be selected by ACAP or the Executive Committee; (3) the Executive Committee shall instruct the chairperson 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.
9. A committee shall be appointed annually to select the recipient for the Stephen W. and Robert E. Roberts Memorial Staff Award. The Human Resource Services Office will request nominations as detailed in the *Human Resources and Benefits Policy Manual*. The selection will be made according to criteria found in that manual.
  10. The president's representative shall be an ex-officio member of ACAP and its Executive Committee. He/she will attend all meetings and act as liaison between ACAP and the president.
  11. A committee shall be appointed to select one nonexempt and one exempt staff member as recipients of the Fort Bliss Federal Credit Union Award. The committee will consist of at least three ACAP members (primary and alternate) and at least one Fort Bliss Federal Credit Union employee. The NMSU Foundation, Inc. will coordinate with Fort Bliss Federal Credit Union for their representative(s).

## **1-F Councils, Boards and Committees [Ratified by Board of Regents 9/8/06]**

### **Councils**

Academic Deans Council  
Administrative Council  
Advisory Council on Administrative Policy (ACAP)  
ASNMSU Student Senate  
Associate Deans Academic Council (ADAC)  
Athletics Council  
Branch Faculty Council  
Campus Executive Officers' Council  
Council of Research Centers  
Extension and Research Support Council  
Faculty Senate  
Graduate Council  
Graduate Student Council  
Heritage Advisory Council  
Interfaith Council  
President's Council on Native American Relations  
Transportation Council  
University Research Council

### **Boards**

Aggie Athletics Fund Board of Directors (formerly Aggie Scholarship Association)  
Arrowhead Center Inc. Board of Directors (formerly Technology Transfer Corporation, Inc.)  
ASNMSU Publications and Communications Board  
Citation Hearing Panel  
Corbett Center Student Union Board  
Disability Advisory Board  
Executive Review Board  
Exempt Human Resources Board  
Institutional Review Board  
Intramural Board  
NMSU Educational Assistance Foundation, Inc. Board of Directors  
NMSU Foundation, Inc. Board of Directors  
NMSU Research Park Corporation, Inc. Board of Directors  
Nonexempt Human Resources Board  
President's Associates Board  
Residency Appeals Board  
Review Board of Faculty Salary Increase/Performance Evaluation  
University Appeals Board  
University Fee Review Board

### **Committees**

Ad Hoc [Degree Revocation Fact Finding] Committee  
Admissions Appeals Committee  
Advisory Council on Administrative Policy Standing Committees:  
    Fort Bliss Federal Credit Union Award Committee  
    Fringe Benefits Committee  
    Insurance Committee  
    Steven W. and Robert E. Roberts Memorial Staff Award Committee  
Alcohol Review Committee  
Art Committees:

- Art Advisory Committee
- Local Art Selection Committee
- University Art Acquisitions Committee
- University Art Gallery Acquisitions Committee
- Athletics Academic Advisory Committee
- Athletics Eligibility Certification Committee
- Audit Committee
- Campus Planning Committee
- College Budget Committees
- Commencement Committee
- Committee on Conflicts of Interest in Sponsored Activities
- Comprehensive Health and Natural Consequences Education (CHANCE) [alcohol abuse prevention]
- Crisis Management Team
- Dennis W. Darnall Faculty Achievement Awards Committee
- Emergency Action Committee
- Emergency Finance Committee
- Employee Campus Climate Survey Committee
- Equal Employment Opportunity/Affirmative Action Advisory Committee
- Faculty Senate Ad Hoc Committee on Plagiarism and Academic Misconduct
- Faculty Senate Standing Committees:
  - Committee on Committees
  - Faculty Affairs Committee
  - Long-Range Planning Committee
  - Scholastic Affairs Committee
  - University Affairs Committee
- Food Service Advisory Committee
- General Education Assessment Committee
- General Education Course Certification Committee
- Graduate Faculty Appointments Standing Committee
- Honorary Doctoral Degrees Committee
- Institutional Animal Care and Use Committee
- Institutional Biosafety Committee
- Intellectual Property Committee
- International Programs Advisory Committee
- Minority Recruitment and Retention Committee
- Naming Committee
- Nason Fund Committee
- National Scholarships Committee
- Outcomes Assessment Committee I (Academic Achievement/Student Learning)
- Outcomes Assessment Committee II (Student Academic Support/Campus Life)
- President's Commission on the Status of Women
- Promotion and Tenure Committees:
  - College Promotion and Tenure Committees
  - DACC Division Promotion and Tenure Committee
  - Department Promotion and Tenure Committees
  - Extension Promotion and Tenure Committee
  - Promotion and Tenure Policy Task Force
- Radiation Safety Committee
- Ralph B. Crouch Memorial Award Committee
- Senior Senator Review Committee
- Special Dispute Resolution Committee
- Sustainability and Climate Change Task Force (formerly Energy Conservation Task Force)
- Student Activities Committee

Student-Athlete Conduct Committee

Technology Committees:

    Faculty Advisory Committee on Technology

    Information and Communication Technologies Advisory Committee

    Student Technology Advisory Committee

University Budget Committee

University Discipline Committee

University Fellowship Committee

University Safety Committee

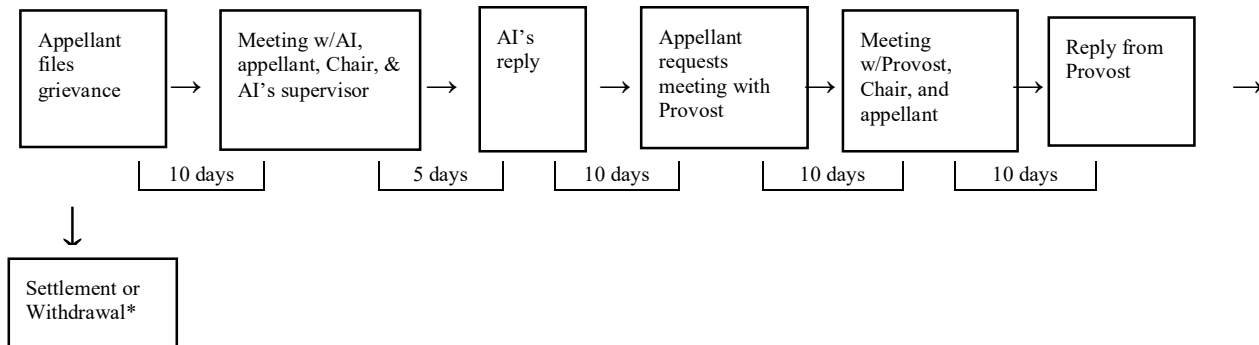
Westhafer Award Committee

Women's Studies Steering Committee

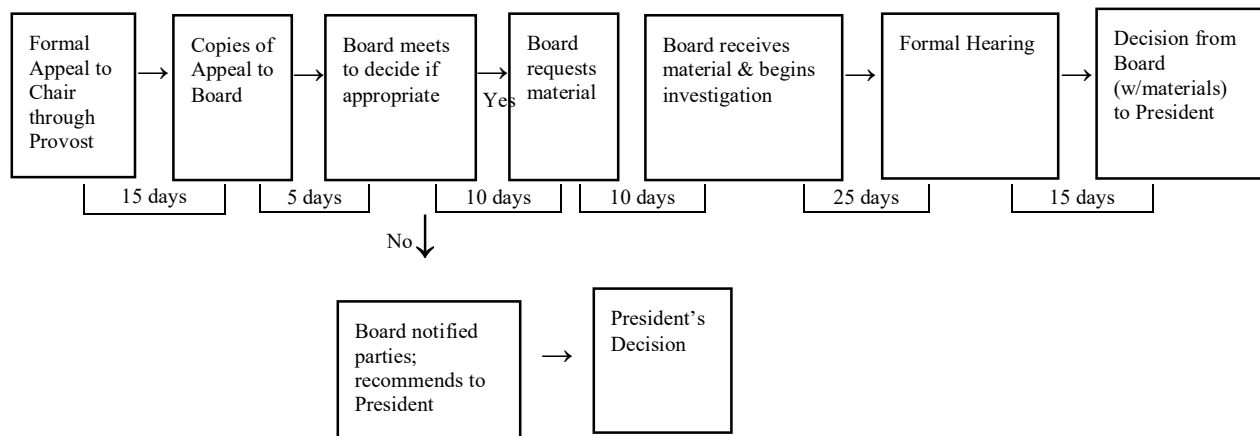
**CHAPTER 4 HUMAN RESOURCES - GENERAL**

**4-A Appeals – Faculty – University Appeals Board Flow Chart**

**Grievance Process**



**Appeal Process**



AI = Administrator Involved

Board = University Appeals Board

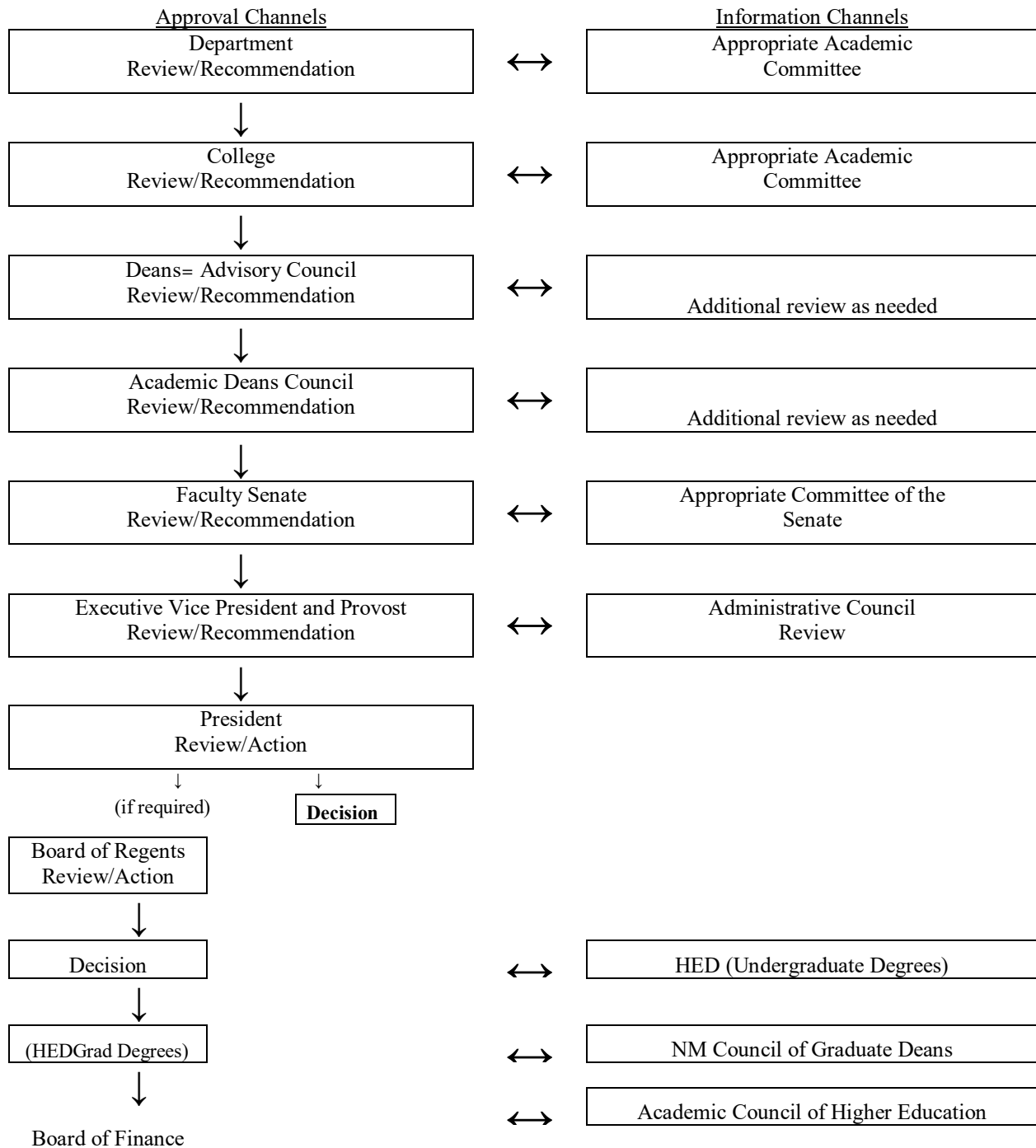
Chair = University Appeals Board Chair

\* = The process may be terminated at any time if a settlement acceptable to all parties is reached or if the appellant withdraws the grievance/appeal.

## CHAPTER 5 FACULTY POLICIES

### 5-A Academic Units (Procedures for Changes)

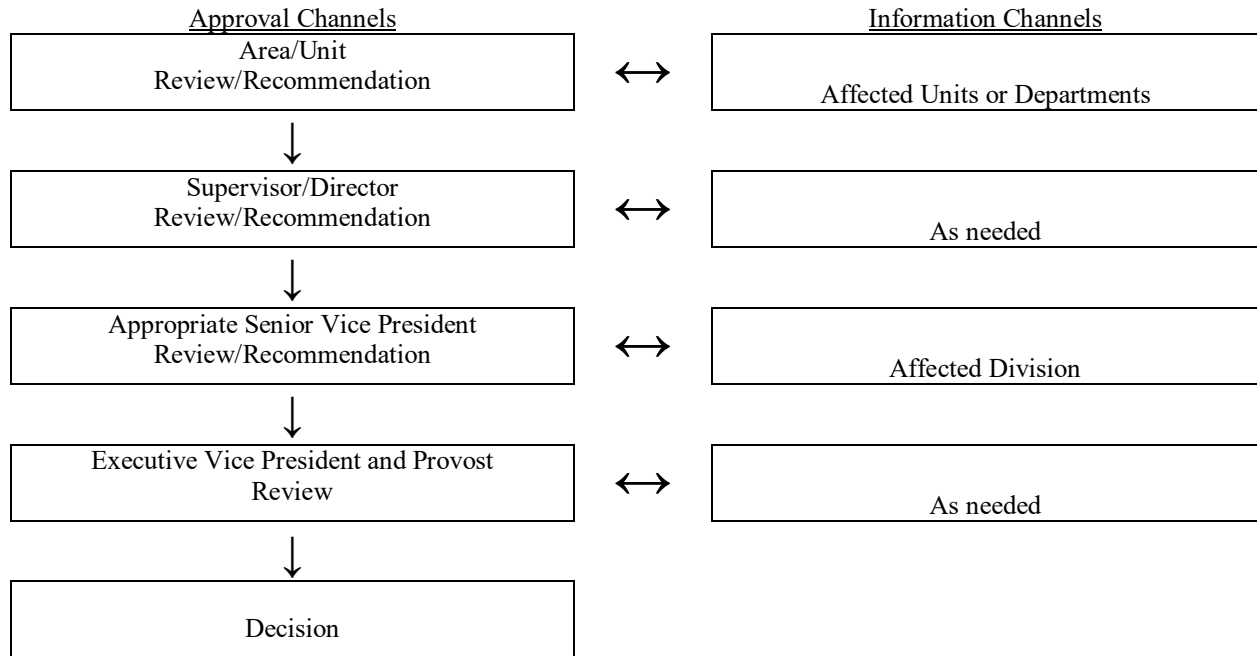
#### APPROVAL PROCESS FOR ACADEMIC PROGRAM CHANGES





**5-B Approval Process for Nonacademic Program Changes**

NMDA excepted from this chart in legislative-authorized responsibilities.]



### How to Use

*The first number refers to the chapter; the next number refers to the section; the next numbers refers to the subsection. Example: 1.05.70 refers to Chapter 1, Section 05, Subsection 70. If the material lay in one of the appendices, it is so indicated.*

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