



REGENTS POLICY MANUAL

NOTICE: The NMSU policy system is in transition. NMSU is in the process of separating its governance and directional policies from its administrative operational rules and procedures. Operational rules and procedures that were formerly contained in the NMSU Policy Manual, re-titled the Regents Policy Manual (RPM), will be relocated to the Administrative Rules and Procedures of NMSU (ARP). As a first step, on October 21, 2015, the Board of Regents authorized a replica of the policy manual to serve as the initial ARP. On December 11, 2015, March 16, 2016 and May 13, 2016, the Board of Regents repealed select provisions from the RPM. During this transition, as provisions are repealed from the RPM, they continue in effect as Rules in the ARP until modified. During the transition, many provisions will appear in both the RPM and the ARP. We appreciate your patience as we transition, and apologize for any inconvenience or confusion as result of the duplication.

Modified by the Board of Regents 05.13.16

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*** NMSU Policy System in Transition:**

Some or all provisions contained in this chapter have been repealed as part of the project to reorganize and update university system policies and administrative rules and procedures; such policies continue in effect as rules within the Administrative Rules and Procedures of NMSU (ARP) until modified. Please also refer to the ARP at <https://manual.nmsu.edu/files/2013/10/03.16.16-4Ed-ARP.pdf>

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.

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.

The New Mexico Constitution establishes New Mexico State University as one of the state's postsecondary educational institutions, and requires the legislature to provide for the control and management of the institution through a five member Board of Regents, which serves as the governing body for both New Mexico State University as well as for the New Mexico Department of Agriculture (NMDA). (See [Appendix 1-A](#) for a partial listing and description of relevant constitutional and statutory provisions.)

Chapter 1

Governance Authority, Organizational Structure and Policy Development and Approval

- 1.05 Governance/Authority/Organizational Structure
 - 1.05.10 Board of Regents Bylaws
 - 1.05.20 Board of Regents - Other Policies
 - 1.05.22 Board of Regents – Use of New Mexico State University Seal
 - 1.05.30 Chancellor of New Mexico State University
 - 1.05.40 Organizational Chart (*See Appendix 1-C*)
 - 1.05.50 University Administrative Council
 - 1.05.60 Academic Deans Council
 - 1.05.70 Faculty Senate (*See also Appendix 1-D for Constitution*)
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 - 1.05.85 Associated Students of NMSU (ASNMSU)
 - 1.05.90 University Boards
 - 1.05.95 NMSU Community Colleges (*See also subject matter headings such as Promotion, Tenure*)
 - 1.05.96 Community College Faculty Council
- 1.10 NMSU System Policy and Administrative Rules and Procedures
- 1.14 Succession Planning
- 1.15 Non-Academic Units-Creating, Reorganizing, Relocation, Eliminating
- 1.20 Gender Equity Policy and Statement of Principles

1.05 Governance/Authority/Organizational Structure

1.05.10 Bylaws of the Board of Regents

A. ARTICLE I - Membership of the Board of Regents:

1. Name: The name of the board shall be The Board of Regents of New Mexico State University.
2. 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.
3. 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 NMSU Chancellor. In making the list, the NMSU Chancellor shall give due consideration to the recommendations of the student body president of the institution. (Laws of 1993 - Constitutional Amendment 3)

B. ARTICLE II - Ex Officio Members of the Board of Regents:

1. Statutory Members: The board shall consist of such statutory regular and ex officio members as provided by law.
2. 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.
3. 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.
4. Employee Representative: At the pleasure of the board, the chair of the NMSU Employee Council of NMSU shall serve as the employee, ex officio, and nonvoting representative on the board.

C. ARTICLE III - Meetings of the Board of Regents:

1. Compliance with Sunshine Laws: 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* and with the board's Annual Resolution Establishing Notice. 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* and with NMSA 1978, § 21-1-16.
2. 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.
3. Special Meetings: Special meetings, normally reserved for matters that require action before the next regular meeting, may be called by the chair of the board or at the request of two regents.
4. Emergency Meetings: Emergency Meetings will be called only for unforeseen circumstances that demand immediate attention to protect the health, safety and property of citizens or to protect the university from substantial financial loss. The Board of Regents will avoid emergency meetings whenever possible. Emergency meetings may be called by the chair of the board, or at the request of two regents.
5. Telephonic Attendance at Meetings: Consistent with the Open Meetings Act, members of the board shall be permitted to attend any meeting of the board by telephone, when it is otherwise difficult or impossible for the member to attend the meeting in person, provided that each member participating by conference telephone can be identified when speaking, all participants

are able to hear each other at the same time and members of the public attending the meeting are able to hear any member of the board who speaks during the meeting.

6. Notice of Meetings: The board shall provide reasonable notice to the public of its regular, special and emergency meetings, in accordance with its Annual Resolution Establishing Notice Requirements. See [2015/2016 NMSU Board of Regents' Annual Notice Resolution](#). The meeting notice shall indicate how a copy of the agenda may be obtained.
7. Notice to Persons with Disabilities: 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 Special Advisor to the Board of Regents at (575) 646-2227 at least three (3) calendar days prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Special Advisor to the Board of Regents at (575) 646-2227 if a summary or other type of accessible format is needed."

8. Closed Meetings: The Board of Regents may close a meeting to the public only if the subject matter of such discussion or action falls within one of the exceptions in the Open Meetings Act, § 10-15-1(H).
 - a. 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.
 - b. 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.
 - c. 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.
 - d. Except as provided by Section 10-15-1(H) of the Open Meetings Act and New Mexico case law interpreting same, 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.
9. 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 of Regents' chair signs the minutes on behalf of the Board of Regents.
10. Agenda: The meeting agenda sets the order of the Board of Regents' business. A proposed 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 deadline for public notice of the agenda, request placement of an item on the agenda. If any individual or group wishes to have an action item considered by the Board of Regents, all pertinent documentation must be submitted in advance of the meeting to the NMSU Chancellor in order to allow for staff review. As necessary, the chair of the board or designee will correspond with the individual or group to obtain additional information if needed, and to inform whether or not the item will be placed on the agenda. If the item is not placed on the board's agenda, the requestor will be informed regarding the opportunity to address the Board of Regents during the time allotted for general public input.

11. 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.
 12. 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.
 13. Attendance: The Board of Regents members shall make every effort to attend all meetings of the board.
 14. Compensation: Members of the Board of Regents are not remunerated for their services; they are however, entitled to receive travel reimbursement.
 - a. Travel Reimbursement: Travel reimbursement for board members shall be paid in accordance with NMSU Business and Finance Policies and Procedures, consistent with the New Mexico Mileage and Per Diem Act. (See *NMSU Business Procedures Manual* for all other current mileage and per diem rates)
 - b. 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.
- D. ARTICLE IV - Officers of the Board of Regents:
1. Election of Officers: The Board of Regents 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.
 2. 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.
 3. 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.
 4. 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 of Regents shall direct the Chancellor of the university system to issue calls for all meetings of the Board of Regents. The chair of the Board of Regents 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 of Regents 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 of Regents shall perform such other duties as may be specified in these bylaws and as may be from time to time determined by the Board of Regents.
 5. 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.
 6. 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.

E. ARTICLE V - Functions/Operating Principles of the Board of Regents:

1. Functions of the Board of Regents:

- a. 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.
- b. 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.
- c. 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.
- d. To obtain adequate financial support.
- e. To select a chief executive officer for the institution and the director/secretary of the New Mexico Department of Agriculture.
- f. 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.

2. Principles of Board Operation: The Board of Regents exercises its control over the institution through its policies as administered by the administration. Decisions of the Board of Regents 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 have a pecuniary interest, 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.

F. ARTICLE VI - Amendments:

1. 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.
2. Notice of Amendments: Copies of proposed amendments shall be submitted to the Board of Regents 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.

REVISION HISTORY:

Amendment approved by Board of Regents 03.16.16.

Amendment recommended by Administrative Council 04.08.14; approved by Board of Regents 05.09.14.

Amendment recommended by Administrative Council 04.14.09; approved by Board of Regents 07.29.09.

Amendment approved by Board of Regents 09.26.08.

1.05.20 Board of Regents - Other Policies

- A. 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.
- B. 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.

- C. Regents' Committees: The Board of Regents may establish regents' committees to assist it in fulfilling statutory and fiduciary obligations to New Mexico State University and to the New Mexico Department of Agriculture. A regents' committee may be comprised of no more than two voting regents, appointed by the chair, and any other individual(s) appointed by the Board. Regents' committees are distinct from university boards addressed in Policy [1.05.90 NMSU Boards](#). Regents' committees include, but are not limited to: the Regents' Budget Committee, the Regents' Audit Committee, the Regents' Real Estate Committee, and the Regents' Student Success Committee. (See [Appendix 1-G](#).)
- D. 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.
- E. 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 super 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.

REVISION HISTORY:

Amendment approved by Board of Regents 03.16.16.

Amendment recommended by Administrative Council 04.09.13; approved by Board of Regents 05.10.13.

Amendment recommended by Administrative Council 07.13.10; approved by Board of Regents 07.20.10.

1.05.22 Board of Regents – Use of New Mexico State University Seal

- A. Purpose: To establish parameters regarding use of the official university seal.
- B. Scope: This policy will apply to all requests for use of the official university seal.
- C. Policy Administrator: The chancellor's chief of staff.
- D. Definitions:
1. Seal: The established and official symbol or stamp which authenticates official action taken, award bestowed, and/or signatures of, the members of the NMSU Board of Regents.
- E. Policy Statement:
1. Description of the Seal: In December 1962 the New Mexico State University Board of Regents adopted the design of the NMSU seal. The circular design has the words New Mexico State University and the date, 1888, around the edge of the circle and a Zia, with the letters N, M, S, U, in the four corners of the Zia symbol within the circle:



2. Restricted Use/Authorization to Use Seal: The seal is restricted for use by and for the NMSU Board of Regents and the Office of the Chancellor, with limited exceptions as they may authorize.
3. Prohibition of Alteration of Seal: As the university's official indicia/insignia, it shall not be altered, except by formal action of the NMSU Board of Regents.
4. Permissible Use(s) of Seal: Use of the university seal is prohibited without written consent from the Office of the Chancellor. The official university seal shall be used only for formal university business, including but not limited to, the diplomas issued to NMSU graduates, select and official university documents and commemorative items and awards.

- F. Procedural Guidelines: To facilitate the administration and enforcement of this policy, the policy administrator may develop and issue supplemental procedural guidelines (includes protocols, forms, etc.), consistent with the policy and with approval from the chancellor. Procedural guidelines shall either be published in this Section or shall be posted on an appropriate website and linked from this section.

REVISION HISTORY:

Policy recommended by University Administrative Counsel 08.11.15; approved by Board of Regents 10.21.15.

1.05.30 Chancellor of the New Mexico State University System *[Amended by the Board of Regents 07.29.09]*

- A. Delegation of Authority: The Chancellor is the chief executive officer for the NMSU system and is directly responsible to the Board of Regents for the overall programs of the university. The Chancellor 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 Chancellor may delegate administration of these matters. The Chancellor's further delegation of the board's authority to other appropriate administrators, for the purpose of institutional efficiency, will be documented and be available for viewing on line at: [Signature Authority Table 2015](#).
- B. Personnel Administration: The employment, advancement, and dismissal of all administrators, faculty, and other university personnel are delegated to the Chancellor and to whomever the Chancellor delegates such authority.
- C. Role of EVP/Provost: The executive vice president and provost serves as the chief executive officer in the absence of the Chancellor.
- D. Board's Role in Personnel Matters: Although the board should never actively nor directly participate in the actual hiring of university personnel, with the exception of the Chancellor 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.
- E. Operational Authority: The board delegates authority for the internal management of the institution to the Chancellor. All key policy decisions are made by the Chancellor in consultation with the appropriate administrators. All administrators serve at the pleasure of the Chancellor. The Chancellor is authorized to sign contracts for the university, on behalf of the Board of Regents.

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

1.05.50 University Administrative Council *[Amended by the Board of Regents 09.08.06] [Amendment recommended by the Administrative Council 12.14.10; approved by the Board of Regents 01.31.11]*

- A. Recognition of Council and Purpose: The Board of Regents recognizes the University Administrative Council as an advisory body, to be utilized at the Chancellor's discretion, for discussion and/or recommendations on matters of university business.
- B. Membership of Council: At the discretion of the Chancellor, the membership includes the executive vice and provost, senior vice presidents, community college presidents, vice presidents, associate vice presidents, athletics director, deans, faculty senate chair, ASNMSU president, graduate student council president, chair of the Employee Council, university general counsel, chief audit executive (*ex officio*) and others as may be invited by the Chancellor.
- C. Conduct of Meetings: The Chancellor chairs the University Administrative Council. In the Chancellor's absence, the executive vice president and provost acts in this capacity. Minutes of each meeting will be distributed to the council members prior to the next meeting, or as soon as practicable.

1.05.60 Academic Deans Council

- A. Recognition and Purpose: 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 Chancellor 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 NMSU Employee Council when appropriate.
- B. Membership: The Academic Deans Council is composed of the Chancellor, the executive vice president and provost, the vice president for research, the academic deans, the dean of the university Library, the community colleges campus executive officers, and the chair of the Faculty Senate.

1.05.70 Shared Governance and the Role of the Faculty Senate *[Amendment (FS Proposition 07-10/11 A) passed by Faculty Senate 01.13.11 and 03.03.11 as amended; recommended by the Administrative Council 03.09.11; approved by the Board of Regents 08.22.11]*

- A. Shared Governance: Shared governance refers to the governance of the university in which responsibility is shared among the Board of Regents, the faculty and the administration. As used in this policy, “faculty” refers to the general faculty, defined as all tenured, tenure track and college faculty at all of the university’s campuses. For purposes of this policy, the Chancellor and the executive vice president and provost, and their respective direct reports, shall be collectively referred to as “administration”. Shared governance shall remain a central tenet of academic decision making at New Mexico State University.
1. By law, the Board of Regents governs the NMSU system, under the advice of faculty, by the enactment of policies and by its delegation of operational authority through the Chancellor.
 2. Consistent with the principles of the American Association of University Professors (AAUP), the faculty, represented through the Faculty Senate and other faculty representatives, shall be involved in personnel decisions, selection of administration, preparation of budget, and determination of educational policies. The faculty shall have primary responsibility for curriculum and subject matter and methods of instruction, research, faculty status and those aspects of student life which related to the educational process. Faculty shall have primary responsibility for developing and applying policies affecting the university’s academic mission in regard to education, research, and service, subject to the authority of the Board of Regents, the Chancellor, and the executive vice president and provost.
 3. The faculty shall also be involved in administrative planning processes. To facilitate this, faculty members serve on the many and varied administrative committees.

- a. The chair of the Faculty Senate shall be a member of the Academic Deans Council and of the Administrative Council.
 - b. The vice chair of the Faculty Senate shall be a member of the Associate Deans Academic Council.
 - c. As directed by administration, members of the general faculty serve on other advisory committees, including but not limited to: the University Budget Committee, the University Research Council, and the President's Associates Board. Moreover, the Faculty Senate may select the requisite faculty representative; in addition, administration may select a member of the faculty directly.
- B. Faculty Senate: 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. The Faculty Senate is elected by the faculty at large. The Faculty Senate Constitution provides specifications relating to the Faculty Senate's composition, elections, terms of office, officers, committees, meetings, legislative processes, and methods to amend the constitution. See [Appendix 1-D](#). Additional details about the operation of the Faculty Senate are contained in the Faculty Senate Bylaws. The chair of the Faculty Senate will have 50 percent assigned time for Faculty Senate work, based on the teaching load. The vice chair of the Faculty Senate will have 25 percent assigned time.
1. The Faculty Senate shall key its propositions that affect academic policy to the corresponding provision in the Regents Policy Manual, ARP, or other policy document(s).
 2. Propositions affecting academic policy approved by the Faculty Senate are subject to acceptance or veto by the Chancellor.
 - a. If the Chancellor approves a proposition, it will be placed on the next agenda of the Board of Regents for consideration and approval.
 - b. If the Chancellor does not accept or vetoes the proposition within 40 working days from the receipt, the proposition will be placed on the next agenda of the Board of Regents for consideration and approval.
 - c. If the Chancellor vetoes a proposition, a two-thirds vote of the present and voting Faculty Senate may return the proposition to the Chancellor and, if the Chancellor does not rescind the veto within five (5) working days, the proposition will be placed on the next agenda of the Board of Regents for consideration and approval.
 3. Faculty Senate legislation will become effective upon approval by the Board of Regents, or upon such other date as may be specified in the legislation or by the Chancellor's provisional authority.

1.05.80 NMSU Employee Council fka Advisory Council on Administrative Policy (ACAP) (See also [Appendix 1-E for Constitution and Bylaws](#))

- A. Recognition of Council and Purpose: The NMSU Employee Council exercises the following functions:
1. Investigates matters involving the policies and procedures of the administration.
 2. Makes recommendations based on such investigations to the Chancellor of the university system.
 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.
- B. Membership: Members of the NMSU Employee Council are elected from the full-time staff and represent various groups, *i.e.*, faculty and staff employees, both on and off main campus.

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 affairs and enrollment management, 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 Office and Administration and Finance. All recognized student organizations, except for fraternities and sororities, must conduct their financial affairs through the Office of the ASNMSU Comptroller.

- A. Leadership Scholarships: *[Amendment approved by the Administrative Council 12.13.05; adoption of amendment ratified by the Board of Regents 12.08.06]*

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:
 - a. 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.
 - b. 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.

- B. ASNMSU - Students Club Endowment Policy: Establishes a policy for maintaining a Club Endowment and a separate Club Account.
1. 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.

2. 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.
3. 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 NMSU Foundation.
4. 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.
5. 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 NMSU BOARDS [*Policy recommended by the Administrative Council 12.14.10; adopted by the Board of Regents 01.31.11*]

Much of the work of the university is accomplished through committees or other bodies consisting of the diverse and dedicated members from the university and local community. This policy provides guidance relating to the creation, "lifespan", and cessation of these bodies that serve NMSU in advisory, investigatory, adjudicatory or other capacities. For purposes of this policy, the term "board" refers to any official body established to serve a university business purpose, whether it is referred to as a board, commission, committee, council, panel, task force, or other title. Because these boards are typically informal, advisory in nature, made up of volunteers or employees taking on duties in addition to their regular job duties, and not incorporated, they are not separate legal entities from the university.

- A. Types of NMSU Boards: Due to the great number of boards utilized for a variety of functions, they will be distinguished by whether or not they serve the entire university community or a part thereof.
 1. University Board: A university board is a body formally established by university policy or by directive from the Board of Regents, Chancellor, or executive vice president and provost.
 2. College and Departmental Boards: A college, departmental or administrative unit board is a body appointed by a community college president, dean, vice president, associate dean, division or department head or other executive or academic administrator, whose work furthers the interest of the college, department or administrative unit by providing collective work product, advice, and/or recommendations.
- B. Role in Policy Development: Any policy recommendations made by NMSU boards will be subject to the policy adoption protocol outlined in Chapter 1 of the *Regents Policy Manual* and in the Administrative Rules and Procedures of NMSU.
- C. Formal Creation of Board: At the time any university board is created, the following shall be indicated:
 1. The name of the board, and the authorizing body or official;
 2. The type of board and scope of work (i.e. whether standing or *ad hoc*, and whether the scope of the board's work will impact the NMSU System or only a particular campus);
 3. The purpose and authority of the board;

4. The membership, including whether the members are appointed by position or by individual, any special selection procedures (i.e. election by another university constituency or selection by that constituency's chair), the term of each member's appointment, whether terms are staggered, whether there are any *ex-officio* (non-voting) or other continuous members, and whether the appointed member may utilize a designee who will vote on the member's behalf;
5. How the board's chair is to be selected;
6. Whether or not a particular office will provide administrative support to the board;
7. Guidance relating to meetings, if appropriate.
8. The date at which the board creation is effective

For university boards, this creation document shall be distributed to all members of the University Administrative Council.

D. Upkeep:

1. All university boards, which include neither those sub-committees of the Faculty Senate, Employee Council or other university boards, nor those corporate entities which may be affiliated with NMSU, shall be listed in the NMSU [Official List of University Boards](#), maintained by the Chancellor's chief of staff. The Chancellor's chief of staff is responsible for ensuring processes are in place to update the listings to keep them current as of 30 September each year. See [Official List of University Boards](#)
2. All *ad hoc* university boards shall have a term of no longer than one year, and within that year shall be reviewed by the official(s) who established it, to determine whether or not the board's term should be extended. When it has been determined that the task for which the board was created has been completed or otherwise discontinued, the authorizing body or official shall direct the cessation of the board in writing to members of the University Administrative Council and reference to the board will be removed from the [Official List of University Boards](#).
3. If there is any doubt regarding the status of any university board, and after consultation with the chair of the Board of Regents or key personnel (as appropriate), the Chancellor or the executive vice president and provost (as appropriate) will provide direction to the Chancellor's chief of staff.
4. All standing university boards shall provide an annual report to the authorizing board or official no later than June 30 of each year, including the most current list of members.
5. All college, departmental and other administrative unit boards shall be maintained by the office of their respective appointing officials. The college, departmental and other administrative unit boards shall not be listed in the [Official List of University Boards](#).
6. The chair of each university board is required to ensure that all positions are properly filled in accordance with the guidance provided at the time of board creation. Chairs are to notify the Chancellor's chief of staff immediately upon a position vacancy and assist in nominating names of appropriate individuals for consideration to the authorizing body or official.
7. The authorizing body or official is free to alter or change the nature, membership, role or responsibility of any university board at any time by notifying the University Administrative Council and current board members in writing.

1.05.95 NMSU Community Colleges (*See also* policy headings such as Promotion, Tenure, etc) *[Amendment recommended by the Administrative Council 07.13.10; approved by the Board of Regents 07.20.10]*

- A. Land Grant Mission: 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 (NMSA 1978 Sec. 21-14-1 *et seq*)

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 NMSU community colleges 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.

- B. Policy Statement: The NMSU 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.
- C. Administration of Community Colleges: Each community college is administered by a campus president under the cognizance of the NMSU Chancellor. Community college academic issues are administered by their respective campus president, with oversight by the executive vice president and provost. (*See also* Policy [5.06, Administrative Reviews](#)).
1. Responsibilities of Community College Presidents: The community college campus presidents are responsible for providing leadership for their campuses in the following areas:
 - a. Educational Programs
 - b. Faculty and Staff Appointments
 - c. Student Services
 - d. Community Relations
 - e. Maintenance and Care of Physical Plant
 - f. Facility Planning (*See* Rule [9.50 Use of Facilities](#))
 - g. Assessment/Accreditation
 - h. Campus Budgeting (a shared responsibility with the main campus Office of Administration and Finance)
 2. 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.
 3. 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 of Regents.
 4. Semester End Dates: Whenever possible, the end of semester in the community colleges shall be coordinated with the end of the semester on the Las Cruces campus so that it is possible to report grades of students simultaneously.
 5. Faculty Credentials: (*See* Policy [5.15.60, Appointments-Qualifications](#))
 6. 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.
 7. Use of Community College Facilities: *See* ARP-Rule 9.50, Use of Facilities & Space Management.
- D. 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 president, for consideration for this honor by the Board of Regents. The award will be in the form of a plaque.

1.05.96 Community College Faculty Council

A. Policy Statements:

The purpose of the Community College Faculty Council is to provide a forum for communication among the faculties of the four NMSU community colleges and with the executive vice president and provost. Membership is comprised of eight faculty members: two faculty from each community college. The committee members from Alamogordo, Carlsbad and Doña Ana must be the sitting faculty senators, as well as Grants' faculty senator and an additional elected tenure-track faculty member from the Grants campus. The chair will rotate as follows: Alamogordo, Carlsbad, Doña Ana, Grants. The executive vice president and provost is an *ex officio* member of the Community College Faculty Council.

B. Policy Administrator: This policy is administered by the Executive Vice President and Provost.

C. Scope and Effective Date: This policy will apply throughout the NMSU system, effective upon approval by the Board of Regents.

REVISION HISTORY:

Amendment recommended by UAC 04.12.16; approved by Board of Regents 05.13.16.

Amendment recommended by Administrative Council 07.13.10; approved by the Board of Regents 07.20.10.

1.10 NMSU System Policies and Administrative Rules and Procedures

A. Policy Statements: Pursuant to the authority granted under the New Mexico Constitution and related statutes, the NMSU Board of Regents governs New Mexico State University and the New Mexico Department of Agriculture (collectively the "NMSU System") through the adoption of policies. These policies provide direction relating to the mission and goals for the NMSU System, as well as delegate or reserve authority. The purpose of this policy is to establish a framework for the adoption of NMSU System policies and to authorize the development of enforceable administrative rules and procedures as may be necessary to achieve the goals and directives established by the Board of Regents.

1. Policy statements, once approved by the Board of Regents, shall be maintained in a document titled "Regents Policy Manual" (RPM) (formerly titled, the "NMSU Policy Manual") which may take the form of an online website. All changes to the Regent' Policy Manual, except as otherwise provided below, are effective only upon approval by the Board of Regents in open meeting. The Board of Regents policies shall apply to the entire NMSU system unless otherwise stated in the policy.
2. The chancellor is authorized to adopt administrative rules and procedures as may be appropriate and necessary to implement the policies adopted by the Board of Regents, and to ensure efficient and effective organizational/transactional control. Those rules and procedures which have been formally adopted and approved by the Chancellor shall be maintained in a document entitled "Administrative Rules and Procedures" (ARP) which may take the form of an online website. The ARP shall apply throughout the NMSU system unless otherwise stated. The university shall include in the ARP a process that provides adequate opportunity for university stakeholders to provide comment regarding proposals to amend, repeal, or propose new policies or ARP provisions.
3. Any proposal which involves the academic mission and matters of shared governance, as defined in Policy 1.05.70, shall be reviewed and approved by the Faculty Senate before submission to the chancellor for final approval. Any such proposal not approved by Faculty Senate shall become effective only upon approval from the Board of Regents.
4. Provisions contained in the Regents Policy Manual and Administrative Rules and Procedures shall not create any type of contract, implied or otherwise, between the regents and its employees or any other individual or entity. Policies and the ARP may be amended or revoked

at any time in accordance with this policy.

5. A policy approved by the Board of Regents will become effective on the date of approval, or on such other date as reflected in the approved policy. In those instances where there is a compelling need for an immediate policy change, the chancellor may adopt and implement provisional policy, provided that the provisional policy is presented to the Board of Regents in open meeting as soon as practicable.
6. Implementation of this policy requires the separation of general policy statements from the university's operating rules and procedures which have until now been combined in the "NMSU Policy Manual." In order to accomplish that separation, and for the period of transition, the current Policy Manual may be replicated in its entirety and this replica, in combination with those few Procedural Guidelines already promulgated outside the NMSU Policy Manual, shall be deemed to constitute the initial set of Administrative Rules and Procedures. The provisions in this initial, transitional ARP shall be deemed to be the governing rules and procedures of the NMSU system until such time as each provision is individually reviewed and conformed to the ARP format. At such time as a complete recompilation is achieved, this paragraph may be removed from the RPM without further approval.

B. Policy Administrator: This policy is administered by the Office of the Chancellor.

C. Scope and Effective Date: This policy will apply throughout the NMSU System, effective upon approval by the Board of Regents.

REVISION HISTORY:

Amendment recommended by University Administrative Council 10.13.15; approved by Board of Regents 10.21.15.

Amendment recommended by Administrative Council 06.11.13; approved by Board of Regents 06.20.13.

Amendments recommended by Administrative Council 07.13.10; approved by Board of Regents 07.20.10.

CROSS REFERENCES:

Policy 1.05.70, Shared Governance and the Role of Faculty Senate

1.14 **Succession Planning** *(Policy adopted by the Board of Regents 12.13.13)*

The Regents of NMSU recognize that one of the university's greatest assets is its employees. To enhance the strength and the continued growth of the institution, the Board of Regents seeks to continuously hire, develop, and retain highly talented individuals, as well as to provide mechanisms which will further enhance their talents, maximize their value to the institution, and maintain a culture of advancement, in alignment with the strategic goals of the institution. Whether selected and identified by management or by self-nomination, incumbent employees shall be provided the encouragement to aspire to advance into leadership positions in multiple roles in leading NMSU. By maintaining an environment of motivation and engaging service, NMSU will continue its extensive history of successes.

1.15 **Non-Academic Units - Creating, Reorganizing, Relocating, Eliminating** *(See [Policy 6.05 for Academic Units - Creating, Reorganizing, Relocating, Etc.](#))*

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 Policy 2.50 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 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).

1.20 Gender Equity Policy and Statement of Principles *[Policy approved by the Administrative Council 06.10.07; policy adoption ratified by the Board of Regents 10.22.07] See Also Policies [3.25 Discrimination, Harassment and Sexual Misconduct on Campus](#).*

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, NMSU 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

- 2.00 Risk Management, Safety and Security
- 2.05 NMSU Athletics
 - 2.05.05 Athletic Programs Offered at NMSU
 - 2.05.10 Gender Equity and Title IX Compliance
 - 2.05.15 The Athletics Council
 - 2.05.20 NCAA and Conference Participation and Compliance
 - 2.05.25 Faculty Athletics Representative
 - 2.05.30 Ticket Sales
 - 2.05.35 Fund Raising for NMSU Athletics
 - 2.05.40 Media Relations Relating to NMSU Athletics
- 2.10 Auditors, External
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- 2.45 Lobbying
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- 2.57 Reserves
- 2.68 New Mexico State University Technology Transfer Corporation, Inc. (Arrowhead Center, Inc)
- 2.75 University Advancement - Gift Income, NMSU Endowments, NMSU Foundation, Inc.
 - Information Data Security
 - 2.90.20 Student Educational Records – FERPA Compliance
 - 2.90.40 Inspection of Public University Records
- 2.92 University Research Park

NMSU Policy System in Transition:

The following provisions have been repealed from this chapter of the Regents Policy Manual, but continue in effect in the Administrative Rules and Procedures of NMSU (ARP). Please also refer to the ARP at <https://manual.nmsu.edu/files/2013/10/03.16.16-4Ed-ARP.pdf>

- 2.03 *Art, Archives and Other Cultural Collections*
- 2.15 *College Budget Committee*
- 2.20 *Distribution Lists (ABCD) for Printed/Electronic Material*
- 2.25 *Emergency Preparedness and Response*
- 2.30 *Fire Safety, Prevention and Emergency Services*
- 2.35 *General NMSU Information and Communications Technology Policies*
- 2.36 *Payment Card Industry Data Security*
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- 2.56 *Purchasing*
- 2.60 *Environmental Health and Safety*
 - 2.60.10 *Safety and Health - Environmental Health and Safety Office*
- 2.64 *Security Cameras on University Premises*
- 2.65 *Social Security Numbers, Use of*
- 2.69 *Travel*
- 2.70 *United Way*
- 2.80 *University Communications and Marketing Services*
- 2.85 *University Logo*
- 2.90.10 *Records Integrity and Retention*
- 2.90.30 *Protection of Non Public, Personal Information*
- 2.91 *Identity Theft Protection Program*
- 2.94 *Weather, Inclement (Closings)*
- 2.95 *Parking and Traffic Regulations*

2.00 Risk Management, Safety and Security

- A. Policy Statements: NMSU strives to provide a safe and secure work and learning environment for its faculty, employees, students and visitors. Toward that goal, the administration shall establish rules and processes to promote the health, safety and wellbeing of those stakeholders in a systemic effort to prevent and control losses due to identifiable risks while ensuring compliance with relevant and applicable laws and regulations. Further, the administration is authorized to provide services and programs to support this policy, including but not limited to the following:
1. Police services including crime prevention services, criminal investigations, and victim services.
 2. Fire services including fire prevention, fire code and life safety compliance and public education.
 3. Emergency response services for the Las Cruces and Dona Ana Central campuses, and other arrangements as needed to provide security and safety services at other campuses.
 4. Environmental health and occupational safety services including programs to promote safety in the workplace and learning spaces, including mandatory safety training, and compliance with relevant environmental protection laws and regulations.
 5. An all-hazard emergency preparedness plan including emergency notification system(s).
- B. Rulemaking Authorization: The Regents of New Mexico State University authorize the administration to adopt and amend such Administrative Rules and Procedures (ARP) as may be needed to implement the policy set forth above. Such Rules shall be consistent with this policy as well as all relevant governmental laws and regulations.
- C. Repeal of Related Policies. This policy repeals policies 2.53 and 2.60 from the Regents Policy Manual, which shall remain in effect in the ARP until amended or repealed.
- D. Policy Administrator: The Chancellor administers this policy.
- E. Scope and Effective Date: This policy applies throughout the NMSU system, and is effective upon approval by the Board of Regents.

REVISION HISTORY: Amendment recommended by UAC 05.10.16; approved by Board of Regents 05.13.16.

CROSS REFERENCES: Administrative Rules and Procedures, Rules 2.25, 2.30, 2.53, 2.60, 2.61, 2.64 and 2.95.

2.03 Art, Archives and Other Cultural Collections

[REPEALED by Board of Regents 05.13.16; See Regents Policy 9.80, ARP, Rule 2.03]

2.05 NMSU Athletics *[Amendments to Policy 2.05, substantively revising all subsections were recommended by the Administrative Council 03.09.11; approved by the Board of Regents 03.14.11]*

- A. Mission Statement: To support the vision of NMSU by providing an inter-collegiate athletics program of local and national acclaim in an equitable diverse environment that supports student-athlete excellence in academics and athletics, and that engages the university community and stakeholders is achieving and celebrating Aggies' success. To support this mission, the Department of Athletics will strive:
1. To graduate every student-athlete at NMSU;
 2. To provide an athletics environment that is conducive to academic success;
 3. To seek to educate each student-athlete not only in how to earn a living, but also in how to live a meaningful life;
 4. To provide the people of New Mexico competitive athletics programs with student-athletes who reflect the State's multi-cultural heritage;
 5. To maintain a diverse coaching and support staff of men and women who represent the best in

instruction and who possess the ability to motivate and inspire the student-athletes to maximize the student-athlete experience in a positive way;

6. To provide the student-athlete with the finest athletics facilities and equipment available within the financial means of the department;
7. To adhere to the letter and spirit of the rules and regulations set forth by the National Collegiate Athletic Association (NCAA) and the Conference in which it is a member;
8. To act as a rallying point for students, faculty, staff, and alumni, generating enthusiasm and the “college spirit” for a positive bonding effect;
9. To be an integral part of the university environment, structure, goals, and objectives.

2.05.05 Athletic Programs Offered at NMSU

NMSU offers various athletic programs reflecting the interests of the university. Upon the recommendation of the director of athletics, the Board of Regents may add or delete athletic programs. The following are the varsity athletic programs offered at NMSU:

- Baseball
- Men’s Basketball
- Women’s Basketball
- Men’s Cross Country
- Women’s Cross Country
- Women’s Equestrian
- Football
- Men’s Golf
- Women’s Golf
- Softball
- Women’s Swimming and Diving
- Men’s Tennis
- Women’s Tennis
- Women’s Indoor Track & Field
- Women’s Outdoor Track & Field
- Volleyball
- Women’s Soccer

2.05.10 Gender Equity and Title IX Compliance

NMSU and the Department of Athletics are committed to gender equity in its intercollegiate athletics program. As an institutional commitment, the maintenance of gender equity requires broad based participation from various campus constituencies.

The Department of Athletics maintains a Gender Equity Plan that provides gender equitable opportunities for participation for both men’s and women’s sport programs. Specific goals identified to comply with Title IX provide equitable opportunities for all participants, as well as create a positive atmosphere for intercollegiate athletes. Specific areas addressed in the plan are: athletic scholarships, accommodation of interests and abilities, equipment and supplies, scheduling of games and practice time, travel and per diem, allowance, tutors, coaches, locker rooms, practice and competitive facilities, medical and training facilities and services and recruitment of student-athletes.

The gender equity subcommittee of the Athletics Council reviews the initiatives and progress made in the pursuit of the implementation of the Gender Equity Plan.

2.05.15 The Athletics Council

- A. Creation and Purpose: The Athletics Council was created to serve in an advisory capacity to the Chancellor, the faculty athletics representative, and to the director of athletics.
- B. Composition and Appointment: The Athletics Council is composed of eleven voting members and

three or more position appointments who shall serve on the Council as ex officio, non-voting members:

1. Six elected faculty members, one from each undergraduate college at NMSU-Las Cruces, and not to serve more than two consecutive three-year terms;
 2. Two students from ASNMSU, not to serve more than two consecutive one-year terms;
 3. One staff member from the Employee Council; not to serve more than two consecutive two-year terms;
 4. One faculty representative to the NCAA and the Conference selected by the Chancellor, after nomination by the Faculty Senate's standing Committee on Committees; and
 5. One Faculty Senate representative, not to serve more than two three-year terms.
 6. Director of Athletics. (*ex officio*)
 7. Senior Woman Administrator. (*ex officio*)
- C. Purpose: At the discretion of the Chancellor, the Athletics Council shall perform the following functions:
1. The Athletics Council shall provide advisory guidance relative to the rules, regulations and administration of intercollegiate athletics;
 2. The Athletics Council shall formulate and present to the Faculty Senate for its consideration recommendations regarding policies and programs, keeping in mind that the primary purpose of the athletic program is to further the educational goals of the university and to serve the students both as participants and spectators;
 3. The Athletics Council shall submit an annual report of its activities to the Faculty Senate; and
 4. The gender equity subcommittee of the Athletics Council shall be responsible for coordinating efforts to review the athletics department initiatives of gender equity. The committee will include an appointed chair, and two additional members. The subcommittee will work with athletics administration for the purpose of reviewing progress made in the pursuit of the implementation of the Gender Equity Plan. An annual report will be presented by the Faculty Athletics Council to the Chancellor and director of athletics.

2.05.20 NCAA and Conference Participation and Compliance

- A. NCAA and Conference Requirements: NMSU is committed to compliance with NCAA rules and regulations, to institutional control for the conduct of its athletic programs, and to monitor and guide all individuals and organizations that promote the athletic interests of NMSU. It is the responsibility of each employee interacting with the Department of Athletics, coach, and/or student-athlete to be aware of and follow these regulations and to report any possible NCAA or Conference infractions to the director of athletics and/or the Office of Athletics Compliance and Eligibility. Any questions should be brought to the attention of the Office of Athletics Compliance and Eligibility, director of athletics, or senior woman administrator. Violations of NCAA or Conference rules and regulations in any way will not be tolerated.
- B. Authorized Liaisons for NCAA and Conference Compliance: Although numerous persons may be involved in maintaining and assuring compliance with NCAA and Conference rules, the Office of Athletics Compliance and Eligibility administers all NCAA, Conference, and NMSU rules and regulations. In order to streamline the compliance function and avoid duplication of effort, certain NMSU officials and representatives have been designated to serve as liaisons to the NCAA or the Conference. They are authorized to contact these associations for interpretation or clarification of the applicable rules and regulations. The authorized NMSU representatives include the Office of Athletics Compliance and Eligibility, the director of athletics, the faculty athletics representative, and the senior woman administrator. Coaches or other administrators who support compliance activities do not have authorization to make such calls to the NCAA or to the Conference Office.

2.05.25 Faculty Athletics Representative

- A. Qualifications: The faculty athletics representative shall be a member of the institution's faculty or an administrator who holds faculty rank. The faculty athletics representative shall not hold an administrative nor coaching position in the Department of Athletics.
- B. Appointment: The faculty athletics representative is appointed by the Chancellor for an unspecified term, and shall report directly to the Chancellor.
- C. Duties: The responsibilities of the faculty athletics representative are guided by the *NCAA Faculty Athletics Representative Handbook*, and may be tailored by NMSU, provided any such amendment is documented as part of the Department of Athletics' operations manual. The faculty athletics representative duties at NMSU include but are not limited to:
 - 1. To serve as advisor to the Chancellor and the director of athletics on all matters related to intercollegiate athletics.
 - 2. To serve as the institutional representative to the NCAA and Conference.
 - 3. To serve as liaison between faculty, administration, and the Department of Athletics regarding rules interpretation, compliance, and policy.
 - 4. To serve as a member of the Athletics Council.
 - 5. To make inquiries of the NCAA or Conference staff regarding interpretation of association and Conference rules.
 - 6. To certify the NCAA and Conference eligibility status of each student-athlete.
 - 7. To assist student-athletes in Conference-level hardship petitions.
 - 8. To represent the university on compliance issues before appropriate NCAA and Conference committees
 - 9. To serve on any required committee to investigate alleged and real violations and assist in recommending corrective action.
 - 10. To provide oversight for the NCAA Coaches Certification testing program.

2.05.30 Ticket Sales *(See Also ARP-Rule 7.35 – Tickets (Athletic) for Faculty/Staff [Amendment recommended by the Administrative Council 10.09.12; approved by the Board of Regents 10.15.12; Amendment recommended by Administrative Council 04.14.15; approved by the Board of Regents 05.08.15])*

- A. Season Tickets Reduced Rate for Faculty, Staff and Retirees: The Department of Athletics provides football and basketball season tickets, in reserved sections, at a reduced rate to faculty, staff and retirees. Each employee is eligible to purchase a maximum of six football and four men's basketball season tickets at the reduced rate. The same privileges afforded to university employees shall be extended to official university retirees and their surviving spouses or domestic partners. All employee and retiree tickets are for the use of the employee and retiree and their family, and shall not be transferred. Tickets are issued on a season by season basis. Both employee and retiree tickets are subject to taxation, as well as required donation levels.
- B. Season Tickets for Chancellor: The Board of Regents hereby authorizes the annual purchase of 30 football tickets and 30 basketball tickets for use by the Office of the Chancellor, for friends and supporters of the university.
- C. Post-Season Tournament Tickets:
 - 1. Distribution of Post-Season Tournament Tickets: Post-season tournament tickets shall be distributed as follows:

- a. At the end of the regular season and prior to the commencement of the post-season tournament, the director of athletics 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.
 - b. The director of athletics or designee shall decide when tickets will go on sale and shall promptly communicate this decision to the manager of the ticket office.
 - c. Tickets for the following groups will be allocated at the discretion of the director of athletics to the following:
 - i. Office of the Chancellor (the Board of Regents, Chancellor, executive vice president and provost, Administrative Council, and elected officials).
 - ii. Office of Applicable Sport (i.e. basketball: team's student-athletes, parents, legal spouse or domestic partner of student-athletes, coaches and staff).
 - iii. Department of Athletics (working game personnel: director of athletics, associate athletic directors, sports information director, and trainers).
 - iv. Band and Spirit Squads (cheerleaders and mascot).
 - v. Athletics Council and Department of Athletics' personnel.
 - vi. Special Guests (selected by the director of athletics or designee).
 - vii. Aggie Athletic Club Members.
 - viii. Full-time Students.
 - ix. Season ticket holders.
 - d. Distribution of remaining tickets for the post-season tournament will be made to NMSU full-time students, regular full-time employees, and to the general public on a lottery basis (if needed). Lottery numbers must be obtained in person at the ticket office.
 - e. Distribution of tickets for the post-season tournament to the Aggie Athletic Club will be handled by the director of athletics or designee. It will be necessary for the Aggie Athletic Club to establish a method, in writing, of determining who will be allowed to purchase tickets to the post-season tournament.
2. Coordination by the Department of Athletics: 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 Department of Athletics. All other parties will be responsible for getting their own post-season tournament tickets from the host institution.
 3. Official Spokesperson: The director of athletics shall designate one official spokesperson to answer questions pertaining to the distribution of tickets to the post-season tournament.
 4. Ticket Transference Prohibited: 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.
 5. Ticket Scalping 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.
- D. Student Admission: Students who are not employed by the university in a regular position and who are enrolled in at least one credit hour for an NMSU-Las Cruces course, shall be admitted to NMSU athletic events free of charge, with the exception of conference or NCAA tournaments. Enrollment status may be verified through an electronic scan of each student ID.

2.05.35 Fund Raising for NMSU Athletics

- A. Aggie Athletic Club: The Aggie Athletic Club (AAC) serves as the fund raising office for the Department of Athletics. The Aggie Athletic Club provides oversight and acts as a resource to the individual booster, or "fund-raising clubs", for each athletic sport and some administrative units. Donations to these clubs are restricted for the use of the related sport or unit. A list of Aggie Athletic Club sponsored booster organizations is available at [Aggie Athletic Club](#).
- B. NMSU Sports Enterprises: NMSU Sports Enterprises, Inc. is a 501 (c.)(3) corporation overseen by

the NMSU Foundation. It secures sponsorships (both cash and trade) for NMSU athletic events and venues. Net revenues and trade agreement resources derived from these sponsorships are generally delivered to the Department of Athletics.

2.05.40 Media Relations Relating to NMSU Athletics

- A. Radio and TV Broadcasts: The Department of Athletics holds all broadcast rights, including distribution of events, format, announcers, air times and advertising inventory on all radio and television events. Permission to broadcast is granted on a game-by-game or season basis through contracts issued by the Department of Athletics, the NCAA, or the Conference to which NMSU is a member. All television events produced by NMSU are done in cooperation with the Special Production Unit of KRWG and branded as AggieVision events.
- B. Coaches' Shows: NMSU produces television and radio coaches' shows and post-game shows to promote the university, to assist with recruiting, and to highlight each week's game(s).

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 *[Amendments approved by the Board of Regents 07.23.07]*

- A. 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 Chancellor and/or the Board of Regents.
- B. 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.
- C. 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.
- D. 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.
- E. 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.
- F. Reporting Structure: In order to maintain independence, the staff of the Office of Audit Services reports to the chief audit executive, who reports administratively to the Chancellor and functionally to the Board of Regents. The chief audit executive shall meet with the Board of Regents' Audit Subcommittee periodically, as outlined in the Audit Subcommittee Charter and will present an annual report on the activities and operations of the department.
- G. 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 Chancellor and to the Budget and Audit Subcommittee for resolution.
 4. 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.

2.15 College Budget Committee

[REPEALED by Board of Regents 12.11.15; See ARP, Rule 2.15]

2.20 Distribution Lists (ABCD) for Printed/Electronic Materials

[REPEALED by Board of Regents 12.11.15; See ARP, Rule 2.20]

2.25 Emergency Preparedness and Response

[REPEALED by Board of Regents 12.11.15; See ARP, Rule 2.25]

2.30 Fire Safety, Prevention and Emergency Services

[REPEALED by Board of Regents 12.11.15; See ARP, Rule 2.30]

2.35 General NMSU Information and Communication Technologies Policies

[REPEALED by Board of Regents 12.11.15; See ARP, Rule 2.35]

2.36 Payment Card Industry Data Security

[REPEALED by Board of Regents 12.11.15; See ARP, Rule 2.36]

2.37 Investments

Investments shall be made by the senior vice president for finance and administration, assistant vice president, associate vice president budget/controller and director of treasury services. These will be reviewed with the Chancellor on a regular basis, at least semi-annually.

- A. 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.

- B. 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 finance and administration.

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

- C. 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.

- D. 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 administration and finance 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.

- E. 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 bankers 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.
- F. 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 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.

- G. Investment Management Duties: Responsibility for the day-to-day management of the university's investment program is delegated through the senior vice president for administration and finance 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 administration and finance and designees, including recommended investment maturities.
 4. Presenting short-term investment recommendations for new monies to the Associate vice president budget/controller.
 5. The preparation and presentation of a comprehensive set of reports designed to keep the senior vice president for administration and finance 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.
- H. 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.
- I. **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 ten years from the date of purchase. Funds will only be committed to maturities longer than five years from the date of purchase if directly related to a specific capital or other long-term project. 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 less than two years.
- J. **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.
- K. **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 spreads 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 spread becomes wider than is considered normal under prevailing market conditions.)
 3. **The Maturity Extension Swap:** this technique involves lengthening the maturity of owned securities when a normal up sloping 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 administration and finance.

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.

- L. 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.

- M. 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 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 administration and finance or and designees.

- N. 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 administration and finance 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 pooled investment account, unless the senior vice president for administration and finance determines that lesser percentage is to be utilized for a given account(s).

At the discretion of the senior vice president for administration and finance 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

- A. Service of Process on NMSU: The Office of the Chancellor shall be the only office authorized to be served with all suits, summonses, garnishments, and other legal documents for the university.
- B. Authority of the Chancellor to Initiate or Defend Legal Proceedings: The Chancellor 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 Chancellor will seek confirmation of any action taken at the board's next regularly scheduled meeting.
- C. Representation of NMSU Employees Within Course and Scope of Employment: 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.
- D. Contract Approval: 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.
- E. Access to University 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 Office of the General Counsel directly to make appointments.

2.45 Lobbying

- A. 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 there under.
- B. 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.
- C. The vice president for research is directed to be the sole individual responsible for assuring the compliance with this policy. The vice president for research may designate one or more individuals to act in the absence of the vice president for research, in order to assure continuity.

2.50 Naming University Property and Academic Units *[Amendments recommended by the Administrative Council 12.13.11; approved by the Board of Regents 01.30.12]*

- A. Purpose/General Policies regarding Naming: The primary purpose of this policy is to ensure uniformity in the university naming opportunities, as well as to ensure that the university's endowment funds will generate sufficient fund distributions for their designated purposes. This policy provides donors the opportunity to link their philanthropic interests with enduring recognition for either themselves or others, and allows the university to present donors with quantifiable funding opportunities. University namings will undergo a high level of consideration and due diligence to ensure that names selected reflect the university's purpose and mission. In some instances, honorific naming may be appropriate for those occasions when an individual has provided exemplary, meritorious, or philanthropic support or service to the university. To ensure good donor relations, written agreements will be signed by the university and the donor(s) outlining the terms of naming arrangements. To enhance communication with all university constituents regarding naming policies, this policy and the minimum endowment thresholds will be posted at the appropriate NMSU websites. To help ensure that the university's endowment funds generate sufficient fund distributions for their designated purposes, minimum endowment thresholds will be set upon the

recommendation of the NMSU Foundation, upon approval by the NMSU Chancellor, after consideration of the recommendations from the Naming Committee and/or the University Administrative Council. For the different types of endowments pertaining to naming and their minimum endowment thresholds, See [New Mexico State University Naming Policy Minimum Thresholds](#). Naming opportunities offered to donors are to be coordinated through the Office of University Advancement, to ensure appropriateness of the gift level for the naming opportunity. These policies also address the duration of names as related to the “life of a facility or program” and, in unusual circumstances, the university’s right to transfer or to remove a previously approved name.

- B. Scope: This policy applies to the naming of university property and academic units throughout the NMSU system, including developed and undeveloped real property, capital assets, facilities and other space, as well as academic units.
- C. Policy Administrator: The Office of University Advancement, on behalf of the NMSU Chancellor and the Board of Regents, administers this policy to support, coordinate and manage university naming as outlined in this policy. The Naming Committee, chaired by the vice president of university advancement, is recognized as an advisory body that will review and render recommendations, typically through the University Administrative Council, to the NMSU Chancellor:
 - 1. Authority of the Naming Committee: The Naming Committee shall review naming proposals and opportunities consistent with this policy and forward its recommendations through its chair to the University Administrative Council, for further action by the Chancellor and/or Board of Regents, as appropriate. The Naming Committee may be tasked to visit with campus representatives and prospective donors about the application of the naming policies.
 - 2. Membership of the Naming Committee: The Naming Committee membership shall consist of the following position appointments:
 - a. Vice President for University Advancement;
 - b. Executive Vice President and Provost;
 - c. Senior Vice President for Administration and Finance;
 - d. Chancellor’s Chief of Staff;
 - e. Chair, Faculty Senate;
 - f. Chair, Employee Council;
 - g. Chair, Campus Planning Committee;
 - h. Academic Deans;
 - i. Vice President of Student Affairs and Enrollment Management.
- D. Definitions:
 - 1. Academic Unit: An academic unit is an NMSU college, department, school, program, center or other academic organizational unit, or part thereof.
 - 2. Endowment: An endowment (also referred to as endowed gift funds) refers to a permanent funding gift held and managed by the NMSU Foundation Inc. on behalf of NMSU to provide income in perpetuity. The principal is invested and a portion of the annual earnings is used for purposes designated by the donor.
 - 3. Facility: NMSU facilities include but are not limited to buildings, rooms or structures; streets or malls; interior spaces and landscapes; and whether existing or yet to be constructed.
- E. Endowment Guidelines: This policy addresses the naming, via endowment, of colleges, departments, major organizational units, including programs as well as lectureships, chairs professorships, and fellowships/scholarships.
 - 1. Out of respect for the donor, every effort should be made for all references to a named endowment, including but not limited to: publications, internal and external communication, to reflect the recognition name.
 - 2. Normally the donor will have a maximum of five (5) years to meet the minimum funding level

requirement, absent rare special circumstances.

3. In the case of deferred gifts, the gift must normally be irrevocable in nature before being eligible for naming.
4. Academic and Major University Units. The funding required for naming academic or other major university units should be of a level that will transform the very nature of the unit involved, enabling that unit to reach a level of excellence that would have been impossible using university funds alone.
 - a. The gift should be in the form of an endowment, with income from the endowment used to provide a margin of excellence for the unit involved.
 - b. The gift income derived from endowment earnings should not replace university funds previously made available to that unit.
 - c. Endowment levels will vary by school based upon its specific mission and scope that determines needs and programs. Certain units may require a higher minimum than those suggested.
5. Faculty Positions: Naming opportunities for endowed faculty positions are available throughout the university. Naming will be independent of all appointment and curriculum decisions which the university will continue to make in keeping with its policies, established practices and academic mission. Distributed earnings may be used to provide partial salary support, and to help fund the faculty member's specific teaching and research requirements, including laboratory equipment, support staff, graduate assistants, research materials and technology.
6. Chair: An endowed chair is a select faculty position filled by an outstanding scholar and teacher, as judged by rigorous nationally accepted standards. Some colleges, schools or departments may require a higher amount of funding, which is often market driven.
7. Professorship: An endowed professorship is typically held by a faculty member whose accomplishments indicate potential for national and international leadership and distinction in their field, and whose current efforts are focused on honing teaching skills and/or establishing a superior record of research or other scholarly activity. Distributed earnings may be used to augment the salary of the professor, as well as to support the faculty member's scholarly and research needs.
8. Lecture Series: An endowed lecture series play an important role in the academic life of the campus. They allow faculty, staff, students, and the larger NMSU community to interact with distinguished leaders who influence disciplines, society, the nation or the world. Because of the intensive planning and implementation required for lecture series, these should be determined in consultation between the Office of University Advancement, departmental administration and the donor. In some instances, it is beneficial to structure biennial lectures and/or link a gift to an existing lecture series. The endowment provides the resources to cover the expenses of bringing renowned speakers to the campus, such as honoraria, publicity, and the expenses of the host faculty members. A named lecture series may be established within a unit or may be campus-wide in nature.
9. Fellowships and Assistantships: Fellowship awards may include a research or teaching assignment if deemed appropriate. Assistantships require students to work in exchange for this support.
 - a. Graduate Fellowships and Assistantships: Graduate Fellowships and Assistantships provide a vital means of bringing the best and brightest graduate students to New Mexico State. Students are working toward an advanced degree in any graduate program.
 - b. Postdoctoral Fellowships. Recent Ph.D. graduates continue their research agenda for a one to two-year period in a focused environment bringing innovative research to the campus.
10. Scholarships: Scholarships funded through an endowment may be awarded to an undergraduate student, graduate or a professional student on the basis of need, academic merit or a combination of factors.

11. Other Named Endowment Opportunities: Examples of other endowed funds which may be negotiated on a case by case basis include, but are not limited to:
 - a. Excellence Funds support a college, school, department, academic discipline, building/ground maintenance or other university program of interest to the donor. Typically, distributed earnings enhance the selected program by supporting enrichment activities above and beyond budgeted expenditures.
 - b. Teaching, Research or Staff Funds allow the university to recognize outstanding teaching, service, research, special programs, and staff members. Distributed earnings may be used as an award and/or to provide enrichment activities above and beyond budgeted expenditures.
- F. Facilities Naming Guidelines: This policy applies to the naming of facilities including buildings and structures, interior spaces, and landscapes.
 1. Out of respect for the donor, every effort should be made for all references to a named facility, including but not limited to facilities signage, directional signage, publications, internal and external communications, to reflect the recognition name.
 2. Because of the relative permanence of decisions to name buildings, areas, or spaces, it is prudent to allow reasonable time for consideration at each stage of the process.
 3. New Facilities: Naming opportunities involving new facilities must be approved by the NMSU Chancellor and the Board of Regents, after consideration of the recommendation from the Naming Committee.
 - a. Naming opportunities offered to donors as part of a capital campaign are to be coordinated through the Office of the Vice President for University Advancement.
 - b. Private fundraising goals will be determined by construction costs, and may include a required endowment for maintenance of the facility.
 - c. Endowment raised will be distributed proportionately among donors of the various naming opportunities.
 - d. Naming opportunities for facilities must be defined and approved prior to the launch of the fundraising effort. The most significant gifts will normally be solicited at the outset of the fundraising campaign, and clarity and consistency with lead donors on the opportunities and policies is essential.
 - e. An initial list of the proposed naming opportunities for any new facility project is to be coordinated through the Office of University Advancement. This list may be revised as planning proceeds and the fundraising plan is developed.
 - f. This initial list of proposed naming opportunities is to include a description of the size and function of all spaces proposed for naming as well as a plan for the display or physical presentation of the names.
 - g. For gifts involving the naming of benches, fountains, display space, or other outdoor structures or areas, the gift must cover the entire cost of the structure or installation and if ongoing operations and maintenance cost will be incurred, an endowment sufficient to cover these costs may also be required.
 4. Existing Facilities: Existing facilities as yet unnamed are available to be named for a donor under each of the following situations:
 - a. In cases of major renovations which extend throughout an existing building:
 - i. provided that the donor's gift covers a substantial percentage of the cost of the major renovation and maintenance.
 - ii. what constitutes a major renovation is a matter determined in individual cases by the Vice President for the Office of University Advancement in collaboration with the appropriate college/department administrator.
 - b. In cases where substantial gifts are made by donors to endow programs carried on within those buildings:
 - i. the guideline for endowment would be equal to half the replacement cost of the facility;
 - ii. this matter may be determined in individual cases by the Vice President for the Office

of University Advancement in collaboration with the appropriate college/department administrator.

5. Portion of a Facility or External Spaces: Naming a portion of a building or external spaces of the university must be approved by the NMSU Chancellor, after consideration of the recommendations from the Naming Committee and/or University Administrative Council.
 - a. To name rooms, laboratories, centers, or areas within new or renovated facilities, or external spaces such as entryways or gardens, donors must provide the minimum specified level of gifts including endowment as determined by the Office of University Advancement in collaboration with the appropriate college/department administrator.
 - b. The naming opportunities and levels would be based upon the size, use, and priority of the space.
 - c. Private fundraising goals will be determined by construction costs, and may include an endowment for maintenance of the facility. Endowment will be distributed proportionately among donors of the various naming opportunities.
 6. Donor Initiated Projects: From time to time, a prospective donor will propose a gift to fund a project or activity not specifically addressed in this policy, in which case, the following will apply:
 - a. If ongoing operations and maintenance costs will be incurred, an endowment sufficient to cover these costs may also be required.
 - b. Such donor initiated gifts are subject to the approval from the NMSU Chancellor and the Board of Regents, after consideration of the recommendation from the Naming Committee.
- G. Duration of Naming: As the university grows, so do the space and academic needs of the campus. In order to successfully meet these changing needs, it may become necessary from time to time to relocate, remove or eliminate named facilities or academic units. Should a named property be affected by such changes, the Naming Committee will be convened to discuss and review each issue on a case by case basis.
1. Structure Removal or Modification: The university shall honor a naming for the life of the property, unless otherwise noted in the agreement. In the event a named property or academic unit is removed or modified, 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 razed.
 2. Name Removal: The university reserves the right to remove a name from any and all naming opportunities covered by this policy. The Naming Committee will review any change in circumstances brought to its attention and make a recommendation, through the University Administrative Council, to the Chancellor and the 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, and/or 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.).

2.53 Police (University)

[REPEALED by Board of Regents 05.13.16; See Regents Policy 2.00, ARP, Rule 2.53]

2.56 Purchasing

[REPEALED by Board of Regents 12.11.15; See ARP, Rule 2.56]

2.57 Reserves

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

2.60 Environmental Health and Safety

[REPEALED by Board of Regents 05.13.16; See Regents Policy 2.00, ARP, Rule 2.60]

2.64 Security Cameras on University Premises (See Also Policy [2.53 Police](#))

[REPEALED by Board of Regents 12.11.15; See ARP, Rule 2.64]

2.65 Social Security Numbers, Use of

[REPEALED by Board of Regents 12.11.15; See ARP, Rule 2.65]

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 Chancellor, the executive vice president and provost, the vice president for research, and the senior vice president for administration and finance. The chief operating officer will be the vice president for research.

2.69 Travel

[REPEALED by Board of Regents 12.11.15; See ARP, Rule 2.69]

2.70 United Way

[REPEALED by Board of Regents 12.11.15; See ARP, Rule 2.70]

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 NMSU 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 are made to NMSU 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 NMSU Foundation, but are subject to the policies and the procedures of the NMSU Foundation.

- A. **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 NMSU 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 restricted and unrestricted gifts based only on the level of donor specification attached to the gift, as explained below.

- B. Restricted Gift Income: For the purpose of this policy, restricted 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 unrestricted 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 restricted. 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.
- C. Unrestricted Gift Income: For the purpose of this policy, unrestricted 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 unrestricted, and to verify that donor's intent related to the department within the university in which the funds are to be spent is honored.
- D. Authorization Structure: The standard approval structure in place for expenditure of non-gift funds will be followed for gift funds. All non-payroll expenditures are to be approved by the department head (where applicable), dean or director, and Office of the Senior Vice President for Administration and Finance. All expenditures involving a payment for services rendered by a university employee will be processed through the Office of Human Resource Services, 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 Administration and Finance.
- E. 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 NMSU 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.
- F. 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 Administration and Finance 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 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.
- G. 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 NMSU 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 NMSU Foundation in such a way that the NMSU 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 NMSU 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).
- H. NMSU Endowment Fund: This fund, managed by the NMSU 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 Office of Human Resource Services.
- I. NMSU Foundation, Inc.: The NMSU Foundation, Incorporated, is a private, nonprofit corporation whose only purpose is to accept and administer gifts in support of the university. The NMSU 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 NMSU 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.
- J. 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:
1. 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.
 2. Providing a corporate structure for managing private gifts, including endowments and income-producing real property, that does not jeopardize the university's tax-exempt status, create unnecessary unrelated business tax obligations, or create additional liabilities for the university.
 3. 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.)

- K. 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 NMSU Foundation, unless otherwise approved by the Board of Regents upon the recommendation of the Chancellor (or designee).
- L. 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.
- M. 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:
1. The Articles of Incorporation and Bylaws and any amendments should have the approval of the university.
 2. A regent, the Chancellor (or designee) may be included as a voting member of the governing board of the organization.
 3. 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.
 4. 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.
 5. 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.
- N. 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 NMSU system Chancellor. 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 Chancellor (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 a 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.

- O. 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 NMSU 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 NMSU Foundation; however, endowment funds may be co-invested in a pooled 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 NMSU 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 NMSU Foundation, for management purposes. The NMSU 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 NMSU Foundation will use the proceeds from these sales to establish the endowment. The NMSU 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
- P. 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 Chancellor 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.
- Q. 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.

- R. 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 Office of 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.
- S. 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:
1. Space for meetings and other needs that an organization may have in the conduct of its business.
 2. 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.
 3. Use of university's financial accounting systems for their fiscal management needs.
 4. Utilization of computer-based information management systems, such as donor record-keeping, etc.
 5. Use of the Office of Central Procurement and Risk Management Administration's staff when assistance is required in arranging purchases. Under no circumstances will purchases be made for the organizations through the Office of Central Procurement and Risk Management Administration.
- Recognized affiliated organizations will be given a non-exclusive license to use the name New 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.
- T. 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
[REPEALED by Board of Regents 12.11.15; See ARP, Rule 2.80]

2.85 University Logo
[REPEALED by Board of Regents 12.11.15; See ARP, Rule 2.85]

2.90 Information Data Security

- A. Policy Statements: NMSU aspires to provide responsible use and management of its technology resources including storage and use of confidential data. The administration shall establish rules and processes to secure and protect confidential data and shall establish such administrative, technical, and physical safeguards as may be necessary or appropriate to comply with all relevant data protection laws and contractual requirements. The University shall identify an IT security authority to monitor and report data security risks to the administration, address any data security breaches as required by law and university rules, and to serve as a resource to the university community for data security and regulatory requirements. (Note: As used in this policy, “confidential data” is a generalized term, and not as a data classification.)
- B. Rulemaking Authorization: The Regents of New Mexico State University authorize the administration to formulate and amend the Administrative Rules and Procedures (Rules) to address the use and management of the university’s confidential data and to implement the policy set out above. Such Rules shall be consistent with this policy as well as the laws relating to data privacy and security.
- C. Repeal of Related Policies. Policies 2.90.10, and 2.90.30 shall be repealed from the Regents Policy Manual, but remain in effect in the ARP until amended or repealed.
- D. Policy Administrator: The Chief Information Officer administers this policy.
- E. Scope and Effective Date: This policy will apply throughout the NMSU system, and becomes effective upon approval by the Board of Regents.

REVISION HISTORY: Policy recommended by UAC 05.10.16; adopted by Board of Regents 05.13.16.

CROSS REFERENCES: Administrative Rules and Procedures of NMSU, Rules 2.90.10 and 2.90.30

2.90.10 Records Integrity and Retention

[REPEALED by Board of Regents 05.13.16; See Regents Policy 2.90, ARP, Rule 2.90.10]

2.90.20 Student Educational Records-FERPA Compliance

- A. Policy Statements: NMSU respects its students’ right to privacy as it relates to their educational records. The administration shall adopt rules and procedures in compliance with the Family Educational Rights and Privacy Act of 1974 (“FERPA”). FERPA generally provides that students’ educational records will be maintained confidentially as private records, except as otherwise provided in the Act; that students and eligible parents may access and review the student’s individual educational records; and that the university provide a process by which the educational record may be amended or supplemented.
- B. Policy Administrator: This policy is administered by The NMSU Registrar.
- C. Scope and Effective Date: This policy applies throughout the NMSU System, including personally owned equipment which connects to the NMSU enterprise and data moved to personal devices.

REVISION HISTORY: Amendment recommended by UAC 04.12.16; approved by Board of Regents 05.13.16

CROSS REFERENCES: Administrative Rules and Procedures, Rule 2.90.20

2.90.30 Protection of Non-public, Personal Information

[REPEALED by Board of Regents 05.13.16; See Regents Policy 2.90, ARP, Rule 2.90.30]

2.90.40 Inspection of Public Records

- A. Purpose: To facilitate compliance with the New Mexico Inspection of Public Records Act (NMSA 1978, §14-2-1 et seq).
- B. Scope: This policy applies throughout the NMSU system.
- C. Policy Administrator: The Office of General Counsel administers this policy, and provides guidance as needed to the various custodians of public records as they respond to requests for inspection of public documents.
- D. Definitions: See the definitions contained within the NM Inspection of Public Records Act, NMSA 1978, § 14-2-6.
- E. Policy Statement: The designated custodians of public records shall respond to requests for inspection in a timely and professional manner, in compliance with the NM Inspection of Public Records Act (NMIPRA). If the Procedural Guidelines do not clearly identify a records custodian for a particular record sought, university general counsel is authorized to designate an appropriate university official to serve as records custodian for the request. Requests for inspection of university records will be considered and permitted consistent with the applicable law and the rights of the parties.
- F. Procedural Guidelines: With approval from the Chancellor, the policy administrator may issue and amend [Procedural Guidelines](#), provided they are consistent with this policy and the NMIPRA. The Procedural Guidelines shall be posted on the appropriate website for NMSU System policies and procedures.

REVISION HISTORY:

Amendment recommended by University Administrative Council 07.14.15; approved by Board of Regents 07.21.15.

Amendment recommended by Administrative Council 11.08.11; approved by Board of Regents 12.09.11.

Amendment recommended by Administrative Council 09.13.11; approved by Board of Regents 10.10.11.

2.91 Identity Theft Prevention Program

[REPEALED by Board of Regents 12.11.15; See ARP, Rule 2.91]

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 Chancellor, the executive vice president and provost, the vice president for research, and the senior vice president for administration and finance. 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)

[REPEALED by Board of Regents 12.11.15; See ARP, Rule 2.94]

2.95 Parking and Traffic Regulations

[REPEALED by Board of Regents 12.11.15; See ARP, Rule 2.95]

Chapter 3

Employee, Student and Visitor Codes of Conduct

- 3.05 Alcohol at NMSU Including Sanctioned Events
- 3.19 Conflicts of Interest - Ethical Conduct
 - 3.19.10 General Statement
 - 1.19.20 Principles of Ethical Conduct
 - 3.19.25 Mandatory Employee Training and Other Professional Development Opportunities
 - 3.19.30 Addressing Concerns Relating to Ethical Conduct
- 3.25 Discrimination, Harassment and Sexual Misconduct on Campus
- 3.30 Disability Accommodation
- 3.40 Drug-Free Workplace
- 3.50 Firearms
- 3.63 Freedom of Expression
- 3.90 Religious Denominations
- 3.99 Prohibition of Hazing and Hostile Misconduct
- 3.101 Student Social Code of Conduct

NMSU Policy System in Transition:

The following provisions have been repealed from this chapter of the Regents Policy Manual, but continue in effect in the Administrative Rules and Procedures of NMSU (ARP). Please also refer to the ARP at <https://manual.nmsu.edu/files/2013/10/03.16.16-4Ed-ARP.pdf>

- 3.06 *Assistive, Service, and Companion Animals on University Premises*
- 3.07 *Awareness, Assessment and Response to Behaviors of Concern*
- 3.10 *Campus Access-Prohibited, Restricted*
- 3.15 *Children in the Workplace*
- 3.20 *Conflicts of Interest and Conflicts of Commitment in General*
- 3.21 *Conflicts of Interest and Commitment in Sponsored Activities*
- 3.22 *Conflicts of Interest Arising from Consensual Relationships*
- 3.31 *Distribution of Effort*
- 3.55 *Fires, Fireworks*
- 3.60 *Flags-National, State*
- 3.65 *Protection of Sensitive Information*
- 3.70 *Office Hours - Administrative*
- 3.75 *Non-Work Related Use of University Resources*
- 3.82 *Picnics*
- 3.92 *Sales and Solicitation*
- 3.98 *Smoking Policy*
- 3.101 *Protocols in the Event of a Missing Residential Student*

3.05 Alcohol at NMSU Including Sanctioned Events *[Amendment approved by the Administrative Council 10.11.05; ratified by the Board of Regents 09.08.06] [Amendment recommended by the Administrative Council 07.13.10; approved by the Board of Regents 07.20.10] [Amendment recommended by the Administrative Council 12.13.11; approved by the Board of Regents 01.30.12]*

- A. 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.

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 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 NMSU. Off-campus events conducted by university approved organizations are bound by this policy.

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

- B. Scope: This policy applies at those NMSU campuses or facilities that have applied for and received a waiver from their respective county jurisdictions.
- C. Policy Administrator: This policy is administered by the Office of the Chancellor. The Chancellor may delegate review and/or approval authority to a designee.
- D. Permissible Use of Alcohol: As allowed pursuant to this 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 allowed 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 consistent with the law and in areas designated by the director of housing and residential life. See [Housing Terms and Conditions](#) for those areas designated as "alcohol free", if any.
 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 Office of the NMSU Chancellor by event type. The Office of the NMSU Chancellor is authorized, in its discretion, to approve 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. Members of the university community and/or the public wishing to host or otherwise conduct an event involving alcohol on campus or other NMSU property must first obtain the proper approval from the Office of the NMSU Chancellor.
 - a. Some functions may also require the party to have separately and previously obtained an appropriate permit in accordance with the state's liquor licensing laws; the Office of the Chancellor will not approve a function if the proper state permit has not been obtained.

- 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 the Office of the NMSU Chancellor will approve the event for alcohol.
 - 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 approvals and/or state issued permits are obtained, in accordance with this policy.
 - d. State law requires that anyone serving alcohol must complete a class and receive a Server's Permit.
 - e. 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, with a positive recommendation from the Alcohol Review Committee.
 - f. Approval for alcohol at an event is to be requested from the Office of the NMSU Chancellor. For and Application and Instructions, please contact the chair of the Alcohol Review Committee at 575-646-5752. The Alcohol Review Committee will review the application and make its recommendation to the Office of the NMSU Chancellor.
 - g. The decision by the Office of the NMSU Chancellor is final.
- E. Unacceptable Use of Alcohol: 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. Corrective and/or disciplinary action will be taken if it is determined that the use of alcohol by an employee or student 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 on NMSU property intended for consumption is allowed for the sole purpose of prompt delivery to the location approved for such consumption.
 5. Open containers of alcohol are prohibited outside of designated areas.
 6. Kegs or other common containers are not allowed, unless in conjunction with an event approved by the Office of the NMSU Chancellor.
- F. 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 [*NMSU 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 [*NMSU 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 [*NMSU Student Code of Conduct*](#). The university reserves the right to impose sanctions upon students and student organizations that violate this policy and/or the [*NMSU Student Code of Conduct*](#), even if such actions occurs off-campus.
- G. Consequences for Violations:
1. Students or employees found to be in violation of this policy may be subject to corrective and/or

disciplinary action appropriate to the severity of the violation, in accordance with the appropriate administrative process.

2. Employees or students found to be in violation are also be subject to all local, state and federal laws and nothing in this policy shall be construed to protect employees 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 appropriate administrative office.
3. Employees 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 employee or student refrains from further alcohol misuse and/or abuse.

H. Tailgating Exception: (See [Tailgating Procedures](#) for general Tailgating Procedural Guidelines) No independent administrative pre-approval shall be required for the consumption of alcohol within a tailgating station, within a designated tailgating lot, before or after an NMSU sporting event, if all participants are in compliance with the restrictions of this policy and the corresponding Tailgating Procedural Guidelines. For purposes of this policy, a tailgating station is defined as a gathering of fewer than 200 people, assigned to particular parking spaces assigned in accordance with the Tailgating Procedural Guidelines. A tailgate station attended by more than 200 people does not fall under this exception; tailgate stations anticipating 200 or more people will be considered to be a “special event” subject to the administrative pre-approval process described above, which in turn will also require a Special Dispenser’s License, as required by state law. For and Application and Instructions, please contact the chair of the Alcohol Review Committee at 575-646-5752.

1. Policy Administration/Implementation:

- a. Consumption of Alcohol during authorized tailgating activities will be allowed on a limited basis, and only during the dates, times, and locations designated by a consensus of the following officials: NMSU athletics director, the assistant vice president for facilities, the director of special events, and the NMSU chief of police, or their respective designees.
- b. By consensus, these officials shall administer this section of the Alcohol at NMSU Events Policy, as well as issue supplemental procedural guidelines that will apply to all tailgating activities, irrespective of the consumption of alcohol.
- c. A map reflecting the areas designated for such tailgating, and the general Tailgating Procedural Guidelines, shall be made available to the public on request, as well as posted on line at appropriate websites, including but not limited to the NMSU Athletics Department’s website.
- d. The above named officials and their respective departments may coordinate with employees and/or volunteers to serve as lot monitors in each tailgate lots designated for the consumption of alcohol.

2. Responsible Use of Alcohol During Tailgating Activities: In addition to the restrictions listed above in Sections D through G above:

- a. Glass containers shall not be used for the activities allowed by this section. Persons with glass container(s) in locations designated for tailgating will be asked to leave with the container, or to discard the glass container(s); other administrative or criminal action may also be taken, as appropriate under the circumstances.
- b. Alcoholic beverages shall not be taken into the Aggie Memorial Stadium, except by approval of an exception from the Office of the NMSU Chancellor, with notification to the chair of the Board of Regents. For purposes of this section, Aggie Memorial Stadium consists of the seating areas, concessions , restrooms, concourses, press box and all other space within the bleachers and fields inside the fence requiring admission by ticket holding patrons , as well as the football locker/office and weight training facilities.

3.06 Assistive, Service, and Companion Animals on University Premises

[REPEALED by Board of Regents 12.11.15; See ARP, Rule 3.06]

3.07 Awareness, Assessment and Response to Behaviors of Concern

[REPEALED by Board of Regents 12.11.15; See ARP, Rule 3.07]

3.10 Campus Access-Prohibited, Restricted

[REPEALED by Board of Regents 12.11.15; See ARP, Rule 3.10]

3.15 Children in the Workplace

[REPEALED by Board of Regents 12.11.15; See ARP, Rule 3.15]

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:

- A. 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.
- B. 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.
- C. 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.
- D. 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.
- E. 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.
- F. 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.
- G. Members of the university community shall strive to present all information, including financial information and research data and results, completely and accurately.

3.19.25 Mandatory Employee Training and Other Professional Development Opportunities

- A. Purpose: To facilitate compliance with the various federal, state, or other applicable laws, regulations, standard grant/contract provisions and university policies and procedures.
- B. Scope: This policy applies to all employees throughout the NMSU System.
- C. Policy Administrator: This policy is administered by Human Resource Services’ Center for

Learning and Professional Development (“HRS-CLPD”) and the Office of the Executive Vice President and Provost, in coordination with supervisory personnel.

D. Definitions:

1. “Compliance-related training”: Compliance-related training refers to those trainings facilitated or directly provided by the university concerning state or federal laws, regulations and university policies which may be relevant to an employee’s organizational responsibility or to individual obligations as a university employee.

E. Policy Statements:

1. As a condition of employment, all employees shall complete compliance-related training annually or as otherwise indicated by the Chancellor/President or the Executive Vice President and Provost. Employees shall also complete any additional training that the Chancellor/President or the Executive Vice President and Provost deem should be mandatory.
2. NMSU regularly offers training sessions for the development of skills, knowledge, abilities, and individual growth in conformance with the institution’s mission, vision and strategic plan. NMSU employees may request to attend such trainings; alternately, the supervisor may require employees to attend such trainings to enhance work performance.

F. Procedural Guidelines: Human Resource Services, with the concurrence of the Executive Vice President and Provost, may issue Procedural Guidelines and training schedules in addition to those listed below, provided they are consistent with this policy and posted either in this subsection, or on an appropriate web page linked from this policy.

1. Training will be offered via computer, in person, or any other medium that HRS-CLPD or the EVP/Provost may deem to be appropriate.
2. Maintenance and storage of NMSU employee training records will be performed by HRS-CLPD, with the exception of : 1. NMSU Research Compliance, 2. Police Department and 3. Fire Department personnel. Training records will be maintained accurately by the appropriate responsible department, in coordination with the offices of HRS-CLPD and the Executive Vice President and Provost.
3. Messages relating to training will be issued by the Executive Vice President and Provost through HRS-CLPD and may be viewed at <http://training.nmsu.edu> and/or <http://trainingcentral.nmsu.edu>.

REVISION HISTORY:

Policy recommended by University Administrative Council 04.14.15; policy adopted by Board of Regents 05.08.15.

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 Chancellor). 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

[REPEALED by Board of Regents 12.11.15; See ARP, Rule 3.20]

3.21 Conflicts of Interest and Commitment in Sponsored Activities

[REPEALED by Board of Regents 12.11.15; See ARP, Rule 3.21]

3.22 Conflicts of Interest Arising from Consensual Relationships

[REPEALED by Board of Regents 12.11.15; See ARP, Rule 3.22]

3.25 Discrimination, Harassment and Sexual Misconduct on Campus. (See also Policy [1.20 Gender Equity Policy and Statement of Principles](#), and ARP-Rule 3.22 Conflicts of Interest Arising from Consensual Relationships) [Amendment recommended by the Administrative Council 02.11.14; approved by the Board of Regents 03.10.14]

- A. New Mexico State University (NMSU) is dedicated to providing equal opportunities in areas of employment and academics without regard to age, ancestry, color, disability, gender identity, genetic information, national origin, race, religion, serious medical condition, sex, sexual orientation, spousal affiliation or protected veteran status as outlined in federal and state anti-discrimination statutes. As a federal contractor, NMSU's affirmative action program also supports this effort. The following is a listing of applicable federal and state laws:
1. Age Discrimination in Employment Act of 1967
 2. Americans with Disabilities Act of 1990, as amended
 3. Civil Rights Act of 1991
 4. Title IX of the Education Amendments of 1972
 5. Executive Order 11141
 6. Executive Order 11246
 7. Equal Pay Act of 1963
 8. Pregnancy Discrimination Act
 9. Section 504 of the Rehabilitation Act of 1973, as amended
 10. Title VI & VII of the Civil Rights Act of 1964
 11. Vietnam Era Veterans Readjustment Act
 12. Genetic Information Non-discrimination Act of 2008
 13. NM Human Rights Act, 1969
 14. Campus SaVE Act, 2013
- B. The Office of Institutional Equity (OIE) is designated as the office that receives and processes internal discrimination complaints within the NMSU system. The NMSU OIE website will include office address, location and contact information: <http://eeo.nmsu.edu/>
- C. Title IX Notice:
1. NMSU does not discriminate on the basis of sex in education programs and activities; Title IX of the Education Amendments Act of 1972 is a federal law that states:

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."
 2. Title IX prohibits:
 - a. Sexual misconduct (including sexual violence)
 - b. Sex discrimination (gender bias)
 - c. Sexual harassment
 - d. Retaliation
 3. Title IX applies to students, staff and faculty. Title IX requires reporting from "responsible employees" for which purposes of policy can be defined to include:
 - a. Those with authority to address and remedy sex-based discrimination and harassment; and/or
 - b. Those with responsibility to report sexual misconduct to a supervisor and OIE; and/or
 - c. Those who a student would responsibly believe have such authority or obligation.

4. In cases involving harassing speech, assessing Title IX applicability to off-campus behavior will require a two-prong test:
 - a. Does NMSU have control over the harasser (subject to our rules) and
 - b. Does NMSU have control over the context of the harassment (on our property, in our programs, on land we lease or control, or at events we sponsor)
5. NMSU will reserve the option to take off-campus jurisdiction in cases involving sexual violence, sexual assault, or rape that involve students or employees.
6. The Chancellor will designate an administrator to serve as the NMSU Title IX Coordinator, whose duties will include overseeing all Title IX complaints and identifying and addressing systemic problems that arise during the review of such complaints.
7. Inquiries concerning the application of Title IX may be referred to the NMSU Title IX Coordinator or the Office of Civil Rights of the United States Department of Education. The NMSU OIE website will include the NMSU Title IX Coordinator's name, office address, telephone number, and e-mail address as well as the link to the Office for Civil Rights.

D. Campus Violence Elimination Act (Campus SaVE Act) Notice:

NMSU does not tolerate any sexual violence to include intimate partner violence which can be defined as any physical, sexual, or psychological harm against an individual by a current or former partner or spouse of the individual. Such sexual violence covers domestic violence, dating violence and stalking. The Campus SaVE Act complements and is a companion to Title IX and assists with the response to and prevention of sexual violence in higher education. The Act provides a framework for educational institutions to address incidents of sexual violence occurring on-campus, on public property within and adjacent to campus, and at non-campus properties like off-campus student organization housing, campus sponsored events and remote classrooms.

Specifically, the Campus SaVE Act outlines provisions for the following:

- a. **Transparency:** Students or employees reporting victimization will be assisted by campus authorities in reporting a crime to law enforcement and with obtaining or enforcement of no contact directives or restraining orders. Employees and students should be aware of bystander intervention which includes taking action to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against another person. Individuals who make reports will be provided options and assistance in changing academic, living, transportation and working situations if requested and reasonably available. Further, a resource guide will be provided which includes information on counseling, health, local advocacy and legal service agencies. The range of any possible disciplinary actions or sanctions and procedures may be found in the *NMSU Student Code of Conduct* and/or the *Regents Policy Manual*.
- b. **Accountability:** Provide a fair investigation and resolution of complaints. Additionally, both accuser and accused may be accompanied during proceedings by an advisor of their choice and both parties will receive written outcomes of disciplinary hearings at the same time.
- c. **Education:** Conduct initial and ongoing awareness programming for students and employees that addresses issues of primary prevention, definition of consent, reporting, bystander intervention and risk reduction.
- d. **Inquiries concerning the application of the Campus SaVE Act** may contact any of the following: Office of Institutional Equity (OIE) Executive Director; the NMSU Police Department Victim's Assistance Coordinator or the Dean of Students. The NMSU OIE website will include the most current names, office address, telephone number and e-mail address as well as the link to the Office for Civil Rights.

E. Discrimination Policy:

1. NMSU is committed to providing a place of work and learning free of discrimination and harassment on the basis of a person's age, ancestry, color, disability, gender identity, genetic information, national origin, race, religion, serious medical condition, sex, protected veteran status, sexual orientation, or spousal affiliation. Where a violation of policy is found to have occurred, NMSU will act to stop the conduct, to prevent its recurrence, to remedy its effects, and to discipline those responsible in accordance with the *Regents Policy Manual* and/or *NMSU Student Code of Conduct*.
2. No employee or student, either in the workplace or in the academic environment, should be subjected to discrimination which includes inappropriate conduct. Even one incident may constitute a violation of policy. It is expected that students, faculty and staff will treat one another and campus visitors with respect.
3. It is against NMSU policy to discriminate in any aspect of employment or education, which includes, but is not limited to:
 - a. hiring actions and terminations;
 - b. compensation, assignment, or classification of employees;
 - c. transfer, promotion, layoff, or recall of employees;
 - d. job advertisements;
 - e. recruitment actions;
 - f. testing;
 - g. grading;
 - h. acceptance or participation in an academic program or activity;
 - i. use of university facilities;
 - j. training programs;
 - k. benefits;
 - l. retirement plans, and paid and unpaid leave programs;
 - m. housing;
 - n. academic accommodation;
 - o. employment accommodation;
 - p. financial aid;
 - q. other terms and conditions of employment
4. Determining what constitutes discrimination under this policy will be accomplished on a case by case basis and depends upon the specific facts and the context in which the conduct occurs. Some conduct may be inappropriate, unprofessional, and/or subject to disciplinary action, but would not fall under the definition of discrimination. The specific action taken, if any, relating to a particular instance depends on the nature and the seriousness of the conduct that is reported.
5. Discriminatory practices include, but are not limited to:
 - a. discrimination on the basis of a person's age, ancestry, color, disability, gender identity, genetic information, national origin, race, religion, sex, protected veteran status, sexual orientation, serious medical condition or spousal affiliation;
 - b. retaliation against an individual for engaging in a protected activity such as filing a charge of discrimination, participating in an investigation, or opposing discriminatory practices;
 - c. Use of electronic mail or computer dissemination of offensive material relating to protected categories;
 - d. Denying or interfering with an employee's or student's authorized reasonable accommodation based on disability or religion;
 - e. employment or education decisions based on stereotypes or assumptions about the abilities, traits or performance of individuals based on age, ancestry, color, disability, gender identity, genetic information, national origin, protected veteran status, race, religion, serious medical condition, sex, sexual orientation, or spousal affiliation; and
 - f. conduct that has the purpose or effect of substantially interfering with an individual's academic or work performance, or of creating an intimidating, hostile or offensive environment in which to work or learn.

F. Sex Discrimination/Sexual Harassment Policy:

1. NMSU is committed to providing a place of work and learning free of sexual misconduct which includes sexual harassment and sexual violence. Engaging in sexual behavior that is inappropriate, unwanted and unsolicited is a violation of NMSU policy. Where sexual harassment is found to have occurred, NMSU will act to address the reported conduct, to prevent its recurrence, to remedy its effects, and to discipline those responsible in accordance with the *Regents Policy Manual* and/or *NMSU Student Code of Conduct*.
2. No employee or student, either in the workplace or in the academic environment, should be subjected to unwelcome non-verbal, verbal or physical conduct that is of a sexual nature. Even one incident may constitute a violation of NMSU policy.
3. Determining what constitutes sexual harassment under this policy is dependent upon the specific facts and the context in which the conduct occurs. Some conduct may be unprofessional and/or subject to disciplinary action, but would not fall under the definition of sexual harassment. The specific action taken, if any, depends on the nature and the seriousness of the reported conduct and may include disciplinary processes.
4. Under this policy, unwelcome sexual advances, requests for sexual favors, and other non-verbal, verbal or physical conduct of a sexual or gender bias nature, constitute a violation of policy when:
 - a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status;
 - b. Submission to or rejection of the conduct is used as a basis for academic or employment decisions or evaluations, or permission to participate in an activity; or
 - c. The conduct has the purpose or effect of substantially interfering with an individual's academic or work performance, or of creating an intimidating, hostile or offensive environment in which to work or learn.
5. Sexual harassment may take many forms, subtle and indirect, or blatant and overt.
6. Examples of unwelcome conduct of a sexual or sex related nature that may constitute a violation of policy may include, but are not limited to:
 - a. Rape, sexual assault, sexual battery, sexual coercion, sexual exploitation, stalking, or other sexual violence;
 - b. Sexual violence is a physical act perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. Additionally, a person may be unable to give consent due to an intellectual or other disability;
 - c. Sexually explicit or gender related statements, comments, questions, jokes, innuendoes, anecdotes, or gestures;
 - d. Uninvited touching, patting, hugging, or purposeful brushing against a person's body or other inappropriate touching of an individual's body;
 - e. Remarks of a sexual nature about a person's clothing or body;
 - f. Use of technology, electronic mail or computer dissemination of sexually oriented, sex-based communications or sexually explicit images;
 - g. Sexual advances, whether or not they involve physical touching;
 - h. Requests for sexual favors in exchange for actual or promised job or educational benefits, such as favorable reviews, salary increases, promotions, increased benefits, continued employment, grades, favorable assignments, letters of recommendation;
 - i. Displaying sexually suggestive objects, pictures, magazines, cartoons, or screen savers; or
 - j. Inquiries, remarks, or discussions about an individual's sexual experiences or activities and other written or verbal references to sexual conduct.

G. Retaliation:

1. Retaliation against an individual who in good faith complains of alleged discrimination or sexual harassment or provides information in an investigation about behavior that may violate this policy is prohibited and may be grounds for discipline. Retaliation in violation of this policy

may result in discipline up to and including termination and/or expulsion. Any employee or student bringing a discrimination or sexual harassment complaint in good faith or assisting in the investigation of such a complaint will not be adversely affected in terms and conditions of employment and/or academic standing, nor discriminated against, terminated, or expelled because of the complaint.

2. "Retaliation" may include, but is not limited to such conduct or adverse actions as:
 - a. Adverse action taken to keep someone from opposing a discriminatory practice, or from participating in an discrimination proceeding;
 - b. Employment actions such as termination, refusal to hire, and denial of promotion;
 - c. Threats, unjustified negative evaluations, unjustified negative references, or increased surveillance;
 - d. Action such as an assault or unfounded civil or criminal charges that are likely to deter reasonable people from pursuing their rights; or
 - e. An unfair or unjustified grade.

Note that petty slights and annoyances, such as stray negative comments in an otherwise positive or neutral evaluation, snubbing a colleague, or negative comments that are justified by an employee's or student's poor work/academic performance or history are not considered adverse actions.

H. Applicability and Sanctions:

1. All students and employees are subject to this policy. Any student or employee who violates this policy is subject to discipline up to and including termination and/or expulsion in accordance with the *Regents Policy Manual* and Administrative Rules and Procedures of NMSU, or in the case of students, the *NMSU Student Code of Conduct*. Complaints may also be filed against visitors, consultants, independent contractors and outside vendors whose conduct violates these policies, with the possible sanctions of limiting access to campus facilities and other measures to protect the campus community.

I. Policy Statement Distribution:

1. The Chancellor's policy statement references the University's position as contained in this policy. All employees will be provided the Chancellor's policy statement on an annual basis. Human Resource Services (HRS) and the Office of Institutional Equity (OIE) will maintain documentation (written or electronic) that each employee received the Chancellor's policy statement. New employees will be provided a copy of the Chancellor's policy statement at the time of hire, generally at New Employee Orientation (NEO) and documentation will be maintained by HRS. Additionally, the Chancellor's policy statement will be provided to students at least annually. The distribution and receipt documentation may be accomplished electronically for either employees or students. The complete text of this policy will be maintained on the OIE website: <http://eoe.nmsu.edu/>

J. Complaints and Investigation:

1. Employees and students may file an internal discrimination complaint with OIE within fifteen (15) working days from the date of the incident(s). Individuals may use the NMSU Internal Discrimination Complaint Form to submit their complaint. The use of this form facilitates the gathering of information that is necessary to assess the complaint. The OIE Executive Director (or designee) may extend the filing date of a complaint beyond the fifteen (15) working days if there are extenuating circumstances.
2. OIE will provide the option to the complainant of pursuing their complaint through an informal (which may include mediation) or formal process (submittal of the complaint). The formal internal discrimination complaint will be subject to an initial review to determine if the complaint will proceed to the investigation. If the initial review finds that the complaint will not be accepted for investigation, the OIE Executive Director (or designee) will inform the complainant in writing of the decision. The complainant may appeal the decision in writing to

the Executive Vice President and Provost (or designee) within five (5) working days of receipt of the notification letter.

3. If the internal discrimination complaint is accepted, the accused individual(s) will be provided a copy of the complaint and will be extended five (5) working days to provide a written response to OIE. OIE shall initiate the process to investigate the complaint. This process includes interviewing the complainant, respondent, potential witnesses and the gathering of any related documents.
4. All individuals are required to cooperate with any investigation in response to allegations of discrimination. Refusal to cooperate in an investigation may result in disciplinary action in accordance with university policy or student code of conduct. The completion of the investigation will be within sixty (60) days of initiation unless there are extenuating circumstances. A report of inquiry will be generated by the investigator and forwarded to the Executive Vice President and Provost. Within fifteen (15) days of receipt, the Executive Vice President and Provost (or designee) will review the report and render a decision in writing to the OIE Executive Director. The standard of evidence used for internal discrimination investigations is the "preponderance of the evidence". Preponderance of the evidence means the greater weight of the evidence. The OIE Executive Director (or designee) will transmit the Executive Vice President and Provost's (or designee) decision in writing to the complainant, the accused and appropriate administrators. The completion of the decision transmittal exhausts the internal process available under this policy for employees, students and others or may file complaints.
5. Penalties: Cases for students who are found to have violated the *NMSU Student Code of Conduct* and/or *Regents Policy Manual* or Administrative Rules and Procedures of NMSU will be referred to Assistant Dean of Students. Cases for employees who are found to have violated *Regents Policy Manual* or Administrative Rules and Procedures of NMSU will be referred to Human Resource Services/Employee and Management Services. Sanctions for students may include action up to and including expulsion. Sanctions for employees may include employment action up to an including termination in accordance with provisions of the *Regents Policy Manual* and Administrative Rules and Procedures of NMSU.

K. General Information

1. Supervisors: If anyone in a supervisory, managerial, administrative or executive role or position, such as a supervisor, department chair, or director of a unit, receives a complaint of alleged discrimination or sexual harassment, or observes or becomes aware of conduct that may constitute discrimination or sexual harassment, that person must immediately contact OIE.
2. Employees: An employee who believes that he or she has been subjected to discrimination or sexual harassment by anyone is encouraged, but it is not required, particularly if it may be confrontational, to promptly tell the person that the conduct is unwelcome and ask the person to stop the conduct. An employee is not required to do this before filing a complaint. A person who receives such a request must immediately comply with it and must not retaliate against the employee. If the employee feels uncomfortable about discussing the incident with the immediate supervisor, the employee should feel free to bypass the supervisor and file a complaint with OIE.
3. Students: A student who believes that he or she has been subjected to discrimination or sexual harassment by anyone is encouraged, but it is not required particularly if it may be confrontational, to promptly tell the person that the conduct is unwelcome and ask the person to stop the conduct. A student is not required to do this before filing a complaint. A person who receives such a request must immediately comply with it and must not retaliate against the student. If the student feels uncomfortable about discussing the incident with the faculty member, department head, dean or director of an administrative unit, the student should feel free to bypass the person and file a complaint with OIE.

When discriminatory conduct involves a crime of violence or a non-forcible sex offense, FERPA permits NMSU to disclose to the alleged victim the name of the alleged perpetrator,

any violation found to have been committed and any sanction imposed).

In the event a student is found to have engaged in sexual harassment of another student, NMSU will disclose to the student who was harassed, information about the sanction imposed on the student when the sanction directly relates to the harassed student.

4. **Internal NMSU Units:** Internal units such as the Dean of Students Office, Housing and Campus Life, Athletics and community colleges will promptly contact and consult with OIE when knowledge is obtained relating to potential discrimination or sexual harassment.
5. **Non-employees and non-students:** Individuals who are neither NMSU employees nor NMSU students and who believe they have been subjected to discrimination or sexual harassment by an NMSU employee during the employee's work hours or by a NMSU student on campus or at a NMSU-sponsored event may utilize the complaint process set forth above.

L. Prompt Attention:

Complaints of discrimination or sexual harassment are taken seriously and will be dealt with promptly, impartially, and equitably. Where discrimination is found to have occurred, NMSU will act to stop the reported conduct, to prevent its recurrence, to remedy its effects, if any, and to discipline those responsible.

M. Confidentiality:

NMSU recognizes that confidentiality is important. However, confidentiality cannot be guaranteed. The administrators, faculty or staff responsible for implementing this policy will respect the privacy of individuals reporting or accused of discrimination or sexual harassment to the extent reasonably possible and will maintain confidentiality to the extent possible. Examples of situations where confidentiality cannot be maintained include, but are not limited to, necessary disclosures during an investigation, circumstances where the NMSU is required by law to disclose information (such as in response to legal process), or when an individual is in harm's way.

To the extent provided by law and university policy, documents concerning a discrimination investigation and investigative results are not subject to public disclosure. Investigative materials and documents contain matters of opinion related to the working relationship between NMSU and its employees. Documents protected by the Family Educational Rights and Privacy Act (FERPA), Privacy Act of 1974, the New Mexico Inspection of Public Records Act, etc. are not subject to disclosure.

N. Supervisor Responsibilities:

1. Every supervisor (includes faculty in academic setting) has responsibility to take reasonable steps to prevent acts of discrimination or sexual harassment, which include, but are not limited to:
 - a. Monitoring the work and school environment for signs that discrimination or harassment may be occurring;
 - b. Refraining from participation in, or encouragement of actions that could be perceived as discrimination or harassment (verbal or otherwise);
 - c. Stopping any observed acts that may be considered discrimination or harassment, and taking appropriate steps to intervene, whether or not the involved individuals are within their line of supervision; and
 - d. Taking immediate action to minimize or eliminate the work and/or school contact among individuals where there has been a complaint of sexual harassment, pending the completion of the investigation.

If a supervisor (or faculty in academic setting) receives a complaint of alleged discrimination or sexual harassment, or observes or becomes aware of conduct that may constitute discrimination or sexual harassment, the supervisor (or faculty in academic setting) must immediately contact OIE.

Failure to take the above action to prevent the occurrence of or stop known discrimination or harassment may be grounds for disciplinary action in accordance with provisions of the *Regents Policy Manual* and Administrative Rules and Procedures of NMSU.

O. Relationship to Freedom of Expression:

NMSU is committed to the principles of free inquiry and free expression. Vigorous discussion and debate are fundamental rights and this policy is not intended to stifle teaching methods or freedom of expression. Discrimination or sexual harassment, however, is neither legally protected expression nor the proper exercise of academic freedom; it compromises the integrity of this institution, the tradition of intellectual freedom and the trust placed in the institution by its members.

3.30 Disability Accommodation (*See also* Policies [3.25 Discrimination, Harassment and Sexual Misconduct on Campus](#))

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 university also provides reasonable accommodation for temporary impairments, such as those that may result from pregnancy. The accommodation process begins when an employee (or applicant) communicates the need for an accommodation. The completion of the Petition for Accommodation Form, available at the Office of Institutional Equity/EEO, facilitates the initiation of the accommodation process.

REVISION HISTORY:

Provisionally amended by the Chancellor 06.24.15; ratified by Board of Regents 07.21.15.

3.31 Distribution of Effort
[*REPEALED by Board of Regents 12.11.15; See ARP, Rule 3.31*]

3.40 Drug-Free Workplace [*Amendment approved by the Administrative Council 07.08.08; adoption of the amendment ratified by the Board of Regents 07.15.08*]

The university is a recipient of federal grants and contracts in excess of \$100,000 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 Chancellor to institute and maintain programs that meet the requirements of federal drug and alcohol regulations. These programs are administered through the Office of Human Resource Services.

- A. General Policy Prohibiting Drugs and Alcohol on NMSU Property: 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 Office of Human Resource Services, through appropriate channels, of any notifications received.
- B. 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.

3.50 Firearms on University Premises

- A. Purpose: To clarify New Mexico state law requirements relating to the carrying of firearms on university premises, and to authorize supplemental university policy requirements, for the protection of the public's health, safety and welfare.
- B. Scope: This policy applies throughout the NMSU System.
- C. Policy Administrator: The University Police Department shall administer this policy.
- D. Definitions: The following definitions will apply for purposes of application and enforcement of this policy:
1. "Peace Officer": A peace officer means any public official or public officer vested by law with a duty to maintain public order or to make arrests for crime, whether that duty extends to all crimes or is limited to specific crimes;
 2. "University Premises": University premises includes both:
 - a. The buildings and grounds of the university, including playing fields and parking areas of a university, in or on which university or university-related activities are conducted; and
 - b. 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.
 3. "Firearm": A weapon, or component thereof, defined under state or federal law as a firearm. This includes complete firearms, as well as components considered to be firearms, such as receivers, sound suppressors, and destructive devices.
- E. Policy Statement(s):
1. No person of any age shall carry a firearm on university premises or in a university vehicle, unless they qualify under one or more of the following exceptions, and meet any additional requirements of the University Police Department:
 - a. a peace officer;
 - b. security personnel authorized by the University Police Chief or designee;
 - c. a 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;
 - d. a person conducting or participating in a university-approved program, class or other activity involving the carrying of a firearm; or
 - e. 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.
 2. To enhance public safety on NMSU campuses, the Board of Regents authorizes the University Chief of Police to promulgate reasonable standards or other requirements for the individuals permitted by one of the exceptions above to carry a firearm on university premises or in university vehicles, including but not limited to background checks, training, and safety measures. Such standards and other requirements shall be posted conspicuously on the website of the University Police Department.

- F. **Cross References and Procedural Guidelines:** To facilitate the administration and enforcement of this policy, and in addition to any reasonable standards and requirements which may apply to those entering university premises with a firearm, the policy administrator may develop and issue supplemental Procedural Guidelines (includes protocols, forms, permits, etc.), consistent with the policy. All procedures, forms, permits etc. utilized in the application or enforcement of this policy shall be posted on the University Police Department's website, and shall be linked from this section. Other related reference material relating to firearms on public property may also be linked from this Section with the approval of the policy administrator.

REVISION HISTORY:

Amendment recommended by University Administrative Council 05.12.15; approved by Board of Regents 07.21.15.

3.55 Fires, Fireworks

[REPEALED by Board of Regents 12.11.15; See ARP, Rule 3.55]

3.60 Flags-National, State

[REPEALED by Board of Regents 12.11.15; See ARP, Rule 3.60]

3.63 Freedom of Expression (*See also* ARP - Rule 3.92 Sales and Solicitation)

- A. **Purpose:** The purpose of this policy is to recognize, respect, and encourage the free exchange of ideas through written, spoken, and other forms of expression, including the right to peaceful assembly, as guaranteed by the First Amendment to the U.S. Constitution and the New Mexico Constitution. Furthermore, this policy clarifies application throughout the NMSU system by identifying the distinct types of forums, as well as to describe the reasonable restrictions, if any, which may be imposed in order to protect the university's teaching, research and service operations, and student activities from significant disruption and interference.
- B. **Scope:** This policy applies to all people, and throughout the NMSU system (at all campuses, facilities and other real property under the operation and control of the NMSU Board of Regents, to include university sponsored events off-premises). Commercial solicitation is not covered by this policy and is governed by Policy 3.92.
- C. **Policy Administrator:** The President at each campus shall have primary responsibility for the administration of this policy, on behalf of the NMSU Board of Regents. Parties responsible for implementing and applying this policy also include, but are not limited to:
1. Provost and Executive Vice President
 2. Deans of the Colleges and Libraries and Graduate School
 3. Dean of Students, including the Office of Campus Activities
 4. Associate Vice President of Facilities and Services
 5. Director of Athletics
 6. Director of Housing and Campus Life
 7. Director of Special Events
 8. Manager or Building Monitor within any university facility
- D. **Definitions:** For purposes of administering this policy, the following definitions apply:
1. **Affix** means to stick, to anchor, or to fasten to something else, regardless of whether or not it leaves a mark or causes damage.
 2. **Commercial Speech** is speech that proposes a commercial transaction; the audience consists of prospective consumers, and the content of the message is business related in character.

3. **Content Neutral** means without regard to the viewpoint or message. Content neutral restrictions are those based on reasonable time, place, and manner rather than the content or viewpoint of the message.
 4. **Forum** is a term used by the U.S. Supreme Court to help describe the extent to which content neutral restrictions on free expression may legally be applied. The three types described in this policy are: traditional open public forum; limited public forum and non-public forum. These terms apply not only to physical areas, but also to electronic communication and websites. The type of forum will be determined by the nature of the space being used, its traditional usage, official designations, and the circumstances relating to the nature of an event or function taking place in that location. *For example*, if a normally public forum were reserved for a specific event (following applicable university procedures) that might convert the location to a limited or non-public forum during the event for which it was reserved; conversely, areas such as special collections within the university are typically non-public forums, but may become limited public forums for certain special events.
 5. **Social Media** means computer- mediated tools that allow people to create, share, or exchange information, ideas, videos, and pictures in virtual communities and networks.
 6. **Speech** is written, spoken, and other forms of expression of thoughts, ideas, or positions, generally related to issues of public interest.
 7. **University Premises**, sometimes referred to simply as “campus,” means all campuses, facilities, land, buildings, or other indoor or outside space owned, leased or otherwise under the operational control of NMSU. University owned property leased to other entities and not under the operational control of NMSU are not considered university premises for purposes of this policy.
 8. **Unprotected Speech** means speech that is not afforded First Amendment protection, such as commercial speech that is false or misleading. Other examples include fighting words, child pornography, defamation, and libel.
- E. **Policy Statements:** New Mexico State University aspires to be an intellectually open campus. Free exchange of ideas is a reflection of the university’s public land-grant heritage, interest in diverse points of view, and commitment to excellence in education and research. NMSU encourages free expression and peaceful assembly, provided they do not disrupt the university missions or functions. The type of forum, described below, will determine the level of restriction, if any, which may be imposed on free expression activities within the forum. Restrictions must be content neutral, typically geared to time, place and manner. The type of forum for a given location may vary, based on the circumstances relating to the nature of an event or function scheduled to occur at the location.
1. **Public Forums** are areas that traditionally have been open to the public, such as parks, sidewalks, and lobbies as well as other areas that become public forums by university designation. Free expression and civil discourse are encouraged in public forums, and any regulation of expression within a public forum must be narrowly tailored to serve a compelling state interest.
 2. **Limited Public Forums** are areas open to the public or a segment thereof (including through the purchase of admission), but where there is a specific purpose. The necessities of confining a forum to the limited and legitimate purpose for which it was created may justify some limitations that are narrowly tailored to allow the event or activity to continue and/or achieve its intended purpose. Any limitations must be consistent with the spirit of this policy. Legitimate limitations include subject matter and classification of participants (students, student government representatives, faculty, etc.). Limitations must be reasonably related to a definite and substantial university interest. Any limitations must be content neutral, and aimed solely at reducing or preventing disruption to the activity that would cause a definite and measurable interruption to the intended purpose, or protecting other clearly compelling university interests (e.g., public safety). If a limited public forum serves more than one purpose, the university may prioritize the purposes for which it may be used, e.g. a campus auditorium may give priority to

theater productions. Expression within a limited public forum is permitted consistent with the Procedural Guidelines administered by the Office of Campus Activities.

3. **Non-Public Forums** are areas not open to the general public and where expression by those permitted to be there may be reasonably limited, in a content neutral manner, to that which is compatible with the purpose and nature of the location. (Examples include faculty and administrative offices, classrooms, residence hall rooms, and archive and special collections of libraries.)
4. **Disruption of university functions or activities:** Regardless of the type of forum, free expression activities and events shall not materially or unreasonably interfere with the education, research, public service, and outreach missions of the university, office operations, or sleep of residents.
5. **Modes of Free Expression:** The university recognizes that there are many different modes of free expression, including distribution and posting of literature; group speech activities such as rallies, parades and demonstrations; electronic sound amplification, chalk, symbolic speech (e.g. nudity, fire, and/or weapons); and electronic communication. The limitations described in the Procedural Guidelines pertaining to the various types of expression are intended to safeguard personal safety and the university's missions, and not to hamper freedom of expression. *See* Section F.
6. **Respect for Rights of Others:**
 - a. **Prohibition of Third Party Interference with Right to Free Expression:** Except as provided elsewhere in this policy, university employees, students, and other members of the public shall not interfere with the rights of freedom of expression by others permitted by this policy. Alleged violations of rights afforded by the U.S. and N.M. Constitutions, recognized by this policy, will be taken seriously and investigated promptly and objectively.
 - b. **Retaliation Prohibited:** Retaliation against individuals who have exercised the rights granted by the First Amendment, recognized through this policy, is strictly prohibited. Any such claim should be reported immediately to an appropriate university official to register a complaint. Generally, the Office of the Dean of Students and the Office of Human Resource Services-Employee and Labor Relations administer student and employee grievances, respectively. Such claims will be taken seriously, investigated independently, and if substantiated, will be grounds for corrective or disciplinary action, appropriate to the circumstances.
7. **Respect for University Property and Functions:** In exercising the right of free expression and peaceful assembly, individuals must also accept the responsibility of following the laws related to the safety of people and property. Outdoor and indoor activities must follow all applicable fire codes and other local, state, and federal laws. *See* Section F., regarding Procedural Guidelines, which may clarify limitations intended to safeguard missions and personal safety, and not to hamper free expression.
8. **Interface with other laws and regulations:** There is inherent tension that exists between competing public policies affecting individual rights. A detailed examination of statutes and regulations which protect individuals from sexual harassment, discrimination, hostile environment and other discriminatory conduct is beyond the scope of this Freedom of Expression policy. This policy is not intended to insulate persons from accountability for their actions if their conduct discriminates, harasses or otherwise creates a hostile environment based on any class protected by federal and state anti-discrimination laws. (*See Also Policy 3.25, Discrimination, Harassment and Sexual Misconduct on Campus*). Nothing in this policy is intended to provide a defense in any action against a third party by an alleged victim of defamation, libel, slander, invasion of privacy, assault, or any other civil or administrative claim.
9. **Dispute Resolution:** The successful implementation of this policy will depend upon the university community's education and engagement, including but not limited to understanding

which types of planned activities require advance permission, and what to do if an event or expressive activity is questioned. The Procedural Guidelines (See Section F.) provide some hypothetical scenarios within the Frequently Asked Questions (FAQ's) to provide guidance about how this policy should be applied. Because time will often be of the essence when issues arise involving this policy, the informal methods listed below are available to supervisors, students, employees and members of the public in order that individuals may seek a policy clarification or interpretation in advance, in order to resolve issues in a mutually professional and amicable manner, rather than through more adversarial grievance or litigation methods. These methods include and are not limited to:

- a. A single point person will be designated by each NMSU campus president to serve as the liaison between members of the university community and/or the public and the Policy Administrators listed under Section C, in order to resolve issues expeditiously.
- b. Individuals may request clarification of the policy or the Procedural Guidelines by contacting the designated point person. The designated point person will promptly respond to acknowledge the inquiry, and as appropriate or needed, may consult with any of the Policy Administrators prior to providing an interpretation to the individual.
- c. If the individual(s) wishes to appeal the interpretation provided by the designated point person, such notification must be given to the point person either in writing or via email. The point person will then call a meeting of the Policy Administrators (or any subset, depending upon availability) and the individual(s) as soon as practicable, which meeting may be conducted telephonically or electronically. The decision of the Policy Administrators will be rendered within one working day of the meeting and communicated to the individual via email or other contact information supplied by the individual.
- d. Students and employees also have recourse to file grievances against those who they feel may have restricted their rights under this policy, and shall follow the applicable student or employee grievance policy if the above steps have not resolved the dispute.

10. **Sanctions:**

- a. **Individual Consequences for Conduct Not Protected by Constitution or This Policy:** Nothing in this policy protects expressive activities which:
 - i. constitute criminal, defamatory, or discriminatory misconduct;
 - ii. contain true threats of violence or imminent harm; or
 - iii. seek to incite, or intentionally incite, a fight.
 Individuals engaging in such conduct may face criminal prosecution, civil lawsuit, and/or disciplinary action. (For example, see Policies 3.25 and 5.47 and ARP-Rules 3.10 and, 8.30). This policy does not provide a defense to individual liability for such prohibited conduct.
- b. **Disclaimer of Liability:** NMSU shall not be liable for any injuries to participants or third parties caused by individuals or groups engaging in freedom of expression activities.
- c. **Damage or Injury:** If property damage or personal injury occurs, individuals or groups determined to be responsible may be subject to appropriate administrative, civil, or criminal action, for the purpose of covering the university's costs associated with the damages. Additionally, while generally NMSU wishes to facilitate free discussion, nothing in this policy is intended to eliminate any rights of persons to pursue any legal remedies they may have under local, state, or federal law.
- d. **Unattended or abandoned materials:** Materials used for free expression activities (literature, signage, etc.) shall not be left unattended. Any items that are left unattended for more than thirty (30) minutes may be removed by the university at the owner's expense. Signage promoting or providing directions to an event are allowed on the preceding day for a morning event or on the day of an afternoon or evening event, will not be considered to have been left unattended, and shall be removed by the event organizers at the conclusion of the event. Permission for posting or leaving of materials outside of the above restrictions may be granted on a case-by-case basis by the Office of Campus Activities.

- F. **Procedural Guidelines:** To facilitate the implementation, administration and enforcement of this policy, the policy administrators identified above may develop and issue supplemental [Procedural Guidelines](#) consistent with this policy, which may include protocols, FAQ's, forms, flowcharts, etc.. The Procedural Guidelines utilized in the application or enforcement of this policy shall be either

outlined below in this Section, and/or posted at an appropriate NMSU website, and linked from this section. With the approval from the policy administrators, other related reference material relating to freedom of expression, anti-discrimination laws, hate crimes, etc. may also be listed below or linked from this Section.

EFFECTIVE DATE AND REVISION HISTORY:

This policy is effective 45 calendar days from the date of approval by the Board of Regents.

Amendment recommended by University Administrative Council 05.12.15; approved by Board of Regents 07.21.15.

3.65 Protection of Sensitive Information

[REPEALED by Board of Regents 12.11.15; See ARP, Rule 3.65]

3.70 Office Hours - Administrative

[REPEALED by Board of Regents 12.11.15; See ARP, Rule 3.70]

3.75 Non-Work Related Use of University Resources

[REPEALED by Board of Regents 12.11.15; See ARP, Rule 3.75]

3.82 Picnics

[REPEALED by Board of Regents 12.11.15; See ARP, Rule 3.82]

3.90 Religious Denominations

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 New 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 *(See also Policies [3.63 Freedom of Expression](#))*

[REPEALED by Board of Regents 12.11.15; See ARP, Rule 3.92]

3.98 Smoking Policy

[REPEALED by Board of Regents 12.11.15; See ARP, Rule 3.98]

3.99 Prohibition of Hazing and Hostile Misconduct *[Policy approved by the Administrative Council 10.14.08; policy adoption ratified by the Board of Regents 07.29.09] [Amendment recommended by the Administrative Council 03.09.11; approved by the Board of Regents 03.14.11]*

A. Policy Overview: New Mexico State University promotes a safe environment where students, faculty, staff and visitors may reside on campus, participate in university sponsored activities and be members of organizations recognized by NMSU without compromising health, safety, or wellness. It is therefore the University's policy to prohibit any act or omission which constitutes hazing, bullying or other hostile misconduct, as well as retaliation against persons who report misconduct pursuant to this policy. In the event an allegation of hazing, bullying, hostile misconduct or retaliation is substantiated after objective investigation, appropriate corrective or disciplinary action will be taken to ensure that the offensive behavior does not recur.

B. Definitions:

1. **Bullying**. "Bullying" is an act or omission that intimidates or mistreats a person, typically a person perceived to be weak or vulnerable.
2. **Hazing**. "Hazing" is an act committed by one or more individuals, on or off campus, where

the following apply:

- a. The act was committed in connection with student or employee status or in connection with an initiation into, an affiliation with, or the maintenance of membership in, any organization. For the purpose of this policy, “organization” means an intercollegiate or intramural athletic team; chartered student organization; or other association, order, society, corps, cooperative, club, department, unit, division or similar group that is officially affiliated with the university and whose membership consists primarily of enrolled students or employees of the university; and
 - b. The act creates unreasonable risk of emotional or physical harm, or causes actual physical harm, mental duress or degradation, or interferes with a person’s academic endeavors or progress, or work environment.
3. **Hostile Misconduct.** “Hostile Misconduct” is an act or failure to act, which is sufficiently severe, pervasive or persistent so as to interfere with or limit a person’s ability to participate in academic opportunities or activities, or to work productively in the workplace. The hostile misconduct prohibited by this policy need not be based on any protected class, which is similarly prohibited by the university’s anti-discrimination policies.
 4. **Retaliation.** “Retaliation” for purposes of this policy is retribution in any form against a person who has in good faith: (a) opposed the misconduct prohibited by this policy; (b) filed a complaint of hazing, bullying or other hostile misconduct with their supervisor, the Office of Human Resource Services department or other appropriate office with jurisdiction; (c) assisted with or participated in an investigation, proceeding or hearing related to enforcement of this policy. Retaliation in and of itself, if substantiated by investigation, will result in disciplinary action, up to and including termination.
- C. **Discriminatory Misconduct/Report to OIE:** An act of hazing, bullying or other hostile misconduct may also constitute illegal discrimination if it is based upon age, ancestry, color, mental or physical disability, gender, genetics, serious medical condition, national origin, race, religion, sexual orientation, gender identity, spousal affiliation, or veteran status. In this event, it shall be reported to the Office of Institutional Equity for action under the university’s anti-discrimination policies, which also prohibit retaliation.
 - D. **Hate Crimes/Report to NMSU Police:** An act of hazing, bullying or other hostility may also constitute a hate crime under the laws of New Mexico, and shall be reported to the NMSU Police Department for potential criminal investigation and prosecution.
 - E. **Acquiescence Not a Defense:** It is a violation of this policy even if the recipient of the misconduct consented to or acquiesced in the hazing, bullying or other hostile act or omission.
 - F. **Examples:** Examples of hazing, bullying and other hostile misconduct may include, and are not limited to:
 1. Verbal acts and name calling; graphic and written statements, which may include the use of cell phones or the internet;
 2. Threats of, or actual harm or humiliation;
 3. Physical abuse, such as whipping, beating, branding, pushing, shoving, or tackling, use of physical restraints, etc;
 4. Forced physical activity, such as consumption of food, liquor or drugs, or sleep deprivation;
 5. Theft and/or destruction of property under any circumstance;
 6. Yelling, screaming, or calling members (prospective or actual) demeaning names, or restricting normal routine social interaction;
 7. Engaging in behavior that a reasonable, similarly situated, person would consider humiliating

and or degrading to others;

8. Forcing, requiring or endorsing new members to violate university policies, organization/association bylaws, team rules and/or any local, state, or federal law.

G. Exclusions: This policy is not intended to prohibit the following conduct:

1. Customary public athletic events, contests or competitions as sponsored by the University;
2. Activity or conduct that furthers the goals of NMSU educational curriculum, extracurricular program, military training program, or other official university function or program.

H. Duty to Report: Prevention of hazing, bullying, hostile misconduct and retaliation is the responsibility of every member of the university community. Each organization, association, athletic team, department, unit, division, as well as each individual, has the obligation to report incidents that are believed to be associated with hazing, bullying, hostile misconduct, or retaliation, to the Office of Student Judicial Services, the Office of Institutional Equity, the NMSU Police Department, or other university supervisor or official independent from the offensive conduct.

I. Prompt Investigation and Corrective Action: All alleged incidents of hazing, bullying and other non-discriminatory hostile misconduct or retaliation addressed by this policy will be taken seriously, shall be investigated and when warranted, corrective or disciplinary action will be taken.

1. An objective, confidential investigation will be conducted by the supervisor, in consultation with the Office of Human Resource Services, into each complaint received.
2. The actions or omissions subject of a complaint and substantiated by investigation will be assessed based on the totality of the circumstances, and will involve making a determination whether the alleged hostile misconduct was sufficiently severe, pervasive or persistent such that a similarly situated reasonable person would be significantly and adversely impacted in his or her ability to benefit from the educational or work opportunities provided by the institution.
3. Substantiated violations will result in administrative, civil and/or criminal sanctions to the offending employee, student or student organization.
4. One or more of the following offices or processes may be involved in affording relief to the person who has experienced the hazing, bullying, hostile misconduct or retaliation: the Employee Assistance Program, Counseling Center, Employee Health Services, Student Health Center, the Office of Student Judicial Services, the administrative review process of the Department of Campus Activities, the Social Misconduct Review Board of the Department of Athletics, the Office of Housing and Residential Life, the appropriate supervisor in coordination with the Office of Human Resource Services in accordance with the applicable NMSU grievance and /or disciplinary process, as well as through the appropriate local, state, and/or federal law enforcement agencies.

3.100 Protocols in the Event of a Missing Residential Student] *[REPEALED by Board of Regents 12.11.15; See ARP, Rule 3.100]*

3.101 Student Social Code of Conduct

- A. Purpose: To assist students in becoming responsible members of the community, through notice of their rights and responsibilities, including the university's expectations for student conduct, and provision of fair investigative hearing and appeal processes by which students will be held accountable for their actions.
- B. Scope and Effective Date: This policy shall apply throughout the NMSU system, effective August 16, 2015.

- C. Policy Administrator: Required Periodic Review: The Office of the Dean of Students shall serve as the primary policy administrator, who will work closely with other officials who administer student discipline in the community colleges and other university programs, regarding promulgation, implementation and application of the Student Social Code of Conduct.
- D. Definitions: See [Part VI of the Student Social Code of Conduct](#).
- E. Policy Statements:
1. The responsibility of administering the student discipline system for misconduct not related to academic integrity is delegated to the Office of the Dean of Students. For central reporting purposes, as well as for consistency in sanctions generally, this office shall serve as the university's central administrative authority. Officials who administer student discipline in the community colleges and other university programs, shall coordinate with the Office of the Dean of Students as they administer student discipline.
 2. The Office of the NMSU Dean of Students is authorized to promulgate and effectuate a Student Social Code of Conduct, to provide notice to students about their rights and responsibilities, including the expectations for student conduct and potential consequences for violations. The code will be developed in collaboration with the community colleges' vice presidents of student services or equivalent, the office of general counsel, and be subject to approval by the Vice President of Student Affairs and Enrollment Management and the Executive Vice President and Provost.
 3. The Student Social Code of Conduct will address topics including, but not limited to: the administration of student discipline, generally; students' rights and responsibilities; standards of conduct; the range of possible sanctions; victim rights; fact finding hearing procedures; and appeal hearing procedures.
 4. The Student Social Code of Conduct shall be available on line at the website of the Office of the Dean of Students and may be printed or summarized in student handbooks at the discretion of the officials administering student discipline. The link to the code may also be included in written materials and on the websites of the community college offices of student support services.
 5. The Office of the Dean of Students, in collaboration with the community college vice presidents of student services or equivalent shall jointly review and recommend updates/revisions to the Student Social Code of Conduct and associated procedural guidelines at least every two years.
- F. Procedural Guidelines: To facilitate the implementation, administration and enforcement of the Student Code of Social Conduct authorized by this policy, the Office of the Dean of Students may develop supplemental procedural guidelines, forms, templates, flowcharts, FAQ's consistent with this policy and the Student Social Code of Conduct, to facilitate common understanding and consistent application of the code. The Student's Social Code of Conduct, and corresponding procedural guidelines, if any, will be posted on the Dean of Students' website, and linked from this section.

REVISION HISTORY AND EFFECTIVE DATE:

Policy recommended by University Administrative Council 07.14.15; policy adopted by Board of Regents 07.21.15, with an **effective date of August 16, 2015**.

Chapter 4

Human Resources - General Policies

- 4.00 Human Resources
- 4.25 Due Process
- 4.60 Public Affairs Participation
- 4.65 Security Clearance (Department of Defense)

NMSU Policy System in Transition:

The following provisions have been repealed from this chapter of the Regents Policy Manual, but continue in effect in the Administrative Rules and Procedures of NMSU (ARP). Please also refer to the ARP at <https://manual.nmsu.edu/files/2013/10/03.16.16-4Ed-ARP.pdf>

- 4.05 *Appeals/Grievances*
- 4.10 *Children, Employment of*
- 4.26 *Employee Separation Policy*
- 4.30 *Hiring*
- 4.40 *Layoff/Financial Exigency*
- 4.50 *Outside Employment and/or Activities*
- 4.70 *Supplemental Employment/Compensation*

4.00 HUMAN RESOURCES

- A. Purpose: NMSU seeks to attract and retain a highly qualified workforce, to provide for fair and equitable treatment of all employees, and to ensure compliance with laws and regulations governing the workplace. To accomplish these goals, NMSU shall maintain comprehensive rules and procedures implementing this human resource policy.
- B. Equal Employment Opportunity: New Mexico State University is dedicated to providing equal employment opportunities without regard to age, ancestry, color, disability, gender identity, genetic information, national origin, race, religion, serious medical condition, sex, sexual orientation, spousal affiliation or protected veteran status as provided in federal and state anti-discrimination 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 shall maintain a comprehensive affirmative action program designed to support this effort.

Further, NMSU prohibits any unlawful harassment in the academic and work environments controlled by NMSU, as well as any illegal practice which has the effect of creating a hostile environment.

NMSU administration shall provide for rules and procedures for enforcement of this equal opportunity policy which are in compliance with all relevant federal and state laws and regulations.

- C. Authorization for Specific Human Resource Rules and Procedures: The administration is directed to ensure that NMSU adopts and maintains specific rules and procedures providing for the following:
1. Grievance procedures or review/appeal processes for non-discrimination based complaints, including rules establishing the types of matters which may be grieved.
 2. Hiring and separation, including the establishment of employment categories.
 3. Employee conduct and discipline.
 4. Compensation, subject to budget approval by the Board of Regents.
 5. Performance evaluation and changes in job status.
 6. Benefits and leaves, subject to the restrictions set forth in Section D of this policy.
 7. Professional development.

The listing of topics for operational rules and procedures set out above is not intended to exclude other rules or procedures on human resource topics which the administration may deem necessary and appropriate for the benefit of the institution.

- D. Restrictions on Benefits and Leave: NMSU offers its employees a range of benefits including medical insurance, paid leaves of absence, paid holidays and others. The administration is authorized to continue offering those benefits presently offered and to adopt rules and procedures for administering those benefits. Any proposal which would alter the type or nature of benefits offered, or which would result in a significant increase in the cost of such benefits (beyond the changes in cost due to fluctuation in pricing and the number of employees) must be approved by the Board of Regents prior to implementation.
- E. Union Contract: Rules and procedures adopted pursuant to this policy shall not conflict with or abrogate rights of employees provided in a valid collective bargaining agreement.

F. Policy Administrator: This policy is administered by Human Resource Services.

G. Scope and Effective Date: This policy will apply throughout the NMSU system.

REVISION HISTORY:

Policy recommended by University Administrative Council 12.07.15; policy adopted by Board of Regents 12.11.15.

CROSS REFERENCES:

Administrative Rules and Procedures of NMSU (<https://manual.nmsu.edu/files/2013/10/12.11.15-Trans-3rd-Ed-ARP.pdf>)

4.05 Appeals/Grievances

[REPEALED by Board of Regents 12.11.15; See Regents Policy 4.00, ARP, Rule 4.05]

4.10 Children, Employment of

[REPEALED by Board of Regents 12.11.15; See Regents Policy 4.00, ARP, Rule 4.10]

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

[REPEALED by Board of Regents 12.11.15; See Regents Policy 4.00, ARP, Rule 4.26]

4.30 Hiring

[REPEALED by Board of Regents 12.11.15; See Regents Policy 4.00, ARP, Rule 4.30]

4.40 Layoff/Financial Exigency

[REPEALED by Board of Regents 12.11.15; See Regents Policy 4.00, ARP, Rule 4.40]

4.50 Outside Employment and/or Activities

[REPEALED by Board of Regents 12.11.15; See Regents Policy 4.00, ARP, Rule 4.50]

4.60 Public Affairs Participation (See also [Chapter 3 - Conflicts 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 Faculty Grievance Review 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 Chancellor has discretion to approve requests to serve on international, national, state, and local committees and commissions.

4.65 Security Clearance (Department of Defense) *[Amendment approved by the Administrative Council 04.13.10; adoption of amendment ratified by the Board of Regents 05.07.10] [Amendment approved by the Board of Regents 04.08.11] [Amendment approved by the Board of Regents 10.10.11] [Amendment approved by the Board of Regents 06.21.12] [Amendment approved by the Board of Regents 10.21.13]*

Those persons occupying the following positions at New Mexico State University shall be known as the Key Management Personnel Group for safeguarding classified information. They shall implement the provisions of the National Industrial Security Program Operating Manual (NISPOM)

- President
- Executive Vice President and Provost
- Vice President for Research
- Director of the Physical Science Laboratory
- Senior Security Manager
- Facility Security Officer

The members of the Key Management Personnel Group have been processed, or will be processed for a personnel security clearance for access to classified information, to the level of the Facility Clearance granted to this institution, as provided for in the NISPOM. Individuals will be denied access to classified information until such time that their security clearances are granted.

The Key Management Personnel Group is hereby delegated all of the board's duties and responsibilities pertaining to the protection of classified information under classified contracts awarded to New Mexico State University. In addition, the Key Management Personnel Group shall have the authority and responsibility for the negotiation, execution, and administration of the contracts, consistent with NMSU policy and state and federal law.

The individual members of the Board of Regents shall not require, shall not have, and will be effectively excluded from access to all national security information disclosed to NMSU. The duties and responsibilities of the Board of Regents as a policy-making body do not require access to classified contracts awarded to NMSU, and therefore need not be processed for a personnel security clearance. 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
[REPEALED by Board of Regents 12.11.15; See Regents Policy 4.00, ARP, Rule 4.70]

Chapter 5

Human Resources-Faculty and Academic Administrators

5.00 Faculty and Academic Administrators

5.05 Academic Freedom

NMSU Policy System in Transition:

The following provisions have been repealed from this chapter of the Regents Policy Manual, but continue in effect in the Administrative Rules and Procedures of NMSU (ARP), at <https://manual.nmsu.edu/files/2013/10/03.16.16-4Ed-ARP.pdf>

5.06 *Administrative Reviews*

5.15 *Appointments*

5.20 *Assignments - General*

5.25 *Compensation*

5.30 *Consulting*

5.35 *Deans*

5.45 *Department Heads*

5.47 *Faculty Discipline and Appeal Processes*

5.55 *Emeritus Status*

5.60 *Endowed Chairs and Professorships*

5.65 *Faculty Exchange*

5.84 *Office Hours*

5.86 *Performance Evaluation*

5.87 *Post-Tenure Review*

5.90 *Promotion and Tenure*

5.92 *Reassignment of Administrators/Department Heads*

5.94 *Research*

5.96 *Searches for Administrators*

5.98 *Tenure Track and Tenure (Continuous Contract) Amendment to Nonrenewal of Contracts*

5.00 Faculty and Academic Administration

- A. Policy Statements: Faculty and academic administrators have an important role in the governance of a university. In recognition of that role, distinct rules and procedures must be maintained which establish the unique rights and responsibilities of faculty. This policy and the rules and procedures authorized by here apply only to individuals holding faculty appointments or faculty rank. The HR Rules authorized in Regents Policy 4.00 and reflected in the ARP also apply to those holding faculty appointments or faculty rank, unless otherwise stated.
- B. Authorization: The Regents of New Mexico State University authorize the Executive Vice President and Provost, as the university system's chief academic officer, in consultation with the faculty through the Faculty Senate, to formulate and amend the Administrative Rules and Procedures (Rules) addressing the rights and responsibilities of the individuals appointed to faculty or academic administrator positions. Such Rules shall be consistent with this policy, and shall be enacted in accordance with Regents Policy 1.10 and Rule 1.10, and consistent with the shared governance provisions of Policy 1.05.70. Such Rules will include, but are not limited to the following:
1. The establishment of various types and ranks of faculty appointments and the qualifications, roles and responsibilities of each.
 2. The regulation of faculty work assignments, including the rules governing outside consulting and conflicts of interest.
 3. The process or methodology by which decisions are made relating to faculty compensation and awards, subject to the Board's authority to approve the budget.
 4. The process by which faculty may seek redress for grievances.
 5. A requirement that the work performance of all faculty shall be evaluated annually by the appropriate dean or other academic administrator.
 6. The process and criteria required for promotion amongst the faculty ranks.
 7. The process and criteria required for an award of tenure following the probationary period.
 8. The process by which tenured faculty who demonstrate less than satisfactory work performance will be reviewed, mentored and supervised more frequently than the annual performance evaluation process.
 9. The establishment of the qualifications, and roles and responsibilities of academic administration.
 10. The process and criteria for the search, appointment, periodic performance evaluation, and reassignment of academic administrators other than the chancellor.
 11. The processes by which suspected or alleged faculty misconduct may be investigated; additionally, the process by which discipline will be imposed if misconduct is substantiated, including the right to appeal from the investigative findings and/or the level of discipline.
 12. The process for nonrenewal of a faculty contract and termination of a faculty appointment.
 13. Establishing the rights and responsibilities of faculty with respect to research, sponsored projects and intellectual property.
- C. Repeal of Related Policies: By previous action of the Board of Regents on October 21, 2015, the contents of the former NMSU Policy Manual were replicated in the Administrative Procedures of NMSU (the ARP) and remain in full force and effect. Upon adoption of this policy, the policies in Chapter 5 of the Regents Policy Manual, with the exception of Policy 5.05 (Academic Freedom) will be superseded by this policy and will be repealed from the Regents Policy Manual, but will remain in effect in the ARP until amended or repealed.
- D. Policy Administrator: This policy is administered by the Executive Vice President and Provost.
- E. Scope and Effective Date: This policy will apply throughout the NMSU system, and becomes effective upon approval by the Board of Regents.

REVISION HISTORY: Policy recommended by UAC 04.12.16; adopted by Board of Regents 05.13.16.
CROSS REFERENCES: Chapter 5 of the Administrative Rules and Procedures of NMSU

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

[REPEALED by Board of Regents 05.13.16; See Regents Policy 5.00, ARP, Rule 5.06]

5.15 Appointments

[REPEALED by Board of Regents 05.13.16; See Regents Policy 5.00, ARP, Rule 5.15]

5.20 Assignments - General

[REPEALED by Board of Regents 05.13.16; See Regents Policy 5.00, ARP, Rule 5.20]

5.25 Compensation

[REPEALED by Board of Regents 05.13.16; See Regents Policy 5.00, ARP, Rule 5.25]

5.30 Consulting

[REPEALED by Board of Regents 05.13.16; See Regents Policy 5.00, ARP, Rule 5.30]

5.35 Deans

[REPEALED by Board of Regents 05.13.16; See Regents Policy 5.00, ARP, Rule 5.35]

5.45 Department Heads

[REPEALED by Board of Regents 05.13.16; See Regents Policy 5.00, ARP, Rule 5.45]

- 5.47 Faculty Discipline and Appeal Processes**
[REPEALED by Board of Regents 05.13.16; See Regents Policy 5.00, ARP, Rule 5.47]
- 5.55 Emeritus Status**
[REPEALED by Board of Regents 05.13.16; See Regents Policy 5.00, ARP, Rule 5.55]
- 5.60 Endowed Chairs and Professorships**
[REPEALED by Board of Regents 05.13.16; See Regents Policy 5.00, ARP, Rule 5.60]
- 5.65 Faculty Exchange**
[REPEALED by Board of Regents 05.13.16; See Regents Policy 5.00, ARP, Rule 5.65]
- 5.84 Office Hours**
[REPEALED by Board of Regents 05.13.16; See Regents Policy 5.00, ARP, Rule 5.84]
- 5.86 Performance Evaluation**
[REPEALED by Board of Regents 05.13.16; See Regents Policy 5.00, ARP, Rule 5.86]
- 5.87 Post-Tenure Review**
[REPEALED by Board of Regents 05.13.16; See Regents Policy 5.00, ARP, Rule 5.87]
- 5.90 Promotion and Tenure**
[REPEALED by Board of Regents 05.13.16; See Regents Policy 5.00, ARP, Rule 5.90]
- 5.92 Reassignment of Administrators/Department Heads**
[REPEALED by Board of Regents 05.13.16; See Regents Policy 5.00, ARP, Rule 5.92]
- 5.94 Research**
[REPEALED by Board of Regents 05.13.16; See Regents Policy 5.00, ARP, Rule 5.94]
- 5.96 Searches for Academic Administrators**
[REPEALED by Board of Regents 05.13.16; See Regents Policy 5.00, ARP, Rule 5.96]
- 5.98 Tenure Track and Tenure**
[REPEALED by Board of Regents 05.13.16; See Regents Policy 5.00, ARP, Rule 5.98]

Chapter 6

Academic-Related Policies

(See also [Undergraduate](#) and [Graduate Catalogs](#) and [NMSU Student Handbook](#))

- 6.05 Academic Units - Creating, Reorganizing, Relocating, Etc.
- 6.10 Academic Units/Programs (Procedures for Changes)
- 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 and Expulsion from University
- 6.55 Distance Education
- 6.60 Examinations/Tests
- 6.65 General Education Courses
- 6.70 Grade Reports
- 6.75 Honorary Degrees
- 6.80 Independent Studies
- 6.82 Majors and Minors
- 6.84 Military Science Coordinator
- 6.86 Registrar
- 6.87 Student Admission and Residency Processes in Relation to Immigration
- 6.88 Summer Session
- 6.89 Transfer Credit
- 6.90 Tutoring Services

- 6.92 Authorization of Course Registration Changes After Standard Administrative Deadline
- 6.93 Embargo of Dissertations or Master's Theses

6.05 **Academic Units - Creating, Reorganizing, Relocating, Eliminating** (*See also* Policy [2.50 Naming Policies](#))

- A. **Definition of Academic Unit:** 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.
- B. **Reviews/Recommendations and Approvals Required:** 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 Chancellor to the Board of Regents for their consideration and action.
- C. **Initiation of Proposal to Create, Reorganize, Relocate or Eliminate an Academic Unit:** 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 Propositions for Consideration of the Constitution of the Faculty Senate, except that no such proposal will be considered as emergency legislation.
- D. **Effective Date of Change:** If approved, the creation of a department will be effective either January 1 or July 1 following the approval.
- E. **Procedure for Implementation:** 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).
- F. **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.
 1. There should be a documented professional need for the college in the state and region.
 - a. **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.
 2. The proposed college should be of a recognized profession or group of disciplines.
 - a. **Rationale:** The new college should give a desirable added professional recognition and development in the area of the new college.
 3. 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.
 - a. **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.
 4. The university must be willing to make the commitment to furnish financial support for an additional college.

- a. **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.
- G. **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.
- H. **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.
- I. **Relocation or Reorganizing an Academic Unit:** Proposals to relocate a department must meet all of the following criteria:
1. The relocation will produce a more homogenous set of programs and departments in both colleges.
 2. The relocation will enhance the professional identity of the program or department involved
 3. The relocation will not cause undue hardship for other academic units.
 4. The faculty and administrators directly affected are in agreement.
 5. Such a change will better serve the university community, clients, and/or the mission of the university.
 6. Address the transfer of resources, courses taught, and the faculty rank and tenure (or years to tenure) of those individuals being transferred.
 7. 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.
- J. **Elimination of an Academic Unit:** (*See also* ARP-Rule 4.40, Layoff/Financial Exigency) Proposals to eliminate an academic unit must meet the following criteria:
1. A significant decline in enrollment, either as measured by number of majors or student credit hours.
 2. The resources are needed by programs or departments with much higher enrollment or student credit hour production.
 3. In evaluating a proposal to eliminate an academic unit, the unit's contribution in the areas of teaching, research, and service shall be considered.
- K. **Undergraduate Program Changes:** (*See* [6.35 Curricula 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) See also Policy [2.50 Naming Policies](#)

6.15 Articulation Agreements

- A. The decision to participate in an articulation agreement with another institution(s) rests with the faculty.
- B. 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 Office of the Registrar. (See [Transfer Credit in Undergraduate Catalog](#))
- C. 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.
- D. 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](#))
- E. 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

A. Minimum Class Time: 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)

- B. Use of the Term “Variable”: The term variable in the class schedules and catalogs shall be reserved for the following courses only: 599, 600, 699 and 700.
- C. Listing of Credits: 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.
- D. Printing Format: In the printed class schedule the word variable following a course shall be applied to those courses in paragraph B. above. Courses referred to in paragraph C. above will be scheduled 1-3, 1-4, etc., according to the maximum credit which may be taken for any given semester.
- E. Authority of Chair of Associate Deans’ Academic Council: 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:
 - 1. 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).
 - 2. The course responds to specific needs in a grant recently received.
 - 3. Changes in certification requirements dictate immediate changes in the curriculum.
- F. Review by University Curriculum Committee: 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.
- G. Approval Authority of Associate Deans’ Academic Council: 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 starting date.

- H. Adherence to Class Schedule: 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

- A. Ceremony: 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.
- B. Symbolic 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.
- C. Academic Regalia: 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

- A. 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.
- B. 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."
- C. 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.
- D. Summary sheets, in alpha-numeric order by prefix, provide a cover list of changes. (For example, a number change BIOL 116 to BIOL 119; a title change CHEM 199, Intro. to CHEM to Elementary Chem; a credit hour change PE101, 1 cr to 2 cr; a prereq. Change E T 101 to E T 112; a course deletion 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	

- E. 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.
- F. 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

- A. 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.
- B. 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 indicates 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

- A. Proposals for New 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.
- B. 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).

1.50 Degree Revocation and Expulsion from University *fka* Degree Revocation (See also [Academic Misconduct Policy in NMSU Student Code of Conduct](#))

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.

- A. Allegations Reported To Dean: Allegations regarding academic misconduct which may result in permanent expulsion or degree revocation shall be brought immediately to the attention of the appropriate dean.
- B. Preliminary Investigation: The dean shall conduct a preliminary investigation with an appropriate professional body within the university.
 1. 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.
 2. 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.
 3. 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.
- C. Formal Charges: If so advised, the dean shall:
 1. Issue in writing a formal charge, detailing the basis for the charge, to be delivered to the accused as described below.
 2. 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.

- D. Ad Hoc Hearing Committee: 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.
- E. Ad Hoc Committee Hearing Process: 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.
1. 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.
 2. 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.
 3. 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.
 4. The hearing by the ad hoc committee and any subsequent proceedings shall be recorded by certified court reporter.
 5. All testimony before the ad hoc committee shall be sworn and upon the oath or affirmation of the witness.
 6. The burden of proof shall be on the university to prove the charge(s) by clear and convincing evidence.
 7. 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).
 8. 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.
 9. 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.
 10. 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.
 11. 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.

12. 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 Chancellor.
 13. The Chancellor 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.
- F. Appeal to Board of Regents: The decision of the Chancellor 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 Chancellor 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 Chancellor. The Chancellor shall then forward the notice, a copy of the Chancellor's written decision, and the record of proceedings, including the evidence presented to the ad hoc committee, to the board. An appeal to the Board of Regents shall be considered by the board at its next regularly scheduled meeting:
1. 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.
 2. 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.
 3. 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.
 4. The Board of Regents, by majority vote, in open session, may affirm the action of the Chancellor, modify such action, or dismiss the allegations against the accused.
 5. The decision of the Board of Regents 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.
 6. The decision of the board shall be final.

6.55 Distance Education (*See also* [Policy 5.25.30 Compensation-Distance Education](#))

- A. All costs for off-campus programs must be recoverable from contracts and/or specified state appropriations and tuition.
- B. The following costs must be recovered:
 1. That portion of salaries of faculty and site facilitators required for the delivery of the course off-campus.
 2. Charges for use of off-campus facility(ies).
 3. Expenses for the production and transmission of the course(s).
 4. Transportation and per diem for travel to remote site(s).
 5. Other expenses such as telephone calls, shipping materials, and supplies.
 6. College and/or departmental and distance education increments.

- C. 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.
- D. All of the above may be modified to meet different educational approaches; however, the total allocated resources would not be reduced.
- E. 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

- A. 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.
- B. Exam Schedule: The examination schedule will be included in the class schedule at registration.
- C. Completion of Fall Semester Prior to Holiday: The fall semester will be completed before the winter holidays.
- D. Length of Examinations During Last Week of Regular Classes: 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.
- E. Student Grievance: Students who feel that their rights have been violated should contact the respective department head.
- F. Maximum of Three Final Exams Per Day: 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 [6.88 Schedule of Classes](#) for deadline for notifying instructors.)
- G. Advance Coordination of Final Exams/Term Papers: 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.
- H. Advance Resolution of Final Exam Scheduling Conflicts: Also, the faculty member will request students with problems of scheduling to report them to the office of the college dean.
- I. Priority in Scheduling: A regularly scheduled evening class will have precedence over examinations scheduled in other courses outside the normal class meetings.
- J. Alternate Exam Time: When a conflict occurs, the department scheduling the examination will arrange for students to complete the examination at another time.
- K. Student Review of Final Exam or Term Paper: 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 Coursework Required for Graduation [Amendment (FS Proposition No. 13-05/06) passed by the Faculty Senate 03.02.06, ratified by the Board of Regents 09.08.06] [Amendments (FS Propositions 25-07/08, 26-07/08 and 27-07/08) passed by the Faculty Senate 05.01.08; ratified by the Board of Regents 07.15.08] [Amendment (FS Proposition 21 11/12) passed by the Faculty Senate 05.03.12; approved by the Board of Regents 06.21.12]

- A. **General Education Policy Statement:** The General Education curriculum required for graduation from New Mexico State University is comprised of the state's common core and the university's Viewing a Wider World courses. See the [NMSU Undergraduate Catalog](#) for specific category requirements, options and required credits that will fulfill both state and university requirements.
1. **Common Core:** The New Mexico Higher Education Department (HED) mandates a lower-division general education common core curriculum. These are accepted in total as a block by all accredited, public post-secondary institutions within the state of New Mexico. See NMSA 1978 §§ 21-1B-1 et seq.
 2. **Viewing a Wider World:** In addition to the state's requirements, NMSU has adopted Viewing a Wider World courses (VWW) as part of its General Education curriculum required of all undergraduate students. See NMSA 1978 §21-1B-4 (B). These courses foster intelligent inquiry, abstract logical thinking, critical analysis and the integration/synthesis of knowledge beyond the student's major discipline.
- B. **General Education Course Certification Committee:** The Board of Regents recognizes and delegates review and certification for the general education courses to the advisory body known as the General Education Course Certification Committee, which reports to the university's chief academic officer, the Executive Vice President and Provost, as follows:
1. **Role and Purpose:** The General Education Course Certification Committee is recognized as a standing university board within the definition of Policy 1.05.90. It serves as an advisory body to the Office of the Executive Vice President and Provost. Its primary charge is to review the courses submitted for inclusion in the General Education curriculum in light of the applicable state or university criteria, and to provide its recommendations to the Office of the Executive Vice President and Provost. The committee also develops or reviews proposed procedural guidelines for the General Education course certification process, for consideration by the Office of the Vice President and Provost.
 2. **Composition:** The General Education Course Certification Committee shall be comprised of one faculty member and one alternate faculty member from each academic college and the library, to be selected by the appropriate dean; two community college faculty members and one alternate community college faculty member, to be selected by majority vote of the community college chief academic officers; and one member and one alternate member from the Faculty Senate. A representative from the Registrar's office and from the Outcomes Assessment office shall also serve on the committee in an *ex-officio* capacity.
 3. **Reporting Structure:** The committee reports directly to the Executive Vice President and Provost, who will appoint a representative from the Office of the Executive Vice President and Provost to serve as chair. The Office of the Executive Vice President and Provost shall provide the committee with necessary administrative support.
 4. **Meetings:** The committee shall meet a minimum of one time per semester. The chair or the Executive Vice President and Provost may call additional meetings as often as necessary for the committee to perform its charge.
- C. **General Education Certification:**
1. The Office of the Executive Vice President and Provost, after consideration of the recommendation from the General Education Course Certification Committee, will

establish and publish procedural guidelines pertaining to the review of courses proposed for inclusion in the General Education curriculum.

2. Any NMSU-Las Cruces college or department may propose to create or modify a course for inclusion in the General Education curriculum.
3. Courses that are part of the state common core are subject to the regulations of the New Mexico Higher Education Department. The Office of the Executive Vice President and Provost is responsible for compliance with these regulations.
4. Viewing a Wider World courses proposed by the various colleges and departments will be certified or re-certified in accordance with the General Education Course Certification Procedural Guidelines issued by the Office of the Executive Vice President and Provost.
5. Upon receipt of notice of certification, the sponsoring department will process the appropriate course action forms to initiate the process for the course to be officially offered, and published in the appropriate catalog(s).

6.70 Grade Reports

- A. Progress Reporting for 100- and 200- level Courses: All instructors of 100- and 200- level courses will submit a grade that reflects work completed as of the sixth Friday following the date classes begin during the regular 16-week Fall and Spring semesters. Early performance grades for 100- and 200- level courses will be due by 5:00 pm on the Tuesday following the sixth Friday defined herein. This requirement is not applicable to summer terms nor mini-semesters.
- B. Use of Early Performance Grades: Early performance grades shall only be used for student retention efforts.
- C. Deadline to Submit Final Grades: The deadline for submission of final 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.
- D. Faculty Obligated to Provide Academic Progress Upon Student Request: 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.
- E. Posting of Grades: Protection of Personally Identifiable Information:
 1. 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.
 2. 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.

REVISION HISTORY:

Amendment (FS Proposition 23-14/15) approved by Board of Regents 05.08.15.

Amendment (FS Proposition 02-06/07) ratified by Board of Regents 10.22.07.

6.75 Honorary Degrees *[Amendment approved by the Administrative Council 10.09.07; adoption of the amendment ratified by the Board of Regents 10.22.07] [Amendment (FS Proposition 09-11/12A) passed by the Faculty Senate 05.03.12; approved by the Board of Regents 06.21.12]*

- A. Bachelor's: An honorary bachelor's degree may be awarded under the following conditions:

1. A student who has completed over 85% of the credit hours required by their degree program at the university (or has demonstrated strong effort to complete their degree as determined by the faculty of their degree program) is by accident, serious illness, death, or other unanticipated event permanently prevented from completing their degree at NMSU can be nominated for an honorary bachelor's degree as follows:
 - a. A department head or faculty member initiates the process and seeks departmental approval through the department's normal governance policies (e.g. consensus of majority vote of the faculty).
 - b. The student's home department makes a judgment regarding whether the student made suitable progress toward completion of their bachelor's degree.
 - c. If the nomination is approved by the home department, the department head or faculty member then submits the nomination to the Dean of the home college for the student and then, if approved by the Dean of that college, the nomination is submitted to the Provost for approval.

- B. Master's: 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.

- C. Professional Degree: 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:
 1. The individual has made an outstanding professional contribution to his or her field and is recognized for professional achievement; and
 2. The nominee or the nominee's family is willing to accept the degree.

- D. 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:
 1. Faculty of the appropriate academic department
 2. Executive Vice President and Provost
 3. President of the University
 4. 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.

- E. Procedures for Awarding an Honorary Master's Degree:
 1. 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.
 2. Approval Process: All documentation will be submitted for approval to the following officers in the order listed below:
 - a. Faculty of the appropriate academic unit
 - b. Dean of the appropriate unit, upon the advice of an existing or appointed unit-wide committee
 - c. Dean of the Graduate School upon advice of the Graduate Council

- d. Academic Deans Council
 - e. Executive Vice President and Provost
 - f. President of the University
 - g. Board of Regents
3. Presentation of Degree: The degree may be presented at a special ceremony or at another appropriate time approved by the executive vice president and provost.
 4. Limitation of Awards: 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.
- F. Procedures for Awarding an Honorary Professional Degree:
1. 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.
 2. Approval Process: All documentation will be submitted for approval to the following officers in the order listed below:
 - a. Faculty of the appropriate academic unit
 - b. Dean of the appropriate unit upon the advice of an existing or appointed unit-wide committee
 - c. Academic Deans Council
 - d. Executive Vice President and Provost
 - e. President of the University
 - f. Board of Regents
 3. Presentation of Degree/Limitation of Awards: 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.
 4. Distinction from Honorary Doctoral Degrees: 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.
- G. Honorary Doctoral Degrees: 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 Chancellor 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 meets 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 Independent 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

- A. Majors: New majors, including those of associate degrees, are endorsed by the Academic Deans Council, and 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.
- B. Supplementary Majors: In addition to a major, a student may elect to undertake 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.
- C. 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

- A. Promotion of ROTC Program: 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.
- B. Role of the Dean of the College of Arts and Sciences: 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.
- C. 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 Office of the Registrar 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 Office of the Registrar 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.

A. Duties of the Registrar:

1. Record and preserve academic data on all students registered for credit at the main campus and at the community colleges.
2. 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.
3. Submit reports of official enrollment statistics to the New Mexico Higher Education Department and to the National Center for Education Statistics.
4. Develop procedures for registration of students in any program in which academic credit is issued.
5. Coordinate preparation of a schedule of classes for each academic semester or summer session.

B. Transcript of Credit: Upon written request, the Office of the Registrar will furnish, for a \$3 fee, an official transcript of a student's academic record to the student or designee.

C. 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 Office of the Registrar 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.

D. 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. (See [2.90 University Records](#))

E. 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 Office of Services for Students with Disabilities Office, Room 100, Garcia Annex.

- F. 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.
- G. 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 Office of the Registrar. The admissions office determines residency for tuition purposes for first-time applicants.
- H. Release of Registration Statistics to the Press: Final or near final registration statistics are released by the registrar through the vice president for student affairs and enrollment management 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.
- I. Recording Academic and Demographic Data on the Academic Record: Office of the Registrar 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.
- J. 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 Office of University Account Receivable. 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.
- K. Academic Scheduling: (*See [6.26 Scheduling Course](#)*)
- L. 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.
- L. Justification of I: An I Grade Information Form shall be sent to the dean's office with instructor's grade sheet for each I grade assigned. Forms are available in the offices of the academic deans.

N. Procedures for Approval of Degree Candidates:

1. Three days (1 day in summer) after final grades are recorded on-line, the Office of the Registrar 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 Office of the Registrar 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 Office of the Registrar will record degrees approved and mail diplomas to graduates.

6.87 Student Admission and Residency Processes in Relation to Immigration Status

[Policy approved by Administrative Council 09.13.05; policy adoption ratified by the Board of Regents 09.08.06]

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.

- A. All international students entering the United States on a non-immigrant student visa will apply for admission through the Office of International Admissions Program located in Garcia Annex. Consult the Undergraduate Catalog section on Foreign Students for specific restrictions and procedures ([NMSU Undergraduate Catalog](#)).
 1. 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.
- B. 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 Office of Undergraduate Admissions located in the Educational Services Building.
 1. Legal immigrants or refugees must present documentation of their status to the Office of Admissions and Office of the Registrar.
 2. 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 (hed.state.nm.us).
 3. Students eligible for in-state tuition may be eligible for state-funded financial aid.

6.88 Summer Session (*See also* Policy [5.25.40 Compensation-Summer](#))

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:

- A. Priorities: 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.

- B. Development of Departmental Policy: 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. 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).
- C. Allocation as Relates to Department Heads: No summer session faculty allocation is used for 12-month department heads who teach in the summer.
- D. 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.
- E. Faculty 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-Hire Form 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.)
- F. Salary for Summer Session: (*See Policy [5.25.40 Compensation - Summer](#)*)

6.89 Transfer Credit

- A. Faculty Decision: The decision to award a student credit for work completed at another institution rests with the faculty.
- B. Registrar's Duties: The registrar will maintain a data base of commonly transferred courses from other institutions and their NMSU equivalents.
- C. Four Year Review of Departmental 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.
- D. Transferred Courses Not in Registrar's Data Base: Transferred courses that are not in the data base will be individually evaluated by the Office of the Registrar. If uncertain about which NMSU course is equivalent, the registrar will consult with the faculty in the relevant department.
- E. Transfer Credits from Non-Accredited Institutions: Transferred credits from non-accredited institutions will be evaluated by faculty from the relevant department after the student has shown acceptable performance at NMSU for two semesters.
- F. Responsibility of Student to Provide Documentation to Facilitate Determination of Transferability: 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 if 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 non-accredited institution.)

6.90 Tutoring Services

- A. Approvals: 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.

- B. Requirements for Providing Tutorial Services: Additional requirements for tutorial services are outlined in the [NMSU Student Employment Handbook](#).
- C. Employment of Graduate Assistants, Fellows and Trainees: 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 [NMSU Graduate Catalog](#))
- D. Hourly Tutoring Rates: (See the [NMSU Student Employment Handbook](#). For exceptions to published rates for graduate students, contact the dean of the graduate school.)

6.92 Authorization of Course Registration Changes After Standard Administrative Deadline

- A. Purpose: To establish conditions under which exceptions to the university's standard administrative deadlines for course withdrawals (drops) will apply.
- B. Scope: This policy applies throughout the NMSU System, at each of the university's campuses.
- C. Policy Administrator: This policy will be implemented and enforced by the NMSU college deans and the vice president for academic affairs at each of the university's community colleges, in coordination with the Office of the Registrar.
- D. Definitions:
 - 1. **Academic Appeals Board**: Within each college of the university, the library, and each community college campus, an academic appeals board will be appointed by the associate dean for academics or the community college academic vice president to hear student appeals. The appeals board will consist of three faculty members and two students.
- E. Policy Statement: A student may be permitted to drop/withdraw from a course after the semester or other enrollment term's administrative deadline has passed in accordance with the following:
 - 1. The student, or person authorized to act on behalf of the student, submits the petition to the Office of the student's dean (based on the student's major), no later than one year after the end of the semester or summer term of the pertinent enrollment, unless extenuating circumstances as determined by the Academic Appeals Board justify waiver of such one year time limitation. (See Procedures hyperlinked from Section F.)
 - 2. The petition alleges with documentation any of the following situations:
 - a. The student was physically prevented from dropping or withdrawing due to illness, injury, or personal emergency of the student or a member of the immediate family;
 - b. The student was given misinformation as to the correct deadline for dropping a course or withdrawing from the university;
 - c. The student never attended the class, nor submitted assignments, nor completed examinations;
 - d. The student was performing military duties, including but not limited to a scheduled deployment;
 - e. Other circumstances beyond the control of the student prevented the student from meeting the drop/withdrawal standard administrative deadline.
 - 3. The petition is processed in accordance with the Procedures issued by the Office of the Executive Vice President and Provost, including a right to appeal from the determination of the course academic associate dean.

4. If the petition is granted, the student will receive a “W” grade unless the course instructor and the academic associate dean believe that an “I” grade is appropriate.
 5. Cancellation of the enrollment will only be appropriate in cases where the student did not attend any class sessions during the semester (or other enrollment term) under review.
- F. Procedural Guidelines: See the Executive Vice President/Provost’s website at provost.nmsu.edu for the applicable procedures.

REVISION HISTORY:

Amendment (FS Proposition 22-14/15) approved by Board of Regents 05.08.15.

6.93 **Embargo of Dissertations or Master’s Theses** *[Policy (FS Proposition 16-08/09) passed by Faculty Senate 04.02.09; policy adoption ratified by the Board of Regents 07.29.09]*

New Mexico State University permits the embargo of dissertations or master’s theses under certain conditions as described in this policy.

- A. Definition: An embargo of a thesis is defined as a delay in the release of the dissertation or master’s thesis for a specified amount of time (non-renewable).

B. Routine Processing by Library:

Unless a request for embargo is approved, dissertations or master’s theses will be routinely processed by the Library. [NMSU Library: Embargo](#) NMSU permits the embargo of dissertations or master’s theses under the following conditions:

1. To protect information of commercial value
2. To protect a patent application
3. To protect intellectual property rights associated with publication of content
4. To honor a pre-existing contractual agreement; or
5. To protect individual rights to privacy because of the thesis subject or when cultural respect is being infringed.

- C. Procedure To Request Embargo: To apply, the requestor must submit a Master’s Thesis and Dissertation Embargo Request Form to the Graduate School office with the Thesis-Dissertation Intake Form.

1. The completed Master’s Thesis and Dissertation Embargo Request Form must be signed by:

- a. Student
- b. Dissertation Advisor(s)
- c. Department Head
- d. Dean of College or Designee
- e. Dean of Graduate School

2. Conditions: The following conditions will apply if an embargo is granted:

- a. The bibliographic information (author, title, abstract, metadata, etc.) of the copy held by the NMSU Library will be publicly accessible in the library catalog.
- b. The embargoed dissertation or master’s thesis will automatically be made available upon the embargo expiration date.
- c. An approved embargo period shall be twenty-four months and non-renewable.

Chapter 7

Human Resources-Employee Benefits

NMSU Policy System in Transition:

All provisions of Chapter 7 were repealed by the Board of Regents on December 11, 2015 (See Regents Policy 4.00), which provisions continue in effect as Rules 7.03-7.45 in the Administrative Rules and Procedures of NMSU (ARP) See <https://manual.nmsu.edu/files/2013/10/03.16.16-4Ed-ARP.pdf>

- 7.03 *Deferred Compensation (457 Program)*
- 7.04 *Domestic Partners*
- 7.05 *Educational Opportunities for Employees and Their Families*
- 7.08 *Employee Health Center*
- 7.09 *Flexible Spending Account*
- 7.10 *Holidays (New Mexico State University Official)*
- 7.11 *Identification Cards*
- 7.15 *Group Medical Insurance*
- 7.20 *Leaves*
- 7.23 *New Employee Orientation*
- 7.24 *Pre-Tax Premium Plan*
- 7.25 *Recreational Facilities*
- 7.26 *Retirement, Educational*
- 7.27 *Re-Employment of Retirees*
- 7.30 *Social Security (FICA)*
- 7.34 *Tax Sheltered Annuities*
- 7.35 *Tickets (Athletic) for Faculty/Staff*
- 7.40 *Unemployment Compensation*
- 7.41 *United Fund Contribution*
- 7.42 *United States Savings Bonds*
- 7.45 *Workers' Compensation Benefits and Other Assistance*

Chapter 8

Human Resources-Staff Policies

NMSU Policy System in Transition:

All provisions of Chapter 8 were repealed by the Board of Regents on December 11, 2015. (See Regents Policy 4.00), which provisions continue in effect as Rules 8.03 – 8.75 in the Administrative Rules and Procedures of NMSU (ARP). See <https://manual.nmsu.edu/files/2013/10/03.16.16-4Ed-ARP.pdf>

- 8.05 *Area/Shift Differentials*
- 8.10 *Career Development/Apprenticeship Training*
- 8.15 *Compensation*
- 8.20 *Compensatory Time, Overtime, Holiday Pay*
- 8.25 *Consulting (Exempt Staff)*
- 8.30 *Disciplinary Action/Involuntary Termination*
- 8.40 *Hiring*
- 8.45 *Layoffs and Recall*
- 8.50 *Performance Evaluation/Probationary Period*
- 8.55 *Promotion and Reclassification (Exempt and Nonexempt Staff)*
- 8.60 *Resignations*
- 8.70 *Transfers*
- 8.75 *Workweek*

Chapter 9 Facilities and Services

- 9.00 Real Estate, Capital Improvements and Other Physical Resources
- 9.80 Art, Archives and Other Collections

NMSU Policy System in Transition:

The following provisions have been repealed from this chapter of the Regents Policy Manual, but continue in effect in the Administrative Rules and Procedures of NMSU (ARP). Please refer to the ARP at <https://manual.nmsu.edu/files/2013/10/03.16.16-4Ed-ARP.pdf>

- 9.04 *Facilities and Services*
- 9.05 *Campus Planning*
- 9.10 *Capital Projects*
- 9.15 *Funding and Costs*
- 9.20 *NMSU Real Estate*
- 9.25 *Maintenance and Repair of Community Colleges and Off-Campus Sites*
- 9.30 *Miscellaneous*
- 9.33 *Vehicle Assignment Policy*
- 9.34 *Fleet Asset Management Program*
- 9.35 *Transportation Services-Rental*
- 9.50 *Use of Facilities & Space Management*
- 9.55 *Utilities*
- 9.60 *Wayfinding and Signage*

9.00 Real Estate, Capital Improvements and Other Physical Resources

- A. Policy Statements: NMSU is dedicated to the responsible stewardship of its extensive physical resources including real estate, water rights, buildings, other capital improvements, and a wide variety of personal property including equipment and materials. Legal title to all physical assets, real and personal, is vested in the Board of Regents as the body corporate (NMSA 1978 §§ 21-3-4 et seq.), without regard to the academic or administrative entity that occupies or otherwise uses the asset. NMSU shall preserve adequate land holdings and water rights to meet all current and foreseeable academic and support needs. NMSU shall seek to enhance and maximize the productivity of those assets which exceed the current needs of university operations in a prudent manner that is designed to provide as much benefit to the university as feasible.
- B. Reservation of Authority: The Regents are responsible for ensuring the efficient and appropriate acquisition, use, maintenance, and disposition of the University's physical resources. Toward that end, each of the following actions or events require approval of the Regents:
1. The purchase, acquisition, sale, lease, encumbrance or mortgage of real estate or water rights.
 2. Any transaction which would permanently affect NMSU's rights in real estate or water rights.
 3. Any capital project which results in the addition of building square footage, whether from the construction of new facilities or addition to existing facilities or purchase of portable structures.
 4. Any proposal to issue bonds for capital improvements.
 5. Any alteration or site improvement costing over \$300,000.
 6. Any demolition of all or any portion of an existing building.
 7. Any increase of more than 10% of the budget or reduction of more than 10% in the gross square footage of an approved capital project.
 8. Proposals for the use of any funds derived from the sale, lease or transfer of real estate interests or water rights.
 9. Any proposal for disposition of obsolete, worn-out or unusable tangible personal property on the university capital asset list.
 10. The adoption of campus master plans for each campus.
- C. Rulemaking Authorization: The Regents of New Mexico State University authorize the Chancellor to formulate and amend the Administrative Rules and Procedures (Rules) addressing the management of the university's real estate, water rights, capital improvement projects, construction projects, campus space and use planning, maintenance and repair of university facilities and grounds, equipment and supply inventory. Such Rules shall be consistent with this policy.
- D. Delegation of Authority: Notwithstanding the reservation of authority set forth in section B above, the Board of Regents delegates authority and responsibility for reviewing, approving and executing the following types of transactions to the Chancellor or designee:
1. Real estate transactions involving a term exceeding ten (10) years, including any options to extend;
 2. Real estate transactions which involve a total university cost or liability (excluding operating expenses) of no more than \$100,000 per year; and
 3. Real estate easements which grant a specific, limited use of real property for a term not to exceed ten (10) years. Such uses shall include agreements relating to access, utilities installations, data/telecommunications facilities, rights of way, ingress, egress, sanitary sewers, pipelines and drainage.

- E. Repeal of Related Policies. By previous action of the Board of Regents on October 21, 2015, the contents of the former NMSU Policy Manual were replicated in the Administrative Rules and Procedures of NMSU (the ARP) and remain in full force and effect. Upon adoption of this policy, the remaining policies in Chapter 9 of the Regents Policy Manual are repealed from the Regents Policy Manual, but remain in effect in the ARP until amended or repealed.
- F. Policy Administrator: This policy is administered by the Chancellor.
- G. Scope and Effective Date: This policy will apply throughout the NMSU system, and becomes effective upon approval by the Board of Regents.

REVISION HISTORY: Policy adopted by Board of Regents 03.16.16.

CROSS REFERENCES: Chapter 9 of the ARP

9.04 Facilities and Services

[REPEALED by Board of Regents 03.16.16; See ARP, Rule 9.04]

9.05 Campus Planning (Master Plan)

[REPEALED by Board of Regents 03.16.16; See Regents Policy 9.00, ARP, Rule 9.05]

9.80 Art, Archives and Other Collections

- A. Policy Statements: The acquisition, ownership, display and professional preservation of NMSU's collections of art, archival records, cultural artifacts and natural history specimens are integral to the support of the teaching, research, and community engagement components of the university's mission. Decisions and the administrative rules and procedures regulating the acquisition, management, and de-accession of art, and other cultural, historic or scientific objects or collections shall give due consideration to a variety of stakeholder perspectives and concerns, consistent with applicable state, federal and international laws.
- B. Rulemaking Authorization: The Board of Regents authorizes administration, including but not limited to the directors of the university museum, art gallery, library archives; and directors and curators of the natural history collections and other university museums, to promulgate and amend the Administrative Rules and Procedures (Rules) to implement this policy. Such rules shall include but are not limited to provisions relating to each of the following:
 1. Designation of a specific department or unit to serve as custodian for each collection, or object if not part of a collection, and the specific responsibilities of each custodian.
 2. Approvals necessary to acquire additional objects, or collections, by gift, loan or purchase, and the appropriate documentation and record keeping for such acquisitions.
 3. Approvals necessary for de-accession of objects, collections or any item from a collection.
 4. Requirements relating to appraisals for various purposes, care and preservation, displays, inventory and insurance protocols, loans of objects or collections (both outgoing and incoming), and research access.
- C. Reservation of Authority: Notwithstanding the foregoing authorization, the following actions or events will require prior approval of the Board of Regents, and may also require additional approvals based on state, federal or international law:

1. Funding for the acquisition, restoration or preservation, or improvements required for the proper display or handling of any item or collection which will require expenditure of additional NMSU funds in excess of those budgeted.
 2. Acceptance of donor gifts which in the opinion of administration will adversely impact the stewardship of the university's existing collections or includes onerous or lengthy restrictions or commitments regarding the display or deaccession of the gifted object(s).
 3. De-accession of items, collections or pieces from a collection which requires formal action by the Board of Regents and/or additional action by other state entities or offices;
 4. De-accession of an individual item, a collection, or any part of a collection which in the opinion of the majority of the members of the official custodian and fellow scholars has extraordinary monetary, historical, cultural, scientific or historical value and significance.
- D. Repeal of Related Policies. By previous action of the Board of Regents on October 21, 2015, the contents of the former NMSU Policy Manual were replicated in the Administrative Rules and Procedures of NMSU (the ARP) and remain in full force and effect. Upon adoption of this policy, Policy 2.03 is repealed from the Regents Policy Manual, but shall remain in effect in the ARP until amended or repealed.
- E. Policy Administrator: This policy is administered by the Executive Vice President and Provost, in consultation with the appropriate director(s) of the university museum, art gallery, library archives; and director(s) and curator(s) of the natural history collections and other university museums.
- F. Scope and Effective Date: This policy will apply throughout the NMSU system, and becomes effective upon approval by the Board of Regents.

REVISION HISTORY: Policy recommended by UAC 05.10.16; adopted by Board of Regents 05.13.16.

CROSS REFERENCES: Administrative Rules and Procedures of NMSU, Rule 2.03

9.10 Capital Projects

[REPEALED by Board of Regents 03.16.16; See Regents Policy 9.00, ARP, Rule 9.10]

9.15 Funding and Costs

[REPEALED by Board of Regents 12.11.15; See ARP, Rule 9.15]

9.20 NMSU Real Estate

[REPEALED by Board of Regents 03.16.16; See Regents Policy 9.00, ARP, Rule 9.20]

9.25 Maintenance and Repair of Community Colleges and Off-Campus Sites

[REPEALED by Board of Regents 12.11.15; See ARP, Rule 9.25]

9.30 Miscellaneous

[REPEALED by Board of Regents 12.11.15; See ARP, Rule 9.30]

9.33 Vehicle Assignment Policy

[REPEALED by Board of Regents 12.11.15; See ARP, Rule 9.33]

9.34 Fleet Asset Management Program

[REPEALED by Board of Regents 12.11.15; See ARP, Rule 9.34]

9.35 Transportation Services-Rentals

[REPEALED by Board of Regents 12.11.15; See ARP, Rule 9.35]

- 9.50 Use of Facilities & Space Management**
[REPEALED by Board of Regents 12.11.15; See ARP,-Rule 9.50]
- 9.55 Utilities**
[REPEALED by Board of Regents 12.11.15; See ARP, Rule 9.55]
- 9.60 Wayfinding and Signage Policy**
[REPEALED by Board of Regents 12.11.15; See ARP, Rule 9.60]

Appendices

- 1-A [Highlights from New Mexico Law Authorizing and Defining NMSU and NMDA](#)
- 1-B [Link to President's Signature Authority Table](#)
- 1-C [Link to Institutional Organizational Chart](#)
- 1-D [Constitution of the Faculty Senate](#)
- 1-E [Constitution and By-Laws of the NMSU Employee Council \(fka ACAP\)](#)
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- 5-A [Flow Chart - Academic Program/Unit Change](#)
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- 5-C [Faculty Discipline Appeal Flow Chart Policy 5.47](#)

1-A Highlights from New Mexico Law Authorizing and Defining NMSU and NMDA:

[Note: there are many other state, as well as federal, laws and regulations that apply or otherwise relate to the specific areas governed by New Mexico State University and by the New Mexico Department of Agriculture; this is only a partial listing, relative to the general grant of authority to the Board of Regents.]

N. M. Constitution, Article XII, Section 3. Control of Constitutional Educational Institutions; Use of State Land Proceeds and Other Educational Funds.

This section provides that the universities provided for in the constitution shall forever remain under the exclusive control of the state, and that proceeds from the sale of lands or from any other funds appropriated, levied or collected for educational purposes, shall not be used for the support of any sectarian, denominational or private school, college or university.

N.M. Constitution Article XII, Section 11. State Educational Institutions.

This section identifies the state's many and various educational institutions, including New Mexico State University, and clarifies that property and funds held in trust for them, or hereafter to be granted or conveyed to them, shall be paid to them.

N.M. Constitution, Article XII, Section 13. Board of Regents for Educational Institutions.

This section provides that with the exception of UNM's seven member board of regents, the legislature controls and manages the state's educational institutions through five member boards of regents. Four members shall be qualified electors of the state of New Mexico and one shall be a member of the student body, and no more than three shall be members of the same political party. The governor nominates, and with the consent of the senate, appoints each member. Non-student members serve six years and student members serve two years. The student body nominee is selected from a list submitted by the NMSU system Chancellor, after consideration of the recommendation of the student body president.

Members of the board shall not be removed except for incompetence, neglect of duty or malfeasance in office, after 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.

N.M. Constitution Article XV, Section 1. Department of Agriculture.

This section establishes the Department of Agriculture and provides that it shall be under the control of the Board of Regents of NMSU. It further states that the legislature shall provide the department with lands and funds necessary for experimental farming and demonstrating.

NMSA 1978 § 21-8-1, Objects, Admission, Rules and Regulations.

This section provides that NMSU shall be 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.

NMSA 1978, §21-8-2, Construction of other names for college used in statutes.

This section clarifies that references to "agricultural college of New Mexico," "agricultural and mechanical college," "college of agriculture and mechanic arts," "agricultural college," or "state college," or "New Mexico agricultural college," or any other similar designation shall be construed to refer to New Mexico State University.

NMSA 1978, § 21-8-3. Curriculum; management vested in board of regents; number and qualifications; corporate style and powers; quorum.

This section sets forth certain courses of instruction for NMSU and authorizes the Board of Regents to prescribe others. Charges the Board of Regents with the fiscal care and management of all aspects of NMSU, and grants the authority to the Board to cause all things to be done necessary to carry out the provisions of law. Board can sue and be sued. Provides that qualifications to serve as member of the NMSU Board of Regents are the same as to serve as member of the UNM Board of Regents. The board shall take action as a body corporate. A majority of the board's members constitute a quorum for the transaction of business.

NMSA 1978, §21-8-4, Officers. The officers of NMSU shall be the same, be elected in the same manner, at the same time, perform like duties, and possess the same qualifications, as is provided for the officers of the University of New Mexico:

NMSA 1978, § 21-7-5.

This section for UNM, applicable to NMSU through the above cited statute, provides that election of officers occurs on the second Monday in March each year; Officers to be elected include a president and a secretary and treasurer. The person elected secretary and treasurer shall execute a sufficient bond to the state of New Mexico, to be approved by the governor and filed with the secretary of state, prior to taking office. Officers elected hold their offices until their successors are duly elected and qualified.

NMSA 1978, § 21-7-6.

This section for UNM, applicable to NMSU through the above cited statute, provides that the president of the Board of Regents, also referred to as the chair, presides at all meetings and signs all instruments required to be executed by the board. The board president appoints committees of the board. When the president is absent, the board appoints a president pro tem. The secretary/treasurer attests all instruments required to be signed by the board president and keeps an accurate record or all proceedings.

NMSA 1978, § 21-8-5. Powers and Duties of Board of Regents.

The Board of Regents has broad authority to control all monies belonging to NMSU and the New Mexico Department of Agriculture, and to make all rules and regulations necessary for the government and management of same.

NMSA 1978, § 21-8-6. Rules; Calling Meetings of Board of Regents

It is the power and duty of the Board of Regents to adopt rules to govern the university. The regents prescribe the manner in which meetings are called.

NMSA 1978, § 21-8-7. Course of Instruction; Books; Diplomas and Degrees; Removal of Officers.

The faculty of the several departments are entrusted with the immediate government of their respective departments, with the Board of Regents regulating the course of instruction, and prescribing, under the advice of the faculty, the teaching materials to be used, and conferring the degrees and diplomas. The regents have the authority to remove any NMSU officer when in their judgment, the best interests of the university requires it.

NMSA 1978, § 21-8-8. Agricultural and Horticultural Laws; Administration and Enforcement Vested in Board of Regents; Inspectors and Agents.

NMSU Board of Regents supervises, administers and enforces all laws relating to agriculture, agricultural projects, horticulture, feeds and feed stuffs, insect pests, plant diseases and such subjects pertaining to agriculture and horticulture as the legislature shall hereafter provide, and shall have power to delegate inspectors and agents to assist in the enforcement of such laws.

NMSA 1978, § 21-8-9. Agricultural Experiment Station; Direction; Federal Benefits.

Confirms the Board of Regents' authority to supervise and to receive funding for the agricultural experiment station in accordance with the terms of Section 1 of an act of congress approved March 2, 1887 [7 USCS § 361 a], which confirmed provisions of an earlier act approved July 2, 1862 and amendments thereto.

NMSA 1978, § 21-8-10. Contracts for Acceptance and Administration of Funds.

This is one of many statutes granting certain authority for the conduct of business to the Board of Regents, as the New Mexico Department of Agriculture, to contract with the United States, the state of New Mexico; or their agencies, corporations, foundations and private persons to receive, accept and administer funds or other assets upon such terms and conditions and for such purposes, as it shall find appropriate.

Many additional statutes granting specific types of authority over various agricultural subject matters may be found in the New Mexico Statutes Annotated, primarily, but not exclusively, in Chapter 76.

NMSA 1978, § 76-1-1, Creation of the New Mexico Department of Agriculture under the Control of the Board of Regents of New Mexico State University.

This section establishes the creation of the New Mexico Department of Agriculture under the control of the Board of Regents of New Mexico State University.

NMSA 1978, §76-1-2, Powers and Authority of Board of Regents.

This section grants the following powers and authority to the Board of Regents of New Mexico State University, relative to the New Mexico Department of Agriculture:

- A. Administer and enforce all laws of this state over which the board of regents or its agents have been granted jurisdiction and authority;
- B. Adopt rules of procedure for the adoption of regulations;
- C. Adopt, and file in accordance with the State Rules Act [14-4-1 NMSA 1978], regulations as may be necessary to carry out its duties;
- D. Administer or enforce, through the department of agriculture, all regulations adopted by the board of regents;
- E. Cooperate and enter into contracts or agreements with local, state and federal government agencies or with any other person to assist the carrying out of the duties of the New Mexico Department of Agriculture;
- F. Employ and fix the salaries of employees of the New Mexico Department of Agriculture;
- G. Institute legal proceedings in any court of this state, of any other state or of the United States;
- H. Certify to the appropriate district attorney or to the attorney general of New Mexico any violation of the provisions of law or any rules and regulations administered and enforced by it, when necessary to carry out its duties;
- I. Accept and administer on behalf of the New Mexico Department of Agriculture such grants, subsidies, donations, allotments or bequests as may be offered to the state, by the federal government or any department thereof or by any public or private foundation or individuals;
- J. Accept and administer funds or other assets for the New Mexico Department of Agriculture;
- K. Make and perform or direct the performance of such inspections and analyses as are necessary to carry out its duties;
- L. Issue or direct the issuance of such licenses, permits and other documents as are necessary to carry out its duties;
- M. Authorize the New Mexico Department of Agriculture to establish and publish a schedule of fees and collect those fees to recover the cost of services performed at the request of a person or firm. Fees imposed shall be just and equitable and shall not exceed the department's cost for performing the service; and
- N. Do all other things necessary as permitted by statute to carry out its duties.

NMSA 1978, § 76-1-3, Director of NMDA; Salary; Duties.

This section provides that in order to execute its functions relative to the NMDA, the Board of Regents shall appoint and fix the salary of a full-time director of the New Mexico Department of Agriculture. The director shall administer, execute and implement the directives and policy decisions of the Board of Regents and its agents, and shall serve as a representative of agriculture on the Governor's Executive Cabinet, as provided in the Executive Reorganization Act [9-1-1 to 9-1-10 NMSA 1978]. The director shall serve at the pleasure of the said Board of Regents.

1-B **[Signature Authority Table](#)** *[Note: Former Appendix 1-B was superseded by the Chancellor's Signature Authority Table, reflecting the various delegations of transactional review, approval and signature authority, now linked from this Appendix, and also from within Regents Policy 1.05.30.]*

1-C Organizational Chart

For an overview of the university's organizational hierarchy, please *see* [Organizational Chart](#) maintained by the Office of Administration and Finance. Organizational charts for each college, department or other NMSU entity may be available at that entity's website.

CONSTITUTION OF THE FACULTY SENATE OF NEW MEXICO STATE UNIVERSITY

(As ratified by the general faculty and reported to the Faculty Senate on July 18, 1961; amended by the general faculty and reported to the Faculty Senate on November 16, 1984 and January 14, 1988; amended by the general faculty and reported to the Faculty Senate on January 14, 1993 [bylaws] and April 4, 1993 [constitution]; amended by votes of the general faculty October 1995, October 2004, December 2004, December 2005, October 30, 2008, and May 5, 2011; amended by the general faculty and reported to the Faculty Senate on September 6, 2012; amended by the general faculty and reported to the Faculty Senate on April 02 and May 14, 2015.)

ARTICLE I – NAME

The name of this organization shall be the Faculty Senate of New Mexico State University, a.k.a. the Faculty Senate and the Senate. For the purpose of this constitution, the term “faculty” shall refer to any individual who is tenured or holds a tenure-track or regular nontenure-track position and 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, service, outreach and extension.

Section B: Legislation which is passed by the Faculty Senate that affects the University Policy Manual or other policy documents shall be sent to the University President who must act on it in accordance with Section 1.05.70 of the Policy Manual. Legislation which is passed by the Faculty Senate that does not affect the Policy Manual or other policy documents shall be sent by the Faculty Senate Chair to the appropriate party(ies) at the discretion of the Faculty Senate Chair.

Section C: The Faculty Senate shall have authority to determine its procedures and the procedures of its committees.

ARTICLE III – COMPOSITION AND PERSONNEL

Section A: The Senate shall be composed of three categories of members: (1) the elected Chair of the Faculty Senate; (2) 66 elected senators; and (3) ex officio, nonvoting members as specified in a bylaw of the Faculty Senate. Of the 66 elected senators, 60 shall be tenured or tenure-track faculty allocated as given below:

- 5 from Doña Ana Community;
- 2 from NMSU-Alamogordo;
- 2 from NMSU-Carlsbad;
- 1 from NMSU Grants;
- 3 from the Cooperative Extension Service;
- 1 from the university Library; and
- the remaining 46 tenure-track members shall be divided into 2 categories, 23 elected from the Las Cruces campus’s 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 Las Cruces campus’s colleges in proportion to the number of tenured and tenure-track faculty in the main campus academic departments in each college.

The remaining 6 members shall be regular nontenure-track faculty members: 1 representing all 4 NMSU community colleges; 1 from the Cooperative Extension Service; and 4 nominated and elected at large from the main campus, with the following stipulations: a) no more than 1 nontenure-track representative from any department may serve at the same time, and b) no more than 2 nontenure-track representatives from any of the senate electing groups as defined in Article VI, Section A may serve at the same time.

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 – ELECTION OF SENATORS

Section A: The Faculty Senate consists of 10 representative groups. Six representative groups consist of tenured and tenure-track faculty from the Las Cruces Campus's six colleges. Three representative groups consist of tenured and tenure-track faculty from the Community Colleges, the Cooperative Extension Service, and the University Library. One representative group consists of non-tenure track faculty. For the purposes of defining the representative groups, faculty with appointments in the Agricultural Experiment Station are considered members of the College of Agriculture, Consumer, and Environmental Sciences. Faculty, as defined in Article I, may only vote for senators from their representative group. For faculty who hold appointments in more than one representative group, they may only vote for senators from the group which is the largest fraction of their appointment.

Section B: Elections of senators for each representative group except Cooperative Extension Service will occur in March. Cooperative Extension Service senators shall be elected during the annual conference of the Cooperative Extension Service.

Section C: The Faculty Senate Vice Chair, or their designee with approval of the Faculty Senate as a whole, will oversee the election of Senators. The election of senators for each representative group will be conducted by the senior senator* of that representative group who will be designated as the Chair of the representative group. Faculty may be nominated by the Group Chair and by faculty members from that representative group; the Group Chair will solicit nominations from the group. Elections shall be by a secure electronic method or, at the discretion of the Faculty Senate Chair and with the concurrence of the Faculty Senate as a whole, by secret written ballot. In the event of a tie vote, the result shall be determined by lot. Within ten (10) business days after the election, the Faculty Senate Vice Chair shall inform the Faculty Senate Chair, the recording secretary, and the Group Chairs of the results. The Group Chair will inform the nominees of the results.

*In case of a tie in consecutive service, cumulative service in the Faculty Senate will determine the senior senator. Should a tie still exist, the senior senator will be determined by lot.

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 eight senate electing groups are:

1. the four senators representing the four community colleges;

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, the senators representing the College of Agricultural, Consumer and Environmental Sciences, and the Agriculture Experiment Station;
4. the 6 senators representing the nontenure-track faculty;
5. the senators representing the College of Business;
6. the senators representing the College of Education;
7. the senators representing the College of Engineering; and
8. the senators representing Health and Social Services

Each of the above shall each constitute separate senate electing groups.

Section B: The officers of the Faculty Senate shall be a Chair, Vice Chair, a parliamentarian, and a recording secretary. The terms of the Senate 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 Faculty Senate Chair shall not serve more than two consecutive terms, but may serve as Faculty Senate Chair again after serving at least one year as a nonchairing senator. The parliamentarian and the recording secretary shall be appointed by the Senate Chair with the approval of the Faculty Senate. The Senate Chair and Vice Chair shall be elected members of the Faculty Senate, representing different senate electing groups.

Section C: The Faculty Senate Chair, or their designee with approval of the Faculty Senate as a whole, will oversee the election of the Faculty Senate Chair. The Faculty Senate shall elect two nominees for the position of Chair at the December meeting, one of whom may be the current Faculty Senate Chair. The nominees must be current, elected members of the senate at the time of nomination and must intend to continue as active (nonretired) faculty during the following academic year. The current Faculty Senate Chair shall be considered to be a current, elected member of the senate even if their original senate term has expired. Within sixty (60) calendar days of these nominations, the person overseeing the election shall create a secure electronic ballot and notify all faculty as defined in Article I of its availability or, with approval of the Faculty Senate as a whole, prepare and mail a ballot to all faculty. The person overseeing the election along with the Faculty Senate recording secretary will be responsible for tabulating the results and announcing the winner. 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). If the chair-elect would otherwise still have been serving in the senate during the ensuing term of office, a replacement shall be elected by the appropriate representative group to serve during the Chair's term. Should the Chair become unable to perform their duties, 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 Senate Leadership Committee. This Senate Leadership Committee 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 Senate Leadership Committee to elect a new Chair of the Senate Leadership Committee.

ARTICLE VII – COMMITTEES

Section A: The standing committees of the Faculty Senate shall be the Senate Leadership Committee, Scholastic Affairs, University Affairs, Faculty Affairs, and Long-Range Planning.

Section B: The membership of the standing committees shall be as follows:

1. Senate Leadership Committee: The Senate Leadership 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 members.
2. Committees on Scholastic Affairs, University Affairs, Faculty Affairs, and Long-Range Planning. Each committee shall consist of at least 13 voting members as assigned from the elected senators by the Senate Leadership Committee. 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 Senate Leadership Committee, 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 Senate Leadership Committee.

Section C: The Chair of the senate or, in the absence of the Senate 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 University President and the Executive Vice President and Provost 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 Senate Chair will send a notice of the meeting and an agenda to each member of the Faculty Senate 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 initially to the Senate Leadership Committee 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 or other policy document(s) so as to indicate the intended changes. At least one day prior to the time of presentation, copies of the proposition shall be distributed to members of the Senate Leadership Committee by the recording secretary of the Faculty Senate. The distribution may be electronically as attachments to email.

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 during the Senate Leadership Committee meeting in which the proposition is first presented. A challenge to the referral to committee may be made by any senator present at the meeting. The decision of the Senate Leadership Committee to which referral shall be made will then be by majority vote of the senators present. In exceptional cases, a proposition may be considered by the Faculty Senate as emergency legislation without referral to its committees, provided either:

1. 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
2. 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:

1. Recommend for passage;
2. Recommend against passage;
3. Recommend replacement by a committee-drawn substitute; or
4. Recommend senate discussion.

Section E: Propositions shall be reported out by the committees and forwarded to the recording secretary of the Faculty Senate and the Faculty Senate Chair 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 and the Faculty Senate Chair 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 Chair 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 have 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 and under the oversight of the Faculty Senate Vice Chair, amendments shall be posted electronically to the Faculty Senate website and notification of the posting sent to all faculty who are qualified to vote or, at the discretion of the Faculty Senate Chair and with the concurrence of the Faculty Senate as a whole, 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 a secure electronic method or, at the discretion of the Faculty Senate Chair and with the concurrence of the Faculty Senate as a whole, 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 bylaws or amendments thereof shall follow the procedure for presentation of proposals detailed in Article IX of this constitution.

1-E**NMSU EMPLOYEE COUNCIL CONSTITUTION***[Revised by Employee Council 01.10.13]***ARTICLE I – NAME**

The name of this organization shall be the NMSU Employee Council

ARTICLE II - FUNCTIONS

Section A: NMSU Employee Council's function is to perform the following:

1. Investigate matters involving the policies and procedures of the administration of the university.
2. Make recommendations based on such investigations to the Chancellor.
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:

1. A copy of the minutes of each meeting of the NMSU Employee Council shall be transmitted to the Chancellor and posted on NMSU Employee Council web site after approval. (ACAP).
2. All documentation produced by NMSU Employee Council will be preserved by:
 - a. Including NMSU Archivist on the NMSU Employee Council's listservs;
 - b. Collecting and forwarding a copy of all NMSU Employee Council documentation to the NMSU Archivist.

Section C: NMSU Employee Council 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 regular part-time and regular full-time employees who are not eligible to be members of a collective bargaining unit. Further elaboration of this definition shall be done as needed by NMSU Employee Council.

Section B: Membership of the NMSU Employee Council shall be elected from the following areas which they shall represent. However, individual representatives shall not be restricted to considering matters pertaining only to the area from which they were elected. For purposes of voting and election, employee areas (as recorded in the Office of Human Resource Services) are broken down as follows:

1. "Las Cruces Area" (includes Las Cruces campus, Doña Ana Cooperative Extension and Doña Ana Community College) will be divided into faculty; exempt staff; and non-exempt staff not represented by a bargaining unit. Through the election process, NMSU Employee Council will put forth its best efforts to assure:
 - a. Membership represents the demographic distribution of classifications (i.e. faculty, exempt and non-exempt staff not represented by a bargaining unit); and
 - b. Membership includes no more than one representative per classification from a NMSU summary organization as defined in the Banner hierarchy. (See attached example of Banner Summary Organization)
2. "Community Colleges outside Las Cruces Area" (includes all Community Colleges outside Doña Ana County) will be considered as a separate area.

3. "Others Outside of Las Cruces Area" (includes Research Centers, Cooperative Extension and other remote facilities) will be considered as a separate area.

Non-exempt employees represented by a collective bargaining unit are not included in NMSU Employee Council membership. The non-exempt employees not represented by a collective bargaining unit (non-probationary, non-exempt employees who are supervisors, managers, and confidential employees, sworn police officers, and employees employed outside the State of New Mexico) will be included in NMSU Employee Council membership.

NMSU Employee Council membership should reflect actual demographic distribution of regular employees at NMSU and total voting membership shall be 20. To maintain a representative membership, demographic distribution data will be reviewed prior to election in odd years and membership adjusted according to the distribution at that time. (See attached example of Demographic Distribution Data). NMSU Employee Council Chair-Elect will prepare demographic distribution data and recommend distribution of membership for the following: Las Cruces Area distributed into faculty, exempt, non-exempt not represented by a bargaining unit; Community Colleges outside Las Cruces Area; and Others Outside of Las Cruces Area. The recommended distribution will be presented to NMSU Employee Council members in October for review and approval.

The number of alternates for each classification will be fixed. Las Cruces Area will have four alternates each. Community Colleges outside Las Cruces and others outside of Las Cruces Areas will have one alternate each. NMSU Employee Council will put forth its best efforts to assure that alternates have no more than one representative per classification from a NMSU summary organization as defined in the Banner hierarchy.

ARTICLE IV - NOMINATIONS, ELECTIONS, AND TERM OF OFFICE

Section A: The NMSU Employee Council Chair 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 area indicating the number of classifications to be filled. Whenever possible, these shall be sent by November 1 of each year.

Section B: Whenever possible, the Election Committee shall send ballots for each classification to be filled to all personnel of each respective area by December 1 of each year. All personnel of an area may vote once for each classification being filled from their area. Whenever possible, 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 Chair of NMSU Employee Council of the number of votes received by each candidate. The chair-elect 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, NMSU Employee Council 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, NMSU Employee Council shall select, by secret ballot, an elected alternate representing the same area and classification as the departing member to fill out the term.

ARTICLE V - ELIGIBILITY FOR VOTING AND HOLDING OFFICE

Every full-time employee of the areas 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 areas.

ARTICLE VI - OFFICERS

Section A: At the regular February meeting, members of the NMSU Employee Council shall elect from the primary representatives a chair, chair-elect, and secretary/treasurer. The secretary/treasurer shall hold office for 1 year. The chair-elect shall serve as a member of the Executive Committee 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 NMSU Employee Council member, past-chair will act as an ex-officio member of both the NMSU Employee Council and its Executive Committee during the 1-year past-chair term.

ARTICLE VII -- MEETINGS

Section A: Regular meetings will be held the second Thursday of each month. Time and place of each meeting shall be determined by NMSU Employee Council at its previous meeting, or at the discretion of Chair of the NMSU Employee Council.

Section B: The Chair of NMSU Employee Council 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 C: Any employee of the university may attend any of the regular council meetings. Visitors may participate in the discussions and deliberations at the invitation of the NMSU Employee Council.

Section D: A simple majority of NMSU Employee Council shall constitute a quorum.

Section E: The Chair shall notify NMSU Employee Council members of meetings in advance and provide members with a copy of the agenda for such meetings.

Section F: 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, NMSU Employee Council may replace the primary representative with an appropriate alternate.

ARTICLE VIII - PROPOSITIONS AND CONSIDERATION

Section A: NMSU Employee Council may consider matters on its own initiative, matters submitted by the Chancellor, or matters submitted by an individual employee of the university.

Section B: All propositions except those made by the Chancellor or by members of NMSU Employee Council shall be communicated in writing to NMSU Employee Council through the NMSU Employee Council Chair, NMSU Employee Council representative or the NMSU Employee Council website.

Section C: All NMSU Employee Council recommendations will be sent to the Chancellor in writing from the NMSU Employee Council Chair

ARTICLE IX - AMENDMENTS

Amendments to this constitution may be proposed in writing by resolution of NMSU Employee Council. Such proposed amendments shall be considered adopted if approved by a two-thirds majority of NMSU Employee Council and by the Chancellor.

ARTICLE X

If any article, section, subsection, sentence, clause, or phrase of this constitution is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portion of this constitution.

NMSU EMPLOYEE COUNCIL BYLAWS
[Revised by Employee Council 01.10.13]

- A. The NMSU Employee Council shall establish from time to time bylaws to describe and define the manner by which its activities and functions shall be performed.
- B. NMSU Employee Council may make any motion into a bylaw by the agreement of two-thirds of the membership of the council. Bylaw changes will be presented and voted on at the next regular meeting.
- C. Officers' and representatives' duties shall be as follows:
 1. Chair:
 - a. Preside at meetings
 - b. Review and edit minutes with the secretary/treasurer
 - c. Ex-officio member of all NMSU Employee Council committees
 - d. Appoint ad hoc committees as needed
 - e. Ex-officio member of Faculty Senate or Faculty Representative of NMSU Employee Council may be appointed to act as ex-officio member
 - f. Member of the Retrenchment Emergency Action Committee
 - g. Member of Administrative Council
 - h. Reports NMSU Employee Council Activities at regular Board of Regents meetings
 2. Chair Elect:
 - a. Substitute for Chair when Chair is unable to serve
 - b. Chair the Election Committee
 - c. Chair the Roberts Memorial Staff Award Committee
 - d. Serve as NMSU Employee Council chair the following year
 - e. Chair of First Light Federal Credit Union Award Committee
 - f. Keep a current record of primary and alternate members with dates of term expiration
 3. Past-Chair:
 - a. Serve as a non-voting member of Executive Committee
 - b. Serve in advisory capacity to NMSU Employee Council
 - c. Update Employee Council Web Page
 4. Secretary/Treasurer:
 - a. Serve as member of Executive Committee
 - b. Serve as Council Parliamentarian
 - c. Maintain a current constitution and bylaws of the council and have it available for use at all times
 - d. Arrange for distribution of constitution and bylaws to council members and others as directed by the Chair
 - e. Maintain a file of minutes for 3 years
 - f. Transfer approved minutes with all presented attachments within 30 days after approval by NMSU Employee Council to the University Archivist.
 - g. Oversee the management, recording and reporting of the Employee Council finances.
 5. Recording Secretary:
 - a. Prepare accurate records of all business meetings and will transmit those records on a timely basis to NMSU Employee Council membership
 - b. Take roll at meetings (specify members, alternates, visitors)
 - c. Determine if a quorum is present
 - d. Keep an accurate record of business conducted
 - e. Arrange for distribution of minutes to the Chancellor and to all NMSU Employee Council members (primary and alternate), and post on NMSU Employee Council web page
 6. Primary Representative:

- a. Attend all regular and special meetings
 - b. If unable to attend, arrange for an alternate to attend
7. Alternate Representative:
- a. Attend meetings as a nonvoting member (or stay informed about NMSU Employee Council's business)
 - b. Substitute for voting members as requested by a member or the chair
 - c. Fill the unexpired term of a member from the same area and classification in the case of the member's resignation
8. Chancellor Representative:
- a. Appointed by the Chancellor
 - b. Attend all NMSU Employee Council and Executive Committee meetings as non-voting member
 - c. Act as liaison between NMSU Employee Council and the Chancellor

COMMITTEES

- A. NMSU Employee Council shall have the power to create such committees as may be necessary.
- B. Any regular employee shall be eligible to serve on any of the committees created by the Employee Council, except those requiring membership in the Employee Council.
- C. NMSU Employee Council shall have an Executive Committee that consists of the chair, chair-elect, past-chair (*ex-officio*), secretary/treasurer and Chancellor's Representative (*ex-officio*). This Executive Committee shall maintain an agenda to conduct the business of NMSU Employee Council and make other decisions that may appear necessary or business that NMSU Employee Council may be asked to do.
- D. NMSU Employee Council shall have a standing 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 NMSU Employee Council. The *ex-officio* members shall be the Human Resources Services Director or a designated representative and the associate vice president budget/controller or a designated representative. The *ex-officio* members shall be non-voting. One member shall be an NMSU retiree and an alternate for the retiree will be appointed. Appointments to the committee shall be made by NMSU Employee Council. The Fringe Benefits Committee shall elect its Chair and other such officers as it deems necessary. The Chair shall serve as an *ex-officio*, nonvoting member of NMSU Employee Council if they are not a duly elected voting member.
- E. NMSU Employee Council shall have a standing committee on insurance. The Insurance Committee will be comprised of six members plus four *ex-officio* members. The Insurance Committee members shall serve staggered 3-year terms. The *ex-officio* members shall be the Human Resources Services Director or a designated representative, the Pioneer Representative from NMSU Employee Council, the Director of University Health Center or their designee and the associate vice president budget/controller or a designated representative. The *ex-officio* members shall be non-voting. Appointments to the Insurance Committee shall be made by NMSU Employee Council and shall have 3 members that are current retirees and 3 members that are currently active employees. NMSU Employee Council will also appoint one alternate that is a retiree and one alternate that is a current employee. The Insurance Committee shall elect its Chair and other such officers as it deems necessary. The Chair shall serve as an *ex-officio*, non-voting member of NMSU Employee Council, if they are not a duly elected voting member.
- F. NMSU Employee Council 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) NMSU Employee Council will select the membership of each committee; (2) the Chair of the committee shall be selected by NMSU Employee Council or the Executive Committee; (3) the Executive Committee shall instruct the Chair 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.
- G. ROBERTS AWARD - A committee shall be appointed annually to select the recipient for the Stephen W. and Robert E. Roberts Memorial Staff Award. Human Resources will request nominations, compile the results, and

provide the committee with the original nominations. The selection will be made according to criteria established by Human Resources. Members (primary & alternate) of NMSU Employee Council cannot be considered for this award during their term as a voting or alternate member.

- H. NMSU Employee Council makes appointments to other campus committees as listed below. Any regular part-time and regular full-time employees who are not eligible to be members of a collective bargaining unit shall be eligible to serve on any of the committees supported by the Employee Council, except those requiring membership in the Employee Council. The NMSU Employee Council representative to these committees is responsible for reporting committee activities to NMSU Employee Council. Council shall not be considered for the award.

STANDING COMMITTEE APPOINTMENTS

- A. Administrative Council (Employee Council Chair)
- B. Alcohol Use Committee (one member)
(Term 3 yrs. Mar/Feb)
- C. Athletics Council (one member, staff only)
(Term 2 yrs. Sept/Aug)
- D. Bookstore Innovation Group (one member)
(Term 2 yrs. Sept/Aug)
- E. Building Naming Committee (Employee Council Chair)
(Term 1 yr. Mar/Feb)
- F. Building the Vision Committee (Two Employee Council members appointed by the Provost)
(No term established)
- G. Campus Planning Committee (one member)
(Term 3 yrs. Sept/Aug)
- H. Corbett Center Student Union (one Employee Council member or alternate)
(Term 1 yr. May/Apr)
- I. Emergency Action Committee (Employee Council Chair or designate)
(No term established, formed when necessary)
- J. Faculty Senate Liaison (one Employee Council member)
(No term established)
- K. Food Service Advisory Committee (one member)
(No term established)
- L. Human Resources Board (Two exempt Employee Council members and two non-exempt Employee Council members)
(Term 3 yrs. Jan/Dec)
- M. Staff Advisory Group on Diversity (one Employee Council member)
(No term established)
- N. Sustainability Council (one Employee Council member)
(Term 3 yrs. Mar/Feb)
- O. Transportation and Parking Services Steering Committee (one member)
(No term established)
- P. University Budget Committee – (one member)
(Term 2 yrs. Mar/Feb)

1-F [Official List of University Boards](#) [*Superseded by Policy 1.05.90; See NMSU [Official List of University Boards](#), maintained by the Office of the Chancellor.]*

1-G. Regents' Audit Committee Charter *[Committee Charter approved by the Board of Regents 09.08.06] [Amendment to membership approved by the Board of Regents 04.13.07] [Amendment recommended by the Administrative Council 04.09.13; approved by the Board of Regents 05.10.13]*

Purpose

The purpose of the Regents' Audit Committee is to assist the Board of Regents in fulfilling its oversight responsibilities related to: the integrity of the university's financial statements, the systems of internal control, the independence and performance of the external and internal audit functions, and the university's compliance with legal and regulatory requirements.

Membership

In recognition of the need for independence, financial expertise and continuity of membership from year-to-year, the Regents' Audit Committee will consist of the NMSU System Chancellor, and two members of the Board of Regents, and/or other individual appointed by the Board of Regents. University staff liaisons to the Regents' Audit Committee are the senior vice president for administration and finance, and the chief audit executive.

Meetings

The Regents' Audit Committee will meet at least four times a year, with additional meetings scheduled as circumstances require. Members of management, auditors or others may be invited to attend meetings and provide information as necessary. The Chancellor, the executive vice president and provost, and university general counsel are generally expected to attend committee meetings, in addition to the staff liaisons named in the paragraph above.

Duties and Responsibilities

- **Oversight of the Independent (External) Auditor.** The Regents' Audit Committee will approve the selection and compensation of the independent public accounting firm employed by the organization to perform the annual financial statement and federal compliance audits. The committee will evaluate the performance of the independent auditor and resolve any disagreements between management and the independent auditor regarding financial reporting. All audit and non-audit services provided by the independent auditor that may impair the audit firm's independence with regard to the university will be pre-approved by the committee. The committee will routinely provide time for private discussion with the independent auditor.
- **Oversight of the Internal Audit Function.** The Regents' Audit Committee will approve the selection of the chief audit executive (CAE) and, jointly with the Chancellor, evaluate the performance of the internal audit function. The committee will annually review, with the Chief Audit Executive, the committee's charter, activities, staffing, budget and organizational structure of the internal audit function. The committee will review and approve the annual audit plan, and routinely provide time for private discussion between committee members and the chief audit executive.
- **Review of Financial Statements.** The Regents' Audit Committee will review the university's annual financial report, including independent auditor reports, management's discussion and analysis, financial statements, notes to the financial statements, supplemental schedules and findings and questioned costs.
- **Review of Audit Results.** The Regents' Audit Committee shall review internal and external audit results and discuss significant issues of internal control and compliance with management, university general counsel, the external auditor(s), and the chief audit executive. The committee shall monitor management's progress in addressing audit recommendations.
- **Investigations Related to Financial Matters.** The Regents' Audit Committee will be kept apprised of investigations related to financial matters by management, university general counsel

and/or the chief audit executive.

- **Request for Audits.** The Regents' Audit Committee is authorized to request supplemental reviews or other procedures by the internal auditor, the independent auditor, or other advisors.

Regents' Budget Committee-Charter [*Budget Committee Charter approved by the Board of Regents 04.13.07*] [*Amendment recommended by the Administrative Council on 04.09.13; approved by the Board of Regents 05.10.13*]

Purpose

The purpose of the Regents' Budget Committee is to assist the Board of Regents in fulfilling its oversight responsibilities related to: the preparation of the annual budget, the overall administration of the university's financial resources, and the conduct of significant financial transactions as defined by the board from time to time.

Membership

Recognizing the need for independence, financial expertise and continuity of membership from year-to-year, the Regents' Budget Committee will consist of the Chancellor, two members of the Board of Regents, and/or any other member who may be appointed by the board. University staff liaisons to the Regents' Budget Committee are the senior vice president for administration and finance, and the chief budget officer.

Meetings

The Regents' Budget Committee will meet at least four times a year with additional meetings scheduled, as circumstances require. Members of management or others may be invited to attend meetings and provide information as necessary.

Duties and Responsibilities

- **Oversight of the Preparation of the Annual Budget and Related Certifications.** The Regents' Budget Committee will ensure, via staff liaisons, that budgetary reports are prepared and submitted in a timely and accurate manner, in full compliance with all external and policy requirements, and with appropriate communication back to the full Board of Regents.
- **Oversight of the Overall Administration of the university's Financial Resources.** The Regents' Budget Committee will review periodic budgetary, financial and operating performance reports presented by the staff liaisons and others as required, to maintain a familiarity with the university's financial operations and to monitor financial performance against both policy and board-defined goals.
- **Oversight of the Conduct of Significant Financial Transactions.** The Regents' Budget Committee will review proposed significant financial transactions as defined or as requested by the full Board of Regents and university executive management, and will provide guidance to university executive management as appropriate.

Regents' Real Estate Committee Charter [*Real Estate Committee Charter recommended by the Administrative Council on 04.09.13; approved by the Board of Regents 05.10.13*]

Purpose

The purpose of the Regents' Real Estate Committee is to assist the Board of Regents in fulfilling its fiduciary and statutory responsibilities relating to the management of university real estate, in the best interest of the institution, and in accordance with applicable policy and law.

Membership

The Regent's Real Estate Committee will consist of the Chancellor and two members of the Board of Regents, and/or other individual appointed by the Board. University staff liaisons to the committee will be

the director of real estate, the senior vice president of administration and finance, the associate vice president for facilities and services and the university general counsel, or their respective designees.

Meetings

The Regents' Real Estate Committee will meet at least four times a year, with additional meetings to be scheduled on an as-needed basis. Members of management or others may be invited to attend meetings and to provide information as necessary.

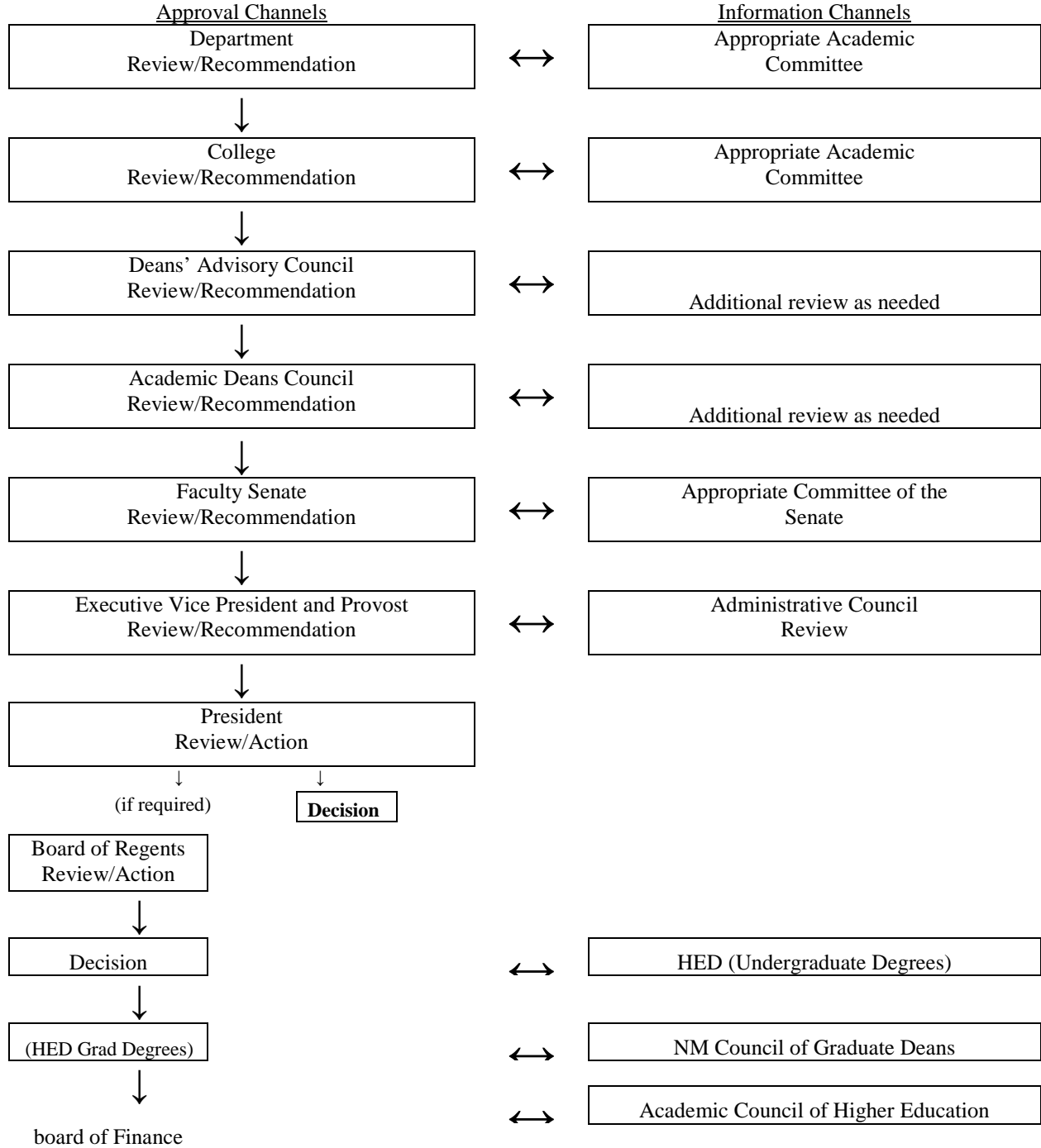
Duties and Responsibilities

- The Regents' Real Estate Committee will review and may make a recommendation regarding proposals to purchase, sell, lease or use university real estate, including but not limited to the university's master plan and specific proposed transactions.
- The Regents' Real Estate Committee may recommend, and will review, revisions to policy and procedures relating to university real estate.
- The Regents' Real Estate Committee may confer with appropriate university staff or others about matters relating to real estate.
- The Regents' Real Estate Committee may make recommendations to the Board of Regents.
- The Regents' Real Estate Committee will assist the institution in upholding the principles set forth in NMSU Policy 9.20, including but not limited to those relating to the preservation, enhancement and maximization of the productivity of the university's real estate assets; minimization of risk, and compliance with applicable legal requirements.

CHAPTER 5 – HUMAN RESOURCES-FACULTY POLICIES

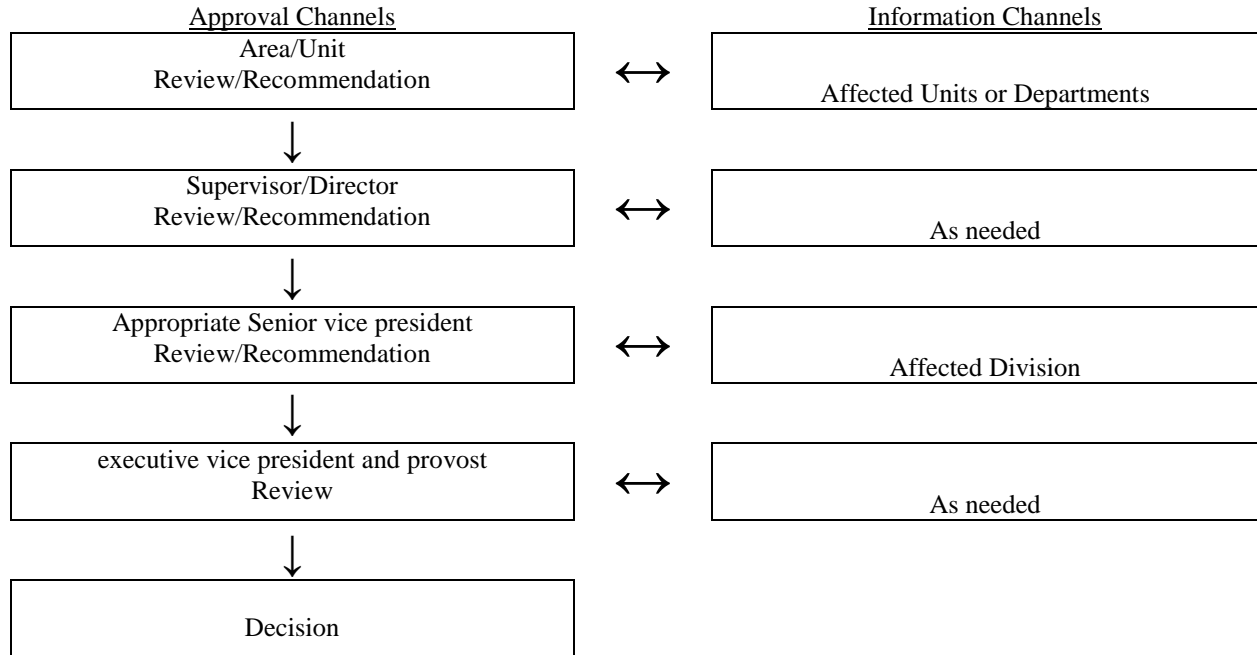
5-A Academic Units (Procedures for Changes)

APPROVAL PROCESS FOR ACADEMIC PROGRAM CHANGES



5-B Approval Process for Nonacademic Program Changes

(NMDA excepted from this chart in legislative-authorized responsibilities)



5.47 Faculty Discipline Appeal Flowchart (last updated 04.07.11)

