



# 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), are being 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. Since that time, the Board of Regents has repealed select provisions from the RPM. During this transition, as provisions are repealed from the RPM, they continue in effect as Rules in the ARP until modified.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, some 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. *Please also refer to the ARP at <https://manual.nmsu.edu/files/2013/10/03.16.16-4Ed-ARP.pdf>*

*Amended by the Board of Regents 12.09.16 (See 4.65, 6.00 and repeal of Title 6 policies)*

*Amended by the Board of Regents 10.19.16 (See 1.05.20, 2.05 et seq, 13.10 and 17.00)*

*Amended by the Board of Regents 08.10.16 (See 1.30)*

*Amended by the Board of Regents 06.27.16 (See 3.25, 6.86 and 18.00)*

*Amended by the Board of Regents 05.13.16 (See 1.05.96, 2.00, 2.90, 2.90.20, 5.00 and 9.80)*

*Amended Provisionally by the Chancellor 06.08.16 (See 6.86 B.) and Ratified by Board of Regents 06.27.16)*

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## 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.)

# Title 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
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  - 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*)
  - 1.05.80 NMSU Employee Council (*See also Appendix 1-E for Constitution, Bylaws*)
  - 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
  
- 1.30 Information Technology Governance

### **NMSU Policy System in Transition:**

*The following provisions have been repealed from this Title 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>*

- 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 [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 Regent's 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:**

03.16.16 Amendment approved by Board of Regents.

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

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

09.26.08 Amendment approved by Board of Regents.

**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.
- B. 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' Financial Strategies, Performance and Budget Committee (RFSPBC), 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.

**REVISION HISTORY:**

10.19.16 Amendment approved by Board of Regents.



03.16.16 Amendment approved by Board of Regents.

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

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

## 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:

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

## 1.05.30 Chancellor of the New Mexico State University System

- 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.

**REVISION HISTORY:**

07.29.09 Amended by Board of Regents.

**1.05.40 Organizational Chart** (See [Appendix 1-C](#))**1.05.50 University Administrative Council**

- 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.

**REVISION HISTORY:**

12.14.10 Amendment recommended by Administrative Council; 01.31.11 approved by Board of Regents.

09.08.06 Amended by Board of Regents.

**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

- 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, Administrative Rules and Procedures of NMSU, 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.

**REVISION HISTORY:**

03.03.11 Amendment recommended by Faculty Senate (FSP No. 07-10/11A) and 03.09.11 by Administrative Council;  
08.22.11 approved by Board of Regents.

**1.05.80 NMSU Employee Council** (*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 successfully 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**

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 Title 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.

**REVISION HISTORY:**

12.14.10 Policy recommended by Administrative Council; 01.31.11 policy approved by Board of Regents.

**1.05.95 NMSU Community Colleges**

- 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 Administrative Rules and Procedures of NMSU, 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.

**REVISION HISTORY:**

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

## 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:**

04.12.16 Amendment recommended by University Administrative Council; 05.13.16 approved by Board of Regents.

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

## 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 of NMSU” (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:**

10.13.15 Amendment recommended by University Administrative Council; 10.21.15 approved by Board of Regents.  
 06.11.13 Amendment recommended by Administrative Council; 06.20.13 approved by Board of Regents.  
 07.13.10 Amendment recommended by Administrative Council; 07.20.10 approved by Board of Regents.

**CROSS REFERENCES:**

Policy 1.05.70, Shared Governance and the Role of Faculty Senate

## 1.14 Succession Planning

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.

**REVISION HISTORY:**

12.13.13 Policy adopted by Board of Regents.

### **1.15 Non-Academic Units - Creating, Reorganizing, Relocating, Eliminating** *(See Also [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 1-H](#) (formerly *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**

*[REPEALED by Board of Regents 06.27.16; See Regents Policy 3.25; and ARP, Rule 1.20]*

### **1.30 Information Technology Governance**

#### **A. Policy Statements:**

1. The Chief Information Officer (CIO) shall establish and maintain a framework formalizing the Information Technology (IT) governance process to ensure effective, secure, and efficient utilization of NMSU system wide IT resources to best support the mission, vision, and strategic goals of the university. This framework will facilitate broad stakeholder input and ensure executive level jurisdiction over the institution's IT resources and associated risks inherent to maintaining a secure and agile higher education IT environment.
2. The following governance authorities will be responsible for recommending and implementing IT policies, rules, procedures and standards in accordance with Regents Policy 1.10 and to recommend resources sufficient to comply with IT standard operating procedures and otherwise carry out IT's mission on behalf of the institution.
  - a. IT Governance Committee(s) with representation from the Community Colleges and Academic, Research, Administrative and Technical areas will be established and maintained, based on the IT governance framework described in this policy.
  - b. The CIO leads and coordinates the development and implementation of integrated strategic IT plans and policies for the NMSU system; and is responsible for leadership in the evaluation, implementation, management and operation of NMSU system wide Information Technology.
  - c. The Chief Information Security Officer (CISO) provides Information Security leadership to create and to maintain a risk-based information security program. In accordance with Regents Policy 1.10, the CISO recommends policies, rules and procedures to protect university information and systems.

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

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

#### **REVISION HISTORY:**

07.12.16 Policy recommended by University Administrative Council and Chancellor; 08.10.16 adopted by Board of Regents.

**CROSS REFERENCES:** Administrative Rules and Procedures of NMSU, Rule 2.35, General ICT Rules; and Rule 2.80, University Communications, Use of NMSU Logo and Website(s) Guidelines.

## Title 2 General Operating Policies

- 2.00 Risk Management, Safety and Security
- 2.05 *[Superseded by Regents Policy 17.00, Athletics]*
- 2.10 Auditors, External
- 2.11 Auditors, Internal - Office of Audit Services
- 2.37 *[Superseded by Regents Policy 13.10, Investment Management]*
- 2.40 Legal Services
- 2.45 Lobbying
- 2.57 Reserves
- 2.68 Arrowhead Center Inc. (f/k/a NMSU Technology Transfer Corporation, Inc.)
- 2.90 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 Title 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*
- 2.05 - 2.05.40 *NMSU Athletics [with the exception of 2.05.50, which was superseded by RP 17.00]*
- 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*
- 2.37 *Investments [now renumbered and amended as ARP, Rule 13.10]*
- 2.50 *Naming University Property and Academic Units*
- 2.53 *University Police*
- 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*
- 2.75 *University Advancement – Gift Income, NMSU Endowments, NMSU Foundation, Inc.*
- 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:

05.10.16 Amendment recommended by University Administrative Council; 05.13.16 approved by Board of Regents.

### 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; and ARP, Rule 2.03]*

## 2.05 NMSU Athletics

*[10.19.16 SUPERSEDED BY REGENTS POLICY 17.00 - Athletics; See Also ARP, Rule 2.05 et seq]*

## 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**

*[SUPERSEDED by Regents Policy 13.10, adopted by the Board of Regents 10.19.16; See Also ARP, Rule 13.10 (formerly Rule 2.37)]*

## **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**

*[REPEALED by Board of Regents 06.27.16; See Regents Policy 18.00; and ARP, Rule 2.50]*

## **2.53 Police (University)**

*[REPEALED by Board of Regents 05.13.16; See Regents Policy 2.00; and 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 Arrowhead Center, Inc. (f/k/a NMSU Technology Transfer Corporation, 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.**

*[REPEALED by Board of Regents 06.27.16; See Regents Policy 18.00; and ARP, Rule 2.75]*

## **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:

05.10.16 Policy recommended by University Administrative Council; 05.13.16 adopted by Board of Regents.

### 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; and 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:

04.12.16 Amendment recommended by University Administrative Council; 05.13.16 approved by Board of Regents.

**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; and 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:**

07.14.15 Amendment recommended by University Administrative Council; 07.21.15 approved by Board of Regents.  
 11.08.11 Amendment recommended by Administrative Council; 12.09.11 approved by Board of Regents.  
 09.13.11 Amendment recommended by Administrative Council; 10.10.11 approved by Board of Regents.

### **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]*

## Title 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 Equal Opportunity and Prohibition of Unlawful Discrimination
- 3.40 Drug-Free Workplace
- 3.50 Firearms
- 3.63 Freedom of Expression
- 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 Title 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*
- 3.30 *Disability Accommodation*
- 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*
- 3.90 *Religious Denominations*
- 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

- 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 an 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.

**REVISION HISTORY:**

12.13.11 Amendment recommended by Administrative Council; 01.30.12 approved by Board of Regents.  
 07.13.10 Amendment recommended by Administrative Council; 07.20.10 approved by Board of Regents.  
 10.11.05 Amendment approved by Administrative Council; 09.08.06 ratified by Board of Regents.

**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:**

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

**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 Equal Opportunity and Prohibition of Unlawful Discrimination**

- A. Equal Opportunity and Non-Discrimination: Equitable treatment in employment and academic opportunities for faculty, staff and students encourages diversity and is recognized as a source of human excellence, cultural enrichment and social strength. Accordingly, New Mexico State University (NMSU) aspires to develop and support an inclusive university community. NMSU will provide equal opportunities in areas of employment, admission, academics, and access to programs and facilities, without regard to age, ancestry, color, disability, gender identity, genetic information, national origin, pregnancy, race, religion, serious medical condition, sex, sexual orientation, spousal affiliation or protected veteran status, as set forth in federal and state anti-discrimination statutes. NMSU prohibits all forms of illegal discrimination, including harassment, sexual misconduct, interpersonal violence, and retaliation are prohibited; such conduct interferes with the achievement of NMSU's educational mission.



- B. Discrimination Reporting and Complaint Processes: NMSU maintains the Office of Institutional Equity (OIE) whose mission shall be to address reports and complaints of discrimination or sexual harassment or sexual misconduct in a prompt, impartial and equitable manner. Where discrimination is found to have occurred, NMSU will act to stop the reported conduct, to prevent its recurrence, to remedy its effects, and to hold accountable through corrective or disciplinary action those found to be responsible for the misconduct. OIE is also authorized to address systemic issues which may be detected during the review and resolution of reports and complaints. Further, OIE is responsible for providing training, information and guidance to the NMSU community regarding rights and responsibilities as they relate to this policy.
- C. Gender Equity: NMSU affirms the sex and gender equality of all individuals and is committed to providing sex and gender equity within the NMSU community. NMSU adheres to Title IX of the Education Amendments of 1972, which provides that “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”.
- D. Title IX Coordinator: The director of the Office of Institutional Equity is designated as the university’s Title IX Coordinator. The Title IX Coordinator oversees all reports and complaints of discrimination on the basis of sex, including disparate treatment, sexual harassment, stalking, sexual assault and other forms of sexual violence, as well as retaliation. Additional Deputy Title IX Coordinators may be designated to work closely with OIE regarding all matters covered by Title IX.
- E. Disability Accommodations: Qualified individuals with disabilities are protected from discrimination in hiring, promotion, discharge, pay, job training, and other aspects of employment. New Mexico State University (NMSU) is dedicated to providing equal opportunity through reasonable accommodations for qualified NMSU students, employees and applicants in accordance with state and federal laws.
- F. ADA Coordinator: The University will designate one or more individuals to serve as ADA Coordinator(s) to facilitate the University’s efforts to provide reasonable accommodations to qualified NMSU students, employees and applicants in accordance with state and federal laws
- G. Constitutionally Protected Free Expression and Illegal Discrimination. Harassing and other discriminatory misconduct in the workplace or in the academic environment, irrespective of whether it rises to the level of a violation of this policy or federal or state law, compromises the tradition of intellectual freedom and the aspirational values of mutual respect and civility honored by the institution. NMSU respects the rights of all and strongly encourages its students, faculty, staff and visitors to treat each other with respect and civility within the university community. At the same time, NMSU is also committed to the principles of free inquiry and freedom of expression. The right to zealous discussion and debate, even when such discussion includes disparaging or offensive remarks, is a fundamental right protected by the U.S. Constitution. Thus, there is an inherent tension between the important public rights to equal opportunity and non-discrimination, and the right to freedom of expression. NMSU will seek to protect these rights consistent with the U.S. Supreme Court and Tenth Circuit case law interpreting the Constitution and applicable federal and state statutes.
- H. Administrative Rules and Procedures: In order to fully implement this policy, the university administration shall adopt administrative rules and procedures that are consistent with this policy.
- I. Policy Administrator: This policy is administered by the Office of Institutional Equity (OIE).
- J. Scope and Effective Date: This policy will apply throughout the NMSU system, effective upon approval of the Board of Regents.

**REVISION HISTORY:**

05.10.16 Amendment recommended by University Administrative Council; 06.27.16 approved by Board of Regents.

02.11.14 Amendment recommended by Administrative Council; 03.10.14 approved by Board of Regents.

**CROSS REFERENCES:**

See Administrative Rules and Procedures, Rules 1.20; 3.25; 3.30; and 3.90.

**3.30 Disability Accommodation**

*[REPEALED by Board of Regents 06.27.16; See Regents Policy 3.25, ARP, Rule 3.25]*

**3.31 Distribution of Effort**

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

**3.40 Drug-Free Workplace**

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.

**REVISION HISTORY:**

07.08.08 Amendment approved by Administrative Council; 07.15.08 ratified by the Board of Regents.

**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:**

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

**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 - Rules 3.63 - Freedom of Expression and 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 Regents Policies 3.25 and ARP-Rules 3.10, 5.47, 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.

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

**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**

*[REPEALED by Board of Regents 06.27.16; See Regents Policy 3.25; and ARP, Rule 3.90]*

**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**

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.

**REVISION HISTORY:**

03.09.11 Amendment recommended by Administrative Council; 03.14.11 approved by Board of Regents.  
10.14.08 Policy approved by Administrative Council; 07.20.09 ratified by Board of Regents.

**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:**

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

## Title 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 Title 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:**

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

**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; and ARP, Rule 4.05]*

**4.10 Children, Employment of**

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

**4.30 Hiring**

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

**4.40 Layoff/Financial Exigency**

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

**4.50 Outside Employment and/or Activities**

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

**4.60 Public Affairs Participation** (See also [Title 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)**

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
- Insider Threat Senior Management Official

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.

**REVISION HISTORY:**

11.08.16 Amendment recommended by University Administrative Council and Chancellor; 12.09.16 approved by Board of Regents.

10.21.13 Amendment approved by Board of Regents.

06.21.12 Amendment approved by Board of Regents.

10.10.11 Amendment approved by Board of Regents.

04.008.11 Amendment approved by Board of Regents.

04.13.10 Amendment approved by Administrative Council; ratified by Board of Regents 05.07.10.

**4.70 Supplemental Employment/Compensation**

*[REPEALED by Board of Regents 12.11.15; See Regents Policy 4.00; and ARP, Rule 4.70]*

## Title 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 Title 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 Title 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:**

04.12.16 Policy recommended by University Administrative Council; 05.13.16 policy adopted by Board of Regents.

**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; and ARP, Rule 5.06]*

## **5.15 Appointments**

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

## **5.20 Assignments - General**

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

## **5.25 Compensation**

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

## **5.30 Consulting**

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

## **5.35 Deans**

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

## **5.45 Department Heads**

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

## **5.47 Faculty Discipline and Appeal Processes**

*[REPEALED by Board of Regents 05.13.16; See Regents Policy 5.00; and ARP, Rule 5.47]*

**5.55 Emeritus Status**

*[REPEALED by Board of Regents 05.13.16; See Regents Policy 5.00; and ARP, Rule 5.55]*

**5.60 Endowed Chairs and Professorships**

*[REPEALED by Board of Regents 05.13.16; See Regents Policy 5.00; and ARP, Rule 5.60]*

**5.65 Faculty Exchange**

*[REPEALED by Board of Regents 05.13.16; See Regents Policy 5.00; and ARP, Rule 5.65]*

**5.84 Office Hours**

*[REPEALED by Board of Regents 05.13.16; See Regents Policy 5.00; and ARP, Rule 5.84]*

**5.86 Performance Evaluation**

*[REPEALED by Board of Regents 05.13.16; See Regents Policy 5.00; and ARP, Rule 5.86]*

**5.87 Post-Tenure Review**

*[REPEALED by Board of Regents 05.13.16; See Regents Policy 5.00; and ARP, Rule 5.87]*

**5.90 Promotion and Tenure**

*[REPEALED by Board of Regents 05.13.16; See Regents Policy 5.00; and ARP, Rule 5.90]*

**5.92 Reassignment of Administrators/Department Heads**

*[REPEALED by Board of Regents 05.13.16; See Regents Policy 5.00; and ARP, Rule 5.92]*

**5.94 Research**

*[REPEALED by Board of Regents 05.13.16; See Regents Policy 5.00; and ARP, Rule 5.94]*

**5.96 Searches for Academic Administrators**

*[REPEALED by Board of Regents 05.13.16; See Regents Policy 5.00; and ARP, Rule 5.96]*

**5.98 Tenure Track and Tenure**

*[REPEALED by Board of Regents 05.13.16; See Regents Policy 5.00; and ARP, Rule 5.98]*

## Title 6 Academic-Related Policies

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

### 6.00 Academic Matters

#### **NMSU Policy System in Transition:**

*The following provisions have been repealed from this Title 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>*

- 6.75 *Honorary Degrees*
- 6.00 *Academic Matters*
- 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*
- 6.80 *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*

## 6.00 Academic Matters

- A. **Policy Statements:** As the state's land grant university, NMSU serves the educational needs of New Mexico's diverse population through comprehensive programs of education, research, extension education and public service. In the academic arena, the university's focus is on empowering NMSU students to achieve success in the classroom and realize their goals of becoming productive and contributing members of society. To accomplish this mission, NMSU is committed to the following objectives: (1) promoting timely degree completion through a supportive environment, (2) providing quality academic programs through continuous innovation and evaluation, and (3) guiding enrollment composition through effective recruitment, retention and proactive advising.
- B. **Authorization:** The Regents of New Mexico State University authorize the Executive Vice President and Provost, as the university system's chief academic officer, with the faculty through the Faculty Senate, to formulate and amend the Administrative Rules and Procedures (Rules) addressing academic matters to support the policy stated above. Such Rules must be consistent with this policy, enacted in accordance with Regents Policy 1.10 and Rule 1.10, and consistent with the shared governance provisions of Policy 1.05.70.
- C. **Reservation of Authority:** Under the New Mexico Constitution, the Board of Regents is vested with the authority to provide for the control and management of NMSU. Further, the Board is statutorily authorized to prescribe the courses of study at NMSU, under the advice of the faculty, and to confer degrees and grant diplomas. In order that the Board may ensure that these obligations are properly met, each of the following actions or events requires approval of the Regents prior to implementation:
1. Proposals to create, reorganize, relocate, or eliminate an academic organizational unit such as a college, school, academic department, or a library.
  2. Proposals to establish or eliminate any degree or major field of study.
  3. Proposed rules establishing student admission criteria.
  4. Award of degrees and diplomas.
- 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 Procedures of NMSU (the ARP) and remain in full force and effect. Upon adoption of this policy, the policies in Title 6 of the Regents Policy Manual will be superseded by this policy and will be repealed from the Regents Policy Manual, but remain in effect in the ARP until amended or repealed.
- E. **Policy Administrator:** This policy is administered by the Executive Vice President and Provost.
- 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:

11.03.16 Policy recommended by Faculty Senate (FSP 11-16/17) and 11.08.16 by University Administrative Council and Chancellor; 12.09.16 Policy adopted by Board of Regents.

**CROSS REFERENCES:** Chapter 6 of the Administrative Rules and Procedures of NMSU (ARP)

**6.05 Academic Units - Creating, Reorganizing, Relocating, Eliminating**  
*[REPEALED by Board of Regents 12.09.16; See ARP, Rule 6.05]*

**6.10 Academic Units/Programs (Procedures for Change)**  
*[REPEALED by Board of Regents 12.09.16; See ARP, Rule 6.10]*

**6.15 Articulation Agreements**  
*[REPEALED by Board of Regents 12.09.16; See ARP, Rule 6.15]*

**6.16 Authorized Absences**  
*[REPEALED by Board of Regents 12.09.16; See ARP, Rule 6.16]*

- 6.20 Class Cancellation**  
*[REPEALED by Board of Regents 12.09.16; See ARP, Rule 6.20]*
- 6.25 Class Disruption/Interruption**  
*[REPEALED by Board of Regents 12.09.16; See ARP, Rule 6.25]*
- 6.26 Class Schedules and Catalogs**  
*[REPEALED by Board of Regents 12.09.16; See ARP, Rule 6.26]*
- 6.30 Commencement**  
*[REPEALED by Board of Regents 12.09.16; See ARP, Rule 6.30]*
- 6.35 Curricula Changes**  
*[REPEALED by Board of Regents 12.09.16; See ARP, Rule 6.35]*
- 6.40 Course Material/Textbooks**  
*[REPEALED by Board of Regents 12.09.16; See ARP, Rule 6.40]*
- 6.45 Course Prefixes**  
*[REPEALED by Board of Regents 12.09.16; See ARP, Rule 6.45]*
- 6.50 Degree Revocation and Expulsion from University *fka* Degree Revocation**  
*[REPEALED by Board of Regents 12.09.16; See ARP, Rule 6.50]*
- 6.55 Distance Education**  
*[REPEALED by Board of Regents 12.09.16; See ARP, Rule 6.55]*
- 6.60 Examinations/Tests**  
*[REPEALED by Board of Regents 12.09.16; See ARP, Rule 6.60]*
- 6.65 General Education Coursework Required for Graduation**  
*[REPEALED by Board of Regents 12.09.16; See ARP, Rule 6.65]*
- 6.70 Grade Reports**  
*[REPEALED by Board of Regents 12.09.16; See ARP, Rule 6.70]*
- 6.75 Honorary Degrees**  
*[REPEALED by Board of Regents 06.27.16; See Regents Policy 18.00; and ARP, Rule 6.75]*
- 6.80 Independent Studies**  
*[REPEALED by Board of Regents 12.09.16; See ARP, Rule 6.80]*
- 6.82 Majors and Minors**  
*[REPEALED by Board of Regents 12.09.16; See ARP, Rule 6.82]*
- 6.84 Military Science Coordinator**  
*[REPEALED by Board of Regents 12.09.16; See ARP, Rule 6.84]*
- 6.86 Registrar**  
*[REPEALED by Board of Regents 12.09.16; See ARP, Rule 6.86]*
- 6.87 Student Admission and Residency Processes in Relation to Immigration Status**  
*[REPEALED by Board of Regents 12.09.16; See ARP, Rule 6.87]*

- 6.88 Summer Session** (See also [Rule 5.25.40 Compensation-Summer](#))  
*[REPEALED by Board of Regents 12.09.16; See ARP, Rule 6.88]*
- 6.89 Transfer Credit**  
*[REPEALED by Board of Regents 12.09.16; See ARP, Rule 6.89]*
- 6.90 Tutoring Services**  
*[REPEALED by Board of Regents 12.09.16; See ARP, Rule 6.90]*
- 6.92 Authorization of Course Registration Changes After Standard Administrative Deadline**  
*[REPEALED by Board of Regents 12.09.16; See ARP, Rule 6.92]*
- 6.93 Embargo of Dissertations or Master's Theses**  
*[REPEALED by Board of Regents 12.09.16; See ARP, Rule 6.93]*

## Title 7

### Human Resources-Employee Benefits

**NMSU Policy System in Transition:**

*All provisions of Title 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*

## Title 8

### Human Resources-Staff Policies

**NMSU Policy System in Transition:**

*All provisions of Title 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*



## Title 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 Title 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 Title 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:**

03.16.16 Policy adopted by Board of Regents.

**CROSS REFERENCES:**

Chapter 9 of the Administrative Rules and Procedures of NMSU

**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; and 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:**

05.10.16 Policy recommended by University Administrative Council; 05.13.16 policy adopted by Board of Regents.

**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; and 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; and 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]*

**Title 10**  
**Administrator and Supervisor Roles and Responsibilities**

*(In Transition - Content Not Available)*

**NMSU Policy System in Transition:**

*The university's policies and procedures are in the process of being recompiled as the Regents Policy Manual and separate operational rules and procedures provided in the Administrative Rules and Procedures of NMSU, the Undergraduate and Graduate Catalogs, Student Handbook and Business Procedures Manual. We appreciate your patience as we transition, and apologize for any inconvenience or confusion relating to this transition.*

**Title 11**  
**Research and Intellectual Property Management**

*(In Transition - Content Not Available)*

**NMSU Policy System in Transition:**

*The university's policies and procedures are in the process of being recompiled as the Regents Policy Manual and separate operational rules and procedures provided in the Administrative Rules and Procedures of NMSU, the Undergraduate and Graduate Catalogs, Student Handbook and Business Procedures Manual. We appreciate your patience as we transition, and apologize for any inconvenience or confusion relating to this transition.*

**Title 12**  
**Physical Asset Management**

*(In Transition - Content Not Available)*

**NMSU Policy System in Transition:**

*The university's policies and procedures are in the process of being recompiled as the Regents Policy Manual and separate operational rules and procedures provided in the Administrative Rules and Procedures of NMSU, the Undergraduate and Graduate Catalogs, Student Handbook and Business Procedures Manual. We appreciate your patience as we transition, and apologize for any inconvenience or confusion relating to this transition.*



## **Title 13**

# **Financial Resource Management**

### [13.10 Investment Management](#)

### 13.10 Investment of University Funds

- A. Policy Statement: NMSU seeks to manage and prudently invest cash balances, and to maximize the efficiency of the university's cash management system. The goal of this policy is to ensure investment of funds in a manner which provides for the safety of principal and adequate liquidity, while maximizing investment income. 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. All 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. Permitted Investments: 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 investment grade securities and/or other financial instruments. The university will invest in conformity with federal and state laws and regulations applicable to an instrumentality of a political subdivision. These laws and regulations include, but are not limited to NMSA 1978, §6-10-10, NMSA 1978, §§46-9 A -1 through 46-9 A-10, and Internal Revenue Code, Section 148 (Arbitrage).
- 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. Authority: 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 (SVPAF) is delegated the authority to make investment decisions. Investment decisions shall be made by the SVPAF in consultation with internal advisors from the Office of the Controller. Investment decisions will be reviewed with the Chancellor on a regular basis, at least semi-annually. The administration is authorized to adopt Rules as may be necessary and proper for the implementation of this policy. No such Rule may be implemented without the concurrence of the SVPAF.
- F. Policy Administrator: This policy is administered by the Office of the Senior Vice President for Administration and Finance.
- G. Scope and Effective Date: Effective [*UGC will complete; will be the date of approval by the BOR*], this policy applies throughout the NMSU system.

**REVISION HISTORY:**

10.11.16 Revision superseding former Policy 2.37 - Investments, recommended by University Administrative Council and Chancellor; 10.19.16 adopted as amended by Board of Regents.

**CROSS REFERENCES:**

Administrative Rules and Procedures of NMSU, Rule 13.10 - Investment Management.

## **Title 14 Business Operations**

***(In Transition - Content Not Available)***

### **NMSU Policy System in Transition:**

*The university's policies and procedures are in the process of being recompiled as the Regents Policy Manual and separate operational rules and procedures provided in the Administrative Rules and Procedures of NMSU, the Undergraduate and Graduate Catalogs, Student Handbook and Business Procedures Manual. We appreciate your patience as we transition, and apologize for any inconvenience or confusion relating to this transition.*

**Title 15**  
**Information Management and Data Security**

*(In Transition - Content Not Available)*

**NMSU Policy System in Transition:**

*The university's policies and procedures are in the process of being recompiled as the Regents Policy Manual and separate operational rules and procedures provided in the Administrative Rules and Procedures of NMSU, the Undergraduate and Graduate Catalogs, Student Handbook and Business Procedures Manual. We appreciate your patience as we transition, and apologize for any inconvenience or confusion relating to this transition.*

**Title 16**  
**Safety and Risk Management**

*(In Transition - Content Not Available)*

**NMSU Policy System in Transition:**

*The university's policies and procedures are in the process of being recompiled as the Regents Policy Manual and separate operational rules and procedures provided in the Administrative Rules and Procedures of NMSU, the Undergraduate and Graduate Catalogs, Student Handbook and Business Procedures Manual. We appreciate your patience as we transition, and apologize for any inconvenience or confusion relating to this transition.*

## **Title 17**

# **Intercollegiate Athletics**

17.00 [Athletics](#)

## 17.00 Athletics

- A. Policy Statement: NMSU seeks to offer an 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 in achieving and celebrating Aggie success.
- B. Athletic Programs: Through its Athletics Department, NMSU offers various athletic programs reflecting the interests of the university community and its stakeholders. The following are the authorized 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
- \* This sport will be eliminated effective July 1, 2017, pursuant to action by the Board of Regents on January 20, 2017.*
- C. Authorization: The administration is authorized to establish and maintain an Athletics Department and to take other actions necessary to operate the above referenced athletic programs.
- D. Reservation of Authority: The Board of Regents reserves the authority to (1) approve the addition or elimination of athletic programs, and (2) approve changes in conference membership. Such approval is typically given upon recommendation(s) of the Chancellor and the Director of Athletics. In the elimination of a team, care will be given to providing adequate notice to allow displaced student athletes to seek positions on other teams.
- E. Policy Administrator: This policy is administered by the Director of Athletics.
- 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:

10.11.16 Policy superseding former Policy 2.05 et seq recommended by University Administrative Council and Chancellor; 10.19.16 Adopted as amended by Board of Regents.

**CROSS REFERENCES:** Administrative Rules and Procedures of NMSU, Rule 2.05 et seq





## **Title 18**

# **Community and Governmental Relations**

18.00 [Advancement](#)

## 18.00 Advancement

- A. Policy Statement: To accomplish its mission, NMSU depends upon the support of alumni, donors, private foundations, business partners and other external constituencies. Through the efforts of its office of University Advancement, NMSU seeks to develop and sustain genuine long-term relationships with the supporters of the university. The responsibilities of the Office of University Advancement, subject to the approval and direction of the Chancellor, include:
1. To maintain alumni and donor relations;
  2. To conduct fundraising activities on behalf of the institution;
  3. To establish the rules, procedures and conditions under which NMSU will recognize and support any affiliated organizations established to support NMSU;
  4. To serve as liaison between the university and the NMSU Foundation, Inc., and between the university and any other University-affiliated not for profit organization established to support the university;
  5. To providing coordination of fundraising activities for the various NMSU entities;
  6. To receive and receipt all gifts made to NMSU and the various NMSU entities;
  7. To develop rules, procedures and proposals for the naming of NMSU's buildings, organizational units and programs, subject to the reservation of authority to the Regents set forth below;
  8. To develop rules and procedures for the nomination of honorary degree recipients; and
  9. To develop the rules and procedures for gift income spending to promote the good stewardship and proper accounting and use of all donations and earnings available to support NMSU's mission;
- B. Reservation of Authority: The Regents are ultimately responsible for protecting the reputation of, relationships with and financial support for the University. Toward that end, each of the following actions or events require advance approval of the Regents:
1. Award of Honorary Degrees;
  2. Naming the university's major physical entities including buildings, structures, indoor and outdoor spaces;
  3. Naming of the academic and administrative organizational units at the college, school or department level or above;
  4. Acceptance of any non-monetary gift which contains restrictions as to its use or disposition;
  5. Acceptance of any gift which requires a matching fiscal obligation by the university or creates a substantial in kind or monetary future obligation;
  6. Acceptance of any gift which includes real property.
- C. Delegation of Authority: The Board of Regents delegates its authority and responsibility to the Vice President of University Advancement, with approval from the Chancellor, for the naming opportunities not reserved above to the Board, including but not limited to endowments (professorships, chairs, and scholarships), collections, and similar gift supported activities and events.
- D. Rulemaking Authorization: The Regents of New Mexico State University authorize the administration to formulate and amend the Administrative Rules and Procedures (Rules) addressing its activities in the area of advancement, including those areas of responsibility listed above. Such Rules shall be consistent with this policy and shall be adopted in accordance with Regents Policy 1.10 and Rule 1.10.
- 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, Regents Policies 2.50, 2.75 and 6.75 will be superseded by this policy, but will remain in effect in the ARP, to the extent consistent with this policy, until amended or repealed.

- F. Policy Administrator: This policy is administered by the Vice President for University Advancement.
- 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:**

05.10.16 Policy recommended by University Administrative Council; 06.27.16 Adopted by Board of Regents.

**CROSS REFERENCES:**

Administrative Rules and Procedures of NMSU, Rule 2.50 - Naming University Property and Academic Units;  
Rule 2.75 – University Advancement-Gift Income, NMSU Endowments, NMSU Foundation, Inc. and Rule 6.75 –  
Honorary Degrees.

## 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 \(fka ACAP\)](#)
- 1-F [Link to Official List of University Boards](#)
- 1-G [Charters of the Regents' Audit Committee; Regents Financial Strategies, Performance and Budget Committee; and the Regents Real Estate Committee](#)
- 1-H [Flow Chart- Nonacademic Program/Unit Changes](#)

**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 of 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.]*

## Regents' Audit Committee Charter

### 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.

### REVISION HISTORY:

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

04.13.07 Amendment to membership approved by Board of Regents;  
09.08.06 Regents' Audit Committee Charter approved by the Board of Regents.

## **Regents' Financial Strategies, Performance and Budget Committee Charter**

### **Purpose**

The purpose of the Regents' Financial Strategies, Performance and Budget Committee (RFSPBC) is to assist the Board of Regents in fulfilling its oversight and approval responsibilities related to: (1) the overall administration of the university system's fiscal resources, (2) alignment of fiscal resources to student outcomes and other key strategic performance requirements as determined by the Board of Regents, (3) develop and maintain a regents' dashboard for fiscal soundness (4) evaluation of best fiscal practices, forecasting, and fiscal soundness, (5) preparation of the annual budget, (6) conduct of significant financial transactions as defined by the board from time to time, (7) assurance of actionable open communication regarding fiscal planning, budget, alignment, outcomes and other related budgetary issues. The RPBMC will work collaboratively with other Board of Regents' committees. Such collaboration shall be accomplished only through joint committee meetings or Board of Regents work sessions, either of which shall be properly noticed as an open meeting in accordance with the New Mexico Open Meetings Act and the New Mexico State University Annual Meeting Resolution.

### **Membership**

Recognizing the need for independence, financial expertise, business aptitude, higher education experience, and continuity from year-to year, the membership will be appointed by the Board of Regents and will consist of voting and non-voting members. Voting members shall include two members of the Board of Regents, the Chancellor, and 3 members from the private sector. Non-voting members shall include, the Provost, the Senior Vice President for Administration and Finance, The Chief Budget officer, The Secretary of New Mexico Department of Agriculture (NMDA), a Dean, a faculty member, and a student representative. Members of the Regents' Financial Strategies, Performance and Budget Committee (RFSPBC) serve at the pleasure of the Board of Regents who will approve the duration of any member's service.

### **Meetings**

The Regents' Financial Strategies, Performance and Budget Committee (RFSPBC) will meet four times a year with additional meetings scheduled as required by the Board of Regents' chair or appointed Regents. Members of management or others may be invited to attend meetings and provide information as necessary. Appointed Regents will review and approve meeting agendas prior to each committee meeting.

### **Duties and Responsibilities**

- **Oversight of the Overall Administration of the University System's financial Resources.** The Regents' Financial Strategies, Performance and Budget Committee (RFSPBC) 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.
- **Alignment of the Fiscal Resources and Return.** The Regents' Financial Strategies, Performance and Budget Committee (RFSPBC) will ensure that appropriate fiscal resources are aligned and allocated to student outcomes, and other key strategic performance requirements as determined by the Board of Regents during an annual planning session which includes review of the Vision 2020 plan. The RFSPBC will develop and maintain a dashboard which includes (fiscal performance, effectiveness, cost management, and resource allocation return).
- **Evaluation of best fiscal practices.** The Regents' Financial Strategies, Performance and Budget Committee (RFSPBC) will conduct periodic review of the fiscal best practices for consideration.
- **Oversight of the preparation of the annual budget and related certifications.** The Regents' Financial Strategies, Performance and Budget Committee (RFSPBC) will ensure, via 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 conduct of significant financial transactions.** The Regents' Financial Strategies, Performance and Budget Committee (RFSPBC) 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.
- **Assurance of open fiscal communication and participation within NMSU system.** The Regents' Financial Strategies, Performance and Budget Committee (RFSPBC) will review communication plans/systems, participation in the budgetary process, and stakeholder feedback to determine if the financial management process is conducted in an informed participative manner.

The Regents' Financial Strategies, Performance and Budget Committee (RFSPBC) Charter should be reviewed at least every two years to ensure it is meeting the needs of the Board of Regents.

#### **REVISION HISTORY:**

12.09.16 Amendment approved by Board of Regents;

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

04.13.07 Regents' Budget Committee Charter approved by Board of Regents.

## **Regents' Real Estate Committee Charter**

### **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 Regents' 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.

**REVISION HISTORY:**

04.09.13 Regents' Real Estate Committee Charter recommended by the Administrative Council; 05.10.13 approved by the Board of Regents.

**1-H Approval Process for Nonacademic Program Changes (formerly Appendix 5-B)**

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

