



# REGENTS POLICY MANUAL

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 On December 11, 2015, the Board of Regents repealed select provisions from the RPM. During this transition, as provisions are repealed from the RPM, they continue in effect as Rules in the ARP until modified.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

*Modified by the Board of Regents 12.11.15*

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**\* NMSU Policy System in Transition:**

*Some or all provisions contained in this chapter have been repealed as part of the project to reorganize and update university system policies and administrative rules and procedures; such policies continue in effect as rules within the Administrative Rules and Procedures of NMSU (ARP) until modified. Please also refer to the ARP at <https://manual.nmsu.edu/files/2013/10/12.11.15-Trans-3rd-Ed-ARP.pdf>*

## Introduction

New Mexico State University was founded in 1888 as Las Cruces College. The Territorial Legislature of 1889 established the land-grant Agricultural College and Experiment Station, which officially opened on January 21, 1890. During its first full academic year, the college became known as the New Mexico College of Agriculture and Mechanic Arts, the first degree granting institution in the Territory. Under the provisions of the Morrill Act of 1862 and subsequent federal legislation, the special mission of land-grant institutions has been to provide a liberal and practical education for students and to sustain programs of research, extension education, and public service.

In 1960, New Mexico College of Agriculture and Mechanic Arts became New Mexico State University. Since that time, while sustaining excellence in those programs traditionally associated with land-grant institutions, New Mexico State has become a comprehensive doctoral level university offering a wide variety of programs through the Graduate School and the colleges: Agriculture and Home Economics, Arts and Sciences, Business Administration and Economics, Education, Engineering, and Health and Social Services.

New Mexico State University is the state's land-grant university, serving the educational needs of New Mexico's diverse population through comprehensive programs of education, research, extension education, and public service.

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

# **Chapter 1**

## **Governance Authority, Organizational Structure and Policy Development and Approval**

- 1.05 Governance/Authority/Organizational Structure
  - 1.05.10 Board of Regents Bylaws
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- 1.14 Succession Planning
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## CHAPTER 1 - GOVERNANCE AUTHORITY, ORGANIZATIONAL STRUCTURE AND POLICY DEVELOPMENT AND APPROVAL

### 1.05 Governance/Authority/Organizational Structure

#### 1.05.10 Bylaws of the Board of Regents *[Amended by the Board of Regents 09.26.08][Amendment approved by the Administrative Council 04.14.09; adoption of amendment ratified by the Board of Regents 07.29.09][Amendment recommended by the Administrative Council 04.08.14; approved by the Board of Regents 05.09.14]*

##### 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.

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

1. Compliance with Sunshine Laws: All meetings of the Board of Regents shall be conducted in compliance with the New Mexico Open Meetings Act, NMSA 1978, § 10-15-1 *et seq* and with the board's Annual Resolution Establishing Notice. All records of the board shall be open to inspection by the public at reasonable times, and in accordance with the New Mexico Inspection of Public Records Act. NMSA 1978, § 14-2-1 *et seq* and with NMSA 1978, § 21-1-16.
2. Regular Meetings: A minimum of five regular meetings of the board shall be held each year on such dates, places and hours as may be fixed from time to time by the board.
3. Special Meetings: Special meetings, normally reserved for matters that require action before the next regular meeting, may be called by the chair of the board or at the request of two regents.
4. Emergency Meetings: Emergency Meetings will be called only for unforeseen circumstances that demand immediate attention to protect the health, safety and property of citizens or to protect the university from substantial financial loss. The Board of Regents will avoid emergency meetings whenever possible. Emergency meetings may be called by the chair of the board, or at the request of two regents.
5. Telephonic Attendance at Meetings: Consistent with the Open Meetings Act, members of the board shall be permitted to attend any meeting of the board by telephone, when it is otherwise difficult or impossible for the member to attend the meeting in person, provided that each member participating by conference telephone can be identified when speaking, all participants

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

6. Notice of Meetings: The board shall provide reasonable notice to the public of its regular, special and emergency meetings, in accordance with its Annual Resolution Establishing Notice Requirements. See [2015/2016 NMSU Board of Regents' Annual Notice Resolution](#). The meeting notice shall indicate how a copy of the agenda may be obtained.
7. Notice to Persons with Disabilities: In addition to the information specified above, all notices shall include the following language:

*If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the meeting, please contact the Special Advisor to the Board of Regents at (575) 646-2227 at least three (3) calendar days prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Special Advisor to the Board of Regents at (575) 646-2227 if a summary or other type of accessible format is needed."*

8. Closed Meetings: The Board of Regents may close a meeting to the public only if the subject matter of such discussion or action falls within one of the exceptions in the Open Meetings Act, § 10-15-1(H).
  - a. If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the board taken during the open meeting. The authority for the closed meeting and the subjects to be discussed shall be stated with reasonable specificity in the motion to close and the vote of each individual member on the motion to close shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in the closed meeting.
  - b. If a closed meeting is conducted when the board is not in an open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances, stating the specific provision of law authorizing the closed meeting and the subjects to be discussed with reasonable specificity is given to the members and to the general public.
  - c. Following completion of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state whether the matters discussed in the closed meeting were limited only to those specified in the motion or notice for closure.
  - d. Except as provided by Section 10-15-1(H) of the Open Meetings Act and New Mexico case law interpreting same, any action taken as a result of discussions in a closed meeting shall be made by vote of the board in an open public meeting.
9. Minutes: The board shall keep written minutes of its regular, special and emergency meetings. The law does not require minutes to be maintained for closed sessions. Any record kept of a closed session shall not be subject to public inspection. Minutes shall state at a minimum the date, time and place of the meeting; the names of the members in attendance and those absent; the substance of any proposals considered, and a record of any decisions and votes taken that show how each member voted. The minutes become official upon approval by the board. The Board of Regents' chair signs the minutes on behalf of the Board of Regents.
10. Agenda: The meeting agenda sets the order of the Board of Regents' business. A proposed agenda shall be prepared for each regular meeting of the board and mailed to each member at least 5 days before the meeting. Any member of the board and the chair may, prior to the deadline for public notice of the agenda, request placement of an item on the agenda. If any individual or group wishes to have an action item considered by the Board of Regents, all pertinent documentation must be submitted in advance of the meeting to the NMSU Chancellor in order to allow for staff review. As necessary, the chair of the board or designee will correspond with the individual or group to obtain additional information if needed, and to inform whether or not the item will be placed on the agenda. If the item is not placed on the board's agenda, the requestor will be informed regarding the opportunity to address the Board of Regents during the time allotted for general public input.

11. Quorum: A majority of the board shall constitute a quorum for the transaction of business, but a lesser number may convene from time to time until a quorum is in attendance.
12. Rules of Order: Except where they may be in conflict with these bylaws, the *Robert's Rules of Order*, revised, shall govern the conduct of the meetings of the Board.
13. Attendance: The Board of Regents members shall make every effort to attend all meetings of the board.
14. Compensation: Members of the Board of Regents are not remunerated for their services; they are however, entitled to receive travel reimbursement.
  - a. Travel Reimbursement: Travel reimbursement for board members shall be paid in accordance with NMSU Business and Finance Policies and Procedures, consistent with the New Mexico Mileage and Per Diem Act. (See [NMSU Business Procedures Manual](#) for all other current mileage and per diem rates)
  - b. Insurance: The board authorizes the administration to annually secure travel accident insurance for appointed and *ex officio* members of the board and their legal spouses while traveling on university business at a total cost not to exceed \$1,000 annually.

D. ARTICLE IV - Officers of the Board of Regents:

1. Election of Officers: The Board of Regents shall meet and elect officers at the March meeting of each year, unless a new member, or members, of the board have not been appointed by the governor in which case the election of officers shall be held at the first meeting following such appointment. All officers so elected shall hold office until their successors are elected and qualified. At such elections they shall elect a chair, a vice chair, and a secretary-treasurer from their number. The chair and vice chair may also be referred to as the board's president and vice president. Officers and members shall be covered under the New Mexico State Faithful Performance Blanket Bond.
2. Eligibility: Any member of the board shall be eligible for any office of the board; *ex officio* members are not eligible to hold any office on the board.
3. Tenure and Vacancy: Each officer of the board shall be elected for a one-year term and shall serve until a respective successor is elected and qualifies. A vacancy in any of the above designated offices, other than one caused by removal, shall be filled by election at the next meeting of the board following its occurrence, and if caused by removal, may be filled at the same meeting at which the vacancy occurred. If because of a vacancy an officer of the board is elected and qualifies for a different position on the board, acceptance of this election will constitute resignation from the previous position. Election to a vacant office shall be for the balance of the unexpired term.
4. Duties of the Chair: The chair of the board shall perform such duties as devolve upon the office by law and which may be pertinent to the office. The chair of the Board of Regents shall direct the Chancellor of the university system to issue calls for all meetings of the Board of Regents. The chair of the Board of Regents shall preside at its meetings, with full power to vote on and to second any motion, and to discuss all matters, with the same authority as any other board member, notwithstanding any provision of the *Robert's Rules of Order*. The chair of the Board of Regents shall sign the official minutes of all board meetings after the board has approved them. The chair's signature shall be affixed to all diplomas for degrees and all other documents requiring board approval. The chair of the Board of Regents shall perform such other duties as may be specified in these bylaws and as may be from time to time determined by the Board of Regents.
5. Duties of the Vice Chair: In the absence or incapacity of the chair, the vice chair shall assume the duties and obligations of the chair.
6. Duties of the Secretary-Treasurer: The secretary-treasurer shall serve as the recording secretary for meetings of the board. The secretary-treasurer shall sign board minutes when officially approved. The secretary-treasurer's signature shall be affixed to all diplomas for degrees, and

all other legal documents requiring board approval. The secretary-treasurer shall perform such other duties as the board may direct and require.

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

1. Functions of the Board of Regents:

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

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

F. ARTICLE VI - Amendments:

1. Amendments: The power to make, alter, amend, or repeal these bylaws is vested in the board by the affirmative vote of at least 3 of its members.
2. Notice of Amendments: Copies of proposed amendments shall be submitted to the Board of Regents members at least 5 days prior to the meeting at which the proposal is to be acted upon, unless waived by unanimous consent of the board.

**1.05.20 Board of Regents - Other Policies** *[Amendment recommended by the Administrative Council 07.13.10; approved by the Board of Regents 07.20.10] [Amendment recommended by the Administrative Council 04.09.13; approved by the Board of Regents 05.10.13]*

- A. NMSU Foundation, Inc.: The Board of Regents shall elect one of its members to serve on the board of directors of the NMSU Foundation, Inc. during the annual election of officers in even-numbered years.
- B. Arrowhead Center, Inc.: Annually, the board shall also name two of its members to the board of directors of the Arrowhead Center, Inc, formerly called the NMSU Technology Transfer Corporation, Inc., and as merged with the NMSU Research Park Corporation, Inc.
- C. Regents' Committees: The Board of Regents may establish regents' committees to assist it in fulfilling statutory and fiduciary obligations to New Mexico State University and to the New Mexico



Department of Agriculture. A regents' committee may be comprised of no more than two voting regents, appointed by the chair, and any other individual(s) appointed by the Board. Regents' committees are distinct from university boards addressed in Policy [1.05.90 NMSU Boards](#). Regents' committees include, but are not limited to: the Regents' Budget Committee, the Regents' Audit Committee, and the Regents' Real Estate Committee. (See [Appendix 1-G](#).)

- D. Regents' Medal: The Regents' Medal shall be awarded on suitable occasions and with appropriate ceremonies to persons who have made outstanding contributions to the university, to the State of New Mexico, or to the United States. Documented nominations may come from any group or individual, through the administration, for consideration for this honor by the board.
- E. Autonomy of Regents: The local autonomy of each Board of Regents should be strengthened and the number of regents on each board should remain the same. The board opposes any super Board of Regents or one central board of operation; further, the New Mexico Higher Education Department should be purely a coordinating financial review body and not involved in any kind of day-to-day business or administration of the university.

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

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



- 2. Restricted Use/Authorization to Use Seal: The seal is restricted for use by and for the NMSU Board of Regents and the Office of the Chancellor, with limited exceptions as they may authorize.
- 3. Prohibition of Alteration of Seal: As the university's official indicia/insignia, it shall not be altered, except by formal action of the NMSU Board of Regents.
- 4. Permissible Use(s) of Seal: Use of the university seal is prohibited without written consent from the Office of the Chancellor. The official university seal shall be used only for formal university business, including but not limited to, the diplomas issued to NMSU graduates, select and official university documents and commemorative items and awards.
- F. Procedural Guidelines: To facilitate the administration and enforcement of this policy, the policy administrator may develop and issue supplemental procedural guidelines (includes protocols, forms, etc.), consistent with the policy and with approval from the chancellor. Procedural guidelines shall either be published in this Section or shall be posted on an appropriate website and linked from this section.

### REVISION HISTORY:

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

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

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

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

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

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

### **1.05.60 Academic Deans Council**

- A. Recognition and Purpose: The functions of the Academic Deans Council are as follows:
  - 1. Provide an administrative vehicle for the dissemination of information, provide ready pooling of ideas, and provide a testing ground for the matters of concern to the administration of the university.
  - 2. Make recommendations and discuss with the Chancellor problems relating to improvement in the administration of the institution.

3. Act as a sounding board and evaluation body for new ideas emanating from the staff or administration.
  4. Consider ways and means of improving the academic quality and other aspects of the institution, including proposals dealing with academic policies and programs.
  5. Coordinate efforts of the various deans and provide for desirable uniformity in carrying out institutional policy.
  6. Provide administration-level coordination between the various agencies, colleges, and schools of the university.
  7. Stimulate other official groups in the full development of action within respective areas.
  8. Establish, from time to time, special committees and groups to render specialized service in developing recommendations in given areas.
  9. Consider recommendations emanating from the NMSU Employee Council when appropriate.
- B. Membership: The Academic Deans Council is composed of the Chancellor, the executive vice president and provost, the vice president for research, the academic deans, the dean of the university Library, the community colleges campus executive officers, and the chair of the Faculty Senate.

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

- A. Shared Governance: Shared governance refers to the governance of the university in which responsibility is shared among the Board of Regents, the faculty and the administration. As used in this policy, “faculty” refers to the general faculty, defined as all tenured, tenure track and college faculty at all of the university’s campuses. For purposes of this policy, the Chancellor and the executive vice president and provost, and their respective direct reports, shall be collectively referred to as “administration”. Shared governance shall remain a central tenet of academic decision making at New Mexico State University.
1. By law, the Board of Regents governs the NMSU system, under the advice of faculty, by the enactment of policies and by its delegation of operational authority through the Chancellor.
  2. Consistent with the principles of the American Association of University Professors (AAUP), the faculty, represented through the Faculty Senate and other faculty representatives, shall be involved in personnel decisions, selection of administration, preparation of budget, and determination of educational policies. The faculty shall have primary responsibility for curriculum and subject matter and methods of instruction, research, faculty status and those aspects of student life which related to the educational process. Faculty shall have primary responsibility for developing and applying policies affecting the university’s academic mission in regard to education, research, and service, subject to the authority of the Board of Regents, the Chancellor, and the executive vice president and provost.
  3. The faculty shall also be involved in administrative planning processes. To facilitate this, faculty members serve on the many and varied administrative committees.
    - a. The chair of the Faculty Senate shall be a member of the Academic Deans Council and of the Administrative Council.
    - b. The vice chair of the Faculty Senate shall be a member of the Associate Deans Academic Council.
    - c. As directed by administration, members of the general faculty serve on other advisory committees, including but not limited to: the University Budget Committee, the University Research Council, and the President's Associates Board. Moreover, the Faculty Senate may select the requisite faculty representative; in addition, administration may select a member of the faculty directly.

- B. Faculty Senate: The Faculty Senate has legislative jurisdiction over policies affecting the university's academic mission in regard to education, research, and service, including the definitions of purpose and objectives. The Faculty Senate is elected by the faculty at large. The Faculty Senate Constitution provides specifications relating to the Faculty Senate's composition, elections, terms of office, officers, committees, meetings, legislative processes, and methods to amend the constitution. See [Appendix 1-D](#). Additional details about the operation of the Faculty Senate are contained in the Faculty Senate Bylaws. The chair of the Faculty Senate will have 50 percent assigned time for Faculty Senate work, based on the teaching load. The vice chair of the Faculty Senate will have 25 percent assigned time.
1. The Faculty Senate shall key its propositions that affect academic policy to the corresponding provision in the Regents Policy Manual, ARP, or other policy document(s).
  2. Propositions affecting academic policy approved by the Faculty Senate are subject to acceptance or veto by the Chancellor.
    - a. If the Chancellor approves a proposition, it will be placed on the next agenda of the Board of Regents for consideration and approval.
    - b. If the Chancellor does not accept or vetoes the proposition within 40 working days from the receipt, the proposition will be placed on the next agenda of the Board of Regents for consideration and approval.
    - c. If the Chancellor vetoes a proposition, a two-thirds vote of the present and voting Faculty Senate may return the proposition to the Chancellor and, if the Chancellor does not rescind the veto within five (5) working days, the proposition will be placed on the next agenda of the Board of Regents for consideration and approval.
  3. Faculty Senate legislation will become effective upon approval by the Board of Regents, or upon such other date as may be specified in the legislation or by the Chancellor's provisional authority.

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

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

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

All main campus students are members of the Associated Students of New Mexico State University ("ASNMSU"). The ASNMSU government is divided into the executive, legislative, and judicial branches. Members of the legislative branch (student senate) are elected; the executive offices of president and vice president are elected; and members of the judicial branch are appointed by the president of ASNMSU. The dean of students and the Student Legal Aid Program attorney serve as advisors to ASNMSU. The vice president for student affairs and enrollment management, in cooperation with student leaders and other appropriate university officers, shall advise and administer university policy, regulations, and procedures established and necessary to achieve the goals and objectives of ASNMSU and the university. ASNMSU's constitution and law book outlines the organization and responsibilities of ASNMSU. University regulations establish procedures within which ASNMSU funds are expended and accounted for and activities are conducted. ASNMSU has supervision over budgeting

and expenditure of all activity monies allocated to ASNMSU; the Publications and Communications Board; the Intramural Board; the Student Activities Committee and other such boards and committees which are created from time to time. All of ASNMSU's accounts are channeled through the ASNMSU Comptroller's Office under the supervision of the Office and Administration and Finance. All recognized student organizations, except for fraternities and sororities, must conduct their financial affairs through the Office of the ASNMSU Comptroller.

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

Students who meet the criteria outlined below and who are either: (a) elected to ASNMSU student senate in a campus-wide, student body election, or (b) elected by their respective college councils and recommended to serve as a semester-long appointee to fill a vacant ASNMSU student senate position are eligible each semester to receive a financial award amounting to at least 75 percent of the dollar value of an academic semester in-state tuition and fees scholarship. This financial award is subject to the conditions and processes governing all financial aid awards administered by the Office of Financial Aid and Scholarship Services. As such, students may be awarded only one tuition scholarship in any given semester.

The criteria for the initial award of the Leadership Scholarship are:

1. Undergraduate students must have an overall grade point average of at least 3.0 and, in the semester previous to taking office, have successfully completed 12 or more grades credits with at least a 2.5 grade point average.
2. Graduate students must have an overall grade point average of at least a 3.5 and have, in the semester previous to taking office, successfully completed 9 or more grades credits with at least a 3.0 grade point average and must serve the entire semester as a senator.
3. Undergraduate students must be currently enrolled in at least 12 credits and graduate students in at least 9 credits. Both undergraduate and graduate students must serve the entire semester as a senator to remain eligible for existing and future awards. Resignation, termination, or impeachment from the student senate prior to the completion of the semester voids any award made for that semester and holds the student liable for repayment of the amount awarded.
4. Renewal awards:
  - a. Undergraduate students must have an overall grade point average of at least 3.0 and must have successfully completed 12 credit hours the previous semester.
  - b. Graduate students must have an overall grade point average of at least 3.5 and must have successful completed 9 credit hours the previous semester.

Policy exceptions for termination and repayment of an award include cooperative education programs, medical withdrawals from the university, death, or any situation approved as an exception by the Office of the Associate Vice Provost for Student Affairs and Community Colleges.

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

1. Purpose of Policy: The Club Endowment is established to provide stable funding for recognized organizations. The income earned from this endowment is to be allocated to recognized organizations to provide consistent funding for them regardless of the financial picture of the ASNMSU.
2. Deposits: Beginning Fall 1991, \$1 for each full time student, and \$.50 for each part-time student shall be deposited in the Club Endowment each fall and spring semester.
3. Endowment Management: The Club Endowment shall be a permanently treated endowed fund of the NMSU Foundation, Inc. The principal shall be invested and reinvested in a common investment trust fund for endowments in accordance with the investment policies of the Foundation. The principal shall remain permanently invested and cannot be withdrawn without board's approval. Income earned from the Club Endowment shall annually be transferred to the Club Account in the student account business office according to the policy of the NMSU

Foundation.

4. Withdrawals: The ASNMSU senate, by a simple majority, may withdraw funds from the Club Account for recognized organizations. This shall be done through the normal appropriations process.
5. Transfers: The ASNMSU senate, by a 3/4 vote, may transfer money out of the Club Account to the Activity Surplus Account or the Major Expense Fund, providing the July 1 balance of the Club Account is a minimum of \$20,000. An amount no greater than the July 1 balance minus \$20,000 can be transferred. This shall be done through normal appropriation methods.

**1.05.90 NMSU BOARDS** *[Policy recommended by the Administrative Council 12.14.10; adopted by the Board of Regents 01.31.11]*

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

- A. Types of NMSU Boards: Due to the great number of boards utilized for a variety of functions, they will be distinguished by whether or not they serve the entire university community or a part thereof.
  1. University Board: A university board is a body formally established by university policy or by directive from the Board of Regents, Chancellor, or executive vice president and provost.
  2. College and Departmental Boards: A college, departmental or administrative unit board is a body appointed by a community college president, dean, vice president, associate dean, division or department head or other executive or academic administrator, whose work furthers the interest of the college, department or administrative unit by providing collective work product, advice, and/or recommendations.
- B. Role in Policy Development: Any policy recommendations made by NMSU boards will be subject to the policy adoption protocol outlined in Chapter 1 of the *Regents Policy Manual* and in the Administrative Rules and Procedures of NMSU.
- C. Formal Creation of Board: At the time any university board is created, the following shall be indicated:
  1. The name of the board, and the authorizing body or official;
  2. The type of board and scope of work (i.e. whether standing or *ad hoc*, and whether the scope of the board’s work will impact the NMSU System or only a particular campus);
  3. The purpose and authority of the board;
  4. The membership, including whether the members are appointed by position or by individual, any special selection procedures (i.e. election by another university constituency or selection by that constituency’s chair), the term of each member’s appointment, whether terms are staggered, whether there are any *ex-officio* (non-voting) or other continuous members, and whether the appointed member may utilize a designee who will vote on the member’s behalf;
  5. How the board’s chair is to be selected;
  6. Whether or not a particular office will provide administrative support to the board;
  7. Guidance relating to meetings, if appropriate.
  8. The date at which the board creation is effective

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

**D. Upkeep:**

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

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

- A. Land Grant Mission: The special mission of the university as a land-grant institution established under the provisions of the Morrill Act is to provide a liberal and practical education for students and to sustain programs of research, extension education and public service. The provisions of the Branch Community College Act of the State of New Mexico (NMSA 1978 Sec. 21-14-1 *et seq*) enable institutions of higher education to establish branch community colleges at the request of communities to meet their educational needs. The university has a long history of success in serving the citizens of New Mexico through its community colleges. The benefits to students for access to quality education through the NMSU community colleges have been documented and recognized. The Board of Regents supports, endorses, and recognizes the reciprocal benefits of its relationship to its community colleges and recommends the continuity of this partnership as one which contributes significantly to the educational and economic development of the state of New Mexico.
- B. Policy Statement: The NMSU Board of Regents pledges full cooperation in the further development of its community college programs to ensure that the higher educational needs of the several communities are fully met. Each of the community colleges will develop its own mission and purpose statement, which shall be brought forward periodically for review by the Board of Regents.



- C. Administration of Community Colleges: Each community college is administered by a campus president under the cognizance of the NMSU Chancellor. Community college academic issues are administered by their respective campus president, with oversight by the executive vice president and provost. (*See also* Policy [5.06, Administrative Reviews](#)).
1. Responsibilities of Community College Presidents: The community college campus presidents are responsible for providing leadership for their campuses in the following areas:
    - a. Educational Programs
    - b. Faculty and Staff Appointments
    - c. Student Services
    - d. Community Relations
    - e. Maintenance and Care of Physical Plant
    - f. Facility Planning (*See* Rule [9.50 Use of Facilities](#))
    - g. Assessment/Accreditation
    - h. Campus Budgeting (a shared responsibility with the main campus Office of Administration and Finance)
  2. Course Approvals: All new and revised community college courses are submitted for approval to the executive vice president and provost, who circulates the proposed changes to the appropriate Las Cruces campus colleges and committees.
  3. Program Approvals: New designated associate degree programs proposed by the university's community colleges are submitted for approval to the executive vice president and provost, who prepares the proposal for review and approval by the appropriate Las Cruces campus college, the Associate Deans Academic Council, the Academic Deans Council, the Faculty Senate, and the Board of Regents.
  4. Semester End Dates: Whenever possible, the end of semester in the community colleges shall be coordinated with the end of the semester on the Las Cruces campus so that it is possible to report grades of students simultaneously.
  5. Faculty Credentials: (*See* Policy [5.15.60, Appointments-Qualifications](#))
  6. Transfer of Students to NMSU Las Cruces Campus: Community college students who meet the admission requirements may transfer to the Las Cruces campus at any point or at the completion of the freshman and sophomore years.
  7. Use of Community College Facilities: *See* ARP-Rule 9.50, Use of Facilities & Space Management.
- D. Regents' Award for Outstanding Service to Its Community Colleges: The Regents' Award for Outstanding Service to its community colleges is a means to honor distinguished citizens, within a community college district, who have made outstanding contributions to one or more of the university's community colleges. It shall be awarded on suitable occasions and with appropriate ceremonies. Documented nominations may come from any group or individual, which have been forwarded through the administration, including the appropriate community college campus president, for consideration for this honor by the Board of Regents. The award will be in the form of a plaque.

**1.05.96 Community College Faculty Council** [*Amendment recommended by the Administrative Council 07.13.10; approved by the Board of Regents 07.20.10*]

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 nine faculty members: four faculty senators representing the community colleges, one additional faculty representative from each community college, and a chair elected at large from the four community colleges. The executive vice president and provost is an *ex officio* member of the Community College Faculty Council. The four faculty representatives may be college (full-time, regular), tenure-track, or tenured teaching faculty.



## 1.10 NMSU System Policies and Administrative Rules and Procedures

- A. Policy Statements: Pursuant to the authority granted under the New Mexico Constitution and related statutes, the NMSU Board of Regents governs New Mexico State University and the New Mexico Department of Agriculture (collectively the “NMSU System”) through the adoption of policies. These policies provide direction relating to the mission and goals for the NMSU System, as well as delegate or reserve authority. The purpose of this policy is to establish a framework for the adoption of NMSU System policies and to authorize the development of enforceable administrative rules and procedures as may be necessary to achieve the goals and directives established by the Board of Regents.
1. Policy statements, once approved by the Board of Regents, shall be maintained in a document titled “Regents Policy Manual” (RPM) (formerly titled, the “NMSU Policy Manual”) which may take the form of an online website. All changes to the Regent’ Policy Manual, except as otherwise provided below, are effective only upon approval by the Board of Regents in open meeting. The Board of Regents policies shall apply to the entire NMSU system unless otherwise stated in the policy.
  2. The chancellor is authorized to adopt administrative rules and procedures as may be appropriate and necessary to implement the policies adopted by the Board of Regents, and to ensure efficient and effective organizational/transactional control. Those rules and procedures which have been formally adopted and approved by the Chancellor shall be maintained in a document entitled “Administrative Rules and Procedures” (ARP) which may take the form of an online website. The ARP shall apply throughout the NMSU system unless otherwise stated. The university shall include in the ARP a process that provides adequate opportunity for university stakeholders to provide comment regarding proposals to amend, repeal, or propose new policies or ARP provisions.
  3. Any proposal which involves the academic mission and matters of shared governance, as defined in Policy 1.05.70, shall be reviewed and approved by the Faculty Senate before submission to the chancellor for final approval. Any such proposal not approved by Faculty Senate shall become effective only upon approval from the Board of Regents.
  4. Provisions contained in the Regents Policy Manual and Administrative Rules and Procedures shall not create any type of contract, implied or otherwise, between the regents and its employees or any other individual or entity. Policies and the ARP may be amended or revoked at any time in accordance with this policy.
  5. A policy approved by the Board of Regents will become effective on the date of approval, or on such other date as reflected in the approved policy. In those instances where there is a compelling need for an immediate policy change, the chancellor may adopt and implement provisional policy, provided that the provisional policy is presented to the Board of Regents in open meeting as soon as practicable.
  6. Implementation of this policy requires the separation of general policy statements from the university’s operating rules and procedures which have until now been combined in the “NMSU Policy Manual.” In order to accomplish that separation, and for the period of transition, the current Policy Manual may be replicated in its entirety and this replica, in combination with those few Procedural Guidelines already promulgated outside the NMSU Policy Manual, shall be deemed to constitute the initial set of Administrative Rules and Procedures. The provisions in this initial, transitional ARP shall be deemed to be the governing rules and procedures of the NMSU system until such time as each provision is individually reviewed and conformed to the ARP format. At such time as a complete recompilation is achieved, this paragraph may be removed from the RPM without further approval.
- B. Policy Administrator: This policy is administered by the Office of the Chancellor.
- C. Scope and Effective Date: This policy will apply throughout the NMSU System, effective upon approval by the Board of Regents.

**REVISION HISTORY:**

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

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

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

**CROSS REFERENCES:**

Policy 1.05.70, Shared Governance and the Role of Faculty Senate

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

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

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

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

If a change results in a structural change to the organizational hierarchy, the change will be effective January 1 or July 1 following the approval. Structural changes are defined as changes that affect the hierarchical organizational and reporting structure. Changes to organizational attributes may be processed at any time throughout the year. These changes are defined as: department long title, acronym, mail stop code, PO Box number, street address, city, state, zip code, building name (See [Policy 2.50 Naming Policies](#)), room number, telephone number, fax number and departmental e-mail address.

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

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

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

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

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

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

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

## Chapter 2

### General Operating Policies

- 2.03 Art, Archives and Other Cultural Collections
- 2.05 NMSU Athletics
  - 2.05.05 Athletic Programs Offered at NMSU
  - 2.05.10 Gender Equity and Title IX Compliance
  - 2.05.15 The Athletics Council
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- 2.10 Auditors, External
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- 2.90 University Records
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  - 2.90.20 Student Educational Records - Compliance with FERPA
  - 2.90.30 Protection of Non Public, Personal Information
  - 2.90.40 Inspection of Public University Records
- 2.92 University Research Park

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

*The following provisions have been repealed from this chapter of the Regents Policy Manual, but continue in effect in the Administrative Rules and Procedures of NMSU (ARP). Please also refer to the ARP at <https://manual.nmsu.edu/files/2013/10/12.11.15-Trans-3rd-Ed-ARP.pdf>*

- 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
- 2.56 Purchasing
- 2.60.10 Safety and Health - Environmental Health and Safety Office

- 2.64 *Security Cameras on University Premises*
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- 2.95 *Parking and Traffic Regulations*

## CHAPTER 2- GENERAL OPERATING POLICIES

### 2.03 **Art, Archives and Other Cultural Collections** *[Amendments to Policies 2.03 and 2.04, merging and substantively revising the two (repealing 2.04), were recommended by the Administrative Council 03.09.11; approved by the Board of Regents 03.14.11]*

- A. Purpose: To ensure the proper acquisition, inventory, professional care and use of the university's art, archives and other cultural collections.
- B. Scope of Application: This policy applies throughout the NMSU System; it addresses all art owned by NMSU, including art acquired to become part of the university's permanent art collection (i.e. those works of art in the custody or control of the Art Gallery), art acquired via the Art in Public Places Act, art donated to or acquired by any NMSU entity.
- C. Policy Administrator: This policy is administered by those officials with continuous position appointments to the Art Gallery Acquisitions Committee and the University Cultural Collections Committee, the University Museum, University Archives, as well as by appropriate state personnel and committees formed pursuant to the New Mexico Art in Public Places Act.
- D. General Guidelines:
  - 1. **Art Belonging to NMSU**: Works of art for museums or for display in public buildings or places are distinct from other types of personal property owned by the NMSU Board of Regents. The acquisition of art is exempt from the New Mexico Procurement Code, but is subject to other state requirements and other university requirements relating to gifts in kind. For the purpose of this policy, "art acquisition" includes the receipt of artwork through any means, including purchases using publicly appropriated or privately donated funds, commission, gift, trade, transfer, exchange, or bequest. The Art Gallery coordinates the management of all university owned art. It is the Art Gallery's charge to exhibit, maintain, and preserve the university's art consistent with current professional standards. The Director of the Art Gallery serves as the curator of the NMSU System art collections.
  - 2. **Mission of the Art Gallery**: Through the exhibition, research, and interpretation of original works of art, the Art Gallery supports the University's pedagogical goals and endeavors to educate its audience and raise its awareness to the diverse and valuable experience available in the visual arts.
  - 3. **Art Committees**: The following committees are hereby recognized:
    - a. The Art Gallery Acquisitions Committee, a standing committee charged with identifying and recommending acquisition of artwork for the NMSU permanent collection, as well as making recommendations for the conservation and presentation of art in the cultural collections owned by the university. The Art Gallery Acquisitions Committee is the committee granted the authority to approve expenditures from the NMSU Permanent Art Collections Account, in collaboration with other members of the university community and in accordance with the provisions outlined herein. *See* subsection E. below.
    - b. The University Cultural Collections Committee, a standing committee charged with approving the acquisition of art and other cultural collections available or offered to NMSU, and with decisions relating to the conservation and presentation of art and other objects in the cultural collections owned by the university.
  - 4. **NMSU Archives and Special Collections**: NMSU Archives (Hobson-Huntsinger University Archives) selects, preserves, houses, and makes accessible all records of enduring value created by administrators, faculty, students and alumni of New Mexico State University. Through its programs the University Archives seeks to illuminate the history, evolution, and societal role of the institution.
    - a. **Political Papers Archives**: Political paper archives consist of the congressional, selected gubernatorial and personal papers of senators and members of both the state and U.S. House of Representatives and U.S. Senate from New Mexico serving from 1916-present, highlighting their political careers at the local, state, national, and international levels.
    - b. **Reprographics/Digital Duplication**: This division responds to internal and external

- reproduction requests, as well as coordinates regarding conservation and cataloguing photographic materials and audio and video recordings that are added to the collections.
- c. Rio Grande Historical Collections (RGHC): The RGHC division acquires, preserves, and makes available for research records of organizations, personal papers, and other unpublished materials which document the cultural heritage and history of New Mexico and the Spanish Borderlands.
  - d. Special Collections: The Special Collections division houses published research materials including books, periodicals, maps and newspapers. The most heavily used of these materials relate to the history, culture, peoples, and resources of New Mexico; the broader Southwest and the Borderlands; and materials supporting specialized university programs.
- E. Art Acquisition: This subsection does not address the acquisition of art for capital improvement projects, which is governed by state law. *See* subsection I. below.
1. Funding: The university shall set aside a sum each year in the NMSU Permanent Art Collections Account, an amount equivalent to \$1 for each student enrolled full time each academic year, for the restricted use of funding the acquisition, conservation and presentation of works of art. The Art Gallery Acquisitions Committee is the entity authorized to approve expenditures from this account.
  2. Criteria: All works of art proposed for acquisition, conservation or presentation for the benefit of the university may be evaluated by the Director of the Art Gallery, the Department Head for the Department of Art, or any other interested individual member of either the Art Gallery Acquisitions Committee or the University Cultural Collections Committee. All recommendations shall be considered by the University Cultural Collections Committee, which shall make the final decision on behalf of the university, based on the following criteria:
    - a. Quality, Condition and Aesthetic and Academic Value: The quality and condition of the object, aesthetic value and appropriateness to the academic environment and the department to which it is donated. The object under consideration should be relevant to an existing collection or should be capable of forming the nucleus for a new collection. The value of the object for scholarly use within an established collection on campus should be considered.
    - b. Care and Maintenance Requirements: The university is committed to properly care for and maintain the objects in its cultural collections in accordance with acceptable professional standards. The director of the Art Gallery, a representative of the Art Gallery Acquisitions Committee (other than the director of the Art Gallery), and the chair of the University Cultural Collections Committee are also charged with bringing issues such meeting professional standards for adequate storage, protection, and preservation to the attention of the two committees for resolution.
    - c. Security and Logistical Concerns: The security and appropriateness of the location for installation of the object. Considerations for protection of the object through security systems and insurance restrictions should also be considered.
    - d. Purpose for Acquisition: The intention is that an object shall remain in the collection so long as it retains its authenticity, pertinence to the collection, and physical integrity. Short range acquisition for the purpose of later sale, as well as speculative acquisition for short-range sales should be discouraged and then only entered into with the express approval of the Art Gallery Acquisitions Committee and the University Cultural Collections Committee.
    - e. Legality: NMSU will operate with due diligence in researching the background of any art objects to be acquired in order to assure compliance with applicable state and federal laws.
  3. Decision making Authority: The responsibility to search for accessions is shared between the director of the Art Gallery, the Art Gallery Acquisitions Committee and the University Cultural Collections Committee. University officials, faculty, staff and other support groups of the Art Gallery shall not obligate the university to any acquisition; prospective donors or sellers should be advised that all objects proposed for acquisition by the university are subject to review and recommendation from the director of the Art Gallery and the Art Gallery Acquisitions Committee, and approval from the University Cultural Collections Committee, subject to this policy and other gift acquisition protocols which may apply.
  4. Valuation of Gift Art: NMSU officials, faculty, staff or other agents shall not participate in the

appraisal of gifts of art, archival material or other special collectible offered to the university for the purpose of establishing the tax deductible value.

5. Acquisition by Gift or Bequest:

- a. Donor Restrictions: The university prefers to receive gifts free of restrictions that might affect the university's ability to utilize the gift in the most efficacious manner on behalf of the students and the NMSU community. There can be no commitment to permanent display, nor can the university commit to retain ownership in perpetuity. Every effort should be made to limit restrictions to a reasonable period, after which they will expire. Any restriction shall be documented and maintained with the records pertaining to the gift and kept on file at the Art Gallery.
- b. Gift Agreement: The gift of objects or works of art needs to be formalized in a deed of gift agreement which includes statement of transfer of legal title and where applicable, copyright and literary rights and signature of the donor. The deed of gift or a copy of the deed of gift should be kept on file at the Art Gallery. Documentation should include:
  - i. Name and address of donor and intermediary, if any;
  - ii. Description of the object in sufficient detail to enable easy identification and a photograph;
  - iii. Date of acquisition by the donor and method of acquisition;
  - iv. The original cost or appraisal of the object at the time of original acquisition;
  - v. Any records, receipts or other documents that provide proof of ownership;
  - vi. Date of donation to the university and date of acknowledgment;
  - vii. A history of the object and any information that may have bearing in its authenticity or enhance its educational value;
  - viii. A current appraisal by an independent qualified appraiser;
  - ix. Factors used to arrive at the current value;
  - x. De-accession of the object, if not retained by the university; and
  - xi. Any restrictions or conditions placed on the gift by the donor and the expiration date of the conditions.

6. Acquisition by Purchase: The purchase of a work of art for the university, either through commission or purchase, will be formalized by a written contract for commission or bill of sale. Proposals will be reviewed by the director of the Art Gallery, the Art Gallery Acquisitions Committee and the University Cultural Collections Committee. Contracts will follow the template created by these committees, if any, in consultation with the university's general counsel.

7. Acquisition by Incoming Short Term Loan: Under ordinary circumstances, the university does not accept deposits of objects or works of art unless there is reason to believe that the deposit will be changed to a permanent gift to the university or that it is unlikely that the object of value will be preserved in any other way. The university will provide professional care for art objects received on loan, but will not assume responsibility for any loss or injury to the deposit which may occur. Should an object be received for long-term loan, the specific period of the loan shall be defined in a written loan agreement at the outset. Loan agreements shall follow the template created by the Art Gallery Acquisitions Committee and the University Cultural Collections Committee, if any, in consultation with the university's general counsel.

8. The following documentation will be maintained for all incoming loans: copies of all loan forms; incoming and outgoing condition reports, to include any special requirement for the object; all records of transport; any records that pertain to the work with regard to value and insurance.

F. Art Inventory, Custody and Conservation:

1. Designation of Art Custodian and Duties: Any NMSU entity physically in possession of a work of art shall assign a specific person to serve as custodian of the art and liaison to the director of the Art Gallery. At least once annually, as directed by the director of the Art Gallery, the designated unit art custodian shall annually verify the object is secured in accordance with standards for insurance against risk of loss, and document its physical condition and location. The art custodian shall send the results of this art inventory to the director of the Art Gallery.



2. Art Conservation: All proposals for necessary restoration and repair to works of art shall be presented to the Art Gallery Acquisitions Committee and the University Cultural Collections Committee for consideration. Professional conservators should be consulted when feasible. If restoration work is needed, requests for funding should be submitted through normal administrative channels. University administration is responsible for the cost of conservation of university art. Should conservation be unfeasible and the poor condition of a work of art impugn the integrity of the piece, the work should be removed from view, or in the case of murals, be appropriately covered, upon consultation with the Art Gallery Acquisitions Committee and the University Cultural Collections Committee.

G. Outgoing (Short Term) Loans from the University's Permanent Art Collection:

1. Short Term Loans to Other Public Institutions: In keeping with its traditional support of scholarly and educational exhibitions, the Art Gallery may loan NMSU works of art to qualified educational and exhibiting institutions for up to one year. Prior to lending, the following conditions must be met:
  - a. The object to be loaned must be able to survive, intact, the rigors that will be imposed by transportation and handling.
  - b. The borrowing institution shall have proper environmental controls, qualified handlers, and adequate security for the protection of the object. Facilities reports will be required.
  - c. The director of the art gallery shall ascertain that there will be no immediate need for the work within the NMSU community.
  - d. The borrowing institution will provide wall to wall insurance; a certificate of insurance will be required.
2. Long-Term Loans from Collection to Other Public Institutions: Loans to institutions for extended tours, exceeding 1 year, may be made at the discretion of the art gallery director, on the condition that all institutions involved in the tour meet the above qualifications for loan. Long-term loans from the permanent collection may be made from time to time to other institutions at the discretion of the art gallery director. Objects selected for such loan should not be of primary importance to the NMSU art collection, nor be of substantial value.
3. Record of Outgoing Loans: For all short and long term outgoing loans, the following records will be maintained: copies of all loan forms; incoming and outgoing condition reports, to include any special requirement for the object; all records of transport; any records that pertain to the work with regard to value and insurance.

H. De-accession: A de-accession is the removal of an object from the university's art collection with legal transfer of title or other appropriate action. The following de-accession process applies in the event any university department wishes to dispose of a university owned work of art.

1. Requests for De-accession: The director of the Art Gallery shall present a written request for de-accession to the Art Gallery Acquisitions Committee and the University Cultural Collections Committee. The request should include a justification and a proposed destination for the work of art. Written outside appraisals will be sought for any object of significant value that is being considered for de-accession. The Art Gallery Acquisitions Committee and the University Cultural Collections Committee shall make its recommendation(s) to the NMSU Board of Regents. An object should not be de-accessioned on the grounds of taste, current or otherwise. The Art Gallery Acquisitions Committee and the University Cultural Collections Committee should discourage the sale of objects without clear justification and deter the sale of objects for revenue.
  - a. Reservation for Distinct Special Collection: If the director of the university museum, or the library's archives and special collections department head desire the object for a collection, the Art Gallery Acquisitions Committee and the University Cultural Collections Committee should release the object for approval by the acquisitions committee of the established collection. If the object is not desired for an established collection, the de-accession process shall continue.
  - b. Current Restrictions on Gift of Art: Objects with mandatory donor restrictions may not be de-accessioned prior to expiration of any time limitation or until permitted by a court of

competent jurisdiction. If it is practical and reasonable to do so considering the value, the Art Gallery should notify the donor if it intends to dispose of such objects within 10 years or the donor's lifetime, whichever is shorter. If there is any question as to the intent or force of the restrictions, the Art Gallery will seek advice from the university's general counsel.

- c. **De-accession of Objects:** The manner of de-accession chosen will be in the best interest of the Art Gallery and its collection. Any profit from the de-accession will be applied to acquisitions and/or art conservation. Consideration may be given to placing the object through gift, exchange, or sale with another tax-exempt public institution. If the object is to be sold to a non-public entity, a public auction or other publicly noticed sale should be conducted. Staff and officials of the university are ineligible to purchase or otherwise acquire NMSU works of art. If any profit is accrued through the sale of an object, it shall be deposited into the NMSU Permanent Art Collections Account.
  - d. **Respect to Artist:** The de-accession of works will be accomplished in such a manner that it will not impugn the reputation of the artist or the artist's body of work. Should the de-accession of works by living artists be required, the feelings of the artist should be respected and whenever possible, the artist should be consulted regarding the de-accession of the work of art.
  - e. **Documentation of De-accessioned Objects:** Full record of all exchanges and sales will be maintained. Records of the Art Gallery shall document the de-accession process and the final destination of the object.
2. **Museum Items:** In the absence of a specific de-accession procedure for items in the University Museum, the above art de-accession procedure shall apply. The Dean of the College of Arts and Sciences is authorized to promulgate a policy for the de-accession of museum items.

**I. Art Acquisition for Capital Projects:**

1. New Mexico law, at NMSA 1978, § 13-4A-1 *et seq.*, known as the Art in Public Places Act, requires one percent of the amount appropriated for new construction or major renovation or \$200,000, whichever is less, to be allocated for the acquisition and installation of works of art. New Mexico Arts, a division of the New Mexico Office of Cultural Affairs administers such acquisitions. Expenditures for works of art are required by law to be contracted for separately from all other items in the new construction of the public building.
2. The state's guidelines include the involvement of a Local Selection Committee, consisting of members reflecting the cultural diversity of the community and with an interest in the project. The membership typically includes a representative from the users of the building, the owner representative or designee, an architect, an arts professional or community art representative, an artist not competing for the project, and up to two community or student representatives or a member of the Board of Regents.
3. The university architect, the director of the Art Gallery, and the head of the Department of Art shall serve on all Local Selection Committees as position appointments, as long as permitted by applicable state regulations. The Local Selection Committee is responsible for selection of art for the identified public building, using the public selection process and adhering to the procedures developed by the New Mexico Arts division. Those procedures may be viewed at NMAC 4.12.11.2 through 11.16.

**J. Additions to the University's Archives:** This subsection establishes a set of standard guidelines by which records proposed for addition to the NMSU archives collection will be appraised during the acquisition process.

1. **Ownership and Disposal Authority:** The records of the official activities of the units and staff of NMSU are the property of the institution. Their de-accession is controlled by the NMSU Board of Regents or subject to state and federal law. Proposals to dispose of records should be reviewed by and receive the concurrence of the Department Head for Archives and Special Collections.
2. **Appraisal Guidelines:** See NMSU Archives Appraisal Guidelines for records. [NMSU Library: Policies and Procedures - Policy #012](#)

3. Authority to Accept: The NMSU Board of Regents has delegated authority to the Archives and Special Collections Department, with the approval of the dean of the University Library, to accept on behalf of the university, collections of documents of 100 cubic feet or less. Other larger collections may only be accepted by the Chancellor or the executive vice president and provost in accordance with other applicable NMSU gift acceptance policies. Such larger collections shall be reported to the Board of Regents.

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

- A. Mission Statement: To support the vision of NMSU by providing an inter-collegiate athletics program of local and national acclaim in an equitable diverse environment that supports student-athlete excellence in academics and athletics, and that engages the university community and stakeholders in achieving and celebrating Aggies' success. To support this mission, the Department of Athletics will strive:
  1. To graduate every student-athlete at NMSU;
  2. To provide an athletics environment that is conducive to academic success;
  3. To seek to educate each student-athlete not only in how to earn a living, but also in how to live a meaningful life;
  4. To provide the people of New Mexico competitive athletics programs with student-athletes who reflect the State's multi-cultural heritage;
  5. To maintain a diverse coaching and support staff of men and women who represent the best in instruction and who possess the ability to motivate and inspire the student-athletes to maximize the student-athlete experience in a positive way;
  6. To provide the student-athlete with the finest athletics facilities and equipment available within the financial means of the department;
  7. To adhere to the letter and spirit of the rules and regulations set forth by the National Collegiate Athletic Association (NCAA) and the Conference in which it is a member;
  8. To act as a rallying point for students, faculty, staff, and alumni, generating enthusiasm and the "college spirit" for a positive bonding effect;
  9. To be an integral part of the university environment, structure, goals, and objectives.

**2.05.05 Athletic Programs Offered at NMSU**

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

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

- Women's Outdoor Track & Field
- Volleyball
- Women's Soccer

## 2.05.10 Gender Equity and Title IX Compliance

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

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

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

## 2.05.15 The Athletics Council

- A. Creation and Purpose: The Athletics Council was created to serve in an advisory capacity to the Chancellor, the faculty athletics representative, and to the director of athletics.
- B. Composition and Appointment: The Athletics Council is composed of eleven voting members and three or more position appointments who shall serve on the Council as ex officio, non-voting members:
  1. Six elected faculty members, one from each undergraduate college at NMSU-Las Cruces, and not to serve more than two consecutive three-year terms;
  2. Two students from ASNMSU, not to serve more than two consecutive one-year terms;
  3. One staff member from the Employee Council; not to serve more than two consecutive two-year terms;
  4. One faculty representative to the NCAA and the Conference selected by the Chancellor, after nomination by the Faculty Senate's standing Committee on Committees; and
  5. One Faculty Senate representative, not to serve more than two three-year terms.
  6. Director of Athletics. (*ex officio*)
  7. Senior Woman Administrator. (*ex officio*)
- C. Purpose: At the discretion of the Chancellor, the Athletics Council shall perform the following functions:
  1. The Athletics Council shall provide advisory guidance relative to the rules, regulations and administration of intercollegiate athletics;
  2. The Athletics Council shall formulate and present to the Faculty Senate for its consideration recommendations regarding policies and programs, keeping in mind that the primary purpose of the athletic program is to further the educational goals of the university and to serve the students both as participants and spectators;
  3. The Athletics Council shall submit an annual report of its activities to the Faculty Senate; and
  4. The gender equity subcommittee of the Athletics Council shall be responsible for coordinating

efforts to review the athletics department initiatives of gender equity. The committee will include an appointed chair, and two additional members. The subcommittee will work with athletics administration for the purpose of reviewing progress made in the pursuit of the implementation of the Gender Equity Plan. An annual report will be presented by the Faculty Athletics Council to the Chancellor and director of athletics.

## **2.05.20 NCAA and Conference Participation and Compliance**

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

## **2.05.25 Faculty Athletics Representative**

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

9. To serve on any required committee to investigate alleged and real violations and assist in recommending corrective action.
10. To provide oversight for the NCAA Coaches Certification testing program.

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

- A. Season Tickets Reduced Rate for Faculty, Staff and Retirees: The Department of Athletics provides football and basketball season tickets, in reserved sections, at a reduced rate to faculty, staff and retirees. Each employee is eligible to purchase a maximum of six football and four men's basketball season tickets at the reduced rate. The same privileges afforded to university employees shall be extended to official university retirees and their surviving spouses or domestic partners. All employee and retiree tickets are for the use of the employee and retiree and their family, and shall not be transferred. Tickets are issued on a season by season basis. Both employee and retiree tickets are subject to taxation, as well as required donation levels.
- B. Season Tickets for Chancellor: The Board of Regents hereby authorizes the annual purchase of 30 football tickets and 30 basketball tickets for use by the Office of the Chancellor, for friends and supporters of the university.
- C. Post-Season Tournament Tickets:
  1. Distribution of Post-Season Tournament Tickets: Post-season tournament tickets shall be distributed as follows:
    - a. At the end of the regular season and prior to the commencement of the post-season tournament, the director of athletics or designee shall decide how many tickets may be purchased by each person in advance of the event. University regular full-time faculty, staff and students will generally be limited to two tickets per individual, as long as tickets to the post-season tournament are available.
    - b. The director of athletics or designee shall decide when tickets will go on sale and shall promptly communicate this decision to the manager of the ticket office.
    - c. Tickets for the following groups will be allocated at the discretion of the director of athletics to the following:
      - i. Office of the Chancellor (the Board of Regents, Chancellor, executive vice president and provost, Administrative Council, and elected officials).
      - ii. Office of Applicable Sport (i.e. basketball: team's student-athletes, parents, legal spouse or domestic partner of student-athletes, coaches and staff).
      - iii. Department of Athletics (working game personnel: director of athletics, associate athletic directors, sports information director, and trainers).
      - iv. Band and Spirit Squads (cheerleaders and mascot).
      - v. Athletics Council and Department of Athletics' personnel.
      - vi. Special Guests (selected by the director of athletics or designee).
      - vii. Aggie Athletic Club Members.
      - viii. Full-time Students.
      - ix. Season ticket holders.
    - d. Distribution of remaining tickets for the post-season tournament will be made to NMSU full-time students, regular full-time employees, and to the general public on a lottery basis (if needed). Lottery numbers must be obtained in person at the ticket office.
    - e. Distribution of tickets for the post-season tournament to the Aggie Athletic Club will be handled by the director of athletics or designee. It will be necessary for the Aggie Athletic Club to establish a method, in writing, of determining who will be allowed to purchase tickets to the post-season tournament.
  2. Coordination by the Department of Athletics: All activities pertaining to the purchase of tickets for the post-season tournament obtained by the university from other universities participating

in said tournament will be coordinated through the Department of Athletics. All other parties will be responsible for getting their own post-season tournament tickets from the host institution.

3. **Official Spokesperson:** The director of athletics shall designate one official spokesperson to answer questions pertaining to the distribution of tickets to the post-season tournament.
  4. **Ticket Transference Prohibited:** Tickets for the post-season tournament must be for personal use and picked up in person at the ticket office or at the game site.
  5. **Ticket Scalping Prohibited:** Ticket scalping consists of selling, offering for sale or attempting to sell any ticket, privilege, license, admission or pass to any college athletic event at a price greater than the price charged at the place of admission or printed on the ticket.
- D. **Student Admission:** Students who are not employed by the university in a regular position and who are enrolled in at least one credit hour for an NMSU-Las Cruces course, shall be admitted to NMSU athletic events free of charge, with the exception of conference or NCAA tournaments. Enrollment status may be verified through an electronic scan of each student ID.

### **2.05.35 Fund Raising for NMSU Athletics**

- A. **Aggie Athletic Club:** The Aggie Athletic Club (AAC) serves as the fund raising office for the Department of Athletics. The Aggie Athletic Club provides oversight and acts as a resource to the individual booster, or “fund-raising clubs”, for each athletic sport and some administrative units. Donations to these clubs are restricted for the use of the related sport or unit. A list of Aggie Athletic Club sponsored booster organizations is available at [Aggie Athletic Club](#).
- B. **NMSU Sports Enterprises:** NMSU Sports Enterprises, Inc. is a 501 (c.)(3) corporation overseen by the NMSU Foundation. It secures sponsorships (both cash and trade) for NMSU athletic events and venues. Net revenues and trade agreement resources derived from these sponsorships are generally delivered to the Department of Athletics.

### **2.05.40 Media Relations Relating to NMSU Athletics**

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

## **2.10 Auditors, External**

The university external auditors shall be selected and retained according to the guidelines provided in the state auditor's rules currently in force. The Board of Regents reserves the right to apply stricter guidelines in selecting and retaining external auditors than those required by the state auditor's rules.

## **2.11 Auditors, Internal – Office of Audit Services** *[Amendments approved by the Board of Regents 07.23.07]*

- A. **Purpose:** This policy establishes and authorizes the Office of Audit Services as the administrative unit tasked with performing internal audit functions, and reporting to the various NMSU components, the Audit Subcommittee of the Board of Regents, and the Chancellor and/or the Board of Regents.
- B. **Mission and Internal Audit Function:** The Office of Audit Services provides university-wide, independent, objective assurance and consulting services designed to add value to, and improve university operations. It helps the university community accomplish its objectives by bringing a

systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes. The Office of Audit Services assists members of management in effectively carrying out their respective responsibilities by determining whether the organization's network of risk management, control and governance processes are adequate to ensure that:

1. Risks are appropriately identified and managed;
  2. University policies and procedures, and external laws and regulations are followed;
  3. Resources are acquired economically, used efficiently, and are adequately protected;
  4. Significant financial, managerial and operational information is accurate and reliable;
  5. Program objectives are achieved and are consistent with university objectives.
- C. Authority: The internal audit staff is authorized full, free and unrestricted access to all university records in any form; to all facilities and real estate; and to all personnel relevant to an audit. With approval from the NMSU affiliated organization, internal audit staff may review records of affiliated organizations in conjunction with a specific university audit. Internal audit staff is correspondingly responsible for handling documents and information obtained in a prudent and ethical manner.
- D. Neutrality: Internal auditors will avoid participating in activities that might reasonably appear to compromise their independence or objectivity. They will have no direct responsibility or authority over any of the operating activities examined, and their review does not relieve operating personnel of their responsibilities.
- E. Internal Audit Duties: The chief audit executive and staff of the Office of Audit Services have responsibility to:
1. Develop a flexible annual audit plan using appropriate risk-based methodology, including concerns identified by management, and submit the plan to the audit committee for review and approval;
  2. Operate in accordance with the International Standards for the Professional Practice of Internal Auditing and the Code of Ethics of the Institute of Internal Auditors;
  3. Provide audit reports and memoranda that contain reasonable and cost-effective recommendations for control issues identified, and facilitate the resolution of audit issues with appropriate managers;
  4. Suggest the need for policies and procedures where appropriate, or changes to existing policies and procedures;
  5. Perform appropriate assurance and consulting services to assist management in meeting its objectives;
  6. Assist in the investigation of significant suspected fraudulent activities within the university;
  7. The chief audit executive serves as an *ex officio* member of the Administrative Council.
- F. Reporting Structure: In order to maintain independence, the staff of the Office of Audit Services reports to the chief audit executive, who reports administratively to the Chancellor and functionally to the Board of Regents. The chief audit executive shall meet with the Board of Regents' Audit Subcommittee periodically, as outlined in the Audit Subcommittee Charter and will present an annual report on the activities and operations of the department.
- G. Scheduling Audit Projects and Reporting Results: With the exception of emergency audits and those requiring an element of surprise, audit clients will receive advance notice of planned audits and the Office of Audit Services staff will make reasonable efforts to accommodate client needs in terms of scheduling.



1. Audits involving suspected fraudulent activities are processed differently from other internal audits, so as not to compromise a police investigation or personnel action.
2. At the conclusion of an audit project, the chief audit executive will issue a formal report or audit memorandum to the audit client and appropriate members of senior management.
3. On an annual basis or as time permits, the Office of Audit Services staff will perform a follow-up on formal recommendations included in audit reports and memoranda. Follow-up reports will summarize the status of audit issues and any actions taken by management to resolve the issues. Any items not resolved at the conclusion of a second follow-up, will be referred to the Chancellor and to the Budget and Audit Subcommittee for resolution.
4. Results of audit work are shared with Budget and Audit Subcommittee members and with the Board of Regents on an annual basis, or more often if appropriate.

## **2.15 College Budget Committee**

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

## **2.20 Distribution Lists (ABCD) for Printed/Electronic Materials**

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

## **2.25 Emergency Preparedness and Response**

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

## **2.30 Fire Safety, Prevention and Emergency Services**

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

## **2.35 General NMSU Information and Communication Technologies Policies**

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

## **2.36 Payment Card Industry Data Security**

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

## **2.37 Investments**

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

- A. Statement of Policy: This policy will apply to all cash balances of the university, with the sole exception of those cash balances associated with the university's Endowment Funds, which are invested under a revocable trust agreement by the NMSU Foundation, Inc.

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

Cash balances of the university may be held in interest and non-interest bearing demand and interest-bearing time deposits of financial institutions, or invested in securities and/or other financial instruments which, under the direction of the Board of Regents, are considered to be relatively safe. The Board of Regents has the authority to make investment decisions in the best interests of the university. As such, investment decisions will be made with due care and judgment, taking into consideration principal preservation in addition to income maximization, and not for speculative purposes.

- B. Return on Investment: Except for non-discretionary funds defined below, the goal of the university's investment program is to achieve a rate of return on investments at least equal to the average rate of return on the one-year U.S. Treasury bill for the reporting period, or other appropriate performance

measures as determined by the senior vice president for finance and administration.

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

- C. Ethics and Conflicts of Interest: Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair the ability to make impartial investment decisions.
- D. Legal Restrictions: The Board of Regents is granted authority under state statute to manage the investment of its cash balances. Within the university, the senior vice president for administration and finance has been authorized to make investment decisions. Investments shall be made in such a prudent manner as to ensure a reasonable yield with a minimum risk, in compliance with this policy.
- E. Permitted Investments: Cash balances of the university may be held in interest and non-interest bearing demand and time deposits of financial institutions or invested in securities and/or other financial instruments which are not contrary to Section 6-8-10, NMSA 1978, existing bond covenants or any other externally placed restrictions. Under these restrictions, authority is granted to invest cash balances not required for immediate disbursement, including non-discretionary bond proceeds, in specific types of money market instruments as follows:
  - 1. Direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America; or certificates or receipts established by the United States Government or its agencies or instrumentalities representing direct ownership of future interests or principal payments on direct obligations of, or obligations fully guaranteed by, the United States of America or any of its agencies and instrumentalities, the obligations of which are backed by the full faith and credit the United States.
  - 2. Obligations of, or obligations guaranteed as to principal and interest by, any agency or instrumentally of the United States which are backed by the full faith and credit of the United States, including but not limited to: General Services Administration-participation certificates, Government National Mortgage Association (GNMA)-Guaranteed mortgage-backed securities and GNMA-guaranteed participation certificates, U.S. Department of Housing & Urban Development-local authority bonds, and U.S. Export-Import Bank-fully guaranteed obligations.
  - 3. Accounts with banks and savings and loan associations or branch institutions located in New Mexico, provided that the banks and savings and loan associations, and the collateral securing the investment permitted by the section, satisfy the requirements for the deposit of public money required by applicable state guidelines.
  - 4. Bonds of negotiable securities of the State of New Mexico or of any agency or political subdivision or school district thereof which has a taxable valuation of real property for the last year of at least one million dollars and has not defaulted in the payment of interest or sinking fund obligations or failed to pay any bonds at maturity at any time within five years preceding the date of investment.
  - 5. U.S. Treasury generic STRIPS (Separate Trading of Registered Interest and Principal), which are direct obligations of the U.S. Treasury department. U.S. Treasury generic STRIPS represent government securities sold at a true discount, as opposed to synthetic or mortgage-backed STRIPS sold through brokerage houses, wherein principal payments are separated from interest payments by a trust fiduciary, creating principal-only and interest-only securities.
  - 6. The short-term investment fund described in Section 6-10-10.1, NMSA 1978, or other similar pooled fund maintained by the State of New Mexico for the investment of public funds of the local public bodies of the state.
  - 7. Repurchase agreements involving the purchase and sale of securities and guaranteed investment contracts with a bank, savings and loan association or credit union, or alternatively, a brokerage firm or recognized institutional investor having a net worth in excess of \$500 million, the par value of which is collateralized by the perfected first pledge of, or security interest in, or the

payments of which are unconditionally guaranteed by, obligations of the type set forth in paragraph 1, 2 or 5 of this section, which collateral is held by the university, or for the benefit of the repurchase agreement, with a collateralized value of at least 102% of the par value of such repurchase agreement or guaranteed investment contract or 102% of the market value thereof, valued at intervals of no less than monthly and which collateral is not subject to any other pledge or security interest.

8. Obligations of the following government-sponsored agencies: Federal Home Loan Mortgage Corporation participation certificates and senior debt obligations; Farm Credit System (formerly: Federal Land Banks for Cooperatives) consolidated system wide bonds and notes; Federal Home Loan Banks consolidated debt obligations; Federal National Mortgage Association senior debt obligations and mortgage-backed securities (excluding stripped mortgage securities which are valued greater than par on the portion of unpaid principal); Student Loan Marketing Association senior debt obligations (excluding securities that do not have a fixed par value and/or whose terms do not promise a fixed dollar amount at maturity or call date) and letter of credit backed issues; Financing Corporation debt obligations; and Resolution Funding Corporation debt obligations, including REFCORP STRIPS (Stripped by the Federal Reserve of New York).
  9. Money market instruments and other securities of commercial banks, broker-dealers or recognized financial institutions, which securities or institutions are rated in the highest Rating Category by any nationally recognized rating agency or which securities are guaranteed by a person or entity whose long-term debt obligations are rated in the highest rating category by any nationally recognized rating agency, including, without limitation, securities of, or other interests in, any open-end or closed-end management type investment company or investment trust registered under the provisions of 15 U.S.C. Sections 80(a)-1 et. seq., which invest only in, or whose securities are secured only by, obligations of the type set forth in paragraph 1, 2 or 5 of this section.
  10. Certificates of deposit, time deposits and bankers acceptances of any bank or savings and loan association located outside of New Mexico, the short-term obligations of which are rated in any of the three highest rating categories by any nationally recognized rating agency, provided that such deposits must be fully secured by obligations of the type set forth in paragraph 1, 2 or 5 of this section and held in safe-keeping for, or on behalf of, or held in book-entry form in the name of, the university.
- F. Non-discretionary Funds: For the purposes of this policy, non-discretionary funds are defined as those funds, which are externally-restricted to specific types of investments. Non-discretionary funds include, but are not limited to: bond proceeds; endowments managed by the university; and other sponsored project or gift funds with specific investment requirements.

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

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

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

- G. Investment Management Duties: Responsibility for the day-to-day management of the university's investment program is delegated through the senior vice president for administration and finance to the treasury services department of that unit. The director of treasury services shall act as the investment manager for the university.

The primary investment management duties assigned to this position are:

1. Preparing cash flow projections and structuring the university's investment portfolio to meet liquidity requirements.
  2. The ongoing management of the university's investment portfolio, including all purchases, sales and trading activities. This will encompass responsibilities for the timely deposit and safekeeping of all cash balances of the university, and the direct responsibility for placing specific investments with financial institutions in accordance with this policy.
  3. Recommending investment guidelines to the senior vice president for administration and finance and designees, including recommended investment maturities.
  4. Presenting short-term investment recommendations for new monies to the Associate vice president budget/controller.
  5. The preparation and presentation of a comprehensive set of reports designed to keep the senior vice president for administration and finance and designee fully apprised of all investment transactions and current status of the university's investment portfolio.
  6. Maintaining a system of internal controls to guarantee the integrity and security of the university's investment portfolio and cash balances, which shall be reviewed by university's administration and independent auditors on an annual basis.
- H. Selection of Appropriate Investments: Individual investments are selected to meet anticipated cash requirements and provide adequate liquidity to meet university obligations. Within these cash flow considerations, the investment manager will select those securities, which will best meet the university's portfolio objective. The investment manager will continually analyze the risk/reward relationships existing in the marketplace with particular emphasis given to the following factors when selecting a specific security for inclusion in the university's portfolio.
1. Relative Yield-to-Maturity: comparison of return available from alternate investment media for comparable maturity dates.
  2. Marketability: analysis of relative marketability of alternate investments in case of forced sale and/or possibility of future trade.
  3. Intermarket Yield Analysis: analyze the spread relationship between sectors of the market, i.e., Treasury Bill vs. Discount Notes, to take advantage of aberration in yield differentials.
  4. Yield Curve Analysis: analyze the slope of the yield curve to determine most attractive maturities for earning maximum return with minimum risk.
  5. General Economic and Interest Rate Outlook: review and analyze current literature on interest rate projections to assist in timing transactions and selecting appropriate maturities.
- I. Maturity Restrictions: Investment maturities for cash balances will be scheduled to coincide with projected cash flow. The university will not commit any discretionary funds to maturities longer than ten years from the date of purchase. Funds will only be committed to maturities longer than five years from the date of purchase if directly related to a specific capital or other long-term project. Investment of non-discretionary funds will reflect maturity dates not to exceed the final maturity dates established within the funds' restrictive purposes. At least 50% of all cash balances will be invested in maturities less than two years.
- J. Diversification: The university will diversify its use of investment instruments to avoid incurring unreasonable risks inherent in over-investing in specific instruments, individual financial institutions or maturities. With the exception of U.S. Treasury securities and authorized pools, no more than 50% of the total investment portfolio will be invested in a single security type or with a single financial institution or at a single maturity.
- K. Trading Securities (Swaps): The university will attempt to take advantage of temporary aberrations in the market by trading securities of comparable quality to further improve the overall rate of return

on the portfolio. It is the policy to trade only if both an improvement in yield (pick-up in basis points) and an increase in net monetary return will be realized by the university over the life of the original investment. Three basic trading techniques are used to accomplish this goal:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 2.40 Legal Services

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

## 2.45 Lobbying

- A. In compliance with Section 310 of Public Law 101-121, it is the policy of the university that no monies shall be used directly or indirectly to influence any member of the federal legislative or executive branches unless in strict compliance with the exceptions of that public law and the regulations issued there under.
- B. No employee of the university, agent of the university, or paid lobbyist shall contact any employee or officer of the federal, state, or local governments for the purpose of influencing that employee or officer without complying with this policy.
- C. The vice president for research is directed to be the sole individual responsible for assuring the compliance with this policy. The vice president for research may designate one or more individuals to act in the absence of the vice president for research, in order to assure continuity.

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

- A. Purpose/General Policies regarding Naming: The primary purpose of this policy is to ensure uniformity in the university naming opportunities, as well as to ensure that the university's endowment funds will generate sufficient fund distributions for their designated purposes. This policy provides donors the opportunity to link their philanthropic interests with enduring recognition for either themselves or others, and allows the university to present donors with quantifiable funding opportunities. University namings will undergo a high level of consideration and due diligence to ensure that names selected reflect the university's purpose and mission. In some instances, honorific naming may be appropriate for those occasions when an individual has provided exemplary, meritorious, or philanthropic support or service to the university. To ensure good donor relations, written agreements will be signed by the university and the donor(s) outlining the terms of naming arrangements. To enhance communication with all university constituents regarding naming policies, this policy and the minimum endowment thresholds will be posted at the appropriate NMSU websites. To help ensure that the university's endowment funds generate sufficient fund distributions for their designated purposes, minimum endowment thresholds will be set upon the recommendation of the NMSU Foundation, upon approval by the NMSU Chancellor, after consideration of the recommendations from the Naming Committee and/or the University Administrative Council. For the different types of endowments pertaining to naming and their minimum endowment thresholds, *See [New Mexico State University Naming Policy Minimum Thresholds](#)*. Naming opportunities offered to donors are to be coordinated through the Office of University Advancement, to ensure appropriateness of the gift level for the naming opportunity. These policies also address the duration of names as related to the "life of a facility or program" and, in unusual circumstances, the university's right to transfer or to remove a previously approved name.
- B. Scope: This policy applies to the naming of university property and academic units throughout the NMSU system, including developed and undeveloped real property, capital assets, facilities and other space, as well as academic units.
- C. Policy Administrator: The Office of University Advancement, on behalf of the NMSU Chancellor and the Board of Regents, administers this policy to support, coordinate and manage university naming as outlined in this policy. The Naming Committee, chaired by the vice president of university advancement, is recognized as an advisory body that will review and render recommendations, typically through the University Administrative Council, to the NMSU Chancellor:
  - 1. Authority of the Naming Committee: The Naming Committee shall review naming proposals and opportunities consistent with this policy and forward its recommendations through its chair to the University Administrative Council, for further action by the Chancellor and/or Board of Regents, as appropriate. The Naming Committee may be tasked to visit with campus representatives and prospective donors about the application of the naming policies.
  - 2. Membership of the Naming Committee: The Naming Committee membership shall consist of the following position appointments:

- a. Vice President for University Advancement;
- b. Executive Vice President and Provost;
- c. Senior Vice President for Administration and Finance;
- d. Chancellor's Chief of Staff;
- e. Chair, Faculty Senate;
- f. Chair, Employee Council;
- g. Chair, Campus Planning Committee;
- h. Academic Deans;
- i. Vice President of Student Affairs and Enrollment Management.

D. Definitions:

1. Academic Unit: An academic unit is an NMSU college, department, school, program, center or other academic organizational unit, or part thereof.
2. Endowment: An endowment (also referred to as endowed gift funds) refers to a permanent funding gift held and managed by the NMSU Foundation Inc. on behalf of NMSU to provide income in perpetuity. The principal is invested and a portion of the annual earnings is used for purposes designated by the donor.
3. Facility: NMSU facilities include but are not limited to buildings, rooms or structures; streets or malls; interior spaces and landscapes; and whether existing or yet to be constructed.

E. Endowment Guidelines: This policy addresses the naming, via endowment, of colleges, departments, major organizational units, including programs as well as lectureships, chairs professorships, and fellowships/scholarships.

1. Out of respect for the donor, every effort should be made for all references to a named endowment, including but not limited to: publications, internal and external communication, to reflect the recognition name.
2. Normally the donor will have a maximum of five (5) years to meet the minimum funding level requirement, absent rare special circumstances.
3. In the case of deferred gifts, the gift must normally be irrevocable in nature before being eligible for naming.
4. Academic and Major University Units. The funding required for naming academic or other major university units should be of a level that will transform the very nature of the unit involved, enabling that unit to reach a level of excellence that would have been impossible using university funds alone.
  - a. The gift should be in the form of an endowment, with income from the endowment used to provide a margin of excellence for the unit involved.
  - b. The gift income derived from endowment earnings should not replace university funds previously made available to that unit.
  - c. Endowment levels will vary by school based upon its specific mission and scope that determines needs and programs. Certain units may require a higher minimum than those suggested.
5. Faculty Positions: Naming opportunities for endowed faculty positions are available throughout the university. Naming will be independent of all appointment and curriculum decisions which the university will continue to make in keeping with its policies, established practices and academic mission. Distributed earnings may be used to provide partial salary support, and to help fund the faculty member's specific teaching and research requirements, including laboratory equipment, support staff, graduate assistants, research materials and technology.
6. Chair: An endowed chair is a select faculty position filled by an outstanding scholar and teacher, as judged by rigorous nationally accepted standards. Some colleges, schools or departments may require a higher amount of funding, which is often market driven.



7. **Professorship:** An endowed professorship is typically held by a faculty member whose accomplishments indicate potential for national and international leadership and distinction in their field, and whose current efforts are focused on honing teaching skills and/or establishing a superior record of research or other scholarly activity. Distributed earnings may be used to augment the salary of the professor, as well as to support the faculty member's scholarly and research needs.
  8. **Lecture Series:** An endowed lecture series play an important role in the academic life of the campus. They allow faculty, staff, students, and the larger NMSU community to interact with distinguished leaders who influence disciplines, society, the nation or the world. Because of the intensive planning and implementation required for lecture series, these should be determined in consultation between the Office of University Advancement, departmental administration and the donor. In some instances, it is beneficial to structure biennial lectures and/or link a gift to an existing lecture series. The endowment provides the resources to cover the expenses of bringing renowned speakers to the campus, such as honoraria, publicity, and the expenses of the host faculty members. A named lecture series may be established within a unit or may be campus-wide in nature.
  9. **Fellowships and Assistantships:** Fellowship awards may include a research or teaching assignment if deemed appropriate. Assistantships require students to work in exchange for this support.
    - a. **Graduate Fellowships and Assistantships:** Graduate Fellowships and Assistantships provide a vital means of bringing the best and brightest graduate students to New Mexico State. Students are working toward an advanced degree in any graduate program.
    - b. **Postdoctoral Fellowships.** Recent Ph.D. graduates continue their research agenda for a one to two-year period in a focused environment bringing innovative research to the campus.
  10. **Scholarships:** Scholarships funded through an endowment may be awarded to an undergraduate student, graduate or a professional student on the basis of need, academic merit or a combination of factors.
  11. **Other Named Endowment Opportunities:** Examples of other endowed funds which may be negotiated on a case by case basis include, but are not limited to:
    - a. **Excellence Funds** support a college, school, department, academic discipline, building/ground maintenance or other university program of interest to the donor. Typically, distributed earnings enhance the selected program by supporting enrichment activities above and beyond budgeted expenditures.
    - b. **Teaching, Research or Staff Funds** allow the university to recognize outstanding teaching, service, research, special programs, and staff members. Distributed earnings may be used as an award and/or to provide enrichment activities above and beyond budgeted expenditures.
- F. **Facilities Naming Guidelines:** This policy applies to the naming of facilities including buildings and structures, interior spaces, and landscapes.
1. Out of respect for the donor, every effort should be made for all references to a named facility, including but not limited to facilities signage, directional signage, publications, internal and external communications, to reflect the recognition name.
  2. Because of the relative permanence of decisions to name buildings, areas, or spaces, it is prudent to allow reasonable time for consideration at each stage of the process.
  3. **New Facilities:** Naming opportunities involving new facilities must be approved by the NMSU Chancellor and the Board of Regents, after consideration of the recommendation from the Naming Committee.
    - a. Naming opportunities offered to donors as part of a capital campaign are to be coordinated through the Office of the Vice President for University Advancement.
    - b. Private fundraising goals will be determined by construction costs, and may include a required endowment for maintenance of the facility.

- c. Endowment raised will be distributed proportionately among donors of the various naming opportunities.
    - d. Naming opportunities for facilities must be defined and approved prior to the launch of the fundraising effort. The most significant gifts will normally be solicited at the outset of the fundraising campaign, and clarity and consistency with lead donors on the opportunities and policies is essential.
    - e. An initial list of the proposed naming opportunities for any new facility project is to be coordinated through the Office of University Advancement. This list may be revised as planning proceeds and the fundraising plan is developed.
    - f. This initial list of proposed naming opportunities is to include a description of the size and function of all spaces proposed for naming as well as a plan for the display or physical presentation of the names.
    - g. For gifts involving the naming of benches, fountains, display space, or other outdoor structures or areas, the gift must cover the entire cost of the structure or installation and if ongoing operations and maintenance cost will be incurred, an endowment sufficient to cover these costs may also be required.
  4. Existing Facilities: Existing facilities as yet unnamed are available to be named for a donor under each of the following situations:
    - a. In cases of major renovations which extend throughout an existing building:
      - i. provided that the donor's gift covers a substantial percentage of the cost of the major renovation and maintenance.
      - ii. what constitutes a major renovation is a matter determined in individual cases by the Vice President for the Office of University Advancement in collaboration with the appropriate college/department administrator.
    - b. In cases where substantial gifts are made by donors to endow programs carried on within those buildings:
      - i. the guideline for endowment would be equal to half the replacement cost of the facility;
      - ii. this matter may be determined in individual cases by the Vice President for the Office of University Advancement in collaboration with the appropriate college/department administrator.
  5. Portion of a Facility or External Spaces: Naming a portion of a building or external spaces of the university must be approved by the NMSU Chancellor, after consideration of the recommendations from the Naming Committee and/or University Administrative Council.
    - a. To name rooms, laboratories, centers, or areas within new or renovated facilities, or external spaces such as entryways or gardens, donors must provide the minimum specified level of gifts including endowment as determined by the Office of University Advancement in collaboration with the appropriate college/department administrator.
    - b. The naming opportunities and levels would be based upon the size, use, and priority of the space.
    - c. Private fundraising goals will be determined by construction costs, and may include an endowment for maintenance of the facility. Endowment will be distributed proportionately among donors of the various naming opportunities.
  6. Donor Initiated Projects: From time to time, a prospective donor will propose a gift to fund a project or activity not specifically addressed in this policy, in which case, the following will apply:
    - a. If ongoing operations and maintenance costs will be incurred, an endowment sufficient to cover these costs may also be required.
    - b. Such donor initiated gifts are subject to the approval from the NMSU Chancellor and the Board of Regents, after consideration of the recommendation from the Naming Committee.
- G. Duration of Naming: As the university grows, so do the space and academic needs of the campus. In order to successfully meet these changing needs, it may become necessary from time to time to relocate, remove or eliminate named facilities or academic units. Should a named property be affected by such changes, the Naming Committee will be convened to discuss and review each issue

on a case by case basis.

1. **Structure Removal or Modification:** The university shall honor a naming for the life of the property, unless otherwise noted in the agreement. In the event a named property or academic unit is removed or modified, the Naming Committee will contact the donor or donor's authorized representative to arrive at a mutually acceptable solution that preserves the history of the gift. Solutions may include (1) the placement of a plaque adjacent to the former site of the facility that memorializes the gift and the facility that used to stand there or, if applicable; (2) the naming of a space in any new structure erected on the site. The university reserves the right to not retain any names assigned to internal portions of a property that is razed.
2. **Name Removal:** The university reserves the right to remove a name from any and all naming opportunities covered by this policy. The Naming Committee will review any change in circumstances brought to its attention and make a recommendation, through the University Administrative Council, to the Chancellor and the Board of Regents as to whether the name should be retained or removed. Circumstances that may lead to the removal of a name include the perpetration of a heinous crime by an individual whose name appears on a naming opportunity, and/or donor failure to fulfill gift commitments as specified in the agreement (*e.g.*, estate gifts, where the donor was to name the university as a beneficiary; failure to complete a multi-year pledge, etc.).

## **2.53 Police (University)**

- A. **Authority:** The University Police Department has the authority in all emergency situations to act as is lawful and necessary to protect lives and property. This includes the evacuation of buildings, closing of streets, and implementation of emergency procedures. The decisions of the chief of police shall be final in all emergency situations until such time as the emergency is resolved. The university police have the duty to enforce all laws and certain regulations, to issue citations, to investigate and make referrals or complaints for criminal prosecution, and to notify appropriate university officials of significant crimes/incidents. Rules and regulations governing the police department are set forth in the *New Mexico State University Police Manual of Policies and Procedures*.
- B. **Private Security:** The university police may establish and maintain requirements for any private security, private investigators, bodyguards, and similar personnel who work or are allowed to work on lands under the control of the Board of Regents. No department, office, or individual may hire/contract with said private security, private investigators, bodyguards, or similar personnel to perform services on the grounds of the university unless such is done in compliance with requirements established by the university police. In addition, no person or group hosting an event or function on the grounds of the university may employ or utilize security personnel described above unless they are in compliance with the established requirements as described in the university police manual.
- C. **Alarm Systems:** The university police, in conjunction with information and technological services, will establish and maintain requirements for any intrusion alarms, panic alarms, or personal safety alarms on the campus. This includes (1) the requirements that all alarms utilize a standardized system and that all alarms report to the police department, and (2) the charging of reasonable fees for monitoring alarms and for responding to false alarms. No alarms shall be installed on the NMSU campus after July 1, 1999, that are not in compliance with the requirements.

## **2.56 Purchasing**

*[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** *(See also ARP - Rule 7.45, Workers' Compensation Benefits and Other Assistance)*

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

programs which:

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

**2.60.10 Safety and Health - Environmental Health and Safety Office**  
*[REPEALED by Board of Regents 12.11.15; See ARP-Rule 2.60.10]*

**2.64 Security Cameras on University Premises** (See Also Policy [2.53 Police](#))  
*[REPEALED by Board of Regents 12.11.15; See ARP-Rule 2.64]*

**2.65 Social Security Numbers, Use of**  
*[REPEALED by Board of Regents 12.11.15; See ARP-Rule 2.65]*

**2.68 New Mexico State University Technology Transfer Corporation, Inc. (now known as Arrowhead Center, Inc.)**

In order to properly focus the development of research technology, the Board of Regents authorized the establishment of the Arrowhead Center, Inc., under the Research Park Act, as a not-for-profit corporation to assist and foster the development and marketing of selected university technology and intellectual properties. Members of the corporation include two regents, the Chancellor, the executive vice president and provost, the vice president for research, and the senior vice president for administration and finance. The chief operating officer will be the vice president for research.

**2.69 Travel**  
*[REPEALED by Board of Regents 12.11.15; See ARP-Rule 2.69]*

**2.70 United Way**  
*[REPEALED by Board of Regents 12.11.15; See ARP-Rule 2.70]*

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

All gifts of money, securities, and other funds can be invested to the greatest advantage of the university if said gifts are made to the NMSU Foundation, Inc. for the sole use and benefit of the university.

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

- A. Gift Income Spending Policy: The university recognizes the importance of private gift income in providing its colleges and departments the flexibility needed to achieve its goals and objectives. The university also recognizes that different colleges and departments will have varying needs and priorities for the use of the private gift income as they continue to develop and maintain quality programs. This policy is designed to provide those areas receiving private gifts the maximum amount of latitude to address these differing goals and objectives while at the same time maintaining the fiduciary responsibility inherent in the acceptance of these funds. Gift income received by the university from any external source, including the NMSU Foundation, will be expended in compliance with this policy. In all cases, exceptions may be made if these types of expenditures are sanctioned by the Offices of the President or Executive Vice President and Provost for college or university-wide functions. All expenditures must be for the enhancement or benefit of the university, in recognition of the university's official mission statement. In general, gift funds will be recorded in the current restricted fund, as they are externally restricted to purpose, even if internally unrestricted as to nature of expenditure. Only those gift funds which are received by the university for any related university purpose, without restriction of any type, are to be recorded in the current unrestricted fund. Within this policy, restricted fund income will be subdivided into restricted and unrestricted gifts based only on the level of donor specification attached to the gift, as explained below.
- B. Restricted Gift Income: For the purpose of this policy, restricted gift income is defined as all gift income on which the donor has placed specific restrictions beyond the general purpose for which the income is to be used. Thus, income designated for a specific college or department's general use will be classified as unrestricted gift income, as long as that college or department is given full authority to decide how the funds are to be best spent in compliance with the general guidelines detailed above. Any gift income which must be spent for a specific purpose, such as scholarships or travel reimbursement, or under any specific conditions, such as following a certain event or date, will be classified as restricted. All restricted gift income, if accepted and expended, will be expended according to the written restrictions of the donor, without exception. The Office of the Vice President for University Advancement will be responsible for accepting these restrictions before the gift is accepted on behalf of the university. Following this approval, the documented restrictions will take precedence over the guidelines for disbursement of funds outlined below.
- C. Unrestricted Gift Income: For the purpose of this policy, unrestricted gift income is defined as all gift income received by the university and not classified as restricted gift income. Expenditures allowable from this category of gift income will be limited by applicable laws, statutes, and regulations, and by this policy. It will be the responsibility of the Business Office to identify gifts as unrestricted, and to verify that donor's intent related to the department within the university in which the funds are to be spent is honored.
- D. Authorization Structure: The standard approval structure in place for expenditure of non-gift funds will be followed for gift funds. All non-payroll expenditures are to be approved by the department

dead (where applicable), dean or director, and Office of the Senior Vice President for Administration and Finance. All expenditures involving a payment for services rendered by a university employee will be processed through the Office of Human Resource Services, following all existing authorization requirements for the given transaction. All requests for exception to policy will be directed initially to the Office of the Senior Vice President for Administration and Finance.

- E. Cash Disbursement Controls: All existing university internal controls will apply to disbursements made from gift funds. All requests for expenditure will be submitted on the appropriate form; separate vouchers exist for requesting disbursements directly from the university and the NMSU Foundation. All vouchers will be accompanied by invoice or receipt support, or the attestation of the individual claiming reimbursement if other documentation is not applicable.
- F. Guidelines for Disbursements of Funds: All gift income funds will be used by or for the benefit of the university in fulfilling its mission of teaching, research, and public service, including expenses sanctioned for the improvement of employee morale. All types of expenditures falling under these guidelines will be allowable, with the following exceptions:
  - 1. Any payment in conflict with existing law, statute, or regulation applicable to private gift funds.
  - 2. Charitable contributions made to entities or individuals external to the university. Where appropriate, expenses incurred by separate nonprofit organizations which could have legitimately been considered university expenses, such as those incurred by a separate student organization engaged in a university-related function, may be transferred with the approval of the Office of Senior Vice President for Administration and Finance to the university.
  - 3. Any duplicate payment for goods and services, or reimbursement of employee expense. Duplicate payments include the reimbursement of actual travel expense to employees who have already received per diem payment through other sources.
  - 4. Payment for university employee services outside the payroll system.
  - 5. Gifts made to university personnel except as recognition of service to the university.
  - 6. Loans to any individual, unless the gift was made for the specific purpose of establishing a loan fund.
  - 7. Payment of fines imposed for violations of local, state, or federal law, unless resulting from university negligence.
  - 8. Memberships in organizations, country clubs, or other expenditures for any individual, where it cannot be demonstrated that the expenditure is for the enhancement or benefit of the university.
- G. Endowment Trust: The Board of Regents approved the revocable Endowment Trust Agreement to cover the establishment of endowments, making it possible to take money that has been privately contributed to the NMSU Foundation for endowed chairs, professorships, or lectureships and match it with monies from the State of New Mexico. The monies may be placed together into a trust, managed by the NMSU Foundation in such a way that the NMSU Foundation retains title to the private money and the board retains title to the state money in a revocable trust. The board may designate a change in trustee at its discretion at any time or may dissolve the agreement if it desires. The assignment may allow the NMSU Foundation its usual management fee as trustee. It must, however, contain provisions (1) for termination of the placement of all or part of these endowments in the trust at any time at the board's sole discretion; (2) for annual accountings; and (3) for absolute authority on the part of the board for the disposition of each of the endowments (consistent with the terms of each particular endowment).
- H. NMSU Endowment Fund: This fund, managed by the NMSU Foundation, was established to enable faculty and friends to contribute to a permanent fund to strengthen the university's academic programs. Endowment funds are permanently invested and a portion of the annual earnings are made available to support the programs selected by donors as the beneficiaries. Earnings over and above the amount available for expenditure are added to the principal. Many contributions are received as memorials from those who wish to convey their sympathy upon the death of a relative, friend, or colleague. The university provides an official receipt for all gifts, and, when contributions

are made in memoriam, informs the family that a memorial gift has been made. Amounts of the contributions are not disclosed. Faculty and staff may contribute through the Foundation via payroll deduction arranged through the Office of Human Resource Services.

- I. NMSU Foundation, Inc.: The NMSU Foundation, Incorporated, is a private, nonprofit corporation whose only purpose is to accept and administer gifts in support of the university. The NMSU Foundation is a tax-exempt corporation, registered with the appropriate state and federal agencies. Contributions to the Foundation are exempt for federal income tax purposes. The NMSU Foundation works closely with the university. Its directors, who are committed to attracting private resources for the benefit of the university, serve without compensation. Contributions may be made for annual operating expenses or for the endowment.
- J. University-Affiliated Organizations: Numerous organizations have been established to support the Board of Regents in a variety of ways and are separate, not-for-profit entities. The focus of the following policy statement is on those organizations whose primary functions are to solicit, manage, and distribute funds and other assets that are given to these organizations for the support of the university in general or specific colleges or other program areas of the university. The university recognizes advantages of these organizations, such as:
  1. Creating an opportunity for private individuals and organizations to invest in the enrichment of the programs with greater assurance that the benefits of their gifts supplement, not supplant, state appropriations to the institution.
  2. Providing a corporate structure for managing private gifts, including endowments and income-producing real property, that does not jeopardize the university's tax-exempt status, create unnecessary unrelated business tax obligations, or create additional liabilities for the university.
  3. Creating an effective forum for alumni and community leaders to participate in and contribute to strengthening the university through their participation in the solicitation, management, and distribution of private gifts and donations to the university.

(Other separate entities have been established for purposes unrelated to soliciting or managing gifts and donations on behalf of the university; i.e., the NMSU Research Park Corporation and Arrowhead Center, Inc., which engage in the commercialization of research productivity. However, this policy focuses on those organizations created to actively engage in raising funds for the university.)
- K. Recognition: Any organization formed to represent the university or any college, department, or program area of the institution will receive approval by the university to represent it to prospective donors. A condition of any recognition of an organization will be that the organization agrees to conduct its business in concert with university policy for such organizations. A written agreement will be executed between the university and each organization, consistent with these policies but recognizing the specific significantly performing fund-raising functions until after the date of adoption of this policy (10/90) will be established as an arm of the NMSU Foundation, unless otherwise approved by the Board of Regents upon the recommendation of the Chancellor (or designee).
- L. Statement of Purpose: The purpose of the organization will be clearly defined as being for the sole benefit of the university, or one or more of its specific programs. In order for the university to be able to support the organizations and not be in conflict with the state's anti-donation laws, the benefits to the university from the organization will be spelled out in the agreement.
- M. Structure of the Organization: Organizations may structure themselves in any manner they deem appropriate to fulfill their role and responsibilities to the university, with the following understandings:
  1. The Articles of Incorporation and Bylaws and any amendments should have the approval of the university.
  2. A regent, the Chancellor (or designee) may be included as a voting member of the governing board of the organization.

3. Unless specifically agreed otherwise by the university and the organization, the composition of the organization's governing board will be such as to assure continuation of the organization as an independent, legal entity separate from the university. Normally, more than 50 percent of the governing board membership of the organization must be non-university employees to assure continuation of the organization as an independent, legal entity separate from the university.
  4. When an organization has a beneficial affiliation with an organizational unit, the university organizational unit should be expected to provide the staff support for the organization. No such organization will use funds received by the organization for the benefit of the university to employ staff independently of the university. The university and the organization may agree to allocate some of the income the organization earns to the university for the specific purpose of supplementing institutional staff support. This provision does not preclude the affiliated organization from directly retaining professional services as is deemed necessary for the organization to fulfill its responsibilities to the donors and to the university, with the understanding that the retention of fund-raising and/or public relations consultants must be approved by the vice president for university advancement.
  5. The affiliated organization's Articles of Incorporation and Bylaws should assure the retention of the organization's legal status as a tax-exempt non-profit organization pursuant to Section 501(c)(3) of the Internal Revenue Code, or any successor statute, if applicable.
- N. Solicitation of Gifts and Donations: Recognized affiliated organizations may organize and conduct fund-raising campaigns as they deem appropriate, except that major multi-year campaign solicitation of gifts and donations to support new academic programs or services, the major renovation of existing buildings, or the construction of new facilities may not be initiated without the prior approval of the NMSU system Chancellor. The initiation of any fund-raising campaign by any organization must be coordinated with the overall fund-raising activities of the Office of the Vice President for University Advancement to assure proper contact with potential donors. Each organization will, in concert with the Office of the Vice President for University Advancement, establish procedures for the review and acceptance of gifts and donations and for the coordination of solicitations and prospect contacts. The acceptance of any gift or donation that contains restrictions as to its use requires a matching fiscal obligation of the university, creates a future obligation of the university, or involves real property must be approved by the Chancellor (or designee). Although each organization would be expected to maintain records of gifts and donations received and to properly acknowledge such gifts, the university has designated the Office of the Vice President for University Advancement as the central record-keeping agency for all gifts and donations received on behalf of the university. The receipt of all gifts and donations must be reported to the Office of the Vice President for University Advancement. The Office of the Vice President for University Advancement is available to advise and/or assist any affiliated organization in designing and conducting fund-raising campaigns. No affiliated organizations will accept any funds intended for a university organizational unit which requires performance or service by the university. Income generated by a university program or service is revenue of the university and must be directly deposited into a university account.
- O. Management of Gifts and Donations: All gift monies, whether received directly by the university or indirectly through a university-affiliated organization, will be managed in accordance with investment policies approved by the Board of Regents. Affiliated organizations are encouraged to deposit their gift receipts with the university for the specific organization. Oversight of the funds deposited in these agency accounts is the responsibility of the organization. The university will provide all accounting services related to the funds for the organization. Short-term investment income earned by the university on funds in these accounts will be allocated to the accounts. Gifts received in the form of endowments by any recognized affiliated organization should be assigned to the NMSU Foundation, for investment management purposes. All endowments must be managed in accordance with investment policies approved by the board. The identity of individual endowments will be maintained by the NMSU Foundation; however, endowment funds may be co-invested in a pooled funds approach. Consolidation of the endowment investment management program provides the opportunity for cost-effective management of the endowments. Endowments retained by the organizations or transferred to the NMSU Foundation through revocable trust agreements will be maintained on the organization's books. Gifts received in the form of real property will be managed in accordance with the donor's request. If the donor specifies that the property be used by the university in its gift form, such as art work, library books, real estate, etc.,



the property will be transferred to the university. If the donor desires that the property be used to establish an endowment, or if the gift is real property or property interest, the gift will be assigned to the NMSU Foundation, for management purposes. The NMSU Foundation may retain the real property and use the income earned to accomplish the donor's gift objectives. If the donor permits, and it is a better investment management decision to dispose of the real property, the NMSU Foundation will use the proceeds from these sales to establish the endowment. The NMSU Foundation will obtain university approval before disposing of any real property. No individual member, director, or officer of an affiliated organization should accept any gift or gratuity that is offered because of the individual's position held with the organization

- P. Distribution of Funds: Affiliated organizations will not disburse directly any funds in the form of compensation to a university employee without the express written approval of the Chancellor of the university and/or Board of Regents. Exceptions may be made for awards, recognition, etc. Any funds intended for employee compensation will be transferred to a university account and subsequently disbursed in accordance with university policies and procedures. The affiliated organizations will receive interest income earned on funds in agency bank accounts held by the university in the name of the organizations, and may use such income to cover operating expenses directly incurred by the organizations. Organizations should establish policies for the review of any business transactions involving its members and the organization. Members, directors, and officers of the organization should disqualify themselves from making, participating in, or in any way attempting to use their position to influence decisions in which they have or would have a financial interest. Organizations will establish policies which preclude the use of any funds received or earned by the organization to support any political candidate. Organization funds will be accounted for in the university agency's fund, unless the university expressly approves the organization's separate accounting system. All separate systems will follow all university internal control policies where applicable.
- Q. Reports: Each affiliated organization maintaining a separate accounting system will report monthly to the Office of the Vice President for University Advancement the receipt of all gifts and donations and expenditures related to these funds. Each affiliated organization will provide monthly a summary of cultivation and solicitation activities. Organizations should prepare annual reports for the university and board that include standard financial statements required of non-profit organizations and any supplemental schedules requested by the university. The organization's auditor's opinion of these statements and schedules should be included in these annual reports, if applicable. Organizations should furnish to the university copies of all forms required to be filed by law, such as Form 990 and annual reports to the State Corporation Commission.
- R. Audits: Organizations shall provide the university with the results of annual financial audits performed by an independent auditing firm selected by the organization. Any independent audit firm selected by an organization that is not the same firm selected by the university must provide the necessary audit confirmations and assistance to the university's external auditor upon request. Organizations not required to provide an independent audit report should furnish to the university an annual financial report signed by the organization's president and treasurer. The Office of Audit Services staff may review all items approved by the organization's board for release to the university, with the understanding that such items and any reports related to them will fall under the organization's internal audit policy. This information will not become a part of the university's public records. The organization will not be used to provide any instructional, research, or public service activity sponsored or participated in by a university department or individual university employee in the name of university unless allowed by the university for specific purposes. Under no circumstances should an affiliated organization offer an instructional program for university academic credit. Nothing herein is intended to make any affiliated organization subject to the New Mexico Open Meetings or Public Records Acts; nor is it intended to violate any confidentiality of donor information.
- S. Institutional Support: In recognition of the support and contributions that these university-affiliated organizations give to the university, the university may provide logistic support at no cost to these organizations, such as:
1. Space for meetings and other needs that an organization may have in the conduct of its business.
  2. Staff support as described previously. In those regulations where university staff have a responsibility of significant support to the affiliated organization, the organization's officers

should be consulted in selection and evaluation of such staff.

3. Use of university's financial accounting systems for their fiscal management needs.
4. Utilization of computer-based information management systems, such as donor record-keeping, etc.
5. Use of the Office of Central Procurement and Risk Management Administration's staff when assistance is required in arranging purchases. Under no circumstances will purchases be made for the organizations through the Office of Central Procurement and Risk Management Administration.

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

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

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

*[REPEALED by Board of Regents 12.11.15; See ARP-Rule 2.80]*

## **2.85 University Logo**

*[REPEALED by Board of Regents 12.11.15; See ARP-Rule 2.85]*

## **2.90 University Records** *[Amendment approved by the Administrative Council 07.14.09; adoption of amendment ratified by the Board of Regents 07.29.09]*

### **2.90.10 Records Integrity and Retention**

- A. Records Integrity: Because the university business records and reports are of critical importance in meeting financial, legal, and management obligations, they must always be prepared promptly, accurately and truthfully. Those who rely on these records and reports have a right to timely and accurate information. The integrity of university records is based on validity, accuracy, and completeness. All employees involved in creating, processing, recording, and reviewing such information are responsible for ensuring such integrity. Supporting documentation and records for transactions, such as agreements, invoices, request for reimbursement, and time and effort reporting must fairly and fully support the actual purposes and amounts of the transactions. Transactions must be recorded in the proper account. All university assets, liabilities, and components of fund balances will be recorded on the university books, and all accounts will be appropriately approved and maintained according to university policies and procedures.
- B. Records Retention: Statutory or other legal requirements provide that certain records be retained for specific periods of time. Some records and documents may have to be held in connection with regulatory directives or other business purposes; therefore, no records may be destroyed, except in accordance with applicable laws and NMSU policy and procedures. Email communications relating to university business are part of the university's records and shall be retained depending upon the nature of the document, consistent with the retention requirements for that type of document.
- C. Duty to Report Records Integrity Violations: Employees who become aware of the possible omission, falsification, or inaccuracy of information entered into university records, the basic data supporting such entries or any other university record, or who become aware of the improper destruction of records, shall report this knowledge to the Office of Audit Services.

### **2.90.20 Student Educational Records - Compliance with FERPA**

- A. Purpose: The Family Educational Rights and Privacy Act of 1974 (FERPA, also known as the

“Buckley Amendment”), codified at 20 U.S.C. § 1232 (g), guarantees certain rights for students and eligible parents regarding access to, confidentiality of, and correction of the student’s education records. FERPA provides that students may inspect their education records. If a student finds the records to be inaccurate, misleading, or otherwise in violation of the student’s privacy rights, the student may request amendment to the record. FERPA also provides that a student’s personally identifiable information may not be released to someone else unless (1) the student has given a proper written consent for disclosure or (2) provisions of FERPA or the corresponding federal regulations permit the information to be released without the student’s consent. This policy is administered in accordance with the FERPA regulations published in 34 CFR Part 99.

**B. Disclosure of Directory Information:**

1. The university may release the following directory information to the public without the student’s consent: name; class; college and major; dates of attendance; degree(s) earned; honors and awards received, including selection to the dean’s or Chancellor’s list, honorary organization, or the GPA range for the selection; local address; local or contact telephone number; NMSU electronic mail address; most recent previous educational institution attended; place of birth; participation in officially recognized activities and sports; and the weight and height and date of birth of members of athletic teams.
2. Under FERPA, the student has the right to request that the disclosure of directory information be withheld. Directory information will be released upon request, unless the student does not wish such a release and notifies the Office of the NMSU Registrar in writing.

**C. Disclosure of Personally Identifiable Information:**

1. The university may release personally identifiable information from student education records without the student’s consent to school officials who have a legitimate educational interest to access the records.
2. “Education records” mean records that are maintained by NMSU in any form or format (e.g. paper, electronic, digital image, film, video, audio tape) which contain information directly related to a student and are personally identifiable to a student. Education records do not include:
  - a. Personal records of university employees that are in the sole possession of the maker (i.e. notes of conversations), are used as a personal memory aid, and are not accessible or revealed to any individual except to a successor in the position held;
  - b. Records of the NMSU police department used for law enforcement purposes;
  - c. Student medical and counseling records maintained and used only in connection with provision of medical treatment or counseling of the student and are made available only to the individuals providing the treatment;
  - d. Employment records unrelated to the student’s status as a student;
  - e. Records created or received after an individual is no longer a student in attendance and that are not directly related to the individual’s attendance as a student (i.e. alumni records); or
  - f. Grades on peer-graded papers before they are collected and recorded by a faculty member.
3. “School official” means:
  - a. An employee, agent or officer of the university acting in the employee’s official capacity;
  - b. A person serving on university committees, boards, and/or councils, including an individual serving on a disciplinary or grievance committee;
  - c. Another educational institution that requests records for a particular student who seeks or intends to enroll or where the student is already enrolled provided the disclosure is for purposes related to the student’s enrollment or transfer; and
  - d. A person or company with whom the university has contracted (e.g. internship and clinical facilities, attorney, auditor, or collection agent) but limited to only the specific student information needed to fulfill the contract. The contracting entity is bound to follow FERPA regulations for control, maintenance, use and re-disclosure of the information provided to it.
4. “Legitimate Educational Interest:” means a school official who is performing an authorized task or an activity that the school official is undertaking in the name of the university for which

access to an educational record is necessary or appropriate to fulfill the school official's professional responsibilities for the university.

5. "Student:" means an individual who is or has been in attendance at NMSU for degree seeking courses, non-credit courses, life-long learning courses, and/or certificate courses. It does not include persons who have been admitted but did not attend the university. For the purposes of this policy, "attendance" starts with orientation or course registration and includes in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunications technologies for students who are not physically present in the classroom and the period during which an individual is working under a NMSU work-study program.
6. In addition, the university may disclose personally identifiable information from a student's educational records without a student's consent to individuals or entities permitted such access under applicable federal law and regulations, as more fully specified in 34 CFR § 99.31. This access includes, and is not limited to, the following situations: to parents of dependent students; to accreditation organizations or agencies; to comply with a lawfully issued subpoena or court order; to protect the health and safety of any student (whether a dependent or not) or others in an emergency; in litigation or for implied waivers by the student. For certain disclosures, university officials must record when, what records, and to whom they have disclosed personally identified information to third parties. In the case of emergencies, school officials must also record the articulable or significant threat that formed the basis for the disclosure.

**D. Disclosure of Alcohol and Drug Violations and Violent Crimes:**

1. Unless there are extenuating circumstances, the university will not generally notify parents or legal guardians of students under the age of 21 of the first time alcohol violation. Parents and guardians will be notified if the student is determined by the university to be a danger to himself or herself, to others, or to property.
2. The university may notify parents and legal guardians of students under the age of 21 of all second and subsequent alcohol violations. For purposes of determining what constitutes a second or subsequent violation, multiple related violations during a single incident will be treated as one offense.
3. The university may notify parents or legal guardians of students under the age of 21 of any drug violations.
4. The university may disclose the final results of campus disciplinary proceedings in which a student is charged with a violent crime or non-forcible sex offense. Disclosure to victims of the crime or offense may be made regardless of whether the student was found responsible. Disclosure to third parties may be made only if the student is found responsible. Disclosure is limited to the name of the violator, the type of violation found to have occurred, and the sanction imposed by the university.

**E. Inspection and Review of Student Records:**

1. FERPA provides students with the right to inspect and review (within 45 days of request) information contained in their education records (as defined above), challenge the contents of their education records and to have a hearing if the outcome of the challenge is unsatisfactory (see below), and to submit explanatory statements for inclusion in their files if they feel the decisions of the hearing panels to be unacceptable.
2. The Office of the Registrar has been designated by the university to coordinate the inspection and review procedures for student education records. Such records are maintained at several locations on the campus. The official custodians and their offices which may be contacted for access to the various types of student records are listed in the [NMSU Student Handbook](#). A written request may be required. If the student is uncertain as to the location of a particular record, a written request should be addressed to the Registrar identifying the item or items of interest.

3. Students may have copies made of their records unless a financial “hold” has been placed on the record by an appropriate university official. Such copies will be made at no cost to the student unless the costs exceed \$50.00.
  4. Students may not inspect and review the following, as specified in FERPA: financial information submitted by their parents; confidential letters and recommendations associated with admissions, employment or job placement, or honors to which they have waived their rights of inspection and review; or education records containing information about more than one student, in which case the institution will permit access only to that part of the record which pertains to the inquiring student. The university is not required to permit students to inspect and review confidential letters and recommendations placed in their files prior to January 1, 1975, providing those letters were collected under established policies of confidentiality and were used only for the purposes for which they were collected.
- F. Amendment of Student Records: If a student believes that the information contained in the student’s education records is inaccurate or misleading, or that it violates privacy or other rights, the student may request that the university amend the record. Such request shall be in writing addressed to the Registrar, and shall specify the amendment sought. For further information regarding the process for consideration of such a request, which is distinct from a grade appeal governed by the policies and procedures outlined in the [NMSU Student Handbook](#), students may consult the Office of the Registrar, who has available copies of the statute and the Department of Education’s regulations.

### **2.90.30 Protection of Non-public, Personal Information**

NMSU ensures the security and confidentiality of private, non-public records and information, and protects it from anticipated threats or hazards, as well from unauthorized access to or use of such records, in accordance with the Gramm-Leach-Bliley Act (GLBA Act), 15 U.S.C. Subchapter 1, §§ 6801-6809.

New Mexico State University collects information such as:

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

NMSU’s policy is to identify and safeguard this information, when required, with the appropriate procedures, consistent with the GLB Act. The university will manage private, non-public information in accordance with all applicable state and federal guidelines relating to the use, disclosure and retention of private, non-public information. Appropriate administrative, technical and physical security of this information is identified in the Plan for Creation and Implementation of Privacy and Safeguarding Guidelines. A copy of this plan is available at [NMSU Privacy](#).

### **2.90.40 Inspection of Public Records**

- A. Purpose: To facilitate compliance with the New Mexico Inspection of Public Records Act (NMSA 1978, §14-2-1 et seq).
- B. Scope: This policy applies throughout the NMSU system.
- C. Policy Administrator: The Office of General Counsel administers this policy, and provides guidance as needed to the various custodians of public records as they respond to requests for inspection of public documents.
- D. Definitions: See the definitions contained within the NM Inspection of Public Records Act, NMSA 1978, § 14-2-6.

- E. Policy Statement: The designated custodians of public records shall respond to requests for inspection in a timely and professional manner, in compliance with the NM Inspection of Public Records Act (NMIPRA). If the Procedural Guidelines do not clearly identify a records custodian for a particular record sought, university general counsel is authorized to designate an appropriate university official to serve as records custodian for the request. Requests for inspection of university records will be considered and permitted consistent with the applicable law and the rights of the parties.
- F. Procedural Guidelines: With approval from the Chancellor, the policy administrator may issue and amend [Procedural Guidelines](#), provided they are consistent with this policy and the NMIPRA. The Procedural Guidelines shall be posted on the appropriate website for NMSU System policies and procedures.

**REVISION HISTORY:**

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

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

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

**2.91 Identity Theft Prevention Program**

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

**2.92 New Mexico State University Research Park Corporation, Inc.**

The purpose of the Research Park is to serve as an important adjunct to the university and its programs of instruction, research, and service and to provide resources for the overall benefit of the institution and its constituencies. Any leasing or management arrangements must be under conditions which protect the interests of the university and are approved by the Board of Regents. The board authorized the president to establish, on behalf of the board, the NMSU Research Park Corporation, Inc., as a not-for-profit corporation under the University Research Park Act. The initial board of directors of the NMSU Research Park Corporation, Inc., shall be two regents determined by the board, the Chancellor, the executive vice president and provost, the vice president for research, and the senior vice president for administration and finance. The purpose of the corporation is to develop the Arrowhead Research Park. The board has approved the Operating Policy Agreement between the Board of Regents and the Board of Directors of the NMSU Research Park Corporation.

**2.94 Weather, Inclement (Closings)**

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

**2.95 Parking and Traffic Regulations**

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

## Chapter 3

### Employee, Student and Visitor Codes of Conduct

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

*The following provisions have been repealed from this chapter of the Regents Policy Manual, but continue in effect in the Administrative Rules and Procedures of NMSU (ARP). Please also refer to the ARP at <https://manual.nmsu.edu/files/2013/10/12.11.15-Trans-3rd-Ed-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*
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- 3.31 *Distribution of Effort*
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## CHAPTER 3 - EMPLOYEE, STUDENT, AND VISITOR CODES OF CONDUCT

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

- A. Statement of Purpose: The Board of Regents of New Mexico State University recognizes that diversity of opinion and freedom of choice are concepts upon which higher education has been established. Inherent within these two basic concepts are the exercise of individual responsibility and making informed decisions on matters related to personal behavior.

Within the university setting, faculty, staff and students must demonstrate a mutual respect and commitment to the institution's educational mission while at the same time fostering diversity of opinion, freedom of choice, and responsibility. In this regard, the university respects the right of those of legal age to consume alcohol if they so choose, providing they do so in accordance with this policy and all applicable laws.

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

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

- B. Scope: This policy applies at those NMSU campuses or facilities that have applied for and received a waiver from their respective county jurisdictions.
- C. Policy Administrator: This policy is administered by the Office of the Chancellor. The Chancellor may delegate review and/or approval authority to a designee.
- D. Permissible Use of Alcohol: As allowed pursuant to this policy, the use of alcohol shall be considered a privilege and may be allowed only if consistent with local, state and federal laws and university policy, and only when it does not interfere with the academic atmosphere of the university.
1. Students of legal age are allowed to use alcohol only in a manner consistent with this policy and the Student Code of Conduct.
  2. Students who reside on campus and are 21 years of age or older may possess and consume alcohol consistent with the law and in areas designated by the director of housing and residential life. See [Housing Terms and Conditions](#) for those areas designated as "alcohol free", if any.
  3. Selling, either directly or indirectly, of alcoholic beverages on campus is prohibited, except in those university facilities possessing a state alcohol license granted under the authority of the Board of Regents or where pre-approved by the Office of the NMSU Chancellor by event type. The Office of the NMSU Chancellor is authorized, in its discretion, to approve the serving or sale of alcohol at any other on-campus events. All venues approved for the routine sale of alcoholic beverages must have in place an approved policy for the sale and service of alcoholic beverages.
  4. Members of the university community and/or the public wishing to host or otherwise conduct an event involving alcohol on campus or other NMSU property must first obtain the proper approval from the Office of the NMSU Chancellor.
    - a. Some functions may also require the party to have separately and previously obtained an appropriate permit in accordance with the state's liquor licensing laws; the Office of the



- Chancellor will not approve a function if the proper state permit has not been obtained.
- b. Student groups, campus organizations and Greek affiliates who wish to host events involving alcohol must have proper policies in place, consistent with university policies and local, state and federal laws, before the Office of the NMSU Chancellor will approve the event for alcohol.
  - c. Student fees may not be used directly to purchase alcohol. However, in certain cases, student fees may be used to fund events where alcohol may be served, provided the appropriate approvals and/or state issued permits are obtained, in accordance with this policy.
  - d. State law requires that anyone serving alcohol must complete a class and receive a Server's Permit.
  - e. If the consumption of alcohol is a normal part of an academic class, written approval for use must be obtained from the Office of the Executive Vice President and Provost, with a positive recommendation from the Alcohol Review Committee.
  - f. Approval for alcohol at an event is to be requested from the Office of the NMSU Chancellor. For and Application and Instructions, please contact the chair of the Alcohol Review Committee at 575-646-5752. The Alcohol Review Committee will review the application and make its recommendation to the Office of the NMSU Chancellor.
  - g. The decision by the Office of the NMSU Chancellor is final.
- E. Unacceptable Use of Alcohol: NMSU recognizes that the illegal use of alcohol interferes with the academic environment of this institution and the personal growth of its students.
1. NMSU explicitly prohibits the unlawful use, possession, sale, or distribution of alcohol or controlled substances by all students and employees. Any violation of applicable local, state, and/or federal law is considered to be a violation of this institution's policies.
  2. Corrective and/or disciplinary action will be taken if it is determined that the use of alcohol by an employee or student threatens to create disorder, public disturbances, danger to themselves or others, or property damage.
  3. Students who have not yet reached legal age are prohibited from purchasing, using, and/or possessing alcohol.
  4. Except as outlined by this policy, consumption or possession of alcohol intended for consumption is prohibited on the university campus. Possession of alcohol on NMSU property intended for consumption is allowed for the sole purpose of prompt delivery to the location approved for such consumption.
  5. Open containers of alcohol are prohibited outside of designated areas.
  6. Kegs or other common containers are not allowed, unless in conjunction with an event approved by the Office of the NMSU Chancellor.
- F. Alcohol-Related Misconduct:
1. Possession of false identification. Students found in possession of or attempting to use false identification in order to procure alcohol will be subject to the fullest force and effect of the consequences outlined in this policy and/or the [\*NMSU Student Code of Conduct\*](#).
  2. Alcohol as an aggravating factor to other violations. If alcohol is found to be an aggravating factor in other violations of the [\*NMSU Student Code of Conduct\*](#) and/or local, state and federal laws, the student may be subject to more severe punitive sanctioning.
  3. Off-campus violations of [\*NMSU Student Code of Conduct\*](#). The university reserves the right to impose sanctions upon students and student organizations that violate this policy and/or the [\*NMSU Student Code of Conduct\*](#), even if such actions occurs off-campus.

G. Consequences for Violations:

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

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

1. Policy Administration/Implementation:

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

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

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

### **3.06 Assistive, Service, and Companion Animals on University Premises**

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

### **3.07 Awareness, Assessment and Response to Behaviors of Concern**

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

### **3.10 Campus Access-Prohibited, Restricted**

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

### **3.15 Children in the Workplace**

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

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

### **3.19.10 General Statement**

Inherent within the responsibility for educating the future leaders of our society is the obligation to adhere to the highest ethical standards and principles. New Mexico State University is committed to maintaining the highest standards of ethics and integrity in all of its academic and administrative operations, by promoting such standards among its regents, administrators, faculty, staff, students and others acting on behalf of the university (including those acting on behalf of university controlled entities) and by striving to ensure a level of accountability appropriate for a public institution.

### **3.19.20 Principles of Ethical Conduct:**

- A. Members of the university community are expected to exercise and demonstrate personal and professional honesty and to respect the rights, values and contributions of others.
- B. Members of the university community are expected to be aware of and comply with relevant laws, regulations, contract requirements and university policies and procedures. An unethical practice should never be condoned on the grounds that it is “customary” or that it serves a worthy goal.
- C. Individuals with access to confidential, proprietary or private information must never use or disclose such information except where authorized or legally obligated to do so.
- D. All members of the university community are responsible for avoiding, where possible, real or potential conflicts of interest and commitment between personal and professional responsibilities, including relationships that have the appearance of a conflict.
- E. The university’s interests should be foremost in all official decision making and employees and others acting on behalf of the university shall remove themselves from decision-making roles that involve them in any personal capacity or which involve their friends or family members.
- F. All individuals acting on behalf of the university have a responsibility to ensure that funds and other assets received are used in an ethical manner. Assets of the university (including personnel), whether tangible or intangible, may not be used for illegal purposes or personal gain.
- G. Members of the university community shall strive to present all information, including financial information and research data and results, completely and accurately.

### **3.19.25 Mandatory Employee Training and Other Professional Development Opportunities**

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

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

D. Definitions:

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

E. Policy Statements:

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

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

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

**REVISION HISTORY:**

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

### **3.19.30 Addressing Concerns Relating to Ethical Conduct**

Individuals who have concerns about the propriety of a situation or about the conduct of a university employee or someone acting on behalf of the university, are expected to consult with appropriate university officials (that is, the person to whom the individual whose conduct is in question directly reports or, in the case of someone acting on behalf of the university, the chair of the Committee on Conflicts of Interest in Sponsored Activities, or when a regent is involved, the Chancellor). Confidentiality about individuals reporting violations of these standards will be maintained whenever possible and employees shall be free from retaliation for voicing concerns.

### **3.20 Conflicts of Interest and Conflicts of Commitment in General** [REPEALED by Board of Regents 12.11.15; See ARP-Rule 3.20]

### **3.21 Conflicts of Interest and Commitment in Sponsored Activities** [REPEALED by Board of Regents 12.11.15; See ARP-Rule 3.21]

**3.22 Conflicts of Interest Arising from Consensual Relationships**  
*[REPEALED by Board of Regents 12.11.15; See ARP-Rule 3.22]*

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

A. New Mexico State University (NMSU) is dedicated to providing equal opportunities in areas of employment and academics without regard to age, ancestry, color, disability, gender identity, genetic information, national origin, race, religion, serious medical condition, sex, sexual orientation, spousal affiliation or protected veteran status as outlined in federal and state anti-discrimination statutes. As a federal contractor, NMSU's affirmative action program also supports this effort. The following is a listing of applicable federal and state laws:

1. Age Discrimination in Employment Act of 1967
2. Americans with Disabilities Act of 1990, as amended
3. Civil Rights Act of 1991
4. Title IX of the Education Amendments of 1972
5. Executive Order 11141
6. Executive Order 11246
7. Equal Pay Act of 1963
8. Pregnancy Discrimination Act
9. Section 504 of the Rehabilitation Act of 1973, as amended
10. Title VI & VII of the Civil Rights Act of 1964
11. Vietnam Era Veterans Readjustment Act
12. Genetic Information Non-discrimination Act of 2008
13. NM Human Rights Act, 1969
14. Campus SaVE Act, 2013

B. The Office of Institutional Equity (OIE) is designated as the office that receives and processes internal discrimination complaints within the NMSU system. The NMSU OIE website will include office address, location and contact information: <http://eeo.nmsu.edu/>

C. Title IX Notice:

1. NMSU does not discriminate on the basis of sex in education programs and activities; Title IX of the Education Amendments Act of 1972 is a federal law that states:

*"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."*

2. Title IX prohibits:

- a. Sexual misconduct (including sexual violence)
- b. Sex discrimination (gender bias)
- c. Sexual harassment
- d. Retaliation

3. Title IX applies to students, staff and faculty. Title IX requires reporting from "responsible employees" for which purposes of policy can be defined to include:

- a. Those with authority to address and remedy sex-based discrimination and harassment; and/or
- b. Those with responsibility to report sexual misconduct to a supervisor and OIE; and/or
- c. Those who a student would responsibly believe have such authority or obligation.

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

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

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

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

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

E. Discrimination Policy:

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

F. Sex Discrimination/Sexual Harassment Policy:

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

G. Retaliation:

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



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

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

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

#### H. Applicability and Sanctions:

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

#### I. Policy Statement Distribution:

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

#### J. Complaints and Investigation:

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

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

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

#### K. General Information

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

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

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

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

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

**L. Prompt Attention:**

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

**M. Confidentiality:**

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

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

**N. Supervisor Responsibilities:**

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

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

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

O. Relationship to Freedom of Expression:

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

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

The university is dedicated to providing reasonable accommodation to qualified university employees and applicants for positions in accordance with state and federal laws. Qualified individuals with disabilities are protected from discrimination in hiring, promotion, discharge, pay, job training, fringe benefits, and other aspects of employment. Accessibility to buildings, programs, and services will also be safeguarded to the extent that an undue financial hardship is not imposed on the university. The university also provides reasonable accommodation for temporary impairments, such as those that may result from pregnancy. The accommodation process begins when an employee (or applicant) communicates the need for an accommodation. The completion of the Petition for Accommodation Form, available at the Office of Institutional Equity/EEO, facilitates the initiation of the accommodation process.

**REVISION HISTORY:**

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

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

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

The university is a recipient of federal grants and contracts in excess of \$100,000 and is subject to the provisions of the Drug-Free Workplace Act of 1988, the special Drug-Free Workforce rules promulgated by the Department of Defense, and the Drug Free Schools and Communities Act. The Board of Regents has directed the Chancellor to institute and maintain programs that meet the requirements of federal drug and alcohol regulations. These programs are administered through the Office of Human Resource Services.

- A. General Policy Prohibiting Drugs and Alcohol on NMSU Property: The unlawful possession, use, or distribution of illicit drugs and alcohol on its property or as part of any of its activities is prohibited and a violation of university policy. University property is defined as all lands and building under the control of the Board of Regents. It is a federal requirement and a university policy that, as a condition of employment, an employee will notify the immediate supervisor within 5 days after conviction of a criminal drug offense occurring in the workplace. Supervisors will inform the Office of Human Resource Services, through appropriate channels, of any notifications received.
- B. Disciplinary Sanctions for Employees: Employees who violate the university's alcohol or drug policies are subject to termination, demotion, or suspension. Additionally, employees may be required to report to the Employee Assistance Program for a clinical assessment and participate in a recommended counseling/rehabilitation program. When returned to work, the employee must comply with all university policies and maintain acceptable job performance or be subject to appropriate disciplinary action.

### 3.50 Firearms on University Premises

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

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

**REVISION HISTORY:**

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

**3.55 Fires, Fireworks**

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

**3.60 Flags-National, State**

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

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

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

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

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

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



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

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

#### 10. **Sanctions:**

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

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

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

**EFFECTIVE DATE AND REVISION HISTORY:**

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

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

**3.65 Protection of Sensitive Information**

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

**3.70 Office Hours - Administrative**

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

**3.75 Non-Work Related Use of University Resources**

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

**3.82 Picnics**

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

**3.90 Religious Denominations**

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

**3.92 Sales and Solicitation** *(See also Policies [3.63 Freedom of Expression](#))*

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

**3.98 Smoking Policy**

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

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

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

B. Definitions:

1. **Bullying**. "Bullying" is an act or omission that intimidates or mistreats a person, typically a person perceived to be weak or vulnerable.

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

7. Engaging in behavior that a reasonable, similarly situated, person would consider humiliating and or degrading to others;
  8. Forcing, requiring or endorsing new members to violate university policies, organization/association bylaws, team rules and/or any local, state, or federal law.
- G. Exclusions: This policy is not intended to prohibit the following conduct:
1. Customary public athletic events, contests or competitions as sponsored by the University;
  2. Activity or conduct that furthers the goals of NMSU educational curriculum, extracurricular program, military training program, or other official university function or program.
- H. Duty to Report: Prevention of hazing, bullying, hostile misconduct and retaliation is the responsibility of every member of the university community. Each organization, association, athletic team, department, unit, division, as well as each individual, has the obligation to report incidents that are believed to be associated with hazing, bullying, hostile misconduct, or retaliation, to the Office of Student Judicial Services, the Office of Institutional Equity, the NMSU Police Department, or other university supervisor or official independent from the offensive conduct.
- I. Prompt Investigation and Corrective Action: All alleged incidents of hazing, bullying and other non-discriminatory hostile misconduct or retaliation addressed by this policy will be taken seriously, shall be investigated and when warranted, corrective or disciplinary action will be taken.
1. An objective, confidential investigation will be conducted by the supervisor, in consultation with the Office of Human Resource Services, into each complaint received.
  2. The actions or omissions subject of a complaint and substantiated by investigation will be assessed based on the totality of the circumstances, and will involve making a determination whether the alleged hostile misconduct was sufficiently severe, pervasive or persistent such that a similarly situated reasonable person would be significantly and adversely impacted in his or her ability to benefit from the educational or work opportunities provided by the institution.
  3. Substantiated violations will result in administrative, civil and/or criminal sanctions to the offending employee, student or student organization.
  4. One or more of the following offices or processes may be involved in affording relief to the person who has experienced the hazing, bullying, hostile misconduct or retaliation: the Employee Assistance Program, Counseling Center, Employee Health Services, Student Health Center, the Office of Student Judicial Services, the administrative review process of the Department of Campus Activities, the Social Misconduct Review Board of the Department of Athletics, the Office of Housing and Residential Life, the appropriate supervisor in coordination with the Office of Human Resource Services in accordance with the applicable NMSU grievance and /or disciplinary process, as well as through the appropriate local, state, and/or federal law enforcement agencies.

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

**3.101 Student Social Code of Conduct**

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

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

**REVISION HISTORY AND EFFECTIVE DATE:**

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

## Chapter 4

### Human Resources - General Policies

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

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

*The following provisions have been repealed from this chapter of the Regents Policy Manual, but continue in effect in the Administrative Rules and Procedures of NMSU (ARP). Please also refer to the ARP at <https://manual.nmsu.edu/files/2013/10/12.11.15-Trans-3rd-Ed-ARP.pdf>*

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

## 4.00 HUMAN RESOURCES

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

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

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

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

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

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

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

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

**REVISION HISTORY:**

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

**CROSS REFERENCES:**

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

**4.05 Appeals/Grievances**

*[REPEALED by Board of Regents 12.11.15; See ARP-Rule 4.05]*

**4.10 Children, Employment of**

*[REPEALED by Board of Regents 12.11.15; See 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 ARP-Rule 4.26]*

**4.30 Hiring**

*[REPEALED by Board of Regents 12.11.15; See ARP-Rule 4.30]*

**4.40 Layoff/Financial Exigency**

*[REPEALED by Board of Regents 12.11.15; See ARP-Rule 4.40]*

**4.50 Outside Employment and/or Activities**

*[REPEALED by Board of Regents 12.11.15; See ARP-Rule 4.50]*

**4.60 Public Affairs Participation** (See also [Chapter 3 - Conflicts of Interest](#))

The policy of the Board of Regents is that faculty and staff have the same citizens' rights as other people. However, employees seeking elective office or serving in an elective office must not allow campaign and service activities to interfere with university responsibilities. Employees elected to the state legislature will be placed on leave without pay during the term of such office. Any possible conflict of interest shall be reported by the employee or by any other concerned employee to the administration through the appropriate channels. Unresolved issues shall be referred to the appropriate Faculty Grievance Review Board. It shall be the responsibility of the employee to report appointment or election to public bodies and/or conflict of interest situations. Such reports shall be sent to the Office of the President. The written notification shall include the type of employment or type of office, the commencing and terminating dates or period of service, and, when applicable, the nature of the conflict of interest situation. The Chancellor has discretion to approve requests to serve on international, national, state, and local committees and commissions.



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

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

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

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

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

The individual members of the Board of Regents shall not require, shall not have, and will be effectively excluded from access to all national security information disclosed to NMSU. The duties and responsibilities of the Board of Regents as a policy-making body do not require access to classified contracts awarded to NMSU, and therefore need not be processed for a personnel security clearance. The foregoing will not be modified, amended or rescinded without prior notice to the United States Government through the cognizant security office.

**4.70 Supplemental Employment/Compensation**  
*[REPEALED by Board of Regents 12.11.15; See ARP-Rule 4.70]*



## **Chapter 5**

### **Human Resources-Faculty Policies**

- 5.05 Academic Freedom
- 5.06 Administrative Reviews
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## CHAPTER 5- HUMAN RESOURCES-FACULTY POLICIES

### 5.05 Academic Freedom

The quest for truth often leads the scholar into difficult and untried territory. As a dealer in ideas, the teacher or researcher comes often in conflict with prevailing belief of large segments of society and even with those of colleagues. Yet, because of the practical benefits of scholarly activity, it is profoundly important that this diversity of ideas be not only tolerated, but encouraged. The right to support unorthodox positions, arrived at through scholarly investigation, free from coercion or reprisals, is fundamental to the continued progress of society. The right to pursue unpopular lines of inquiry and express new and unaccepted ideas falls within the framework of a special set of guarantees called academic freedom. In granting these guarantees, society expresses a willingness to risk the consequences because history confirms that the risk is outweighed by the benefits stemming from such a policy. Scholars are entitled to full freedom in the conduct of their research and publication of the results, and full freedom in the classroom to discuss those topics in which they are professionally experts as determined by their credentials. The exercise of this freedom carries with it the burden of corollary responsibilities. Scholars must not knowingly misrepresent facts. They must be careful in their teaching not to introduce controversial matter bearing no relationship to their subjects. They must exercise appropriate restraint and guard against distortions and inaccuracies. Outside their academic roles, as private citizens, scholars have no special privileges. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As persons of learning and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution. Institutions of higher education are conducted for the common good and not to further the interest of either the individual scholar or the institution as a whole. The Board of Regents recognizes that it is not possible to define, with any great precision, the limits of academic freedom in the complex world of ideas. The gray areas are practically endless and the final judgment of what is acceptable and reasonable must be left by society to the academic community itself. The scholar's own colleagues and institution must bear the brunt of public criticism, have the most to lose from withdrawal of public trust, and are, therefore, in the best position to balance the issues of academic freedom and responsibility.

### 5.06 Administrative Reviews

Each dean or community college executive officer is responsible for preparing, scheduling, delivering and retaining appropriate administrative reviews of associate deans, department heads, directors and their equivalent. In addition to annual performance evaluations, administrative reviews are scheduled to occur every few years to determine an incumbent's performance as an administrator. Administrative reviews are often coordinated by a third party (such as NMSU's Institutional Research) and may include written evaluation by both internal and external constituents.

#### 5.06.10 Administrative Review of Deans and Community College Presidents *[Amendment recommended by the Administrative Council 07.27.11; approved by the Board of Regents 08.22.11]*

##### A. Policy:

1. Academic deans and community college presidents are due to be reviewed within six months of the third anniversary of their first appointment to their appointment as academic administrator and every fifth anniversary thereafter, under the criteria prepared by their supervisor.
2. Reviews may be conducted at a shorter interval, at the discretion of the supervisor.
3. In exceptional circumstances, faculty or staff may petition the supervisor of the academic dean or community college president to conduct an administrative review outside of the normal review cycle.

B. Procedures:

1. Prior to each review, the supervisor will request a written and/or oral evaluation of the person(s) being reviewed from the faculty, staff and any other relevant constituencies.
2. The person under review may prepare and distribute a statement of professional accomplishments during the review period.
3. The appropriate supervisor will do the following:
  - a. Review and assess the information received.
  - b. Compile a summary report, redacting the sources of the information received.
  - c. Transmit and discuss the summary report with the academic administrator subject of the administrative review.
  - d. Discuss the summary report with the relevant faculty and staff.
  - e. For deans, transmit a copy of the summary report to the chair of the Faculty Senate.
  - f. Transmit a copy of the summary report to the president, when administrative review is not conducted by the Chancellor.

### **5.06.20 Administrative Review of Associate Deans and Community College Academic Officers**

A. Policy:

1. Associate deans and community college academic officers will be reviewed within six months of the third anniversary of their first appointment to the position, and at least every five years thereafter, under the criteria prepared by their appropriate supervisor.
2. Reviews may be conducted at a shorter interval, at the discretion of the appropriate supervisor. In exceptional circumstances, faculty or staff may petition the appropriate supervisor to conduct an administrative review outside of the normal review cycle.
3. Prior to each review the appropriate supervisor will request a written evaluation of the associate dean or community college executive officer from each faculty and staff member in the unit and obtain any other pertinent input from relevant constituencies (either on campus or off campus).

B. Procedures: The appropriate supervisor will do the following:

1. evaluate the information
2. create a summary
3. conduct an evaluation session with the individual being evaluated
4. share the summary with the relevant faculty and staff
5. transmit a summary to the executive vice president and provost

### **5.06.30 Administrative Review of Department Heads or Community College Equivalent and Community College Division Deans or Heads** *[Amended by Proposition 12-06/07 passed by the Faculty Senate 02.01.07; ratified by the Board of Regents 10.22.07]*

A. Policy:

1. Department heads or equivalent and community college division deans or division heads will be reviewed by the appropriate supervisor within six months of the third anniversary of their

first appointment to the position, and at least every five years thereafter, under the criteria prepared by their appropriate supervisor.

2. Reviews may be conducted at a shorter interval, at the discretion of the appropriate supervisor.
3. In exceptional circumstances, faculty or staff may petition the appropriate supervisor to conduct an administrative review outside of the normal review cycle.

B. Procedures:

1. Prior to each review, the appropriate supervisor will request a written evaluation of the individual being reviewed from each faculty and staff member in the unit and obtain any other pertinent input from relevant constituencies (either on campus or off campus).
2. The appropriate supervisor will do the following:
  - a. evaluate the information
  - b. create a summary
  - c. conduct an evaluation session with the individual being evaluated
  - d. share the summary with the relevant faculty and staff
  - e. transmit a summary to the executive vice president and provost or community college executive officer

#### **5.06.40 Administrative Review of Directors of Academic School, Center or Program**

A. Policy:

1. The director of an academic school is reviewed using the same process as used for administrative reviews of department heads or equivalent.
2. Directors of centers and programs are reviewed by their respective supervisors no later than within six months of the third anniversary of their first appointment to the position and at least every five years thereafter, under the criteria prepared by their appropriate supervisor.
3. Reviews may be conducted at a shorter interval, at the discretion of the appropriate supervisor.
4. In exceptional circumstances, faculty or staff may petition the appropriate supervisor to conduct an administrative review outside of the normal review cycle.

B. Procedures:

1. Prior to each review the appropriate supervisor will request a written evaluation of the individual being reviewed from each faculty and staff member in the unit and obtain any other pertinent input from relevant constituencies (either on campus or off campus).
2. The appropriate supervisor will do the following:
  - a. evaluate the information
  - b. create a summary
  - c. conduct an evaluation session with the individual being evaluated
  - d. share the summary with the relevant faculty and staff
  - e. transmit a summary to the dean and executive vice president and provost



## **5.15 Appointments** (See also ARP-Rule 4.30, Hiring; [Search Committee Guidelines](#))

### **5.15.10 Appointments - Definitions of Faculty Appointments** (See ARP-Rule 4.30.10, Hiring-Definitions)

### **5.15.20 Appointments - Graduate Faculty**

The ultimate responsibility for the quality of the graduate program resides in the graduate faculty, individual departments offering graduate work, and the cognizant dean. The dean of the Graduate School is responsible for the administration of the Graduate School's policies. Staff members qualified to perform the functions of the graduate faculty are nominated by the heads of their departments for approval by the cognizant dean and the dean of the Graduate School. The Graduate Council shall maintain a standing committee on Graduate Faculty Appointments comprised of three senior graduate faculty currently serving on the Graduate Council. The standing committee on Graduate Faculty Appointments shall review and make recommendations to the dean of the Graduate School on appointment of faculty nominees to the graduate faculty. This standing committee on Graduate Faculty Appointments also shall review appointment criteria as needed. Approval will be granted in recognition of the staff member's active interest in graduate work as demonstrated by continual study, creative activity, and successful teaching. Appointment to the graduate faculty will normally require that the individual have an earned doctoral degree. The qualifications of each new member of the graduate faculty will be given comprehensive review by the department head, cognizant dean, and the dean of the Graduate School at the end of 3 years. The qualifications of each graduate faculty member will be reviewed every 3-5 years by the department head, cognizant dean, the Graduate Council standing committee on Graduate Faculty Appointments, and the dean of the Graduate School. Selection of instructors to teach courses at the 450-499 level is left to the department head and college dean; however, such persons must have at least a master's degree. Any exceptions to this policy must have prior written approval of the dean of the Graduate School. Graduate students may not assign grades to other graduate students in courses numbered above 450. Selection of individuals to teach courses numbered 500 and above is left to the department head and the college dean. The individual must have an earned doctorate, or a master's degree with extensive experience, and have evidence of creative activity. Any exceptions to this policy must have the prior written approval of the dean of the Graduate School. Members of the graduate faculty chair all graduate committees, direct master's theses, direct doctoral dissertations, teach 600-level courses, serve as representatives of the dean of the Graduate School, serve on educational specialists' exams, and serve on doctoral exams. Any exception to the above policy must be approved in writing by the dean of the Graduate School. Before an individual is appointed to the graduate faculty, evidence of creative activity, in addition to the doctoral dissertation, is required. In implementing this approach, the department heads, the deans and the dean of the Graduate School will review all members of the graduate faculty in their colleges and invoke the review clause on individuals not meeting the minimum requirements.

### **5.15.30 Appointments - Joint**

- A. Written Agreement: At the time of joint appointments, a written agreement is signed by the faculty member and administrative heads of the participating departments. The agreement entails the nature and extent of reciprocal commitments between the faculty member and each academic department. The agreement serves as a guide in the evaluation process and defines the role of all parties in that process.
- B. Role of the dean of the Graduate School: The dean of the Graduate School coordinates and ensures equity in the evaluation of joint appointees.
- C. Procedures:
  1. All joint faculty are assigned to one college for administrative purposes. This college is responsible for initiating all forms, but signatures of both deans and both department heads are required on all forms.
  2. A copy of the joint appointment agreement will accompany formal appointment papers

forwarded to the executive vice president and provost for action.

3. A mutually agreed-upon statement of goals for the faculty member is prepared at the beginning of each annual evaluation period. These goals serve as the evaluation criteria for the period. The goals statement is arrived at by consultation between the faculty member and the department heads involved.
4. The faculty member submits duplicate statements of achievements (e.g., faculty evaluation forms) to the department heads at the end of the evaluation period.
5. The department heads, in consultation, prepare a single evaluation and recommendation to be forwarded to the appropriate dean or deans.
6. Recommendation at the college level is made in consultation with department heads and deans involved in the joint appointments.
7. The time periods for all steps in the evaluation process are the same as those set by the executive vice president and provost for all faculty.

**5.15.40 Appointments – Nontenure-Track** *[Amendment ratified by the Board of Regents 10.07.07] [Proposition 14-08/09 passed by the Faculty Senate 04.30.09; adopted by the Administrative Council 07.14.09; ratified by the Board of Regents 07.29.09][Amendment, waiving the limitations on retention of part time faculty through Spring 2011, approved by the Administrative Council 02.09.10; adoption of amendment ratified by the Board of Regents 07.20.10][Amendment, further extending the waiver of the limitations through Dec. 2012, recommended by the Administrative Council 04.12.11; adoption of amendment approved by the Board of Regents 05.06.11][Proposition 07-12/13 passed by the Faculty Senate 12.06.12; approved by the Board of Regents 01.28.13][Amendment recommended by the Administrative Council 06.11.13; approved by the Board of Regents 06.20.13]*

Nontenure-track faculty will be employed to teach, do research, or perform other work assignments. They may be employed full-time or part-time, with regular or non-regular status. All appointments and renewals are subject to need, availability of funding and terms of appointment. The initial employment base period of a nontenure-track faculty member may be renewed depending on funding availability, needs of the employing unit, and the results of performance evaluations.

Persons in nontenure-track faculty positions may only be hired into tenure-track positions following a national search. In the event that they are hired into tenure-track positions, their service in nontenure-track positions shall not normally count toward tenure. (See Policy [5.90 Promotion and Tenure](#)).

- A. College Faculty: The titles of college instructor, college assistant professor, college associate professor, and college professor are used for nontenure-track faculty hired primarily to teach courses for the university, although they may at times serve in an administrative or supervisory capacity or be assigned to research. They must have master's degrees or equivalent experience in the field but do not always have terminal degrees.

Regular College Faculty appointments are renewable annually for an unlimited time. Although employing units are not obligated to renew or to give a reason for nonrenewal of a college faculty contract, hiring departments are encouraged to promote an environment of stability by renewing contracts of college faculty when warranted by the need of the department and the performance of the faculty member. College faculty members shall be evaluated annually. Regular college faculty are eligible for salary increases and promotion to the next rank according to policies, procedures, and criteria set by the university and their colleges and departments. (See Employment Base and Status below).

College faculty are listed in the university catalogs under their assigned departments and are eligible for privileges accorded other faculty, such as ID cards, library privileges and faculty parking. They are eligible to apply for membership in the graduate faculty and, if accepted, supervise theses and dissertations while a member of the graduate faculty. College faculty are eligible to serve as

principal investigators on grants and proposals. As provided for in the Faculty Senate Constitution, college faculty can serve on the Faculty Senate.

- B. Research Faculty: The titles of research assistant professor, research associate professor, and research professor are used for persons who are hired to engage in research activities and have qualifications similar to those held by tenure-track faculty of comparable ranks.

A clear statement of justification as to why it is in the university's best interest to grant research faculty status will be noted on the hiring forms by the department head and forwarded through the academic dean to the executive vice president and provost for each research faculty appointment. Salaries are normally contingent on external funding, though a department or college may fund the salary of a research faculty member from internal funds for a short time while external funds are being sought. Research faculty members are evaluated annually and are eligible for salary increases and promotion to the next rank according to policies, procedures, and criteria set by the university and their colleges and departments. Research appointments are renewable annually for an unlimited time provided funding is available and annual evaluations demonstrate acceptable job performance.

Research faculty are listed in the university catalogs under their assigned departments and are eligible for privileges accorded other faculty, such as ID cards, library privileges and faculty parking. They are eligible to apply for membership in the graduate faculty and, if accepted, supervise theses and dissertations or serve as the dean's representative while a member of the graduate faculty. Research faculty may serve as principal investigators on grant proposals. At the discretion of their department head or equivalent administrator, they may retain their research faculty status without pay while funding is being sought.

- C. Affiliated Faculty: When it is in the best interests of the university, individuals who are financially independent of the university may be associated with and provide support or services to one or more university programs without receiving monetary compensation (e.g., no salary, per-course or hourly pay provided). A clear statement of justification as to why it is in the university's best interest to grant affiliated faculty status will be noted on the hiring forms by the department head and forwarded through the academic dean to the executive vice president and provost for each affiliated faculty appointment. The term (not to exceed 12 months), rank, and other conditions and expectations of these honorary appointments will be determined for each individual appointee. The criteria upon which the determinations are based vary depending upon the background of the appointee, the nature of the discipline represented, and the needs of the university. In general, persons appointed should have qualifications commensurate with the corresponding rank of tenure-track faculty appointees. An appointment end date no later than 12 months from date of hire must be identified at the time of appointment or renewal. Affiliated faculty appointments may be renewed annually. Affiliated faculty may be listed in the university catalogs under appropriate departments and affiliated faculty receive the faculty I.D. card and library privileges in recognition of their contribution to the university.
- E. Extension Associate: An individual hired into a Cooperative Extension Service position in regular or non-regular status, full-time or part-time, funded principally (50 percent or more) by grants or other nonpermanent funds may be designated an extension associate. An individual hired with less than the master's degree may also be designated as extension associate. That individual may also be given the courtesy title of college instructor, college assistant professor, college associate professor, or college professor. An extension associate cannot obtain tenure. When an extension associate either receives a master's degree and/or recurring state funds become available, an extension associate may be considered for appointment to tenure-track status following normal appointment rules. Extension associates may be notified of nonrenewal with proper notice: those in the first year of service will have 3 months' notice prior to their anniversary date; those in the second or more years of service will have 6 months' notice prior to their anniversary date.
- F. Prior Service: Nontenure-track faculty have duties and/or qualifications and/or expectations different from tenure-track faculty. Consequently, service in the nontenure-track position will not normally count towards tenure in any subsequent tenure-track appointment.

- G. **Employment Base and Status:** The fixed-period base for employment of a nontenure-track faculty member is a time period that may be a semester, an academic year, or a fiscal year, and the amount of assigned effort may be figured on the basis of hours per week, credits per semester, or credits per academic year. The full-time hourly basis is 40 hours per week. The full-time credit basis is 12 credits per semester or 24 credits per academic year, except in the community colleges, where the full-time credit basis is 15 credits per semester or 30 credits per academic year. The full-time equivalent (FTE) fraction for a nontenure-track faculty member employed on an hourly basis is the ratio of the number of hours assigned per week to the basis of 40 hours/week. The FTE fraction for a nontenure-track faculty member employed on a credit hour basis is the ratio of the number of credits allocated during the applicable base period to the full-time credit basis applicable for that base period. An FTE fraction of .75 or greater is considered full-time, while an FTE fraction less than .75 is considered part-time.

A nontenure-track faculty member employed as temporary and averaging an FTE of .67 per college or more over 2 consecutive academic years may be eligible to be considered for a regular nontenure-track appointment after appropriate advertising. If not converted to regular appointment, the employee's FTE must average less than .67 per college during each of the ensuing 2 consecutive academic years. A temporary faculty member averaging less than .67 FTE per college over 2 consecutive academic years may be eligible for renewals of temporary appointments after appropriate reviews and approvals. Temporary appointments require an appointment end date on the hiring form no later than 1 calendar year after the hiring date. All temporary appointments are limited to 1 year at a time. If there is no break in service, both regular and temporary nontenure-track appointments may be renewed without advertising, after appropriate reviews and approvals.

- H. **Special Application for Nontenure-Track Temporary Community College Faculty:** A nontenure-track faculty member employed as temporary and averaging an FTE of .67 per college or more, over 2 consecutive academic years may be eligible to be considered for a regular nontenure-track appointment after appropriate advertising. (For benefits, *See Salaries/Benefits*) If not converted to regular appointment, the employee's FTE must average less than .67 per college during each of the ensuing 2 consecutive academic years. A temporary faculty member averaging less than .67 per college over 2 consecutive academic years may be eligible for renewals of temporary appointments after appropriate reviews and approvals.
- I. **Qualifications:** Qualifications for appointment of nontenure-track faculty are to be determined in such a manner as to be flexible enough to meet the particular needs of each unit utilizing such faculty, but minimum qualifications shall be a master's degree or equivalent experience in the field or related field for the junior ranks of instructor and assistant professor, and an earned doctorate or equivalent experience in the field or related field for the senior ranks of associate professor and professor.
- J. **Appointment and Nonrenewal:** Each regular or non-regular non-tenure track faculty member will be given a copy of the employing conditions, generally as an offer notification. At the time of first hire at the university, each regular or non-regular nontenure-track faculty member should read this section of policy, as well as the nontenure-track promotion procedures of the appropriate college. Nonrenewal of a nontenure-track appointment may be without implication of criticism or specification of cause. An appointment end date on the initial offer notification constitutes written notice of the end date of the appointment. In such a case, the individual concerned should be informed as soon as possible whether the individual will be offered subsequent employment following the appointment period, either as a renewal of a regular appointment or in non-regular status. Successive year renewals of regular appointments that specified an appointment end date may be made without advertising the position.

If such a regular appointment is not renewed for at least the succeeding semester, then it must be re-advertised. The minimum written notice of nonrenewal of a regular appointment that does not include an appointment end date on the offer notification will be as follows: During the first year of service in regular status (9- or 12-month basis), 3 months' notice will be given before the end of the academic year (9-month employees) or the fiscal year (12-month employees). After the first year of service, 6 months' notice before the end of the academic year (9-month employees) or the fiscal year

(12-month employees) will be given. Nontenure-track faculty members employed without an ending date whose employment is contingent upon the availability of non-I&G funds shall be given at least 30 calendar days' notice of nonrenewal. Providing proper notice of nonrenewal is given, the university does not have any legal obligation to provide funding for any nontenure-track faculty member beyond the current appointment period. However, employing units are strongly encouraged to attempt to maintain a stable job environment for this type of appointment. A nontenure-track faculty member may be dismissed for cause at any time that the member's conduct becomes inimical to the students, the faculty, the educational program, or the university. The executive vice president and provost must approve any involuntary termination for cause. A nontenure-track faculty member will have the right to appeal human resources decisions, which directly affect the member, according to university appeals procedures. (*See Policies [3.25 Discrimination, Harassment and Sexual Misconduct on Campus](#); [4.05.50 Faculty Grievance Review and Resolution](#); and [5.47 Faculty Discipline and Appeal Process](#)*) Any nontenure-track faculty member who proposes to resign shall give written notice to the immediate supervisor at the earliest time possible.

- K. **Salaries/Benefits:** Employing units will offer salaries to prospective college faculty on the basis of qualifications, availability of funding, and supply vs. demand, subject to the administrative approval procedures in effect for prospective tenure-track faculty. Salary scales for non-regular part-time, nontenure-track faculty will be set each year for the Las Cruces campus and for the community colleges by the executive vice president and provost. Exceptions to the rates must be approved by the executive vice president and provost. These rates will be made available to all faculty. Nontenure-track faculty who are in regular status are eligible for benefits as defined in Chapter 7 of the Administrative Rules and Procedures of NMSU.
- L. **Evaluation, Promotion, Salary Adjustments:** Each regular and non-regular nontenure-track faculty member will be evaluated annually during the term of employment if the employment is renewed for more than one academic semester. The evaluation will be based on those duties described under the terms of employment as agreed upon by the individual and supervisor under the general headings of teaching or research or professional service or administrative duties, or some combination thereof. A copy of the written evaluation will be given to the faculty member. Promotion in rank and salary adjustments will be made on the basis of the above-mentioned written evaluations and the availability of funds. Meritorious performance may be rewarded by encouraging nontenure-track faculty to apply for a tenure-track faculty position. College faculty in regular status shall participate in the merit system. Each college will develop separate policies, procedures, and criteria for the promotion of nontenure-track faculty. These are subject to final approval by the executive vice president and provost. These promotions will be handled in the same time period and with documentation similar to that for tenure-track faculty promotions.
- M. **Voting Privileges:** The tenured and tenure-track faculty in employing units of the university will decide which types and ranks of nontenure-track faculty may vote on (1) routine departmental matters, and (2) policy matters. Should a question arise whether an issue is routine or policy, the tenured and tenure-track faculty will decide. Nontenure-track faculty will not vote on any faculty personnel matters.
- N. **Guidelines:** As a guideline, the total FTE of nontenure-track faculty with the job titles of college instructor, college assistant professor, and college associate professor shall not exceed 25 percent of the total FTE for tenured, tenure-track, and nontenure-track faculty on the main campus (community colleges excluded). Distinction will be made, if possible, between teaching and non-teaching nontenure-track faculty in any given monitoring period. (*See section below*)
- O. **Monitoring:** During each fall and spring semester the executive vice president and provost shall provide the following data to the chair of the Faculty Senate: The number of individuals employed by the university holding academic rank by headcount and FTE, by contract type (tenured, tenure-track, nontenure-track), by job title and rank for each academic rank unit on the main campus, for each of the community colleges, and for all other organization units. Where these numbers include individuals whose primary employing unit is different from the academic rank unit, these data will be footnoted appropriately. The chair of the Faculty Senate will present these data to the Committee on Committees for analysis and monitoring with respect to the above guidelines.

- P. **Exempt Employees Hired as Part-Time Faculty:** Exempt employees who wish to teach a university class for remuneration may do so if the class meets outside regularly scheduled working hours (normally 8 a.m. to 5 p.m., Monday through Friday) and approval has been obtained from the employees supervisor and the Dean, Vice President or Campus President. Exempt employees teaching a course for remuneration during his/her regular working hours is normally inappropriate, and rather, a percentage of the person's regular salary should be paid by the beneficiary unit for the duration of the teaching service. (See guidelines under Policy [5.30 Consulting](#) and [5.25 Supplemental Employment and Compensation](#).)

**5.15.50 Appointments - Postdoctoral** *[Amendment (FS Proposition 02-10/11) passed by the Faculty Senate 10.07.10; recommended by the Administrative Council 10.12.10; approved by the Board of Regents 10.29.10] [Amendment recommended by the Administrative Council 06.11.13; approved by the Board of Regents 06.20.13]*

- A. **Postdoctoral Appointment Defined:** A postdoctoral appointment is a classification for those individuals who are exemplary scholars, who have recently been awarded a doctoral degree, and who wish to continue their education and research experience under the direction of a university faculty member.
- B. **Recruitment Considerations:** The recruitment process for a post doctoral appointment shall include consideration of any individual who expresses an interest in such an appointment. Advertising on a local, national or international basis is optional.
- C. **Terms of Appointment:** Appointments contemplate 1.0 FTE employment for at least one (1) year, renewable annually, and not to exceed a total of five (5) years, absent an exceptional circumstance. Exceptions to reduce FTE percentage, to not less than .50 FTE, or to deviate from the minimum term of one (1) year or the maximum term of five (5) years, will require the written approval from the appropriate dean or equivalent administrator and the vice president of research. The annual term of employment shall be specific in the appointment letter or in other Office of Human Resource Services documentation. The postdoctoral appointee shall receive the benefits and privileges associated with regular employment, including leave accrual.
- D. **Annual Renewal Required (Lack of Renewal Confirms End of Term Appointment):** Sixty (60) days advance notice of annual renewal shall be given. A failure to give timely notice shall not prevent a renewal, but lack of notice of annual renewal constitutes confirmation of the end date specified on the annual appointment letter or other Office of Human Resource Services documentation.
- E. **Termination of Employment Prior to End of Appointment Term:** An annual post doctoral appointment may be terminated prior to the end of the termination date specified in the appointment letter or other Office of Human Resource Services documentation for two reasons:
1. For just cause, in accordance with the university's procedures governing involuntary termination of regular faculty; or
  2. Loss or reduction in funding affecting the position.
- F. **Grievance Rights:** If it becomes necessary for an individual holding a post doctoral position to file a grievance, the faculty grievance procedure at [4.05.50 Faculty Grievance Review and Resolution](#) will apply. If the post doctoral appointee's complaint involves unlawful discrimination, then Policy [3.25 Discrimination, Harassment and Sexual Misconduct on Campus](#) or other applicable university anti-discrimination policies and procedures will govern.

**5.15.60 Appointments - Qualifications**

- A. **General Qualifications for Appointment (Main Campus):** Common elements to be considered in appointment, differing only in degree in all ranks, are as follows:



1. **Teaching:** This element is difficult to define precisely, but is commonly considered to include the teacher's knowledge of the field; awareness of development in the field; skill in arousing interest and evoking responses in students; skill in stimulating students to think critically, to understand the interrelationship of fields of knowledge and the application of knowledge to human problems; skills in integrating domestic and international knowledge and insights into class content; and skill in raising students' awareness about the domestic and international social, political, economic, and ethical implications of their courses of study.
  2. **Research:** This element is composed, in part, of the person's research or other creative work that indicates professional merit and interest. The results of this activity will find expression normally through accepted channels or media in the respective professional fields or in the person's teaching. Teaching and research are ordinarily closely related; it is difficult to comprehend how a person can teach well without having firsthand understanding of how the knowledge of the field is discovered. The research performance of faculty will be based on domestic and/or international scholarly activity. Annual performance evaluation of any faculty member will recognize that success in research may require long-term efforts. Promotion and tenure and annual performance raises will give equivalent consideration to research effort and success, whether domestic or international.
  3. **Service:** This element includes the person's general contributions to the organization and development of the university, and services to any local, state, national, or international agency or institution needing the specific benefits to be derived from the person's professional knowledge and skills.
- B. **Specific Qualifications for Appointment (Main Campus):** In the following statements of required time in each rank, IT SHOULD BE EMPHASIZED THAT THE PERIODS STATED ARE TO BE CONSIDERED AS MINIMUM AND NOT AS MAXIMUM, UNDER NORMAL CIRCUMSTANCES. It is recognized that the time served in a rank at another institution should be taken into consideration. It is also recognized that the evidence of competence differs for various fields, to some extent, and standards of judgment cannot be rigidly uniform.
1. **JUNIOR RANKS** (*See also* Policy [5.15.40, Appointments - Nontenure-Track](#))
    - a. **Instructor:** This rank should be given to persons with advanced training who have demonstrated scholarly/creative ability. Usually, the individual will not yet have demonstrated ability to do both teaching and research independently. An instructor must have knowledge of the particular course materials and should have some intellectual vision; but need not be expected to have acquired a significant understanding and original point of view or philosophy of the general subject. In addition to such general considerations, as stated above, the specific degree requirements for this rank will normally be the master's degree or the equivalent, and except under unusual circumstances the instructor will be encouraged to be studying toward a terminal degree.
    - b. **Assistant Professor:** To be considered for this rank, a person must have demonstrated ability in the field. It is strongly believed that a relationship exists between teaching and research, and that a good teacher or researcher must constantly remold the materials of the courses or projects in the light of new knowledge derived from the person's own creative scholarship as well as that of others. An assistant professor may be expected to have a thorough command of the subject matter of some segment of the general field of the discipline, in addition to a comprehension of the whole. In addition to such general considerations as stated above, specific degree requirements for advancement or promotion to the rank of assistant professor and, of course, applicable to the senior ranks as well, NORMALLY will be the doctor's degree. Outstanding experience and recognition in the profession outside the academic field may be considered as the equivalent of the degree requirement.
  2. **SENIOR RANKS.** Appointment or promotion to either senior rank should represent an implicit prediction on the part of the department, college, and the university that the individual so appointed will make sound contributions to teaching and learning during the remainder of the

individual's life. Senior rank status should occur only after careful investigation of the candidate's promise in scholarship, teaching, research, leadership, and learning. By this statement it is meant that serious attention must be given to the caliber of the candidate's professional stature, for this will probably be the key factor in determining the extent to which past performance in teaching and creative work may be expected to carry on through continuing and enlarged contributions. Services rendered to communities and agencies or organizations in the person's professional capacity shall be considered in assessing qualifications for advancement to senior ranks.

- a. Associate Professor: This person's views contribute to departmental policy. An associate professor should have competence and mature outlook over a fairly large part of the whole field. To be considered for this rank a person should expect to serve for at least 4 years as an assistant professor under normal circumstances. A candidate for an associate professorship is expected to have demonstrated capacities in the lower ranks and should offer evidence that teaching and research have kept abreast of times in method and subject matter; that a greater degree of maturity has been attained and that there has been a retention of interest in competent teaching and research. Furthermore, the candidate must have shown evidence of productivity and competent scholarship beyond that completed for the degree of the doctorate.
- b. Professor: Appointment of individuals to professorships is obviously the most critical step in determining the future of the academic caliber of the university. There should, therefore, be clear understanding of the functions and qualifications of individuals in this rank. A professor through teaching, creative activity, and service should have demonstrated substantial command of the whole field, sound scholarship, and a mature view of the discipline. Appointment or promotion to professor should not be considered to be forthcoming merely because of years of service to the university (it should not be expected based on any number of years as an associate professor) or because a continuous contract is achieved. Rather, a person being considered for a professorship is expected to have maintained all of the qualities and conditions required for tenure and the associate professor rank. In addition, a professor should exhibit special stature in the discipline, leadership and substantial strength in all areas-teaching, creative activity, and professional service. In the recommending procedures the department head and the faculty member shall submit information as follows:
  - i. Special Stature in the Discipline:
    - Teaching Performance: Data indicating performance, including innovation, enthusiasm, and contributions to activities designed for the improvement of instruction. Peer and student evaluation may be useful ingredients in determining teaching performance.
    - Creative Activity: Lists of publications, exhibits, recitals, etc. Peer evaluation both on and off campus. The direction of graduate students where appropriate to the individual's discipline.
    - Professional Service: Information showing involvement in state, regional, national, and international groups within the field and contributions to the university. Objective data showing prestige and recognition among the practitioners of the discipline.
  - ii. Leadership: Information showing initiative, perseverance, and originality and skills in human relations.

Initial appointments for faculty employed with the rank of professor may also include continuous contract.

- C. General Qualifications for Appointment (Community College System): The following qualifications are listed in the order of their relative importance: teaching is more important than professional service; professional service is more important than other service; other service is more important than research.

1. Teaching: This element is commonly considered to include the teacher's knowledge of the



field; awareness of and the application of developments in the field; skill in arousing interest and evoking responses in students; skill in stimulating students to think critically, to understand the interrelationship of fields of knowledge and the application of knowledge to human problems; and skill in awakening students to a realization of the social, political, economic, and ethical implications of their study.

2. **Professional Service:** This element includes, above all, the faculty member's service with respect to the organization, development, and welfare of the community college and the university. This element also includes service to any individual or group needing the specific benefits of the faculty member's professional knowledge and skills.
3. **Other Service:** This element allows a faculty member to be recognized for service to the general welfare of the community which is interrelated with the welfare of the community college.
4. **Research:** Research or other creative work is not required at the community colleges. However, those faculty members who produce research and/or creative work should be encouraged, and such work should be considered for appointment, promotion, and tenure considerations.

The academic credentials of all community college instructors will be reviewed by the community college program coordinators (when appropriate), division heads, and the chief instructional officer to meet the guidelines established by the main campus departments. Instructors must also be approved by the campus executive officer and the executive vice president and provost.

- D. **Specific Qualifications for Appointment (Community College System):** In the following statements of required time in each rank, it should be emphasized that the periods stated are to be considered as minimum and not as maximum, under normal circumstances. It is recognized that the time served in a rank at another institution should be taken into consideration. It is also recognized that the evidence for various fields, to some extent, and standards of judgment cannot be rigidly uniform.

#### 1. JUNIOR RANKS

- a. **Instructor:** This rank should be given to persons with the necessary education and/or experience to teach within the community college concept.
- b. **Assistant Professor:** To be considered for this rank, a person must have demonstrated the ability to teach effectively in the person's field. It is strongly believed that a good teacher must constantly remold the course or project materials in light of new knowledge derived from the teacher's own creative scholarship, as well as that of others. To be considered for this rank, a person should expect to serve at least 3 years as an instructor under normal circumstances. An assistant professor may be expected to have a thorough command of the subject matter of some segment of the general field of the discipline, in addition to a comprehension of the whole.

2. **SENIOR RANKS.** Appointment or promotion to either senior rank should represent an implicit prediction on the part of the community college that the individual so appointed will make sound contributions to teaching and learning during the remainder of the individual's life. It should be made only after careful investigation of the candidate's promise in teaching, professional service, other service, and, if applicable, research and/or creative service. By this statement, it is meant that serious attention must be given to the caliber of the candidate's professional stature, for this will probably be the key factor in determining the extent to which past performance in teaching and service may be expected to carry on through continuing and enlarged contributions.

- a. **Associate Professor:** An associate professor occupies a position adjunct to that of the professor. This person's views contribute to community college policy. An associate professor should have competence and mature outlook over a fairly large part of the professor's whole field. A candidate for an associate professorship is expected to have demonstrated capacities in the lower ranks and should offer evidence that the candidate's teaching has kept abreast of times in method and subject matter, that a greater degree of

maturity has been attained, and that there has been a retention of interest in competent teaching and service. To be considered for this rank, a person should expect to serve for at least 4 years as an assistant professor under normal circumstances.

- b. Professor: Appointment or promotion of individuals to professorships is obviously the most critical step in determining the future of the community college system and the university. There should, therefore, be a clear understanding of the functions and qualifications of individuals in this rank. A professor through teaching and service should have demonstrated substantial command of the professor's whole field, sound scholarship, and a mature view of the discipline. Promotion to professor should not be considered to be forthcoming merely because of years of service to the community college and the university (it should not be expected based on any number of years as an associate professor) or because a continuous contract is achieved. Rather, a person being considered for a professorship is expected to have maintained all the qualities and conditions required for tenure and for the rank of associate professor. Additionally, a professor should exhibit special stature in the professor's discipline, in leadership, and in both teaching and service.

## 5.20 Assignments - General

It is the policy of the university to provide conditions under which high quality instruction, research and service may be expected to occur. The faculty and administration recognize that quality education is based on and will occur as the result of interaction and contact between professionally competent faculty and adequately prepared students. Statements in this manual which are concerned with assignment of faculty load and with the award of academic credit are expressed generally in terms of the amount of contact occurring between faculty and students. In practice, many academic efforts, having little or nothing to do with the amount of contact *per se*, are nevertheless quantified and rewarded in terms of the credit hours. Such cases are covered by prior approvals among students, faculty and administrators. This policy is based on the following:

- A. Teaching: Refers to activities related to courses given in a current term, such as meeting scheduled classes, grading, preparing lectures, evaluating students, reading student papers, academic advising, supervising teaching assistants, and supervising laboratories. Ordinarily, scheduled class meetings will equal at least 750 minutes per semester per credit hour.

Refers to the statewide non-credit teaching activities of members of the Cooperative Extension Service, and other university faculty members, such as conducting seminars, meetings, workshops and consultations with ranchers, farmers, businessmen, homemakers, community leaders and other citizens of the State, and the preparation of educational materials-bulletins, newsletters, news articles, radio and television programs, and self-teaching programs.

- B. Research and Other Creative Endeavors: Refers to activities in the faculty member's area of responsibility related to a specific project, such as performing a professional skill, writing or developing research proposals, statistical consulting, writing articles and/or books and/or reviews, creating a new art form(s), performing departmental and/or sponsored research, giving recitals, maintaining an artistic skill.
- C. Professional and Public Service: Refers to activities related to maintaining expertise in a professional field and activities performed to benefit the community outside the institution, respectively. Specific activities in this category include attending professional meetings and/or seminars, editing a journal, serving as an officer in a professional society, consulting, performing professionally as in plays or orchestras, participating in lectures or seminars for the public, and involving oneself in community activities such as civic clubs, agricultural or urban extension services.
- D. Internal University Activities:
  1. General contact with students, such as: counseling; preparing recommendations; participating in social interaction; recruiting students; sponsoring student organizations; meeting with parents; attending student recitals; coaching intramural or intercollegiate athletics; directing the

band, orchestra, student plays, debate team, or other student groups.

2. Committee participation, such as: attending departmental meetings; Faculty Senate; promotion and tenure committees; planning committees; or admission committees.
3. Administrative duties, such as: performing the duties of a department head, dean, vice president, or any other administrator; keeping records; preparing minutes; writing and answering memoranda; assigning faculty course loads; preparing budgets; gathering data; helping during registration; interviewing candidates for faculty positions; advising on library purchases; escorting visitors.

#### **5.20.10 Assignments – International** *(See also ARP-Rule 2.69 International Travel Policy)*

A. Internalization Generally: Internationalization is the incorporation of international content, materials, activities, and understanding into teaching, research, and public service functions of universities to enhance their relevance in an interdependent world. The major elements of the strategy being used to internationalize our university are:

1. Defining international goals/objectives.
2. Determining specific actions/activities relating to goals/objectives.
3. Identifying individuals/units which have lead responsibilities for implementing activities.
4. Formulating a strategy for the implementation of activities.

B. Internationalization Policy: The current emphasis is seeking a balance between the concepts of cooperation and competition. This new emphasis places a major responsibility on the U.S. universities for providing relevant educational experiences for their students so that they are equipped to compete, become gainfully employed, and participate effectively as citizens in the new and emerging world environment. The principal purpose of university's internationalization strategy is to systematically and incrementally change the institution to better serve current and future needs of the institution's clientele.

C. Assignment of Faculty to International Programs: The nature and requirements of the international assignment will be carefully reviewed and understood by university administrators and the faculty member before beginning the assignment. Accomplishments during assignment to international projects will be given consideration in evaluating annual performance, merit increases, promotion, and advancement to continuous contract. In future evaluations, consideration may be given to how knowledge and insight gained during an international assignment are integrated into the faculty member's teaching, research, and outreach responsibilities after returning from this assignment. *(See also Policy [5.65 Faculty Exchange](#); and ARP-Rule 2.69, International Travel)*

#### **5.20.20 Assignments - Teaching Load** *(See also [5.45.30 Department Heads - Teaching Loads](#))* *[Amendment effective 07.01.09(FS Proposition 05-08/09) passed by the Faculty Senate 10.30.08; approved by the Administrative Council 11.11.08; adoption of amendment ratified by the Board of Regents 07.29.09] [Amendment effective 07.01.09 (FS Proposition 19-08/09) passed by the Faculty Senate 04.30.09; approved by the Administrative Council 07.14.09; adoption of amendment ratified by the Board of Regents 07.29.09]*

A. Purpose: Faculty members perform a wide variety of tasks determined by the requirements of their discipline and by the mission of the university. Accordingly their workload will vary from individual to individual and over time for a particular individual. The purpose of the Faculty Workload Policy is to establish a fair and equitable allocation of workload among faculty taking into account the interests of the faculty and the needs of the university. Recognizing the complex role played by faculty in the university setting, the primary responsibility for establishing workloads shall rest with the departments or equivalent administrative unit.

- B. Scope of Application: The rules set out here apply to faculty time financed from instruction and general (I & G) funds. Faculty time not financed by I & G funds is not covered by these rules. Faculty time partially funded from I & G shall be prorated.
- C. Teaching Load, Generally, for NMSU LC Faculty: A faculty member employed on the Las Cruces (Main) Campus budgeted exclusively from I&G funds will normally be responsible for the equivalent of teaching 12 credits per semester. The faculty member may be expected to participate in some scholarly and creative activity, professional and/or public service, or internal service to the university. Significant work of this kind reduces the faculty member's responsibility for formal instruction.
- D. Teaching Load, Generally, for Community College Faculty: The teaching load for community college faculty members will usually be the equivalent of 15 credits a semester or from 27 to 30 credits an academic year. The teaching load shall be prorated for short courses or courses taught over part of a semester.
- E. Equitable Distribution of Workload:
  - 1. Executive Administration: The executive vice president and provost and Chancellor shall seek to allocate faculty resources among departments or equivalent administrative units, taking account of internal and external constraints, so as to distribute workload in a fair and equitable manner. Factors that may be considered in allocating resources include accreditation, workloads at peer institutions, national disciplinary norms, and retention of faculty, the needs of new programs, credit hour production, legislative mandates, and other factors.
  - 2. Dean or Equivalent: Within each college or equivalent unit, the college dean or equivalent administrator shall seek to allocate faculty resources within their college or equivalent unit in order to achieve a fair and equitable workload. When inequitable workloads arise, it shall be the responsibility of the dean or equivalent administrator to rectify the inequality.
- F. Departmental Workload Policy:
  - 1. Departments and equivalent units will specify how they determine teaching loads. Departmental or equivalent unit workload policy will be 1) developed by the department faculty in collaboration with the department head and approved by the dean or equivalent administrator, 2) contained in written departmental guidelines, and 3) distributed to all faculty in the department. Department guidelines shall clearly specify the method by which teaching load is distributed. The dean or equivalent may ask for revisions to the departmental workload policy.
  - 2. In determining teaching load, the departmental or equivalent unit workload policy shall consider the impact of: courses with a lab component; career path of the instructor; tenure and promotion; workloads at peer institutions; national disciplinary norms; faculty retention; relative proportion of graduate and undergraduate instruction; supervision of master's theses or doctoral dissertations; student advising and retention activity; mentoring activity, individual faculty member's scholarly and creative productivity; service productivity; new preparations; method of course delivery; class size; help from graduate assistants; administrative and/or service assignments; team teaching; and methods of grading. Given the importance of graduate programs to the mission of the university, special consideration must be given to support of graduate programs. Other factors specific to particular departments or disciplines may also be considered.
- G. Annual Determination of Individual Faculty Teaching Load/Right to Appeal: The teaching load for each faculty member will be determined annually by the department head or equivalent administrator through a process that follows established departmental or equivalent unit policy and involves an element of negotiation. The agreed upon teaching load for each faculty member will be articulated in writing and signed by the faculty member and the department head or equivalent administrator, and shall be included in the faculty member's personnel folder. If agreement on these responsibilities cannot be reached, the faculty member may appeal the case in accordance with

university procedures. (See ARP-Rule 4.05.50, Faculty Grievance Review and Resolution) In an appeal situation, if a change in academic responsibilities will affect the faculty member for more than one semester, the appeals procedure must have been completed before the reassignment can be made or continued.

- H. Considerations for Variance: The percentage breakdown of time allocated to each academic activity may vary among faculty members.
1. The allocation will be based on the average time required for the satisfactory performance of the activity.
  2. Courses such as thesis, dissertation, research, special problems and independent study are not automatically considered to be the equivalent with teaching typical graduate or undergraduate courses. When such activities are included in the teaching load, the department head or equivalent administrator and the affected faculty member shall collaboratively determine course equivalency consistent with the department teaching load policy.
  3. In collaboration with faculty in their department or equivalent unit, and subject to approval by the college dean or equivalent administrator, department head or equivalent administrator may make adjustments to faculty teaching loads if those adjustments increase load equity and are at least revenue neutral. Adjustments to teaching loads within programs should result in or maintain load equity, should respect the career paths of faculty, and should not place an extra teaching burden on junior faculty who are preparing for tenure review. When a faculty member is assigned special duties above the normal load, arrangements will be negotiated between the faculty member and concerned administrators to determine the amount of additional compensation, if any, to be received.
  4. When considering individuals for tenure, promotion in rank, merit pay increases, research/service awards, and/or endowed chairs/professorships, departmental workload policy and an applicant's teaching load history must be presented to reviewing bodies and individuals. An applicant's teaching load and its potential impact on scholarly and creative activities, and service must be considered in the review process.
- I. Cooperation: The successful application of these guidelines depends upon maintaining goodwill between faculty and administrators.

## **5.25 Compensation** (See also [Policy 5.94.20-Intellectual Property and Patents](#); [Policy 5.92-Reassignment of Administrators/Department Heads](#))

- A. Policy:
1. Salary increases are determined after the legislature has appropriated funds for the operation of the university.
  2. It shall be the policy of the university that all promotions shall include a fixed percentage salary increase, irrespective of other salary increases, currently six percent of the mean salaries of ranks currently held. (For example, an assistant professor being promoted to associate professor would receive an increase equal to six percent of the current mean salary of all assistant professors).
  3. After promotion dollars are determined, the remaining funds shall be distributed proportionally to each college and community college (unless the community college allocation is separate from the main campus allocation) based on their current salary pool.
  4. Allocation of funds for salary increases will consider performance (based on the annual performance review) and base salary adjustments.

B. Procedures:

1. The department head makes a salary recommendation to the college dean.
2. When final salary determination has been made and approved by the department head, deans and executive vice president and provost, the appropriate administrator will inform the faculty member in writing about the member's next year's salary, including a breakdown of base adjustment, performance and/or promotion increments.
3. Faculty hired after January 15 will not receive a salary adjustment. Anyone hired prior to that date and after October 1 would be eligible for a base adjustment during the years a base adjustment is given.
4. Faculty salary and salary increase information shall be made available to the tenured and tenure-track faculty in the form of tables reflecting increases by rank for the university and each college.
5. Salary letters are issued by the Office of the President.
6. The percentage increase in salaries to each college and department is public information which is available upon request.
7. Each year the executive vice president and provost shall report to the faculty on how raise dollars were distributed. The report will include the executive vice president and provost's recommendation for each college's base and merit salary adjustment proportions. Furthermore, the report will include the actual base and merit proportions made by each college dean.

### **5.25.10 Compensation - Continuing Education Courses**

It is the policy of the university that providing life-long learning through continuing education is an important part of *its* mission. In order to encourage faculty to participate in these activities, the faculty may earn extra compensation for teaching in continuing education programs in lieu of consulting. The extra compensation will normally be paid at a rate of 0.00278 X 9-month salary per hour of instruction. This rate is based on the assumption that 12 credits per semester, for two semesters, for 15 weeks is the normal load for an academic year.  $[0.00278 \times \frac{1}{(12 \times 2 \times 15)}]$  - maximum rate. For purposes of E-Hire Forms, these hours must be kept separate from for-credit hours.

### **5.25.20 Compensation - Department Heads** (See Policy [5.25.40 Compensation - Summer](#); Policy [5.92 Reassignment of Administrators/Department Heads](#))

### **5.25.30 Compensation - Distance Education/College of Extended Learning**

- A. Distance Education Definition: Distance Education at New Mexico State University is defined as the formal education process of delivering instruction so that students physically remote from the campus of program origin and/or instructor may participate. Course or program delivery may include face-to-face interaction and/or synchronous or asynchronous written, electronic or other media forms. NMSU's four-year campus distance education courses must be approved through the college and the Office of Distance Education/College of Extended Learning. NMSU's two-year campuses will develop their own approval process.
- B. Faculty/Staff Compensation: With faculty input, each college and two-year campus will provide written guidelines regarding its practices for compensation faculty who provide distance education courses. An informational copy is to be forwarded to the vice provost for distance education and dean of the college of extended learning by August 1<sup>st</sup> of each year and made available to faculty in the college or two-year campus. These college and two-year campus guidelines may reflect varied factors that include, but are not limited to, market demand for distance education courses, current compensation of individual faculty and the distance education modalities used in the courses. Faculty may be compensated for teaching distance education in one of two ways, Differential Compensation and/or Supplemental Compensation.

1. Differential Compensation:

- a. Differential compensation involves compensation for preparation of new distance education courses/programs and is determined by each college.
- b. This compensation may also be made available to faculty to maintain existing courses or programs.
- c. Faculty members may also receive differential compensation for teaching a distance education course. Differential compensation for teaching distance education courses may be provided as reassigned teaching time, release from other responsibilities, additional salary, graduate assistance support, full or part-time support personnel, stipends for contractors/vendors, etc.
- d. The form of compensation is at the discretion of the college administrator after consultation with the faculty member.
- e. Differential compensation may also be provided for faculty members who travel to an off-campus site to teach distance education courses in addition to approved university travel compensation.
- f. University travel compensation as an addition to differential compensation is to be based on the distance traveled to teach the course and the number of trips made in any given semester for the expressed purpose of teaching the course or advising students in a course or program.

2. Supplemental Compensation: Faculty members who teach a distance education course as an overload may receive supplemental compensation as presented in [4.70 Supplemental Employment/Compensation](#) or negotiated with the appropriate college dean.

- a. Any contract course is expected to be self-supporting including fringe benefits. Faculty compensation for contract courses must follow appropriate university policy.
- b. Instructors who travel to remote sites shall be compensated for their travel at the mileage and per diem rates determined through university travel policy.

C. Small Class Sections: Distance education courses with an enrollment of fewer than ten undergraduate or five graduate students will be subject to small course monitoring.

**5.25.40 Compensation - Summer** *[Amendment (FS Proposition 20-09/10) passed by the Faculty Senate 04.29.10 and also recommended by the Administrative Council 05.11.10; approved by the Board of Regents 07.20.10]*

- A. Teaching: For faculty at campuses whose faculty members have a normal teaching load of 24 credits during the regular year, summer teaching is paid at the rate 11.11% of annual salary for a 3 credit class or 3.70% of annual salary per credit hour. For faculty at campuses whose faculty members have a normal teaching load of 30 units during the regular year, summer teaching is paid at the rate of 8.31% of annual salary for a 3 credit class or 2.77% of annual salary per credit hour.
- B. Sponsored Research: Sponsored research is paid at a rate consistent with federal regulations including, but not limited to, those contained in OMB Circular A21 as administered by the Office of Naval Research.
- C. Combined Teaching-Sponsored Research: For those both teaching and engaged in sponsored research, summer pay is pro-rated between the two activities. The regular summer employment period is computed from the last workday after grades are due at the end of the spring semester until the first workday before Faculty are required to report in the fall semester. The pro-rating calculation shall be done consistent with OMB Circular A21.
- D. Negotiated Summer Salary: For persons who have no regular academic-year salary on which to base summer compensation, salary may be negotiated within the approved ranges for temporary faculty.

- E. Supplemental Compensation: The policies regarding supplemental compensation during the summer period are the same as those that apply to the academic-year period, as described in [4.70 Supplemental Employment/Compensation](#) of the policy manual.
- F. 12-month Faculty: The policies pertaining to compensation for 12-month Faculty during the summer period, including department heads, are the same as those that apply to the academic year.
- G. Graduate Assistants: In summer sessions, graduate assistants receive the same pay per week as they do during the regular semester.

**5.25.50 Compensation - Employee Recognition Program** (See Policy [8.15.10 - Employee Recognition Program](#))

**5.30 Consulting** (See also ARP- Rule 8.25, Consulting-Exempt Staff; Rule 4.70, Supplemental Employment/Compensation; and Rule 3.20, Conflicts of Interest and Conflicts of Commitment)

- A. Definitions: The following definitions, policies, and procedures will be applied to all full-time faculty members:
  - 1. University: New Mexico State University.
  - 2. Consulting: Services for compensation, not disbursed by the university, in an employee's area of specialization.
  - 3. Consulting time: That time afforded a faculty member during the faculty member's normal working hours.
  - 4. Full-Time and Part-Time: A faculty member employed for an FTE fraction of 0.9 or greater is considered full-time, while an FTE fraction of less than 0.9 is considered part-time.
- B. Consulting Policies:
  - 1. Consulting by full-time faculty should be considered secondary to the performance of the faculty member's assigned duties.
  - 2. Written notification is required for consulting. Written permission is required for consulting time.
  - 3. Consulting time shall not average more than 1 day per week during the months of full-time employment excluding those days when university offices are officially closed.
  - 4. Consulting is to be conducted in an ethical manner that should not create a conflict-of-interest situation.
  - 5. University facilities, equipment, personnel or supplies which are not freely available to the general public will not be used in consulting without proper arrangements for reimbursement.
  - 6. Additional assignments performed during normal university working hours, and for which an employee receives supplemental compensation, will be counted against that faculty member's allowed consulting time and must be approved by all cognizant administrators.
- C. Procedures/Right to Appeal:
  - 1. The faculty member shall submit a written notification of consulting to the faculty member's immediate supervisor (usually the department head) prior to initiation of consulting. At times, consulting opportunities arise when it is not possible to immediately submit a written notification (such as weekends or holidays). In those cases, the faculty member is expected to make every possible effort to submit the notification on the next regular business day for the



university.

2. The immediate supervisor is responsible for notifying the appropriate dean or director of those faculty members who have submitted notification of consulting.
3. The faculty member shall obtain prior written permission for consulting time from the faculty member's immediate supervisor and appropriate dean or director. The request for consulting time must be acted upon within 5 working days.
4. Prior written approval and financial arrangements for reimbursement must be obtained from the immediate supervisor before university facilities, equipment, personnel or supplies may be used in consulting by the faculty member. These arrangements will be reviewed by the appropriate dean or director and may be disapproved, with cause.
5. Causes for denial of consulting privileges include, but are not limited to: a clear conflict-of-interest situation, unprofessional conduct by the faculty member negatively reflecting on the university, significant interference with assigned university duties, consulting time exceeding an average of 1 day per week, or misuse of university facilities, equipment, personnel or supplies.
6. The faculty member may appeal decisions to the Faculty Grievance Review Board.
7. Additional policies not in conflict with the above may be developed and implemented by the college faculties and administrations.

**5.35 Deans** (See also Policy [1.05.50 University Administrative Council](#); Policy [1.05.60 Academic Deans Council](#))

**5.45 Department Heads** (See also Policy [5.06.30 Administrative Review of Department Heads](#); Policy [5.25 Compensation](#); Policy [5.92 Reassignment of Administrators/Department Heads](#))

A department head serves at the discretion of the dean/director, with the concurrence of the executive vice president and provost. All academic departments are administered by department heads under the cognizance of the college dean, graduate dean, if appropriate, and the executive vice president and provost.

- A. Department Head Increment: It is the policy of the university to provide additional stipends for those administering the academic departments, based upon the number of full-time faculty, part-time faculty, and graduate assistants supported from instruction and general funds. It is understood that this increment is included in the original offer to department heads just joining the faculty and is relinquished if the individual gives up the department head responsibilities.
- B. Faculty Rank: Department heads are academic administrators, with faculty rank, but eligible for consideration under all policies applying to the faculty. For example, some department heads have been promoted to a higher rank and some have been tenured, but obviously the promotion and tenure considerations were in keeping with their positions as members of the faculty.
- C. Length of Appointment: For department heads who are 12-month employees, the year is from July 1 to June 30. Department heads that have negotiated a 9-month appointment come under the policies of the regular faculty with respect to all pay and fringe benefits and normally are excluded from summer teaching. Department heads observe the administrative calendar.
- D. Salary Determination: When an internal candidate is selected, department head salary normally is determined by multiplying the 9-month faculty salary by 12/9 and adding the department head increment.
- E. Summer Session: (See [5.25.40 Compensation - Summer](#))

### 5.45.10 Department Heads - Leaves

- A. Annual Leave: Department heads are treated the same as all other 12-month employees, except for those provisions pertaining to teaching responsibilities. For example, regular full-time employees, including department heads, are granted 22 working days annual leave a year beginning with the date of employment. Unused annual leave may be accumulated but shall not exceed more than 30 working days. However, all department heads are urged to take annual leave each year because it is felt that administrators need this time off to ensure their continued effectiveness. A change in assignment of a 12-month person to less than annual regular employment within the university will result in payment of any unused leave up to 30 days. Also, a department head that terminates or retires from the university will be paid for unused leave up to 30 working days. Accurate annual leave records for department heads must be maintained in the deans' offices.
- B. Sick Leave: Under the 12-month plan for department heads, the sick leave policy is observed. Regular full-time employees are granted 12 working days of sick leave a year which may be accumulated up to 800 hours per year. A department head returning to a 9-month faculty contract is not eligible for unused sick leave, but comes under the sick leave policies for the faculty. Accurate sick leave records must be maintained in the deans' offices.
- C. Annual/Sick Leave for Acting Department Heads: Nine-month faculty who serve temporarily in exempt positions such as acting department head should be changed by Personnel Action Form from faculty to exempt staff for the period. Consequently, they will earn sick leave and annual leave at the regular 12-month rate, or at 9/12, 10/12, or 11/12 adjusted rates as applicable during the time of administrative service. If the faculty member returns to 9-month faculty status afterward, another Personnel Action Form should change the status again from exempt staff to faculty.
- D. Sabbatical Leave: Sabbatical leave for department heads is determined by a formula prorating the time they have been on 9- and 12-month contracts during the previous 6 years counted towards the sabbatical leave.
- E. Summer Sabbatical Leave: A department head gains eligibility for sabbatical leave as indicated in the sabbatical leave section(s) of this manual, and may elect to take such leave in segments. Each leave segment should be of sufficient length to permit a significant planned accomplishment. When segments are used, the accrual for the next sabbatical leave begins with the end of the year in which the first segment was taken. The entire sabbatical leave will be charged to the departmental salary budget.

### 5.45.20 Department Heads - Responsibilities

The following responsibilities of the department head are to be accomplished, insofar as possible, within budget and policy restraints.

- A. Academic Leadership: The department head is expected to be the academic leader of the departmental faculty. The department head is responsible for ensuring that highly qualified faculty are employed. Also, the department head ensures that official transcripts, including highest degree earned are obtained for every new faculty member's official personnel file (routed through the Office of the Executive Vice President and Provost). Insofar as possible, the kind of atmosphere in which the faculty can do their best work in teaching, research, and service should be maintained.
- B. Faculty Development: Leadership of the faculty implies working closely with the faculty on the development and sustenance of departmental courses and the stimulation and encouragement of faculty development. A performance evaluation of each faculty member will be carried out at least once a year and should be made in the positive vein of professional development. Evaluation of the progress of tenure-track faculty should be made in consultation with senior department faculty and in accordance with the highest national standards of faculty performance.
- C. Professional Contacts: The department head is responsible for encouraging the national and international professional contacts of the faculty within the constraints of the departmental budget.

This implies appropriate travel and bringing well-known professionals to the campus.

- D. Teaching Support: The department head has no more important task than ensuring teaching excellence. Encouragement and support of good teaching must be given to faculty, especially new faculty. Copies of current syllabi will be maintained in the department head's office. The department head is responsible for ensuring an effective departmental evaluation of teaching, and for advisement of student departmental majors.
- E. Effective Management: The department head must ensure the effective administration of the department, including keeping the faculty fully informed of department, college, and university matters. Routine and special reports, including grade reports and other matters, must be handled accurately and on time. Effective supervision and development of the department budget is important. The department head will keep the faculty informed on budgetary matters. All research and program contracts should be carefully supervised, both for fiscal integrity and academic appropriateness.
- F. Departmental Advocate/College and University Steward: The department head is expected to be an advocate of the department, yet at the same time appreciate the concerns and priorities of the college and university. The most important department activities in the development of faculty, programs, research, and service are done in close partnership with the office of the dean of the college.
- G. Liaison to Dean: The department head is responsible to the dean of the college for all the activities of the department. The dean should be kept apprised of all department activities and problems.
- H. Policy Compliance: The department head is responsible for ensuring that department, college, and university regulations are enforced.
- I. Role in Recruitment: The department head will inform the search committee chair if an underutilization memorandum is received from the Office of the executive vice president and provost for purposes of meeting affirmative action goals. The [Search Committee Guidelines](#) will be provided by the department head for tenure-track faculty positions.
- J. Supervision of Graduate Assistants: Graduate assistants are recommended for appointment by the department head. The appointment requires approval of the college and graduate dean. Three letters of recommendation are required for the approval. Specific orientation and training of graduate assistants are the responsibilities of the department head. Graduate assistants work under the close supervision of faculty. The policy on academic freedom does not apply to the service expected of graduate assistants. The assignment of teaching duties to graduate assistants is the responsibility of the department head. Such assignment requires that the department head ascertain that the graduate assistant is fully qualified and that the work performed by the graduate assistant be closely supervised by a member of the faculty responsible for monitoring the assigned tasks associated with the graduate assistant's teaching responsibility. Only those graduate assistants proficient in English may be assigned to teaching or teaching-related activities.

### 5.45.30 Department Heads - Teaching Requirements

Minimum teaching	for FA/SP/SI/SII Number of courses of <u>3 credits or equivalent*</u>
Doctorate granting departments	3
Master granting departments	4
Bachelor granting departments	5

\*Adjustments

With the approval of the dean, an adjustment of one fewer course than the above number of courses may be made by any department that qualifies for three or more points as listed below.

	<u>Points</u>
With 100 or more majors	1
With 15 or more graduate students	1
With \$300,000 in grants or more and/or \$20,000 in gifts in each year	1
With 15 or more faculty	1
With 30 or more faculty	1

**5.47 Faculty Discipline and Appeal Processes** *[Amendment deleting material from policies 4.05.50 and 5.98 to establish this policy recommended by FS Proposition No. 13-10/11A, passed by the Faculty Senate 03.03.11; the University Administrative Council recommended, as further amended, on 04.12.11; policy adopted by the Board of Regents 05.06.11.] [Amendment recommended by the Faculty Senate in Proposition No. 13-11/12A approved 04.05.12; approved by the Board of Regents 06.21.12]*

- A. Purpose: To establish policy and procedures by which allegations of serious faculty misconduct, or inability to perform essential functions of the job, may be addressed equitably, expeditiously and without violating the principles of academic freedom or due process.
- B. Scope: This policy applies when serious misconduct, or inability to perform essential functions of the job, is reasonably suspected of any tenured, tenure track, or regular, non-tenure track faculty within the NMSU System.
  1. This policy does not apply to situations involving unsatisfactory job performance covered by other policies regarding the quality of teaching/advising, research/scholarship or outreach/extension or service. (See [5.87 Post-Tenure Review](#); [5.90 Promotion and Tenure](#); [5.98 Tenure Track and Tenure](#) policies)
  2. This policy does not apply to situations involving the voluntary or involuntary retreat to a faculty position from an appointment as academic administrator, because such appointments are within the discretion of an executive administrator.
  3. This policy does not apply to situations involving non-renewal of the annual faculty contract.
- C. Policy Administrator: The Office of the Executive Vice President and Provost, jointly with the Office of Human Resource Services, administers this policy.
- D. Definitions and Roles:
  1. “Clear and Convincing Evidence”: Clear and convincing evidence means evidence that makes the fact to be proven highly probable or reasonably certain. To prove a fact by clear and convincing evidence is evidence stronger than a "preponderance" and yet less than "beyond a reasonable doubt;" for evidence to be clear and convincing, it must instantly tilt the scales in the affirmative when weighed against the evidence in opposition and the fact finder's mind is left with an abiding conviction that the evidence is true. (See Also subsection K. 3.)
  2. “Day”: When a time limit refers to “day”, it refers to business rather than calendar days (Monday through Friday), and excludes official university holidays.
  3. “Dean”: When the policy refers to dean, it will include the equivalent ranks to dean, for academic units other than a college or library. It also will mean the designee serving in lieu of the dean, who may be designated by the Faculty Senate chair and assistant vice president for human resources, in consultation with the Office of the General Counsel, due to a conflict of interest on the part of the dean or dean equivalent. The dean serves as the informal pre-determination hearing officer. (See subsection L., below).
  4. “Investigative Administrator”: When the policy refers to the “investigative administrator”, it refers to the individual who performs or coordinates the confidential investigation into the allegations against the faculty member, including issuance of the investigative report. (See subsection H. below). The investigative administrator also consults with the Office of Human

Resource Services and/or Office of General Counsel regarding the appropriate level of corrective action warranted, if any; prepares the notice of proposed corrective action; and presents the matter to the pre-determination officer (the dean). (*See* subsections H- K below.) The investigative administrator will usually be the immediate supervisor, or academic department head. It may also mean someone designated to serve in lieu of the immediate supervisor, in the event of a conflict of interest. (i.e. if the investigative administrator is implicated in the alleged misconduct.) In cases involving alleged discrimination in violation of federal or state law or university policy, it means a representative from the Office of Institutional Equity. In cases involving alleged embezzlement or other white collar type criminal activity, the investigation may be conducted by law enforcement, the Office of Internal Audit or other expert in the field. In these instances, the investigative administrator will coordinate with the involved supervisor, and HRS in order to determine the facts and the appropriate corrective or disciplinary action.

5. “Preponderance of the Evidence”: Preponderance of the evidence means the greater weight of the evidence. To prove a fact by the greater weight of the evidence means one must be persuaded that what is sought to be proved is more probably true than not true. Evenly balanced evidence is not sufficient. (*See Also subsection K. 3.*)
- E. Policy Overview: This section lists generally the steps which shall guide faculty and administration in the rare instance that serious misconduct, or inability to perform essential job functions, is reasonably suspected of a faculty member. More detail regarding each process is provided throughout this policy.
1. Administrative Leave. [no time frame indicated and will vary] (*See Section G.*)
  2. Internal Investigation. [no time frame indicated and will vary based on complexity] (*See Section H.*)
  3. Assessment of Appropriate Corrective Action. [no time frame indicated and will vary] (*See Section I.*)
  4. Assembly of Evidence and Notice of Intended Corrective Action. [no time frame indicated] (*See Section J.*)
  5. Pre-Determination Hearing (Decision by Dean). [20 days or less from receipt of request for hearing, unless extension] (*See Section M.*)
  6. Post-Determination Appeal Hearing (Decision by Executive Vice President and Provost). [45 days or less from receipt of Notice of Appeal, unless time extension] (*See Section N.*)
  7. Final Review (Decision by Chancellor). [20 days or less from receipt of Request for Final Review, unless time extension] (*See Section O.*)

A flow chart indicating the steps in the investigative, corrective action and appeal processes involved in the case of serious misconduct or inability to perform essential job functions alleged against a faculty member may be viewed at [Appendix 5-C Faculty Discipline and Appeals Process Flow Chart](#).

- F. Alternative Dispute Resolution: At any stage in the processes described herein, if mutually agreed to between the parties, the disputed matter may be stayed as the parties attempt to resolve the dispute through an alternate method of dispute resolution, including but not limited to the following methods: mediation, settlement facilitation, or other negotiated resolution outside of the formal hearing processes provided for herein.
- G. Administrative Leave: When a faculty member is reasonably suspected or otherwise accused of serious misconduct constituting just cause under this policy, the faculty member may be placed on paid administrative leave pending a confidential investigation, in accordance with the following

protocol:

1. These decisions will be made on a case by case basis by the department head or equivalent supervisor, in conjunction with the Office of Human Resource Services, and based upon the facts alleged in each matter, including the potential risk of harm to students, others or the institution.
  2. Approval from the assistant vice president of human resource services or designee is required to place any faculty member on paid administrative leave or to relocate, or to reassign job duties, pending the investigation. The dean will be notified about the pendency of the internal investigation, but not about the factual details.
  3. In lieu of paid administrative leave, a faculty member may be temporarily relocated to an alternate work environment or be assigned to perform alternate job duties, provided such temporary job modification will not in any way impede the investigation.
  4. A faculty member placed on paid administrative leave shall remain available for communications from NMSU, and otherwise be ready to report to work upon request. If the faculty member has a need to be absent during a period of administrative leave, the faculty member shall obtain the appropriate approval.
- H. Confidential Investigation: The allegations, and any defense raised by the faculty member in response to the allegations, shall be investigated fully and fairly, within a reasonable amount of time, and as confidentially as possible; based upon the circumstances involved in each matter.
1. The investigative administrator shall consult with the assistant vice president of human resources or designee and/or the university general counsel for guidance and support relating to the performance of the internal investigation.
  2. The faculty member accused shall be provided notice of the charges at the appropriate time during the investigation, which may be when the investigation begins, or may be later, depending upon the nature of the allegations. The faculty member shall be given an opportunity to respond to the charges during the investigation process.
  3. The investigation shall be documented with factual findings and supporting evidence. The evidence may consist of witness statements or summaries, documents, audio or video recordings or photographs, or other exhibits. The investigative report, including supporting documentation or other evidence, shall be delivered to the assistant vice president of human resource services. The investigative administrator shall retain the investigative work papers, investigative report and supporting documentation or other evidence in a confidential and secure location.
  4. The investigative administrator shall confer with the assistant vice president for human resource services and/or the office of university general counsel to decide whether or not the findings warrant corrective administrative action.
  5. As soon as practicable, the charged faculty member shall be informed generally regarding the results of the investigation.
  6. If the faculty member is exonerated by the investigation, then no documentation referencing the investigation shall remain in the official personnel file, unless requested by the faculty member.
  7. If corrective action is going to be pursued, the faculty member will be provided a copy of the investigative report and access to the supporting documents at the time that the corrective action is formally proposed.
  8. In order to protect the positions and reputations of those persons who, in good faith, report

reasonably suspected misconduct, the university prohibits retaliation in any form to be taken against the reporter or any person who cooperates in the investigative process. A complaint of suspected retaliation will also be cause for the initiation of a separate internal investigation to be conducted in coordination with the Office of Human Resource Services, and if substantiated, will be grounds for disciplinary action, up to and including termination of employment.

9. If the investigative report reflects that the alleged misconduct was not substantiated, the university will make efforts to restore the reputation of the faculty member, to the extent feasible and desired by the faculty member. Additionally, and depending upon the circumstances, the university may initiate a separate internal investigation in the event the investigative report indicates that the initial report of suspected misconduct or any testimony given as part of the internal investigation may have been intentionally falsified. If deliberate falsification of such a complaint or testimony is substantiated, it will be grounds for disciplinary action against the false reporter, up to and including termination of employment.

- I. Just Cause Required: Just Cause, capable of being proven by the standard of proof set forth at subsection K.3, is required before suspension without pay, reduction in salary, or involuntary dismissal may be imposed. Just cause includes dishonest behavior, gross or habitual neglect of professional responsibilities, willful violation of NMSU policy, use of any improper influence to secure a promotion or privileges for individual advantage or any other serious misconduct causing or creating the potential for harm to person, property or the institution.

Just Cause may also be unrelated to any misconduct on the part of faculty, and could include a loss of licensure and/or clinical admitting privileges required for the performance of one's academic duties; or the medical inability to perform essential functions of the job.

- J. Administrative or Corrective Action: Corrective or other administrative action may be taken for serious misconduct or inability to perform the essential functions of one's job, if substantiated by the applicable standard of proof through the investigative fact finding process.
  1. The types of administrative action anticipated by this policy include one or more of the following: written warning, mandatory attendance at training, suspension without pay, reduction in salary, and involuntary dismissal.
  2. The range of corrective action which may be imposed for misconduct is not intended to require progressive discipline; rather, it is intended to allow the severity of the corrective action to match the seriousness of the policy violation or misconduct. The corrective action, if any, to be imposed will vary depending upon the severity of the misconduct substantiated by the investigative findings.
  3. The investigative administrator and the assistant vice president of human resource services shall coordinate regarding the appropriate level of corrective action or other administrative action, and if it does not warrant suspension without pay, reduction in pay, or involuntary dismissal, shall decide whether other corrective or administrative action is appropriate.
  4. If suspension without pay, reduction in salary or involuntary dismissal is supported by the investigative report and recommended by the investigative administrator, the due process hearing requirements outlined in the remainder of this policy shall apply.
- K. General Description of Due Process: A recommendation to dismiss from employment or to reduce salary attributable to regular faculty employment are serious corrective actions implicating one's property rights, which is why just cause and due process are required before such action may be taken.
  1. Due process requires fair and timely hearing processes, before an impartial hearing official or body. The faculty member charged with misconduct and facing serious disciplinary action is entitled to a pre-determination hearing, at which the relevant facts are presented by the parties, and determined by a hearing officer to be accurate prior to proceeding with the proposed

corrective action. This ensures that the faculty member has had an adequate opportunity to present a defense to the claims and the evidence; it also ensures that the decision makers have an accurate understanding of the facts underlying the recommendation.

2. The faculty member also has the right to a post-determination appeal to the executive vice president and provost, as well as the right to request a final review by the Chancellor.
  3. At the pre-determination hearing and any subsequent appeal, the burden of proving just cause by the applicable standard of proof is on NMSU. The standard of proof shall be clear and convincing evidence for all infractions, except for disciplinary action proposed for discrimination proscribed by federal and state law, which matters are investigated by the university's Office of Institutional Equity; the burden of proof when discrimination constitutes the grounds for which the disciplinary action is being taken shall be preponderance of the evidence. (*See subsections D.4. and D.5.*)
- L. Time Deadlines and Extensions: The pre-determination, appeal and final review processes will be conducted as expeditiously as possible.
1. At the request from a party, a one-time extension of the time deadline may be granted, after notice to the other party and consideration of that party's position relative to the request.
  2. If the request for the time extension is from a hearing Faculty Appeals Board member, the chair of Faculty Senate may grant a reasonable extension, with notice to all parties.
  3. A second or subsequent request for time extension from any party or from a Faculty Appeals Board member will only be granted in exceptional cases, after consideration of the basis for the request and the respective positions of the parties. The Faculty Appeals Board or Faculty Senate chair may deny a request for extension, in the best interest of the institution, even if no party opposes it.
- M. Pre-Determination Process: **[25 days or less from date of issuance of notice letter or memo, unless time extension granted]**
1. Notice of Proposed Administrative Action. The investigative administrator or other uninvolved supervisor shall issue a letter or memo to the faculty member notifying the grounds for the recommended corrective action, and attach a copy of the investigative report. If for some reason, there is not a document entitled, "investigative report", the charges against the faculty member and the evidence substantiating the charges shall be provided. Guidelines for investigative reports are available in the Office of Human Resource Service or the Office of the General Counsel. The notice letter or memo shall explain the faculty member's right to attend an informal pre-determination hearing, and be delivered by hand-delivery or by certified U.S. mail, return receipt requested.
  2. Right to Attend Pre-Determination Hearing. **[5 days for faculty to confirm attendance at hearing]** A pre-determination hearing will be convened by the dean or Dean's Advisory Committee, as appropriate (*See 3 a. below*), in order to review the recommended action together with the evidence, and to hear the faculty member's position in response thereto. Within five (5) days of the documented receipt of the written notice of proposed administrative action, the faculty member shall notify the dean's office in writing whether or not the faculty member will attend the hearing and/or be represented by legal counsel.  
  
The faculty member shall also indicate whether or not the use of the Dean's Advisory Committee is requested. (*See 3. a. below*)  
  
If the faculty member chooses to not attend the informal fact finding hearing, a determination will be rendered in the faculty member's absence.
  3. Informal Pre-Determination Hearing: **[15 days or less]** An informal fact finding hearing shall



be heard by either the dean or by the Dean's Advisory Committee, within fifteen (15) days from the date of the notice letter or memo, as follows:

- a. **Option to Utilize a Dean's Advisory Committee:** The use of the Dean's Advisory Committee may be requested by the faculty member whose conduct is subject of the proceedings, or initiated at the discretion of the dean. The Dean's Advisory Committee shall consist of three members of Faculty Senate selected by the Faculty Senate chair. If utilized, it will assist the dean by hearing the evidence and the parties' respective positions, and by rendering findings of fact and recommendations.
    - i. If utilized, the Dean's Advisory Committee shall hold the hearing no later than fifteen (15) days from the date of the notice letter or memo to the faculty member.
    - ii. If utilized, the Dean's Advisory Committee shall render written findings and recommendations, with the record, to the dean or designee and to the faculty member within five (5) days from the hearing;
  - b. **Hearing by Dean:** If neither the dean nor the faculty member elects to utilize the Dean's Advisory Committee, the dean shall conduct the pre-determination hearing within fifteen (15) days from the date of the notice letter or memo.
  - c. **Legal Counsel:** If the faculty member is represented by legal counsel, the university may also utilize legal counsel. The role of the attorneys during the pre-determination hearing is not to actively participate or present, but to advise and provide support.
  - d. **Conduct of Pre-Determination Hearing:** At the pre-determination hearing, the faculty member will be given the opportunity to respond to the charges and to the evidence, including the submission of documentary and other evidence, such as any witness statements collected. In the event the faculty members informs the dean in advance of the hearing that an NMSU employee is a necessary witness and will not cooperate in providing a statement, NMSU will make arrangements for the witness to be available either in person or through other telephonic or technological means.
4. **Issuance of Determination: [10 days or less]** Within ten (10) days from the pre-determination hearing or from receipt of the Dean's Advisory Committee's findings and recommendations, as appropriate, the dean shall issue a determination to the parties, with a copy to the assistant vice president of human resource services and to the university's general counsel. The dean may uphold, modify or reject the proposed administrative action.
  5. **Notification of Right to Appeal.** The determination shall notify the faculty member of the right to appeal. If the faculty member does not appeal, a copy of the determination shall be sent to the Office of the Executive Vice President and Provost, as well as filed in the faculty member's official personnel file.
- N. **Post-Determination Appeal:** The aggrieved faculty member may appeal the determination of the dean in accordance with the policies and procedures below.
1. **Initiation of Appeal: [5 days]** To appeal, the faculty member ("appellant") shall submit a written notice of appeal to the Office of the Executive Vice President and Provost, within five (5) days from the receipt of the dean's determination. The appellant shall also send a copy of the notice of appeal to the dean and to the assistant vice president of human resource services.
  2. **Notice to Convene Faculty Appeals Board: [3 days]** Within three (3) days, the executive vice president and provost shall notify the Faculty Senate chair to convene the Faculty Appeals Board.
  3. **Faculty Appeals Board:**
    - a. **Composition:** The Faculty Appeals Board is convened as needed; its membership for any given appeal shall be determined based on the date the Notice of Appeal is received by the Office of the Executive Vice President and Provost. The Faculty Appeals Board shall consist of each senator with the longest continuous Faculty Senate service from each

Faculty Senate voting unit. If a senator is from the same department or other academic unit as the appellant or is otherwise unable to serve (*See* M. 4 a. below), the senator with the next longest Faculty Senate service from the same voting unit shall be selected by the Faculty Senate chair to serve. If two senators have identical length of service, the senator with the longest service at the university will serve; if there still remains a tie, lots shall be drawn.

- b. Quorum: All Faculty Appeals Board members are required to attend each appeal hearing.
  - c. Chair: The Faculty Appeals Board will elect one of its members to serve as chair on a hearing by hearing basis, after notification by the Faculty Senate chair to the appropriate senators that the Faculty Appeals Board needs to convene.
  - d. Administrative Support: The Faculty Senate chair and the assistant vice president of human resource services shall coordinate to provide the Faculty Appeals Board with the necessary clerical, administrative and/or technical support it requires. They may also provide guidance to all parties regarding applicable time deadlines and other procedural issues that may arise.
4. Conduct of Appeal Hearing: **[25 days]** Within twenty five days (25) from the date of the notice of appeal, the Faculty Appeals Board shall schedule a hearing on the matter of the faculty member's appeal.
- a. Fair and Impartial Hearing/Avoidance of Conflicts of Interest: Faculty members are entitled to a fair and impartial hearing. This includes the prompt resolution of actual and perceived conflicts of interest. (*See* M. 3. a. above)
    - i. Disclosure of Potential Conflicts of Interest:
      - The members of the Faculty Appeals Board shall disclose any potential or actual conflict of interest immediately, or as soon as practicable, in order that the issue may be fully resolved prior to the appeal hearing.
      - A party shall also raise the issue of a perceived conflict of interest as soon as the conflict is known.
    - ii. Resolution of Disclosed or Perceived Conflicts of Interest:
      - In the event a conflict of interest issue is raised, verbally or in writing by anyone, the Faculty Appeals Board chair shall give notice of the potential conflict to the parties and proceed to resolve the issue as expeditiously as possible.
      - If a challenged Faculty Appeals Board member agrees that the conflict is sufficient to render the member unable to participate in a fair and impartial manner, the member shall decline to participate and an alternate member will be selected by the Faculty Senate chair, in accordance with M. 3 a. above.
      - If the challenged Faculty Appeals Board member disagrees that there is a conflict sufficient to affect impartiality, the matter will be decided by the Faculty Senate chair.
        - Each party may provide their position on the issue, and to comment on the position of the other party.
        - If a Faculty Appeals Board member is excused based on a finding of conflict of interest, an alternate member will be selected by the Faculty Senate chair, in accordance with M. 3 a. above.
    - iii. Guidelines for Determining Conflicts of Interest:
      - Under no circumstances will a Faculty Appeals Board member participate in a hearing convened to hear an appeal by a person with whom the member has a familial, personal or close professional relationship. A Faculty Appeals Board member shall not hear a matter involving faculty from their own NMSU entity.
      - If one or more of the witnesses has a close relationship with one of the Faculty

Appeals Board members, disqualification from service shall not be automatic, but shall be decided based upon the specific facts of each case.

- If the appellant or a witness has had prior contact with either the assigned mediator or a hearing panel member, disqualification from service shall not be automatic, but shall be decided based upon the specific facts of each case.
- b. Scope of Hearing and Burden of Proof: The hearing will be limited to the issues relevant to those identified in the notice of proposed corrective action, and the university bears the burden of showing that the action taken was supported by just cause.
  - c. Closed Hearing: The hearing will be closed to the public.
  - d. Hearing Record: The hearing will be electronically or digitally recorded. NMSU will not provide transcripts of the hearing; upon request and payment of a reasonable recording fee, the university will provide an audio, digital or other form of recording, as appropriate. (*See also* subsection O. below)
  - e. Informal Nature of Hearing: The hearings of the Faculty Appeals Board are not bound by the rules of civil procedure, and any evidence of probative value in determining the issues involved may be admitted. Every possible effort will be made to obtain the most reliable evidence available.
  - f. Legal Counsel: Each party may be represented by legal counsel in their preparations for the hearing and appearance before the Faculty Appeals Board.
  - g. Notice of Hearing: The chair will notify the appellant, respondent NMSU department and other appropriate persons in writing the date, time, and location of the hearing. The hearing will be scheduled within twenty five (25) days from the date of the notice of appeal.
  - h. Pre-Hearing Exchange of Documents: **[5 days prior to hearing]** At least five days prior to the hearing, each party shall submit a copy of their position statement and supporting evidence to the assistant vice president for human resource services, and to the other party via secure electronic delivery, or other confidential means. The assistant vice president for human resource services shall ensure that each member of the Faculty Appeals Board receives a copy at least three (3) days prior to the hearing.
  - i. Exclusion of Witnesses: Witnesses shall be excluded from the hearing except to provide their testimony. This rule does not apply to parties, who may also be witnesses.
  - j. Fair and Orderly Hearing: The chair will assure that all parties have an adequate opportunity to present relevant evidence to the Faculty Appeals Board. Each party may call witnesses in support of their respective position. The Faculty Appeals Board may allocate reasonable time limits for each party. Each party will be invited to make an introductory opening statement, to present witness testimony and documentary evidence, and if time allows, to provide a summation of the evidence tendered. Each party shall be permitted an opportunity to cross examine the witnesses called by the opposing party.
  - k. Closure of Hearing: After the parties have concluded their presentations, the Chair will formally close the appeal hearing, and excuse the parties and witnesses.
  - l. Deliberations by Faculty Appeals Board: The Faculty Appeals Board will deliberate on the evidence received at the hearing; depending upon the time the hearing is concluded, the Faculty Appeals Board may recess and continue their deliberations to another date and time.
  - m. Issuance of Findings and Recommendations: **[15 days or less]** Within 15 days from the close of the appeal hearing, the chair shall submit the Faculty Appeals Board's collective findings and recommended conclusions on the issue of whether or not the action taken was supported by just cause, including the vote count and any dissenting opinion, along with the appeal hearing record. The Faculty Appeals Board shall not distribute its findings and recommendations, or otherwise disseminate any information from the confidential personnel hearing, to any person or office other than the Office of the Executive Vice President and Provost.
5. Decision by Executive Vice President and Provost: **[10 days or less]** The executive vice president and provost shall issue a decision to the parties within ten (10) days from receipt of the Faculty Appeals Board's findings and recommendations and the record.
    - a. In the event of a conflict of interest or other disqualifying event on the part of the executive

- vice president and provost, university general counsel will select a designee to decide the appeal, potentially including an outside professional.
- b. The executive vice president and provost's decision shall notify the faculty member of the right to seek a final review by the Chancellor. A copy of the Faculty Appeals Board's findings and recommendations shall be attached to the decision.
  - c. If no final review is sought, a copy of the executive vice president and provost's decision will be filed in the faculty member's official personnel file.
- O. **Final Review by Chancellor:** The aggrieved faculty member ("appellant") may appeal the decision of the executive vice president and provost in accordance with the following:
1. **Request for Final Review: [5 days]** Final review shall be initiated by filing a written request for with the Office of the Chancellor within five (5) days from receipt of the executive vice president and provost's decision. The appellant shall also send a copy of the request for final review to the executive vice president and to the assistant vice president of human resource services.
  2. **Designee in Event of Unavailability:** In the event of a conflict of interest or other disqualifying event on the part of the Chancellor, the university's general counsel will select a designee to render the final review, potentially including an outside professional.
  3. **Review: [20 days or less]** The Chancellor shall review the record and issue a final decision on behalf of the university within twenty (20) days from receipt of the request for final review and receipt of the record. In the event that the Chancellor wishes to hear from any party about the evidence in the record, all parties shall be present.
  4. **Issuance of Final Decision:** The Chancellor's decision shall be delivered to the parties and to the Faculty Appeals Board's chair, to the assistant vice president for human resource services and to the university general counsel. The decision of the Chancellor shall be final. A copy of the Chancellor's decision shall be filed in the faculty member's official personnel file.
- P. **Maintenance and Storage of All Hearing Records:** The pre-determination, appeal and final review hearing records consisting of all official hearing correspondence, position statements and evidence submitted by the parties, and electronic recordings will be filed in the Office of Human Resource Services. A copy of the final decision in each contested personnel matter shall also be filed and maintained permanently in the Office of the Executive Vice President and Provost.

## **5.55 Emeritus Status** *[Amendment (FS Proposition 15-09/10) passed 04.29.10 and also recommended by the Administrative Council 05.11.10; approved by the Board of Regents 07.20.10]*

- A. **Emeritus Status:** The university provides for the emeritus faculty member the privileges and services available to all other faculty members. In furthering this objective, the following policies pertain: Emeritus status for faculty is based upon two conditions:
1. That the faculty member is eligible for retirement under the New Mexico Educational Retirement Act or the Federal Civil Service; and
  2. That the faculty member is tenured by the university; or is a college faculty who has been promoted (as per College Faculty promotion policies) to the rank of college professor.
- B. **Emeritus Benefits:** Individual emeritus faculty shall be listed for life as emeriti in the catalog. Emeritus faculty will receive general university publications (*e.g., Page One*) upon request. They may be issued identification cards; be listed in the university phone directory; have on-campus office or work facilities (if available, requested, and approved); and may be requested as an emeritus consultant. (*See also* ARP-Rule 7.26 Retirement, Educational)

## 5.60 Endowed Chairs and Professorships

Appointment of individuals to the following endowed chairs/professorships requires the approval of the cognizant dean and also the executive vice president and provost:

- The Gerald W. Thomas Chair in Food Production and Natural Resources
- Jose Fernandez Chair in Field Crop Production
- Telemetry and Telecommunication Chair
- The Tombaugh Professorship in Astronomy

## 5.65 Faculty Exchange

- A. Eligibility: All full-time faculty and staff are eligible to participate in exchanges, with the approval of the cognizant department head, dean, director, vice president, and executive vice president and provost. The number of exchanges in any period will be limited only by the resources available to support exchange, and to the extent which exchanges can positively affect the teaching, research and service programs of the college. Faculty will be encouraged to consider international exchanges and sabbaticals.
- B. Length: Exchanges may be for any length of time subject to the approval of the cognizant administrators.
- C. Compensation: The university will continue to pay the exchange participant's salary and fringe benefits during participation in an approved exchange program. The participant, in effect, remains under contract with the university. A faculty or staff member preparing for exchange, or on exchange, will be considered the same as a continuing faculty or staff member for the purposes of annual salary incremental decisions. Individuals and departments may propose other approaches to compensation, depending upon the particular exchange circumstance.
- D. Promotion, Leave, and Other Considerations: Exchange participants will not lose rights or progress toward promotion, tenure, and sabbatical leave considerations by virtue of their participation in an exchange program. In other personnel considerations, exchange participants will be treated, to the extent possible, as if they were in residence at the university.
- E. Rights and Responsibilities: Exchange participants will not lose any rights or responsibilities as members of the faculty and staff or as employees of the university by virtue of participation in the exchange program.
- F. Legal and Contractual Obligations: A Leave Request Form is required. Exchange assignments will be detailed in a Home Memorandum of Agreement following placement. Any special legal or contractual obligations of the individual or the institution will be specified on this form. A similar form will be signed between the exchange participant and the host institution. For incoming exchange participants, the college will specify on a Host Memorandum of Agreement any contractual obligations, exchange responsibilities, and any special considerations related to the incoming faculty or staff member. No housing or relocation expenses will be paid to either outgoing or incoming exchange faculty or staff unless agreed to in the Memorandum of Agreement.

## 5.84 Office Hours *(See also Policies [3.70 Office Hours - Administrative](#); [7.10 Holidays \(NMSU Official\)](#) and [8.75 Workweek](#))*

- A. Work Hours: Faculty members will be present and available to students during the entire official dates of every academic semester. For the Fall semester, they will be available from the date of opening programs for faculty/staff through the date final grades are due; for the Spring semester, they will be available from the January return date listed as a note on the academic calendar through the date final grades are due.

- B. Faculty Absence from Class: A faculty member is responsible for informing the department head prior to being absent from campus for the purpose of out-of-city or out-of-state travel. In case of illness, the general practice is for another member of the department to substitute until the faculty member returns. However, the faculty member is responsible for informing the department head of absence from classes for any reason.
- C. Adherence to Class Schedule: Each faculty member is expected to meet classes as scheduled or to notify the department head in advance if it is necessary to miss classes. Faculty members will meet each class at the place listed in the schedule unless they have approval from the department head to meet elsewhere. (This especially pertains to changing a class to any off-campus location.)
- D. Office Hours for Students: Each faculty member is responsible to have office hours clearly posted and to be present during those times.
- E. Classes to Meet During Exam Week: Also, every class will meet during exam week, whether or not a final examination is given at that meeting.
- F. Class Cancellation: Classes are not to be cancelled without prior approval of the appropriate department head, dean, or campus executive officer.

## 5.86

**Performance Evaluation** (See [5.45 Department Head - Review](#) and [5.35 Deans - Review](#) above, as well as [5.15.40 Appointments - Nontenure-Track](#))

- A. Policy Statement: The performance of each faculty member will be reviewed at least once a year by the department head, comparable administrator, or a committee. This review will include a written report submitted by the faculty member. The form(s) of this report shall be determined by individual colleges (community colleges) in consultation with their departments. The department head or comparable administrator shall report the results of this review to the individual being reviewed. These results shall serve to establish the goals for the following year. A written copy of the evaluation shall be given to the faculty member.
- B. Procedures for the Faculty Performance Evaluation System:
  - 1. Each college uses its own performance evaluation form. Early in each fall semester the department head or comparable administrator supplies each faculty member with a form. At this time the department head confers with new faculty members concerning the recording of objectives and goals and the general use of the form. In the case of continuing faculty members, the department head or faculty may request a conference for the purpose of revising or updating objectives previously agreed upon. Department heads will share the above agreements in writing with the faculty member.
  - 2. Department heads are expected to meet with all new and returning faculty members regarding progress toward promotion and tenure and to certify in writing to the appropriate dean that these meetings have occurred. Specific evaluative comments in each of the three areas of performance are required, as well as separate comments about progress toward tenure and toward promotion.
  - 3. Each faculty member completes a written form detailing and citing accomplishments in the broad categories of teaching, research and/or creative scholarship, and service during the performance evaluation period. The type, method of collection, and disposition of evidence regarding effectiveness of teaching is of particular importance, and faculty should consult with department heads concerning collection of this evidence. The performance evaluation form, along with any supplemental material, is submitted by each faculty member to the faculty member's department head.
  - 4. The department head reviews the faculty performance forms, prepares a written evaluation based upon accomplishments reported as compared with previously set goals and objectives (a copy of this report will be shared with the faculty member), and confers with appropriate deans to

achieve consensus on the written recommendation and the prepared summary to be discussed with the faculty member. Following the conference with the dean, the department head meets with the faculty member to discuss all aspects of the performance evaluation, addressing separately the person's progress toward promotion, progress toward tenure, strengths, and weaknesses. This conference also serves to set goals and objectives for the ensuing year. No mention shall be made at this conference of the recommendation in terms of dollars. These goals and objectives will be placed in writing, with a copy to the faculty member.

5. At community colleges with program coordinators, the coordinator performs the duties of a department head in the evaluation process. The coordinator will confer with the community college executive officer, who in turn confers with the executive vice president and provost.
6. Department heads formulate recommendations where appropriate regarding promotion and tenure on the basis of policies stated in this manual. These are communicated to the college dean.
7. Each college generates its own time schedule for accomplishing the above items, within the parameters of the university calendar.
8. It will be the function of the Faculty Senate to legislate policy regarding the Faculty Performance Evaluation System.

## **5.87 Post-Tenure Review** *[Policy (Proposition 22-05/06) passed by the Faculty Senate 05.04.06; policy adoption ratified by the Board of Regents 09.08.06]*

### **5.87.1 Introduction**

The Post-Tenure Review Policy ensures that all tenured faculty members will receive an annual review and that those with either exceptionally fine performance or serious deficiencies in one or more areas will be identified. Special achievement shall be rewarded in a manner determined by each college or community college campus. For a tenured faculty member who receives two successive unsatisfactory annual reviews with identified and uncorrected serious deficiencies, this policy provides a mechanism to establish a remedial program for correcting the deficiencies. The legislation to which this policy responds is particularly concerned with the quality of teaching, and that fact shall be considered when taking any action under this policy. In particular, faculty whose teaching needs improvement will be urged to take advantage of "programs designed to assist faculty members in enhancing their teaching skills." (NMSA 1978, Section 21-1-7.1)

### **5.87.2 Annual Reviews**

- A. Annual Review for Tenured Faculty: Tenured faculty members annually participate in and receive an extensive examination of their teaching, their research and scholarly output, and their service as part of the annual review process conducted in accordance with [5.86 Performance Evaluations](#) of the Policy Manual. This annual review document shall be labeled the Post Tenure Review of each tenured faculty member. This Post Tenure Review shall weight the three areas of teaching, scholarly work, and service in proportion to the percentage each category is given in the faculty member's allocation of effort for a given year.
- B. Post Tenure Review Not Applicable for Full Time Administrators: Administrators who hold tenured faculty rank are reviewed on the performance of their faculty duties (teaching, research, and service). Administrators who have no assigned faculty duties will not be reviewed under this policy.

### **5.87.3 More Complete Post-Tenure Reviews**

- A. Notification to Faculty Member about Deficiency: If, in the judgment of a superior, the annual review for a tenured faculty member shows a serious deficiency in the performance of that faculty member, the superior shall inform the faculty member in writing of the deficiency as well as recommend actions the faculty member might take to address the issue.

- B. Deficiency Not Rectified: If the deficiency or deficiencies continues for two or more years and if the faculty member has not taken the corrective actions, one of two possible courses of action may ensue:
1. The faculty member may request that the superior submit the record of poor performance and suggested actions to the other tenured faculty members of the unit for consideration in a more complete review, or
  2. If the faculty member does not request the review, the superior may initiate such a review with the concurrence of a majority of the tenured faculty in the academic unit.
- C. Goal of and Procedures for More Complete Review: The more complete review shall have the aim of identifying strengths and weaknesses of the faculty member in teaching, research, and service.
1. This review shall be undertaken by the departmental promotion and tenure committee.
  2. If there is no departmental promotion and tenure committee for that unit, the review will be undertaken by the equivalent college-level promotion and tenure committee as specified in [5.90 Promotion and Tenure](#) of this manual.
  3. Student evaluations must be considered when evaluating the faculty member's teaching, along with other factors.
  4. If the reviewers conclude that the faculty member's performance is not seriously deficient, the faculty member shall be so informed and a statement of the finding placed in the faculty member's personnel file.
  5. If serious deficiency is found, a specific remedial program shall be developed in consultation with the faculty member that includes procedures, criteria for evaluating progress, and a reasonable timetable. If the faculty member's teaching needs improvement, such a program might include participation in programs offered by the Teaching Academy, mentoring by a recipient of teaching awards, intensive study of videotaped classroom sessions, etc. When research and publication needs improvement, collaboration with another faculty member and participation in workshops on publishing might be indicated. However, in accordance with NMSA 1978, Section 21-1-7.1, part E(1), any remedial effort can be no shorter than two years in length.

#### **5.87.4 Enhancement Program**

Whether or not a tenured faculty member accepts the recommendation to participate in a teaching or scholarly work enhancement program, and whether or not the member performs well in the program, the faculty member's performance will be judged on subsequent teaching and scholarly work.

#### **5.87.5 Frequency of Review**

The more complete review shall not be initiated for any tenured faculty member more frequently than once every five years.

#### **5.87.6 Persistent Teaching Deficiencies**

If a tenured faculty member's teaching deficiencies are considered by the executive vice president and provost to be very serious and to have been uncorrected at the conclusion of the agreed time period, and further, if there is evidence that the faculty member's teaching performance has deteriorated since the award of tenure such that the faculty member's teaching performance is now typically unsatisfactory, the executive vice president and provost shall recommend loss of tenure for the faculty member in question.



If tenure is to be revoked, the university shall follow the processes specified in [5.98 Tenure Track and Tenure](#) for Involuntary Termination of a Continuous Contract, subject to the safeguards of [4.25 Due Process](#).

### **5.87.7 Reporting**

Every year, each academic dean and the chief community college executive officer of each campus shall report to the executive vice president and provost.

- A. The number of tenured faculty receiving annual evaluations,
- B. The number receiving unsatisfactory evaluations,
- C. The number of tenured faculty who have been the subject of a more detailed peer review,
- D. The number of faculty who have participated in a remedial program as a result,
- E. The results of those programs,
- F. And the number of faculty whose tenure have been revoked

## **5.90 Promotion and Tenure (for listing of specific topics, See Regents Policy Manual Table of Contents)** *(See also [NMSU Policies website for postings of Procedural Clarifications from the Office of the Provost relating to this policy](#)) [Amendment (FS Proposition 18-06/07 to be effective 08.01.08 )passed by the Faculty Senate 05.03.07 and Amendment (FS Proposition 16-07/08 to be effective 08.01.08) passed by the Faculty Senate 03.06.08; ratified by the Board of Regents 07.15.08]*

### **5.90.1 Introduction**

- A. Promotion and tenure decisions are the means by which NMSU rewards and retains its most valued scholars, sustains excellence in its instructional disciplines, and fulfills its mission to advance knowledge. The quality of faculty accomplishments in teaching and advising (or its equivalent), scholarship and creative activity, extension, outreach and service largely determines the quality of the university as a whole. The granting of tenure or promotion to associate or full professor represents a prediction by the university that the individual concerned will continue to make substantial contributions to the profession and the university.
- B. The processes involved in promotion and tenure rely upon basic principles in order to be effective. Above all, the promotion and tenure processes must be fair, transparent, and participatory. These values mean that decisions must be made without regard to race, national origin, gender, gender identity, age, disability, political beliefs, religion, marital status, sexual orientation, special friendships, or animus towards candidates, taking care to avoid conflicts of interest, structural, institutional, or habitual thoughts and patterns that could lead to discrimination. NMSU values the richness that inquiry based upon intellectual and cultural differences brings to the university community.
- C. Each principal unit must develop written standards by the end of the Spring Semester of 2008 based on criteria developed by that principal unit subject to the approval of the dean or equivalent administrator. Criteria and procedures must be clear and readily available to all participants and must be followed by all participants at each level of the process. Therefore, it is imperative that clear standards for annual performance evaluation, promotion, and tenure be articulated and broadly publicized. Applicants for tenure or promotion must be judged on their performance of the duties assigned to them, following agreed-upon allocations of effort. The process needs to involve broad consultation by groups and individuals with successively broader views of the mission of the university, and provide the opportunity for appeal. In order to achieve fairness, transparency, and broad-based participation, all of the parties must base decisions on the documentation called for by this policy.

- D. This policy relies on the four types of scholarship defined by Ernest L. Boyer (1990) in his book “Scholarship Reconsidered”<sup>1</sup>, namely, the scholarships of discovery, of teaching, of integration, and of engagement. Broadening the definition of scholarship (See [5.90.4.2 Scholarships and Creative Activity](#)) reflects the changing roles of faculty members in teaching and advising, scholarship and creative activity, extension, outreach and service.
- E. This policy takes effect at the beginning of the Fall Semester, 2008.

## 5.90.2 Glossary

Key terms used throughout this document are defined here.

- A. Allocation of Effort: The percentage of effort, agreed upon by the faculty member and department head or supervisor, that the faculty member will devote to each of the major categories of teaching and advising (or its equivalent), scholarship and creative activity, service, extension, outreach and other assigned duties.
- B. Annual Performance Review: See [5.86 Performance Evaluation](#)
- C. College Faculty: A faculty member on a regular (0.5 FTE or greater) appointment, who is not eligible for tenure. (See also ARP-Rule 4.30.10, Hiring Definitions; Policy [5.15.40 Appointments-Nontenure Track](#))
- D. Core Document: A document submitted in the portfolio for promotion or tenure that includes several specific elements: a routing form, cover sheet, table of contents, curriculum vitae, executive summary, department head and dean letters, prior and current allocation of effort statements, annual performance evaluations, summary of teaching evaluations, and letters of support. (See [5.90.5.1 Performance Evaluations](#) and [5.90.5.5 Portfolio Preparation](#))
- E. Curriculum Vitae: A detailed summary that reflects the candidate’s educational and academic experiences that are relevant to the position.
- F. Documentation File: An organized collection of supplemental documents and other materials that supports, explains, or clarifies the quality and significance of the candidate’s work. Administrators and committee members must have access to this file, which is stored by the Principal Unit.
- G. Executive Summary: A summative report and personal statement by the candidate that addresses their activities in and philosophies regarding teaching and advising (or its equivalent), scholarship and creative activity, service, extension, outreach, and other assigned areas.
- H. Extension: The process of defining and building relationships between communities and the university to extend university resources and intellectual expertise through coalition building, non-formal educational programs, and applied research designed to address locally identified needs.
- I. Flexibility in Tenure-Track: The extension or reduction of the pre-tenure probationary period under certain circumstances.
- J. Formative Evaluation: Evaluation that allows for continuous feedback and improvement.
- K. Joint Appointment: A faculty line shared between two departments or colleges; the appointee enjoys all the privileges and incurs all the responsibilities normally given in each area.
- L. Mid-probationary Review: A formal, non-mandatory mid-term assessment requested by a tenure-track faculty member of their professional development and progress toward tenure. The mid-

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<sup>1</sup> Boyer, Ernest L. (1990). *Scholarship reconsidered: Priorities of the Professoriate*. New York: Carnegie Foundation for the Advancement of Teaching.

probationary review is in addition to the annual performance evaluation.

- M. Outreach: Entails an organized and planned program of activities which are offered to citizens of New Mexico and the nation; these activities bring the resources of the university to bear in a coherent and strategic fashion for the benefit of the receiving entity.
- N. Peer Evaluation: Assessment of teaching style, content, and effectiveness gained through observation by colleagues; the observations may come in such forms as classroom visits, participation in web-based courses, review of videotaped teaching, or reviews of course materials collected/created by the faculty member being reviewed.
- O. Performance Evaluation: An annual report prepared by the faculty member documenting activities in the areas of teaching and advising (or its equivalent), scholarship and creative activity, service, extension, outreach, and other assigned areas. The department head (or other assigned supervisor) provides the faculty member with a written appraisal of the faculty member's performance.
- P. Portfolio: Consists of the core document and documentation file that supports the candidate's case for promotion or tenure.
- Q. Post-tenure Review: An annual review designed to identify strengths and weaknesses of the tenured faculty member in the areas of teaching and advising (or its equivalent), scholarship and creative activity, service, extension, outreach and other assigned areas. The Performance Evaluation generally serves the above aim; however, if deemed necessary due to deficiencies, a more extensive review may be initiated. (See Policy [5.87 Post Tenure Review](#))
- R. Probationary Period: The cumulative amount of time spent under term appointments while on the "tenure-track." (See [5.90.3.6 Flexibility in Tenure Track](#))
- S. Principal Unit: A tenure home unit responsible for conducting annual faculty performance evaluations and making promotion and tenure decisions. This definition includes Departments, Colleges, Community Colleges, Cooperative Extension Service, and the Library, but not centers, clusters, or institutes.
- T. Research: (See Scholarship)
- U. Scholarship: Both activity and product, scholarship includes discovery through original research; integration through synthesizing and reintegration of knowledge; application through professional practice; and teaching through transformation of knowledge. (See Boyer, 1990 and [5.90.4.2 Scholarship and Creative Activity](#))
- V. Supporting Documents: Material available to the Promotion and Tenure Committee in the *Documentation File* that serves to further support, explain, or clarify the *Core Document*.
- W. Tenure: Continuous contract granted after a probationary period to a faculty member that gives protection from dismissal without due process; the primary purpose of tenure is to protect academic freedom and offer economic security.
- X. Tenure Clock: (See [5.90.3.6 Flexibility in Tenure Track](#))
- Y. Tenure Home: The principal unit where tenure and rank resides or will reside.
- Z. Tenure-Track Faculty: A faculty member who is eligible for tenure but who has not yet been granted tenure.
- AA. Tenured Faculty: A faculty member who has been granted a continuous contract by the university.

### 5.90.3 Guiding Principles

The following guiding principles are critical underpinnings to the promotion and tenure process at NMSU.

#### 5.90.3.1 Faculty Participation

The selection and retention of faculty members are of utmost importance to the quality of the university, the achievement of university goals, and the future of the institution. In order to ensure a fair process for recognition of excellent faculty, it shall be the policy of the university to allow faculty members to vote on the promotion or tenure of departmental colleagues, exercising collegial judgment based on an established set of criteria.

#### 5.90.3.2 Transparency of Process

- A. Access to Promotion and Tenure Policies/University Posting: For faculty members to trust the promotion and tenure process, they need to have a clear idea of what is expected of them, how they will be evaluated, and the rules of the process. To this end, the university website will include a specific link to the university-wide promotion and tenure policy, professional ethics related to promotion and tenure, the appeals process, and links to college, department, or division policy statements.
- B. Departmental and Principal Unit Postings:
  - 1. To promote the transparency of the process, each principal unit shall post on its website its written policy document aligned with the Guiding Principles, Criteria, and Policies outlined in this policy.
  - 2. Websites will also contain links to the university's promotion and tenure documents, as well as to each of the department websites.
  - 3. In addition, each department shall post on its website its current statement of goals, objectives, and expectations as these relate to promotion and tenure (sometimes called a functions and criteria statement). These shall be agreed upon by the faculty in each department and approved by the responsible dean or comparable administrator.
- C. Policies to be Provided to Eligible Faculty: A written copy of promotion and tenure policies will be given to all tenure-track, tenured, college and research faculty who are eligible for consideration for promotion or tenure.

#### 5.90.3.2.1 Conflict of Interest – (See Policies [3.19 Conflicts of Interest - Ethical Conduct](#) and [3.22 Conflicts of Interest Arising from Consensual Relationships](#))

#### 5.90.3.3 Performance Evaluation

The annual performance evaluation is a component of the promotion and tenure process. This multi-layered evaluation system relies on consistency at each level of review. The performance of each faculty member, including college faculty, will be reviewed at least once a year. The performance evaluation provides documentation of expectations and a record of faculty performance relative to stated expectations. The form of the evaluation is determined by the college or community college and shall align with promotion and tenure expectations. (See [5.90.5.1 Performance Evaluations](#) and [5.90.6 Post Tenure Review](#))

#### 5.90.3.4 Allocation of Effort

- A. Service to Mission: The amount of effort that faculty members regardless of rank or position devote to the various aspects of their duties necessarily varies, and any fair promotion and tenure process

will recognize these variations. A successful process considers whether the faculty member is effectively serving the mission of the university, as defined by a department's criteria and the individual's agreed upon goals and objectives. This means, for example, that the efforts of a faculty member made in response to administrators or committees are taken into account during promotion and tenure evaluation and are not discredited.

- B. Fairness Despite Variance in Duties: One faculty member may devote more time to teaching at one point than at another. The efforts of two faculty members may vary at the same points in their careers according to their particular strengths and department needs. Faculty assignments in different departments will also vary. It is fundamentally unfair, for example, to expect the same amount of scholarship and creative activity, service, extension, or outreach from a faculty member teaching one class a semester as from another faculty member teaching three classes a semester or several large lecture classes.
- C. Equitable Treatment: In order to ensure equitable treatment, every faculty member will complete an allocation of effort statement as part of the annual evaluation process. (*See also [5.20.20 Assignments - Teaching Load](#)*) When determining the allocation of effort, decisions must be made without regard to race, national origin, gender, gender identity, age, disability, political beliefs, religion, marital status, sexual orientation, special friendships, or animus towards candidates. Further, for the allocation of effort statement to be accurate and useful, administrators at all levels must understand and take an active role in avoiding institutional factors that could produce an undue burden on untenured faculty members and those from underrepresented groups in the allocation of effort process.
- D. Use of Allocation of Effort Statement: Each college shall develop and use an allocation of effort statement as specified in [5.90.5.1 Performance Evaluations](#). These statements shall be a part of the faculty member's tenure and/or promotion portfolio, and all aspects of the agreed upon efforts shall be factored into the recommendation made at each step of the process.

### 5.90.3.5 The Professorial Ranks

- A. Instructor:
  - 1. Demonstrates expertise within their discipline through practical, applied, and/or related experience.
  - 2. Individuals new to this rank may not have demonstrated ability to conduct independent scholarship and creative activity, but there must be substantive evidence of likely success at university teaching or its equivalent.
  - 3. Instructors may be working toward a terminal degree.
  - 4. An instructor's job description primarily relates to teaching or its equivalent and usually does not include scholarship and creative activity.
  - 5. An instructor is not eligible for tenure, except at the community colleges.
- B. College Faculty: A person holding a college faculty appointment is eligible for advancement in rank but not eligible for tenure.
- C. Assistant Professor:
  - 1. Normally holds the highest terminal degree in their field of expertise.
  - 2. Outstanding experience and recognition in a professional field may be considered the equivalent of the terminal degree.
  - 3. An assistant professor is expected to have a thorough command of the subject matter of some

segment of the discipline, in addition to a comprehension of the whole.

4. Assistant professors are tenure-track faculty members hired on a yearly, renewable contract for a maximum of seven years.
5. During the sixth year, assistant professors typically are evaluated for promotion and tenure simultaneously, having submitted their portfolio at the beginning of that year.
6. However, an assistant professor may elect to apply for tenure or promotion at any time with the written approval of department head and dean or their equivalents.
7. The application for tenure may occur only one time.

D. Associate Professor:

1. An associate professor is often a mid-career faculty member who has been awarded tenure.
2. If a faculty member is initially employed at the rank of associate professor without tenure, the probationary period may vary depending upon agreements stipulated in writing at the time of initial hire.
3. Once tenured, associate professors may hold this rank indefinitely or apply for promotion.
4. Promotion to professor should not be considered to be forthcoming merely because of years of service to the university, or because tenure has previously been awarded.
5. In accordance with the principal unit's timelines, a faculty member may present a promotion portfolio in any given year.
6. An associate professor must demonstrate competence, continuous progress, and maturity over a large part of the academic field.
7. It is expected that evidence showing high quality of teaching and scholarship and creative activity has been provided and is current.

E. Professor:

1. A professor, sometimes referred to as a "full professor," has established disciplinary, intellectual, and institutional leadership.
2. The professor demonstrates command and a mature view of the disciplinary field as evidenced by teaching and advising (or its equivalent) or similar experience, scholarship and creative activity, service, extension, or outreach.
3. Faculty members initially hired at the rank of professor are often given tenure on appointment.

### **5.90.3.6 Flexibility in Tenure-Track**

Normally, before being considered for tenure, eligible faculty members serve six consecutive probationary years. The probationary period begins with the first year of the contract. Note that according to [5.98 Tenure Track and Tenure](#), "New tenure-track faculty reporting for duty after the last Friday in September (12-month employees) or the second Friday in October (9-month employees) will not receive a temporary contract...." The first contract will be issued at the beginning of the next contract period, which will constitute the first year of the probationary period toward tenure. During the sixth year, a case for tenure and/or promotion is made by the faculty member and considered by the university. Those achieving tenure are awarded a continuous contract at the end of their sixth year, while those not awarded tenure are given a one-year terminal contract for their seventh and final year of employment at NMSU. There may be exceptions, however, to shorten or lengthen the normal six-year probationary

period.

### 5.90.3.6.1 Credit for Prior Service

- A. Faculty members with previous teaching and advising (or its equivalent), service, extension, outreach, scholarly, and/or administrative experience at another institution may have some or all of that experience taken into consideration on appointment at NMSU.
- B. With executive vice-president and provost approval, and particularly when tenure has been granted to a candidate at another institution, tenure may be accorded at the time of initial appointment to the university.
- C. Prior probationary service at another institution may count towards the six-year probationary period at NMSU, but usually only up to a maximum of three years.
- D. Any expedited schedule must be recommended by the department head and dean and agreed to by both the executive vice-president and provost and the faculty member at the time of appointment.
- E. The details of such credit for prior service, the resulting length of the probationary period, the timing of any third-year review, and the period for the tenure application process, shall all be stated unambiguously in the appointment letter.

### 5.90.3.6.2 Extension of the Probationary Period

When requested in writing within one year of the qualifying event by the faculty member, leaves of absence can lead to postponement of the tenure decision date; however, modifications in that date require the recommendation of the department head and dean and the approval of the executive vice-president and provost. Faculty responsibilities may be negotiated when the extension is requested. An extension may be granted up to two times, so long as the total pre-tenure probationary period does not exceed eight years. Exceptions to this limit can be made under extraordinary circumstances if approved by the executive vice-president and provost. Candidates must be held to the same standards of performance when the probationary period has been extended as candidates whose probationary period was not extended. The probationary period may be extended, upon written request, under the following circumstances:

- A. Leave of Absence without Pay: Probationary faculty members may request in writing a leave of absence without pay, usually not to exceed one academic or fiscal year. Prior to initiating the leave, affected faculty may request in writing a probation extension of one year.
- B. Military Leave of Absence: Involuntary induction into the armed forces entitles the faculty member to a leave of absence to cover the term of military service. Such leave constitutes valid grounds for requesting an extension of the tenure decision date. Similarly, a faculty member's voluntary participation in a military reserve program may lead to periodic or prolonged absence sufficient to affect the faculty member's performance (*e.g.*, annual active duty training, or active duty training or participation when a reserve unit is called to active duty) that constitutes valid grounds for extension of the tenure decision date.
- C. Medical Leave of Absence: Probationary faculty members with a serious personal illness or providing prolonged, substantive care for a chronically ill family member may request in writing an extension of the tenure decision date, usually for one year.
- D. Family Leave of Absence or Exceptional Family Responsibilities: Upon written request, probationary faculty members who become parents will receive a one-year automatic extension of the tenure decision date. Such an extension does not require that the faculty member take a leave of absence.
- E. Catastrophic Events: Probationary faculty who have experienced a catastrophic event such as a fire or flood or who must aid family members in such situations may request in writing an extension of



the tenure decision date.

- F. Jury Duty: Prolonged jury service, when significantly affecting a faculty member's performance, constitutes a valid reason to petition for extension of the tenure decision date.
- G. Other, as Negotiated: Extensions for other reasons may be negotiated.

### **5.90.3.6.3 Reduction of the Probationary Period**

- A. Tenure Upon Initial NMSU Appointment: Faculty members who have worked in a teaching and advising (or its equivalent), service, extension, scholarly, and/or administrative role at another institution may have some or all of that work taken into consideration on appointment at NMSU. With executive vice-president and provost approval, and particularly when tenure has been granted to a candidate at another institution, tenure may be accorded at the time of initial appointment to the university.
- B. Expedited Tenure Schedule: Prior probationary service at another institution may count towards the six-year probationary period at NMSU, but usually only up to a maximum of three years. Any expedited schedule must be recommended by the department head and dean and agreed to by both the executive vice-president and provost and the faculty member at the time of appointment. The details of such credit for prior service, the resulting length of the probationary period, the timing of any third-year review, and the period for the tenure application process, shall all be stated unambiguously in the appointment letter. In such instances, no extension of the probationary period will be granted unless the request falls in one of the categories mentioned in [5.90.3.6.2 Extension of the Probationary Period](#).
- C. Committee, Department Head and Dean Supported Appeal for Early Tenure Review: Current faculty may request the length of the probationary period be shortened. Such an appeal requires the written request of the faculty member, positive recommendations of the department promotion and tenure committee as determined in the spring review, department head, and dean. If this tenure application is not successful, the candidate's contract is not renewed according to the provisions of Policy [5.98 Tenure Track and Tenure](#).

### **5.90.3.6.4 Part-Time Faculty and Tenure**

- A. Retention of Tenure Upon Move from Full Time to Part Time: Tenured, full-time faculty members who move to part-time status may retain tenure.
  - 1. Retention of tenure in such a case requires the written request of the faculty member, positive recommendations of the department head and dean, and approval of the executive vice-president and provost.
  - 2. While this policy encourages departments to accommodate reasonable requests for part-time appointment, part-time appointments are not an entitlement, and requests may be turned down.
  - 3. Pending availability of funding and the approval of the department head, dean and executive vice-president and provost, the faculty member may return later to full-time tenured status. (See subsection D. below)
- B. Procedural Guidelines:
  - 1. When a full-time, tenure-track position becomes part time, the time in rank is prorated based on full-time equivalent (FTE).
  - 2. As with full-time faculty, the maximum probationary period for part-time faculty members is the equivalent of six FTE years, with the tenure decision to be made before the end of the six full-time years of service. For example, a tenure-track candidate with a 0.50 FTE appointment must apply for tenure at the end of the 11th year.



3. Part-time tenure-track faculty must be held to the same standards of performance relative to FTE as full-time faculty.
  4. If denied tenure, a faculty member on part-time appointment has only one year of continued part-time employment beyond the denial.
- C. Regular Part Time Appointment Defined: Faculty members whose regular appointments are less than 0.50 FTE do not accumulate probationary time toward tenure.
- D. Return from Part Time to Full Time: When recurring state funding is available, a tenure-track, part-time faculty member may apply for a full-time tenure track position and, if hired, apply earned tenure-track FTE from prior years toward tenure and promotion in the full-time position.

#### **5.90.3.6.5 Joint Appointment (with Dual Primary Responsibilities)**

In appropriate circumstances, a faculty member may be appointed in two departments or colleges. The faculty member with a joint appointment has a memorandum of understanding from all involved units. The memorandum of understanding stipulates the expected workload and allocation of effort distributed between the two departments; identifies the principal unit where tenure resides or will reside if applicable; defines the responsibilities of the faculty member in each unit; and indicates the term of appointment. The memorandum must explain the process for performance and promotion and tenure reviews, renewal of the joint appointment, and salary increases. Each unit must provide recommendations in annual, probationary, tenure, and promotion reviews. In joint appointments with centers or institutes, the tenure home must reside in a principal unit. In joint appointments with two or more academic units, one unit must be designated, by mutual agreement, as the tenure home.

#### **5.90.3.7 Mid-Probationary Review**

Tenure-track faculty members may request a formal mid-probationary review by those principal units that make such an option available. The mid-probationary review is an optional opportunity to obtain feedback on the tenure-track faculty member's performance and is used to identify specific activities to enhance the candidate's progress toward promotion and tenure. The review is formative, intended to assist tenure-track faculty in achieving promotion and tenure and should take into account the allocation of work effort during the three years reviewed and be based upon the principal unit's criteria. The outcome must not be used as a determinant for setting merit pay or for contract continuation decisions. Principal units should *See* [5.90.5.4\(6\) Common Elements](#) for additional information

#### **5.90.3.8 Community Colleges, Library, and College Faculty**

The community colleges (other than Doña Ana Community College, whose division committees function as department committees), and the library faculty should begin their promotion and tenure deliberations with a committee that acts as a college-level committee. Specific variations are described below.

##### **5.90.3.8.1 Community Colleges**

- A. Mission and Corresponding Emphasis in Evaluation Process: The mission of NMSU's community colleges is to provide open access to quality education and support economic and cultural life in prescribed service areas. Community colleges provide traditional liberal arts education, vocational and technical training, contract training, community interest classes, and developmental education. Every effort is made to keep programs and curricula flexible, in order to accommodate varied and expanding community educational needs. Since the community college's primary role is the dissemination of information, more emphasis is placed on teaching and advising (or its equivalent), in the evaluation process.
- B. Tenure Committees: Due to their size, the organizational structure for tenure review at the Alamogordo, Carlsbad, and Grants campuses consists of a tenure committee at each campus that evaluates and makes recommendations to the campus executive officer.

##### **5.90.3.8.2 The Library**

The NMSU library faculty is expected to meet university requirements for academic appointment and promotion and tenure considerations. For these purposes, the category of librarianship is equivalent to the teaching and advising category. The NMSU Library places the highest value on the element of librarianship. Librarianship includes, but is not limited to the organization of knowledge, the understanding and use of technology as it relates to the information field, teaching, library management, service delivery, and building collections.

### **5.90.3.8.3 College Faculty**

College faculty may hold ranks as described in [5.90.3.5 Tenure, Promotion and the Professorial Ranks](#) and are eligible for promotion. A college faculty position can be converted to a tenure-track position when sufficient recurring funds are available and a national search is conducted. In relation to the promotion of college faculty, an understanding of the following guiding principles is necessary:

- A. Criteria for Promotion: College Faculty should be evaluated for promotion based on the allocation of their effort to the areas of teaching and advising, service, scholarship and creative activity, or extension and outreach, service, and the relative mix of these duties.
- B. Development of Promotion Procedures: Colleges must develop specific promotion procedures for their college faculty. The protections for College Faculty are the same as those given tenure-track faculty and tenure faculty in [5.90.5.1 Performance Evaluations](#) and [5.90.5.4 Common Elements](#) – [5.90.5.8 Appeals](#).
- C. Representation on Committee: Committees for promotion of college faculty must include college faculty representation.
- D. Appropriate Standards for Promotion: The different role played by college faculty should be recognized in the promotion process, and the standard for promotion should be appropriate given the role of college faculty.

## **5.90.4 Criteria for Promotion and Tenure**

When considering applicants for promotion and tenure, serious attention will be given to performances in the applicable areas of teaching and advising (or its equivalent), scholarship and creative activity, service, extension and outreach, and where applicable, leadership. The relative importance of each of these areas varies according to the cumulative allocation of effort statements. Each area is vital to the university's ability to achieve its mission, and the performance of a faculty member will be viewed as an indication of future contributions.

### **5.90.4.1 Teaching and Advising**

- A. Elements of Teaching as Essential Criterion: Teaching is central to NMSU's mission. For those who teach, effectiveness in teaching and advising is an essential criterion for tenure and for advancement in rank. The teaching and advising category includes all forms of university-level instructional activity, as well as advising undergraduate and graduate students, both within and outside the university community. Such activities are commonly characterized by the dissemination of knowledge within a faculty member's area of expertise; skill in stimulating students to think critically and to apply knowledge to human problems; the integration and application of relevant domestic and international, social, political, economic, and ethical implications into class content; the preparation of students for careers in specific fields of study; and the creation and supervision of appropriate field or clinical practicum's.
- B. Responsibilities of Teaching and Advising: Teaching and advising responsibilities may include, but are not limited to, preparation for and teaching of a variety of courses, seminars, and other academic learning experiences; non-credit workshops and informal instructional activities; course and program development; team or collaborative teaching; web-based instruction, both on and off campus; supervision of student research, performances, or productions; service on graduate student

program and research committees; field supervision and administration of field or clinical experiences; production of course materials, textbooks, web pages and other electronic aids to learning; and others.

- C. Forms of Faculty Advising: Faculty advising may take the form of assisting undergraduate or graduate students in the selection of courses or careers, assisting learners in educational programs on and off campus, mentoring students, serving as faculty adviser to student groups, research and teaching advising, as well as other forms.

#### **5.90.4.1.1 Evaluation of Teaching**

- A. Evidence By Which Teaching Effectiveness is Assessed: Teaching is a complex and multifaceted activity. Therefore, several forms of evidence should be used to assess comprehensively teaching effectiveness. Each form of evidence should carry a weight appropriate to its importance in evaluating teaching. Such documentation must demonstrate command of subject matter, continuous growth, and development in the subject field, the ability to organize material and convey it effectively to students, assessment of student learning, revision and updates of curricula, and the integration of scholarship (for faculty who produce scholarship) and service with teaching. Materials appropriate for evaluating teaching should include: (a) evidence from the instructor, (b) evidence from other professionals, (c) evidence from students, and (d) evidence of student learning.
- B. Principal Units To Develop Guidelines: Each principal unit is to create clear guidelines for its teaching faculty that define teaching responsibilities and specify required evidence documenting teaching effectiveness. Specific data to be included in the evaluation packet will be determined by each principal unit.

#### **5.90.4.1.2 Evaluation of Advising**

For promotion and tenure considerations, performance in such activities must be documented and evaluated. Each principal unit is to create clear guidelines regarding the responsibilities and documentation requirements for its faculty who advise.

#### **5.90.4.2 Scholarship and Creative Activity** *[Amendment (FS Proposition 09-09/10 to be effective 07.01.01) passed by the Faculty Senate 02.04.10; presented to Administrative Council 04.13.10; ratified by the Board of Regents 05.07.10]*

- A. Rationale: Scholarship and creative activity involves discovering and creating, teaching and disseminating, and applying knowledge and skills to worldly concerns. This understanding is grounded in Boyer's concept of the four scholarships: (1) the scholarship of discovery involves processes, outcomes, and the passionate commitment of the professoriate and others in the university to disciplined inquiry and exploration in the development of knowledge and skills; (2) the scholarship of teaching involves dynamic, reciprocal, and critically reflective processes among teachers and learners at the university and in the community in which their activity and interaction enriches and transforms knowledge and skills, taught and learned; (3) the scholarship of engagement refers to the many and varied ways to responsibly offer and employ knowledge and skills to matters of consequence to the university and the community; and (4) the scholarship of integration is the process by which knowledge and skills are assessed, interpreted, and applied in new and creative ways to produce new, richer, and more comprehensive, insights, understanding, and outcomes.
- B. NMSU Definition of Scholarship and Creative Activity: Scholarship and creative activity is both activity and product, employing dynamically interacting processes of discovery and creation, teaching and dissemination, engagement and application, and integration, in the pursuit of fulfilling the mission and vision of NMSU. Products developed through these processes, are public, open to peer review, and available for use by others. Scholarship and creative activity can take many forms, including but not limited to refereed publications. At NMSU's community colleges, scholarship and creative activity includes scholarship that is also evidenced by professional development activities that disseminate knowledge to the college's learning communities.

- C. Acknowledgement of Land Grant Mission: This definition reflects the university's mission as the state's land-grant university, serving the needs of New Mexico's diverse population through comprehensive programs of teaching and advising, scholarship and creative activity, extension and outreach, and service. It addresses the breadth and diversity of scholarly and creative activity among faculty, staff, and students through which this mission is fulfilled.
- D. Use of Technology is a Factor in Evaluation Categories: The dissemination and creation of scholarly work using technology is becoming increasingly important. Accordingly, it is important that promotion and tenure committees recognize this when evaluating a candidate's portfolio. The rapid pace at which technology changes makes it difficult to use a single set of evaluation criteria to fit all cases encountered. Technology often crosses the rigid boundaries of teaching and advising, scholarship and creative activity, service, extension, and outreach, and as such, it must be evaluated in as many of these categories as appropriate. Flexibility in evaluation of the candidate's technology efforts is paramount. Reviewers must be aware of expectations placed on the candidate at the time of hiring and during annual reviews and are encouraged to evaluate technology-based scholarship and creative activity using appropriate criteria.

#### **5.90.4.2.1 Evaluation of Scholarship and Creative Activity**

All scholarly activity and outcomes, regardless of funding source, must consider the following criteria adapted from Diamond<sup>2</sup>:

- A. The activity's purposes, goals, and objectives are clear. The objectives are realistic and achievable. It addresses important questions in the field.
- B. The activity reveals a high level of discipline-related expertise. The scholar brings to the activity a high level of relevant knowledge, skills, artistry, and reflective understanding.
- C. Appropriate methods are used for the activity, including principles of honesty, integrity, and objectivity. The methods have been chosen wisely, and applied effectively. It allows for replication or elaboration.
- D. The activity achieves its goals and its outcomes have significant impact. It adds consequentially to the field. It breaks new ground or is innovative. It leads to further exploration or new avenues for exploration for the scholar and for others.
- E. The activity and outcomes have been presented appropriately and effectively to its various audiences.
- F. The activity and outcomes are judged meritorious and significant by one's peers.
- G. The scholar has critically evaluated the activity and outcomes and has assessed the impact and implications on the greater community, the community of scholars and on one's own work. The scholar uses this assessment to improve, extend, revise, and integrate subsequent work.

#### **5.90.4.3 Extension and Outreach**

Extension and outreach are essential to the university's mission because they disseminate information to the public; help the state by promoting economic development through the dissemination of new technologies and best practices; and serve as a basis for sustainable, community-oriented, informal education that addresses local needs through faculty affiliated with each county government in New Mexico. The central role of extension and outreach is recognized in that several principal units are dedicated to these functions. There are also numerous faculty members in other units for whom extension and outreach are major components of their duties.

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<sup>2</sup> Diamond, Robert M. (2002). Serving on promotion, tenure, and faculty review committees: A faculty guide, 2<sup>nd</sup> ed.. Bolton, MA: Ankar Publishing.

### **5.90.4.3.1 Evaluation of Extension and Outreach**

- A. Collaborative Effort: Extension and outreach work is collaborative by nature. Faculty should provide evidence of collaboration with whomever necessary to identify local needs, garner resources, discover and adapt new knowledge, design and deliver programs, assess clientele skill changes, and communicate program results. Collaborative effort should also include networking with other university faculty in identified areas of program discovery, development, and delivery, including applications to teaching and advising where appropriate.
- B. Evaluation Guidelines: To evaluate extension and outreach scholarship the following guidelines are recommended:
  - 1. Faculty must provide evidence of extension and outreach scholarship in order that these [collaborative] efforts are recognized.
  - 2. The documentation should provide evidence that the work is:
    - a. creative and intellectual;
    - b. validated by peers;
    - c. communicated to stakeholders; and
    - d. have an impact on stakeholders and the region.
  - 3. Components of extension scholarship include:
    - a. developing programs based on locally identified needs, concerns, and/or issues; targeting specific audiences;
    - b. setting goals and objectives for the program;
    - c. reviewing current literature and/or research for the program;
    - d. planning appropriate program delivery;
    - e. documenting changes in clientele knowledge, behaviors, attitudes, and/or skills;
    - f. conducting a reflective critique and/or evaluation of the program;
    - g. validation of the program by peers and/or stakeholders; and
    - h. communication of results to stakeholders and decision makers.

### **5.90.4.4 Service**

Service is an essential component of the university's mission and requires that the faculty member contribute to the organization and development of the university, as well as provide service to any local, state, national, or international agency, organization, or institution needing the faculty member's professional knowledge and skills.

#### **5.90.4.4.1 Evaluation of Service**

The type and amount of service that a faculty member performs should be determined in consultation with the appropriate administrator(s). All relevant activities in which a faculty member participates should receive appropriate consideration for promotion and tenure decisions. Service contributions should be evaluated based on how they are applied and how they draw upon the professional expertise of the faculty member.

### **5.90.4.5 Leadership**

In demonstrating leadership, candidates must show that they are having an impact as evidenced by the candidate's scholarship and creative activity, and by contributions to the advancement of the university which may include administrative roles in which considerable and well-documented contributions to the university have been made.

### **5.90.4.5.1 Evaluation of Leadership**

Leadership is characterized by: (1) contribution to the mission of the college or university and to the faculty member's profession; (2) participation in the distribution of responsibility among the members of a group; (3) empowering and mentoring group members; and (4) aiding the group's decision-making process.

## **5.90.5 Policies**

### **5.90.5.1 Annual Performance Evaluation and the Promotion and Tenure Process**

#### **5.90.5.1.1 Performance evaluation policies in the principal units shall include the following elements:**

- A. A statement that Performance Evaluations are conducted annually.
- B. A timeline consistent with the timeline for promotion and for tenure as described in [5.90.5.9 University Timeline for Promotion and Tenure](#).
- C. The requirement that a department head or comparable administrator annually meet with all faculty members regarding progress toward promotion and tenure, the recording of objectives and goals, and the department faculty evaluation format.
- D. An opportunity for the faculty member to submit a written statement in response to annual performance evaluations.
- E. A procedure for transmitting the performance evaluation, along with any supporting material, from the faculty member to the faculty member's department head
- F. A procedure for transmitting a written copy of the department head's or comparable administrator's review to the individual being reviewed and to the dean or equivalent administrator.
- G. A procedure to certify in writing to the appropriate dean or comparable administrator that a meeting with each faculty member has occurred.

#### **5.90.5.1.2 Performance Evaluation Forms.** Performance evaluation forms in the principal units shall include the following elements:

- A. Allocation of Effort Statement:
  1. The allocation percentages will be agreed upon by the faculty member and the department head, and will be approved annually by the faculty member's department head and dean. If agreement cannot be reached, the dean or equivalent administrator may assign the allocation of effort, and the faculty member may appeal through existing university procedures. (*See also* [5.20.20 Assignments - Teaching Load](#))
  2. The allocation of effort statement and percentages may be altered during the year with the mutual agreement of the faculty member, department head, and dean to reflect changing circumstances, such as service on a particularly time-consuming committee or grant, time for scholarship and creative activity, emergency teaching and advising assignments, etc.
  3. At the minimum, this statement shall contain the following elements:
    - a. Percentage of effort devoted to teaching and advising or its equivalent, scholarship and creative activity, service, and extension and outreach. (The total percentage shall be 100%, but any category may be zero percent.)

- b. The number of semester credit hours, student enrollment, and level of courses.
  - c. A statement of what the principal unit considers a full teaching and advising load.
  - d. If the principal unit utilizes a weighting, ranking, or scoring system, the value assigned to each category must be indicated. The values must be calculated proportionately to a candidate's allocation of effort.
- B. Current Position Description.
- C. Submission from Faculty Member: A written section submitted by the faculty member detailing and citing accomplishments in relation to the criteria for promotion and tenure.
- D. Written Review by Department Head or Equivalent: A written review from the department head or comparable administrator including specific commendations, concerns, and recommendations in each of the areas of performance, as well as separate comments about progress toward promotion and tenure.

### **5.90.5.2 Implementation of the Promotion and Tenure Process**

- A. Requirement for Departmental Promotion and Tenure Committee: Each department shall have a department promotion and tenure committee except as follows: the University Library, as well as the Alamogordo, Carlsbad, and Grants community colleges, do not use department promotion and tenure committees; rather, promotion and tenure actions in these units begin with the college promotion and tenure committee. In the Doña Ana Community College, a division promotion and tenure committee functions in the same manner as a department committee.
- B. Requirement for Departmental Promotion and Tenure Policy: Each department shall have a written policy for promotion and for tenure. This policy shall be in accordance with [5.90.3 Guiding Principles](#), shall include criteria and procedures for promotion and for tenure, and shall be consistent with its college's criteria and procedures for promotion and tenure. The department's criteria and procedures shall be determined collaboratively by the faculty and department head subject to approval by the college dean.
- C. Requirement for College Promotion and Tenure Committee: Each college shall have an elected College Promotion and Tenure Committee.
- D. Requirement for College Promotion and Tenure Policy: Each college shall have a written policy for promotion and for tenure. These shall be in accordance with [5.90.3 Guiding Principles](#) and shall include criteria and procedures for promotion and for tenure. The college's criteria and procedures shall be determined collaboratively by the tenure and tenure-track faculty and administration in each college and must be approved by the college dean.

### **5.90.5.3 Roles and Responsibilities during the Promotion & Tenure Process**

- A. Candidate:
  - 1. Maintains a curriculum vitae and a cumulative personal record of the activities and accomplishments affecting the application for promotion and/or tenure.
  - 2. Reviews the personal portfolio in relation to the criteria for promotion and/or tenure and seeks guidance from senior faculty and the department head.
  - 3. In accordance with college procedures, requests and provides materials required in the mid-probationary period review.
  - 4. Provides the department head with a written list of potential outside references from which letters of evaluation may be requested.
  - 5. Requests extensions of the probationary period in accordance with [5.90.3.6.2 Extension of](#)

Probationary Period.

6. In accordance with [5.90.5.6 Withdrawal of Rights and Procedure](#), requests that the review process be terminated at any time prior to review by the executive vice-president and provost.

**B. Department Head:**

1. Establishes and monitors a process for tenure-track faculty to mentor the candidate in developing the best case for promotion and/or tenure.
2. Provides leadership in the collaborative writing and maintenance of department promotion and tenure policy.
3. Provides initial information, timelines, and copies of all written guidelines regarding promotion and tenure expectations and policies to all new and continuing faculty members on a regular basis. Also informs tenure-track faculty of the rights to due process, appeal and informal processes for conflict resolution in promotion and tenure.
4. In the annual performance reviews of tenure-track faculty, includes written details relating to assigned duties (i.e. the teaching and advising (or its equivalent), scholarship and creative activity, service, extension and outreach and apportionment). The reviews also include separate statements addressing progress toward tenure and toward promotion including steps that should be taken to strengthen the faculty member's case.
5. Provides leadership in establishing agreed upon department guidelines for an annual review of tenure-track faculty by the department's promotion and tenure committee. This review is separate from, and independent of, the department head's annual review of each faculty member.
6. Assists tenure-track faculty who have completed five academic semesters or its part-time equivalent in preparing for an optional mid-probationary review.
7. In mitigating circumstances, explores with the candidate the need for a time extension (*See [5.90.3.6.2 Extension of Probationary Period](#)*). With the approval of the candidate, seeks permission from the dean to extend the probationary period.
8. Provides assistance and guidance to faculty who are applying for promotion/tenure. Reviews the portfolio of applicants and, where needed, makes recommendations for improvement.
9. Sees that the department promotion and tenure committee submits recommendations for tenure and for promotion for all candidates.
10. Writes an independent evaluation/recommendation concerning each candidate's case for promotion and/or tenure in relation to the criteria for promotion and tenure. This recommendation may be in support of or against supporting either promotion or tenure, or both. It should address the strengths and weaknesses, and level and nature of accomplishments of the candidate.
11. Provides candidates, written copies of the recommendation of the department promotion and tenure committee and of the recommendation of the department head. This notification must occur prior to passing the promotion and/or tenure application on to the dean and college promotion and tenure committee.
12. Places the department head's recommendation in the candidate's portfolio.

**C. Department Promotion and Tenure Committee:**

1. Examines and reads the portfolio of each candidate.



2. Evaluates the candidate according to department promotion and/or tenure standards.
3. Considers the candidate's department assignment and role apportionment as specified in the candidate's position description and Allocation of Effort Forms.
4. Performs an annual review of tenure-track faculty following departmental guidelines and forwards results to department head and dean or equivalent administrator. This review is separate from, and independent of, the department head's annual review of each faculty member.
5. Makes recommendations to the department head pertaining to faculty members who are seeking promotion and/or tenure based on the candidate's portfolio and departmental criteria.
6. Records in each candidate's portfolio the committee's vote totals. (See [5.90.5.4.\(6\) Common Elements](#).)
7. Places the committee's recommendation in the candidate's portfolio.
8. Participates in the optional mid-probationary review process, providing formative feedback to candidates.

D. College Promotion and Tenure Committee:

1. Examines and reads the portfolio of each candidate, including the department head's letter.
2. Evaluates the candidate according to department promotion and/or tenure standards.
3. Considers the candidate's department assignment and role apportionment as specified in the candidate's position description and Allocation of Effort forms.
4. Makes recommendations to the dean pertaining to faculty members who are seeking promotion and/or tenure.
5. Records in each candidate's portfolio the committee's vote totals. (See [5.90.5.4.\(6\) Common Elements](#).)
6. Places the committee's recommendation in the candidate's portfolio.
7. Participates in the optional mid-probationary review process, providing formative feedback to candidates.

E. Dean, Community College President:

1. Ensures that a college-specific promotion and tenure policy is written and periodically revised and that the policy complies with university policy.
2. Assures that each department has:
  - a. current promotion and tenure guidelines that comply with college and university policies and include date of version.
  - b. a mentoring process for tenure-track faculty.
  - c. a system of annual faculty performance evaluations.
3. In consultation with college faculty establishes policy for the constitution of a College Faculty Promotion Committee.
4. Recommends extensions of the probationary period.

5. Provides oversight for the optional mid-probationary review program.
  6. Makes independent recommendations pertaining to promotion and tenure. To do this, consider:
    - a. Candidate's portfolio
    - b. Recommendations of the department promotion and tenure committees
    - c. Recommendations of the department heads
    - d. Recommendations of the college promotion and tenure committees.
  7. Notifies candidates, in writing, of the recommendations of the College Promotion and Tenure Committee and of the dean. This notification must occur prior to passing the promotion and tenure applications and associated recommendations on to the executive vice-president and provost.
  8. Places the dean's recommendation in the candidate's portfolio.
  9. Meets with the executive vice-president and provost regarding promotion and tenure cases.
- F. Executive Vice-President and Provost:
1. Ensures that each college and each department has, and periodically updates, promotion and tenure policies that comply with university policy.
  2. Approves requests to extend the probationary period.
  3. Meets with deans regarding promotion and tenure cases.
  4. Makes an independent decision pertaining to promotion and tenure. To do this, consider:
    - a. Candidate's portfolio
    - b. Recommendations of the department promotion and tenure committees
    - c. Recommendations of the department heads
    - d. Recommendations of the college promotion and tenure committees
    - e. Recommendations of the dean.
  5. Passes promotion and tenure decisions on to the Chancellor.
  6. Notifies candidates in writing of the decision.
  7. Provides for annual training sessions for promotion and tenure committee members, department heads, and deans.

#### **5.90.5.4 Common Elements to be included in the principal units' promotion and tenure policy**

- A. A statement that university policies regarding promotion and tenure supersede department and college policies.
- B. Statements referencing the criteria for promotion and tenure as stated in [5.90.4 Criteria for Promotion and Tenure](#).
- C. A provision permitting a candidate to temporarily suspend the promotion and tenure time process in accordance with [5.90.3.6.2 Extension of Probationary Period](#).
- D. A statement regarding confidentiality of records and all committee procedures, including the manner in which confidentiality is ensured. Exceptions must be clearly indicated.
- E. A method to review and update at least every three years the written promotion and tenure policies

and procedures of the principal unit. A statement to the effect that if the policy should change during a faculty member's pre-tenure or pre-promotion period, the faculty member may choose one of the policies for evaluation purposes. A procedure for the faculty member to indicate the preferred criteria must be clearly delineated.

- F. A procedure for the conduct of a mid-probationary review, if the college provides this option. Faculty who choose to participate in the review process must submit their portfolio to their department head by mid-January. The portfolio shall be prepared in accordance with [5.90.5.5 Portfolio Preparation](#) and be reviewed by the department promotion and tenure committee, the department head, and the college promotion and tenure committee. The college committee will provide to the department head and candidate a written formative evaluation of progress. The review is conducted in accordance with the principal unit's promotion and tenure policy. (See [5.90.3.7 Mid Probationary Review](#).)
- G. A procedure for electing the college promotion and tenure committee: All tenure and tenure-track faculty are eligible to vote during the election. When colleges choose to include college faculty on this committee, college faculty are eligible to vote for college faculty membership on the college committee.
- H. Procedure for selecting members of the department promotion and tenure committee.
- I. Definition of eligibility for serving on the promotion and tenure committees. Only tenured faculty members are eligible to vote for tenure and promotion. College-track faculty who serve on the college committee are eligible to vote on promotion of college-track faculty. In instances of promotion, committee members must hold a rank at least equal to the rank for which the candidate is applying.
- J. Provisions for term limits if desired for serving on the department promotion and tenure committee.
- K. Provisions for term limits for serving on the college promotion and tenure committee are required, except at the Alamogordo, Carlsbad, and Grants community colleges.
- L. The provision that in no case will a promotion and tenure committee be comprised of fewer than three eligible members.
- M. A provision for addressing cases where there are inadequate numbers of eligible faculty to constitute a committee. The department and/or the college promotion and tenure committees may have members from outside the department.
- N. The provision that the dean, department head, or comparable administrator may meet with the principal units' promotion and tenure committees to discuss procedural matters.
- O. The provision that the deliberations and voting of promotion and tenure committees will be conducted in closed session only among committee members.
- P. A method for surveying the committees' recommendations regarding each candidate(s) via secret written ballot. Voting must be in person. Absentia and proxy ballots are not permitted. All vote counts must be recorded.
- Q. A method for the principal units' promotion and tenure committees to submit a letter summarizing its recommendations and the numerical vote count on each candidate to the department head and college dean or comparable administrator. The recommendation must:
  - 1. Reflect the majority view.
  - 2. Contain specific commendations, concerns, and recommendations addressing the department's criteria in each of the areas required for promotion and tenure

3. Allow for dissenting opinions containing specific commendations, concerns, and recommendations addressing the criteria in each of the areas required for promotion and tenure.
- R. A method for informing each candidate in writing of the principal units' recommendations and numerical vote count, the department head's letter, and/or the dean's or comparable administrator's letter.
- S. The provision that a candidate may withdraw from further consideration in accordance with [5.90.5.6 Withdrawal of Rights and Procedures](#).
- T. Guidelines for preparing the portfolio. (See [5.90.5.5 Portfolio Preparation](#).) The parties shall refer to the individual college policies for additional guidelines.
- U. A mechanism to provide candidates with sample portfolios. If the portfolios of actual persons are used, written permission must be obtained from the owner of the portfolio.
- V. A procedure for indicating how and when a candidate may change, add, or delete materials from the portfolio after the portfolio is submitted to the committee for review.
- W. A statement regarding the location where the documentation file will be stored and accessed for review.
- X. A procedure for indicating how and when evaluators may request additional information. All requests must be made in writing and transmitted to the candidate.
- Y. A procedure allowing the candidate to review all items included in the portfolio assembled prior to the review by appropriate committees, administrators, and/or external reviewers.
- Z. A procedure for soliciting external letters (See [5.90.7 Example](#)) which incorporates the following:
  1. The number of letters shall be solicited for each candidate.
  2. Specifications regarding who is responsible for obtaining the letters and how the letters will be placed into the candidate's portfolio.
  3. Specifications regarding how much and what type of material is supplied to reviewers. The department and/or college policies and criteria for tenure and promotion must be provided to reviewers.
  4. Specifications regarding the criteria for serving as an external reviewer.
  5. Instructions to reviewers including:
    - a. A request for a brief statement regarding the individual's qualifications for serving as a reviewer.
    - b. A request that the reviewer indicate the relationship between the candidate and reviewer.
    - c. Notification that the candidate will have an opportunity to read the letter of assessment.
    - d. Notification that third parties in the event of an EEOC or other investigation into a tenure or promotion decision may review letters.
- AA. A statement addressing the role, if any, of unsolicited letters.
- BB. A statement regarding post-tenure review in accordance with the university policy manual [Policy 5.87 Post Tenure Review](#).
- CC. Reference to the appeals process as outlined in policies [3.25 Discrimination, Harassment and Sexual Misconduct on Campus](#) and [4.05.50 Faculty Grievance Review and Resolution](#).

DD. Develop a procedure for reviewing the university's Conflict of Interest Policy with the promotion and tenure review committee(s).

### **5.90.5.5 Portfolio Preparation**

In accordance with department and college guidelines, the candidate is responsible for submitting a promotion and tenure portfolio comprised of a core document and documentation file. The college guidelines shall specify the inclusion of the following core document elements in this order. The combination of items 4-6 shall not exceed 50 pages:

- A. A routing form developed by the college with spaces for the required signatures.
- B. A cover sheet indicating the candidate's name, current rank, department and college.
- C. Any written documentation generated throughout the promotion and tenure process, including the numerical vote counts of the promotion and tenure committee(s).
- D. A table of contents.
- E. Candidate's executive summary.
- F. A curriculum vitae.
- G. Annual performance evaluations for the period under review, including the allocation of effort statements, the goals and objectives forms, written statements submitted by the faculty member as a part of the annual performance evaluations, the supervisor's written comments, and any response made by the candidate to the supervisor's written comments. Numerical rankings, ratings, or vote counts should be removed. (*See also [5.90.3.3 Performance Evaluations](#) and [5.90.5.1 Performance Evaluations](#).*)
- H. The most recent complete conflict of interest form.
- I. Principal units' mission statements.
- J. External reviews.

#### **5.90.5.5.1 Documentation File**

Supplementary materials provided by the candidate related to the areas of faculty activity. This material is not routed beyond the College Promotion and Tenure Committee, but is available for review.

If this is an application for tenure, the candidate is to include evidence of contributions since starting at NMSU, plus evidence from other institutions if credit for prior service is applicable. If this is an application for promotion, then the candidate is to include evidence of contributions since the last promotion or tenure review.

### **5.90.5.6 Withdrawal**

- A. Voluntary Withdrawal from Consideration: A candidate may withdraw from consideration at any time prior to the final signature of the executive vice-president and provost. A candidate shall prepare a letter requesting withdrawal from further consideration. The letter shall be transmitted to the dean or comparable administrator. All documents shall be returned to the candidate and nothing relating to the application for promotion and/or tenure shall be placed in the candidate's personnel file.
- B. Withdrawal in Fifth Year of Service: If the candidate is in the fifth year of service, withdrawal from consideration for tenure must be accompanied by a letter of resignation submitted to the dean or comparable administrator no later than the end of the fifth-year contract period. The resignation

shall be effective no later than the end of the sixth-year contract period.

### **5.90.5.7 Outcomes**

A. For full-time tenure-track candidates:

1. If tenure is recommended, the executive vice-president and provost will send a Contract of Employment (Continuous Appointment) Form through the dean or comparable administrator and the department head to the candidate.
2. If tenure is not recommended, the department head will give a signed Contract Status Form to the candidate for signature acknowledging notification of non-renewal.

B. For part-time tenure-track candidates, in addition to the provisions for full-time tenure-track candidates:

1. If tenure is recommended, it is for the FTE as stated in the initial contract or as negotiated.
2. If tenure is not recommended, a faculty member has only one year of continued part- time employment beyond the denial.

C. For all candidates:

1. If promotion is recommended, the effective date is at the beginning of the ensuing contract year.
2. If promotion is recommended, it shall be the policy of the university that all promotions shall include a salary increase, irrespective of other salary increases.
3. In the case of a negative promotion decision, the executive vice-president and provost will inform the candidate in writing.
4. The executive vice-president and provost is responsible for informing the Chancellor of the recommendations of the department head, college dean, or comparable administrator and the decision of the executive vice-president and provost.
5. The executive vice-president and provost will prepare an official list of promotion and tenure decisions for distribution to relevant deans, comparable administrators, the vice-president for administration and finance, and the assistant director of human resource services.
6. Tenure-track faculty members whose probationary contract is not renewed and who have another year before the termination of that contract do not submit a promotion and tenure portfolio during their final year. If the non-renewal is being appealed on the basis of failure to follow procedure or discrimination, then the appellant may complete a packet and have it held in suspension until the grievance is resolved. If the individual is successful in the appeal, the portfolio will be considered by the parties involved in the promotion and tenure process.

**5.90.5.8 Appeals** (See Policies [3.25 Discrimination, Harassment and Sexual Misconduct on Campus](#) (for complaints of discrimination); [4.05.50 Faculty Grievance Review and Resolution](#) (for faculty grievances, including violation of policies or procedures); and [5.47 Faculty Discipline and Appeal Processes](#) (for appeals from disciplinary action, including involuntary termination))

### **5.90.5.9 University Timeline for Promotion and Tenure**

Each college shall determine a timeline for conducting promotion and tenure reviews. The dates indicated here are suggested guidelines as 12-month appointments may require a different time schedule.

A. Spring:

The department head notifies potential candidate of eligibility for promotion and/or tenure review. Department promotion and tenure committee reviews the portfolio of each faculty member and in accordance with college policies reports to the department head indicating the progress towards promotion and/or tenure as well as the strengths and weaknesses in each of the areas required for promotion and tenure.

Department head informs the candidate in writing of the department promotion and/or tenure committee recommendations.

B. June, July, August:

The candidate with support from the department and college prepares the candidate's portfolio. (See also [5.90.5.5 Portfolio Preparation](#).)

C. September:

The candidate provides the completed portfolio to the department head.

The department head makes the completed portfolio available to the Department Promotion and Tenure Committee. The portfolio can only be amended hereafter in accordance with department and college guidelines.

D. October:

The Department Promotion and Tenure Committee considers the completed portfolio of the candidate.

E. October - December:

The college dean or comparable administrator transmits the Department Promotion and Tenure Committee and department head reports and numerical ballot results to the College Promotion and Tenure Committee.

The College Promotion and Tenure Committee reviews the department head's and the Department Promotion and Tenure Committee's recommendations.

The College Promotion and Tenure Committee informs the dean or comparable administrator if a department fails to follow department and/or college procedures.

The College Promotion and Tenure Committee reviews the portfolios of all tenure-track faculty members no later than their sixth year of service unless Section [5.90.3.6 Flexibility in Tenure Track](#) applies.

The College Promotion and Tenure Committee submits a written recommendation on the candidate to the department head, candidate, and dean or comparable administrator in accordance with the college's promotion and tenure policy.

F. January - February:

The college dean or comparable administrator reviews the candidate's portfolio, makes a recommendation, and informs the candidate in writing of the recommendations of the College Promotion and Tenure Committee and the dean or comparable administrator.

The college dean or comparable administrator transmits to the executive vice-president and provost all recommendations including numerical votes.

G. March - April:

The college dean or comparable administrator meets with the executive vice-president and provost to review each candidate. The executive vice-president and provost's decision is indicated in writing.

The executive vice-president and provost informs the Chancellor of the recommendations of the department head, college dean, or comparable administrator and the decision of the executive vice-president and provost.

H. April - May:

Final notifications of decisions are sent through the executive vice-president and provost, dean or comparable administrator, and department head to the candidate.

The executive vice-president and provost prepares an official list of promotion and tenure decisions for distribution to relevant deans, comparable administrators, the vice-president for administration and finance, and the assistant vice president for human resource services.

The dean or comparable administrator notifies the department head, who in turn notifies the faculty member.

I. July:

Promotion and tenure decisions become effective.

**5.90.6 Post Tenure Review** (See [5.87 Post Tenure Review](#))

**5.90.7 Forms Relating to Promotion and Tenure** See [Promotion and Tenure Documents](#)

**5.92 Reassignment of Administrators/Department Heads**

Due to the larger scope of responsibility of most administrative positions, the reassignment of an administrator with faculty rank to a faculty position normally results in a reduction of salary. Several factors are considered in making the salary determination, including the level of faculty salaries in the department where the reassignment occurs. Normally, department heads who have less than 4 complete years return to 75 percent of their base salaries (not including department head increment), and department heads who serve 4 or more years return to 80 percent of their base salaries. Again, several factors are considered in making the salary determination, including the level of faculty salaries in the department where the reassignment occurs.

**5.94 Research** (See also [Chapter 3 – Conflicts of Interest: Chapter 3 of the ARP](#)) [*Amendments restructuring and revising Policy 5.94 in its entirety, as recommended by the University Research Council on 01.28.11 and by the Administrative Council on 03.09.11, were approved by the Board of Regents on 03.14.11*]

- A. Research Philosophy: Research is an important component of every academic activity, and is, therefore, the source of content for quality instructional programs. New Mexico State University recognizes research as essential to the vitality of the university and undertakes the support of research as part of its institutional responsibility. The mission statement expresses the importance of research as one of the university's core functions: *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 university promotes academic inquiry and protects academic freedom for those engaged in it. This includes the support of research and off-campus study as potentially valuable experiences for faculty and students. These experiences may take the form of sabbaticals, internships, intensive study of specialized techniques, and conducting research at specialized facilities. These opportunities offer researchers considerable flexibility in their training and promote valuable



contacts among faculty members, students, the university, industry and other research institutions.

- B. Protections in Research Involving Human Subjects: It is the policy of the university to protect the rights, well being, and personal privacy of individuals participating in research projects, while also maintaining a favorable climate for the conduct of scientific inquiry and protecting the interests of the university. The university has established the Institutional Review Board to regulate the participation of human subjects in research, consistent with federal law. (See [5.94.30 D.](#) below.) All research conducted at or by the university, regardless of funding source, shall adhere to the requirements of the Institutional Review Board and the following tenets:
1. The university, including its faculty, staff, contractors and student body shall be responsible for the protection of the rights and welfare of human subjects.
  2. No human subject involved in a research activity shall be exposed to unreasonable risk to health or well-being, in order to ensure the subject's physical and mental safety and well-being.
  3. All participation by human subjects shall be voluntary; no subject will be coerced in any way to participate in a research project. A request by any subject to withdraw from a research activity shall be honored promptly without penalty or loss of benefits to which the subject is otherwise entitled, within the limits of the research.
  4. The confidentiality of information received from subjects in experiments or respondents to questionnaires shall be protected, both during and after the conduct of a research activity, consistent with applicable law.
  5. In research which involves more than minimal risk, or which involves substantial stress or discomfort, such risk, stress or discomfort shall be carefully explained in advance to the subject. The researcher(s) shall be satisfied that the explanation has been understood by the subject, and that the written consent of the subject, is obtained and kept as a matter of record. The researcher(s) shall be responsible for ensuring that method used to obtain informed consent (written, audio-recorded, witnessed) is the most appropriate for the participant, and for providing appropriate evidence of informed consent consistent with the approval granted by the Institutional Review Board and with applicable federal law.
  6. Research involving special subject populations (e.g., persons under the age of 18, or mentally disabled or disadvantaged persons) may be conducted as long as a qualified guardian signs the consent form.
- C. Protections in Research Involving the Use of Animals: As a land grant institution, it is the university's role to conduct, if not lead, research designed to optimize the use of animals in the service of man, and to advance human and animal welfare. Consistent with applicable law and regulations, the university supports the use of animals in research, education, and as agricultural resources, provided that the usage is reasonably expected to advance knowledge about human or animal welfare. It is the university's policy to meet all federal and state standards and regulations applicable to animal use.

The university has established the Institutional Animal Care and Use Committee to administer policies and procedures regarding university care and use of vertebrate animals. (See [5.94.30 Research Oversight and Risk Management E.](#) below) Any concerns regarding the use or care of animals by the institution should be addressed to the Institutional Animal Care and Use Committee.

- D. Protection of Sensitive Information. [*Amendment recommended by the Administrative Council 09.13.11; approved by the Board of Regents 10.10.11*]

Research units, including but not limited to the Physical Science Laboratory, receive many sponsored awards in which information provided by the sponsor or generated by or in connection with the research effort may be considered sensitive: classified, controlled unclassified, and/or proprietary. Units keeping or using sensitive information should adopt appropriate procedures for

its protection and train faculty, staff, and students whose positions require access to such information. All employees shall comply with applicable laws, university policy, and contractual agreements regarding non-disclosure of sensitive information. (See ARP-Rule 3.65, Protection of Sensitive Information, [NMSU Business Ethics Handbook](#), and the Physical Science Laboratory's *Code of Ethics and Standards of Business Conduct*, p. 9.)

#### **5.94.10 Addressing Allegations of Misconduct in Research**

- A. Definition of Research Misconduct: Research misconduct is academic misconduct, dishonest behavior, or any form of unethical practices involving an act of deception whereby one's work or the work of others is misrepresented. Other terms, such as research fraud or scientific misconduct, are subsumed within the term academic misconduct. Research misconduct is distinguished from honest error and from ambiguities of interpretation that are inherent in the scientific process. The principal element of research misconduct is the intent to deceive others or misrepresent one's work. Research misconduct may also involve wrongful acts or omissions relating to non-compliance with applicable law or regulation, a failure to report known misconduct or retaliation against others involved in the reporting, investigation or correcting misconduct. Research misconduct may take numerous forms such as, but not limited to:
1. **Falsification of Data**: Fabrication, willful suppression and/or distortion of data with the intent to falsify results.
  2. **Plagiarism**: The use of the work of another without proper acknowledgment.
  3. **Improprieties of Authorship**: Improper assignment of credit, such as excluding other authors, inclusion of individuals as authors who have not made a definite contribution to the work published, or submission of multi-authored publications without the concurrence of all authors.
  4. **Misappropriation of the Ideas of Others**: Unauthorized use of privileged information (such as violation of confidentiality in peer review), however obtained.
  5. **Violation of Generally Accepted Research Practices**: Deceptive practices in proposing, conducting, or reporting research.
  6. **Material Failure to Comply with Governmental Requirements**: Serious, repeated, willful violations of governmental requirements arising from law, statute, regulation, or agreement. Regulations include, but are not limited to, those governing the use of funds, care of animals, human subjects, and biological, chemical, pharmacological, and radiological materials.
  7. **Inappropriate Behavior in Relation to Research Misconduct**: Unjust and malicious accusation(s) of misconduct, failure to report misconduct, withholding or destruction of information or evidence relevant to a claim of misconduct, or malicious retaliation against persons involved in the allegation or investigation of misconduct.
- B. Scope of Policy: This policy applies throughout the university system to faculty, staff and students involved in research and research-related work regulated by federal law or sponsored externally. Such research includes, but is not limited to, research involving human subjects, vertebrate animals, biohazardous agents and/or recombinant DNA. Research projects involving the surveying of other students, university personnel, or members of the general public fall within the scope of this policy, unless exempted by federal law. Academic misconduct alleged against a student generally will not be covered by this policy, unless it falls within the above scope, and will instead be addressed pursuant to the Academic Misconduct policy housed in the [NMSU Student Handbook](#).
- C. Duty to Report: Individuals with a reasonable factual basis to believe that a researcher has committed an act of research misconduct prohibited by this policy are obligated to report such occurrences to a supervisor not involved in the alleged misconduct. Such reports of suspected research misconduct shall be forwarded to the vice president for research for prompt investigation, and subsequent corrective action and reporting, if warranted by the investigative findings. If the

reporter, the supervisor, or the vice president have reason to suspect that a crime may have been committed, the report shall also be made to the NMSU Police or other appropriate law enforcement for a separate and distinct criminal investigation. (*See also* subsections I and J below.)

- D. Preliminary Internal Investigation: If an appropriate oversight committee (Institutional Review Board, Institutional Animal Care and Use Committee, Institutional Biosafety Committee, or Radiation Safety Committee) reports misconduct substantiated by an investigation with factual findings, this shall serve as the internal preliminary investigation.

In all other cases, the vice president for research will refer the reported matter to the appropriate college dean and associate dean for research, or equivalents, to conduct a preliminary internal investigation into the alleged misconduct. The investigation will be conducted confidentially.

Within twenty (20) business days from the initial receipt of the report of potential academic misconduct, the evidence and any recommended findings shall be forwarded to the vice president for research. During the preliminary investigation stage, the funding agency will not be notified, except as may be otherwise required by law or written agreement.

- E. Action on Results of Preliminary Investigation: The vice president for research shall consider the evidence and the recommended findings of the preliminary investigation, and initiate further action as follows within twenty (20) business days from the date the evidence and the findings were received.
1. If the vice president for research concludes that no infraction occurred, the matter will be dismissed. This decision, including all supporting documentation, will be reported to the Office of University General Counsel.
  2. If the vice president for research concludes that an infraction occurred, but was not an unanticipated problem, did not involve serious or continuing non-compliance with federal regulations or university policy, and did not involve a suspension or termination of an approval granted by the appropriate oversight committee, the vice president for research will refer the matter to the college dean or appropriate vice president for disciplinary action or other administrative corrective action, as warranted by the factual findings.
  3. If the vice president for research concludes that the matter may involve an unanticipated problem, a serious or continuing non-compliance issue, or a suspension or termination of an approval granted by the appropriate oversight committee, the vice president for research shall refer the matter for a confidential formal investigation, at which time the funding agency and/or the appropriate federal or state oversight agency will be notified by way of an Initial Report. The Initial Report shall indicate that either follow up reports or a final report, or both, will be forthcoming as soon as practicable under the circumstances.
  4. If the vice president for research concludes that a crime may be implicated, the matter shall be immediately reported to the appropriate law enforcement agency for a separate and distinct criminal investigation.
- F. Formal Investigation: The confidential formal investigation will be conducted by an ad hoc committee to be convened and chaired by the vice president for research. The committee shall consist of the appropriate college dean and associate dean for research or equivalents, the appropriate department head, and three faculty or exempt staff members from the University Research Council, selected by the university research council chair. Substitutions, in the event of conflict of interest, will be made by the vice president for research or the executive vice president and provost, as appropriate. This formal investigation should be completed within two months from the date the committee is formed. The committee shall gather relevant documentation; interview witnesses with relevant testimony, including the person charged with the misconduct; preserve any physical evidence; and prepare an investigative report summarizing all evidence in the form of factual findings. The final draft investigative report shall be shared with the person charged with the misconduct, and that person shall be given a minimum of five business days to respond.

- G. Action on Results of Formal Investigation: Consistent with the results of the formal investigation, the vice president for research and/or the appropriate college dean or vice president shall take appropriate, university-wide corrective action to ensure that similar incidents do not recur, and shall coordinate with the Office of Human Resource Services regarding disciplinary action, if any, to be taken.
- H. Notifications and Record Retention: All documentation of the preliminary inquiry and formal investigation, if any, shall be maintained in the office of the vice president for research for at least three (3) years and must, upon request, be provided to authorized government personnel. The university shall comply with notification requirements imposed by funding agency regulations and agreements.
- I. Anti-Retaliation: In order to protect the positions and reputations of those persons who, in good faith, report reasonably suspected academic misconduct in research, the university prohibits retaliation in any form to be taken against the reporter or any person who cooperates in the investigative process. A complaint of suspected retaliation will also be cause for the initiation of a separate internal investigation to be conducted in coordination with the Office of Human Resource Services, and if substantiated, will be grounds for disciplinary action, up to and including termination of employment.
- J. False or Unfounded Complaints: If the preliminary or formal investigative report reflects that the complaint of academic misconduct in research was not substantiated, the university will make efforts to restore the reputations of the researcher who was accused of having engaged in misconduct. Additionally, and depending upon the circumstances, the university may initiate a separate internal investigation in the event the investigative report indicates that the initial complaint or any testimony given as part of the internal investigation, may have been intentionally falsified. If deliberate falsification of such a complaint or testimony is substantiated, it will be grounds for disciplinary action against the false reporter, up to and including termination of employment.

## **5.94.20 Intellectual Property and Patents**

New Mexico State University recognizes that faculty and staff members create commercially valuable intellectual property as part of their teaching, scholarship, research, and service duties. University administration strives to foster a work environment that will motivate the creation and commercialization of intellectual property, by providing advice and assistance to originators of intellectual property, by entering into cost and benefit sharing intellectual property agreements with its faculty and staff, and by assuring compliance with such agreements.

- A. Definitions: When used in this section the following definitions apply:
  - 1. Copyright: Copyright means the intangible property right granted by federal statute for an original work fixed in a tangible form of expression. Copyright provides the owner with the exclusive right to reproduce a work, to distribute it by sale or otherwise, to display or perform it publicly and to prepare derivative works.
  - 2. Earnings: "Earnings" refers to the monetary proceeds received by the university from the sale or licensing of intellectual property in the nature of sales proceeds, license fees and royalties; but shall not include: (1) proceeds in the nature of research or development funding or contracts for reimbursement for same to the university or its designee or (2) amounts required to be paid or reimbursed to or offset by third parties under any contractual obligation.
  - 3. Intellectual Property: Intellectual property includes, but is not limited to, books, articles, plays, films, audio and video works, written lectures, works of art, musical compositions, laboratory manuals, demonstration devices, computer programs, chemical compounds, new materials or processes, and instruments.
  - 4. Intellectual Property Office: The Intellectual Property Office is charged with the responsibility

of receiving and processing intellectual property disclosures, obtaining intellectual property protection, maintaining and enforcing intellectual property, and commercializing and distributing the intellectual property.

5. Intellectual Property Officer: The vice president for economic development serves as the university's intellectual property officer.
  6. Originator: "Originator" refers to the person or persons primarily responsible for developing the Intellectual Property.
  7. Patent: A patent is the right granted under federal statute for a discovery or invention. To be patented, the discovery or invention must be novel, useful and not of an obvious nature. A patent gives the owner the right to exclude others from producing or using the discovery or invention for a limited period of time.
  8. Significant Use: Significant use shall mean use of university resources which imposes on the university costs or liabilities that otherwise would not be incurred, except for incidental use addressed by Policy [3.75 Non Work Related Use of University Resources](#).
  9. Trademarks: Trademarks are distinctive symbols, logos, pictures, sounds or words that are used to distinguish and identify the origin of products. Trademarks may also include distinctive and unique packaging, color combinations, building designs, product styles and overall presentations. A trademark provides the owner with the exclusive right to use it on the product it was intended to identify and often on related products. Service-marks receive the same legal protection as trademarks but are meant to distinguish services rather than products.
- B. Ownership of Intellectual Property: Ownership of intellectual property shall be determined as follows:
1. Personal Resources: Intellectual property developed by faculty, staff, or students (1) outside normal university working hours and (2) without the significant use of university resources, belongs to the originator.
  2. University Resources: Intellectual property developed with the significant use of university resources by employees, students or other personnel, belongs to the university. The university or its assignee will either (1) protect such intellectual property and share the earnings with the originator as specified in Part C below, or (2) return or assign rights to the originator.
  3. Consulting Activities: Intellectual property developed by a member of the faculty (1) during that person's allowed consulting time and (2) without the significant use of university resources, belongs to the originator. Ownership of Intellectual Property developed as the result of consulting activity by a university employee, and to which the university is a party, will be determined in accordance with the terms of the consulting agreement.
  4. Instructional Materials: Intellectual property developed for any course offered by the university but without the significant use of university resources belongs to the originator.
  5. Scholarly and Artistic Works: Intellectual property developed by a member of the faculty engaged in scholarly or artistic activity without the significant use of university resources belongs to the originator.
  6. Student Work: Intellectual property developed by a student without the significant use of university resources belongs to the originator.
  7. Grants and Contracts: Ownership of intellectual property developed as a result of projects funded by a contract or grant to the university will be determined in accordance with the terms of the contract or grant.

- C. Distribution of Earnings from Intellectual Property: Net earnings from intellectual property owned by the university will be shared with the originator. After the repayment of all costs incurred by the university or its assignee to protect, manage, and commercialize (including legal, management and marketing fees), further earnings will be divided as follows:
1. Total Distribution to Originator: Annually, the originator, or originator's heirs, will receive not less than fifty percent (50%) and the university the remainder.
  2. Multiple Originators: Where more than one originator is involved, the originator's share of earnings will be divided among the originators as agreed upon by them in writing.
  3. Distribution by University: Earnings received by the university will be used to promote creative endeavor. One-third of the university's share will go to the originator's college or appropriate division; one-third will go to the originator's department; and one-third to the Office of the Vice President for Research.
- D. Managing Intellectual Property Transactions:
1. Intellectual Property Agreement: In accordance with federal regulations, all employees of the university engaged in federally-funded research will sign the Intellectual Property Agreement.
  2. Responsibilities of the Intellectual Property Office: The Intellectual Property Office will receive and process disclosures of originators concerning intellectual property; notify the appropriate dean or director, if applicable, regarding the appropriate steps recommended as to the intellectual property; file for, obtain and maintain patents and/or copyrights for the intellectual property; provide for maintenance and enforcement of the intellectual property; attempt commercialization of the intellectual property; and attempt resolution of all disputes or claims concerning the intellectual property. The originator is expected to cooperate with the Intellectual Property Office concerning all these activities, including signing all necessary papers, as requested.
  3. List of Intellectual Property: The Intellectual Property Office will maintain a current list of patents, copyrights and trademark registrations which have been obtained through that office. This list will be available to all interested parties.
  4. Disclosure of Intellectual Property: When intellectual property is developed within the scope of the originator's regularly assigned duties, with the significant use of university facilities, or under the sponsorship of a contract or grant, notice must be submitted to the Intellectual Property Office by the originator. The Intellectual Property Office shall recommend to the university whether to pursue legal protection for the intellectual property.
  5. University Assistance: Intellectual property belonging solely to the originator may be submitted to the Intellectual Property Office to explore the feasibility of the university assisting with the protection and commercialization of the intellectual property. The university will require some consideration for such assistance, such as an assignment, a license (with the right to sublicense), or the right to receive royalties or other earnings, as mutually agreed upon between the parties. The originator and the university must negotiate and sign a written agreement before the university will assist the originator.
  6. Funding of Intellectual Property: Patentable intellectual property developed under the sponsorship of a federal agency is subject to federal policy as detailed in P/L/ 96-157 (35 U.S.C. 200). This law allows grantees and/or contractors to take title to inventions made in the course of their federally-funded research. To enjoy the full benefits of this law, the Intellectual Property Officer will:
    - a. Inform the sponsoring federal agency of an invention within two months of disclosure of invention to the Intellectual Property Officer.
    - b. Elect within 12 months of disclosure whether the university wants title rights.

- c. File a patent application within two years of electing title or by the expiration of the patent filing deadline in the U.S. Patent and Trademark Office.
- d. Grant a royalty-free license to the federal government within 6 months after filing a patent application.
- e. Provide the federal government with annual reports on utilization of federally supported inventions administered by the university.
- f. Secure signed intellectual property agreements from employees working on federally assisted research projects.

Unless otherwise defined or limited by contract, grant or consulting agreement, distribution of shared earnings from intellectual property will follow the guidelines detailed in *Distribution of Earnings from Intellectual Property* above.

7. Dispute Resolution: Disagreements between the originator and the university regarding ownership or other issue relating to intellectual property may be submitted, through the Intellectual Property Office, to an ad hoc Special Dispute Resolution Committee.
  - a. The committee will consist of three members: one designated by the originator, one by the appropriate dean or director, and one by the Intellectual Property Officer. The members shall select one member to serve as chair.
  - b. The committee chair shall provide the parties at least five business day's notice of the hearing date and time. The committee will be convened within 15 business days from the date the request for a hearing is submitted by the aggrieved party.
  - c. The committee shall ensure a fair hearing, and may set rules as needed to maintain order and decorum during the hearing process.
  - d. To ensure impartiality, the committee members shall not communicate with either party, except through the chair to both parties jointly, or during the hearing with both parties present.
  - e. The committee members shall maintain confidentiality, and shall not discuss the matter with third parties, except for university officials with a legitimate need to know.
  - f. The committee will review the documentation provide by each party, hold a hearing, and render a written decision.
  - g. The committee's decision shall be issued to the parties within 15 working days from the date of the hearing with a copy to the Office of the University General Counsel.
  - h. The committee's decision may be appealed to the Faculty Grievance Review Board. ([See 4.05.50 Faculty Grievance Review and Resolution](#))

### 5.94.30 Research Oversight and Risk Management

#### A. Research Funding and Research Institutes:

1. State University Research Fund: The State University Research Fund is the designated university fund where indirect (facilities and administrative) cost recovery earned by the university is deposited. Funds to support academic research from the State University Research Fund are relatively scarce and must be used in a variety of ways (*e.g.*, to support research, to stimulate new research, to support public service, and to support scholarly endeavors as well as the necessary administration). In general, it is desirable to keep the administrative costs at a minimum and, therefore, make available to the faculty as much support as possible for nonrecurring research expenses. It is the underlying philosophy to use this research support in a flexible manner in keeping with college and department priorities. Encouragement is given to the faculty to secure outside support for research, at the same time recognizing that it is important to provide some support to scholarly pursuits which may not attract outside funding.

University Research Institutes:

- a. University Research Institutes are units that primarily perform externally funded research. They are formed by the vice president for research in consultation with the executive vice president and provost. Generally, these units will report to the vice president for research;

- at the time of creating the institute, the reporting line for the unit shall be determined by the executive vice president and provost and the vice president for research.
  - b. University Research Institutes may be created by the university in anticipation of outside funding. They revert to college status or cease to exist if external funding does not materialize. A University Research Institute may receive some support from the State University Research Fund. Except for the Physical Science Laboratory and the Water Resources Research Institute, University Research Institutes do not directly retain a percentage of indirect cost recovery resulting from their activity.
  - c. Upon the recommendation of the vice president for research with concurrence of the executive vice president and provost, a University Research Institute may revert to College Research Institute status, be reorganized, or be dissolved, and the following list modified accordingly. University Research Institutes, all of which currently report to the vice president for research, are listed below.
    - i. Energy Research Laboratory
    - ii. Institute for Applied Biosciences
    - iii. New Mexico Space Grant Consortium
    - iv. Physical Science Laboratory
    - v. Water Resources Research Institute
  - 2. College Research Institutes: College Research Institutes are research units formed at the discretion of a college, reporting to the college as the dean directs, and relying on the college for support. College Research Institutes do not directly retain a percentage of any indirect cost recovery resulting from their activity.
- B. University Research Council: *[Amendment to URC Charter (FS Proposition 22-08/09) passed by the Faculty Senate 04.03.09; approved by the Administrative Council 07.14.09; amendment adopted by ratification of the Board of Regents 07.29.09]*

The University Research Council was established to foster research at the university. It serves as an advisory body to the vice president for research and proposes policy updates related to research, which if approved by the vice president for research are taken forward to the president for formal review and approval action. The University Research Council provides leadership in fostering a culture of research and in enhancing the university's distinction in research, scholarship, and creative activities among faculty, staff, and students.

- 1. Vision: The University Research Council, in concert with the Office of the Vice President for Research, seeks to create and maintain a culturally-diverse and ethically-driven academic environment that promotes excellence in research through a university that:
  - a. Acknowledges and celebrates innovation in research,
  - b. Promotes and nurtures interdisciplinary research and collaborative research partnerships as well as individual scholarly research,
  - c. Sustains and maintains the founding core principles of the university,
  - d. Advances collective representation among faculty, staff, and students to the administration through peer review of university funding programs, and
  - e. Supports the role of research in creating a university experience that enriches the lives of students and helps them to become well-informed individuals, lifelong learners, engaged citizens, and productive employees and employers.
- 2. Mission: The University Research Council assists the vice president for research in formulating recommendations and policies specifically affecting the university's research community. Formally advisory in nature, the University Research Council provides a forum for internal discussion, initiates the development of policy on research matters, gathers and disseminates information to the faculty, and provides a faculty voice to the university administration on matters pertaining to research. While it is recognized that research represents only one component of the academic enterprise, the University Research Council focuses on facilitating and enhancing research-related activities at the university.



3. Goals: The University Research Council will work with faculty, administrators, and students to achieve these goals:
  - a. Encourage research and creative activities,
  - b. Improve the institutional environment for research,
  - c. Strengthen the interdependence between research areas and creative activities, and
  - d. Increase public awareness of New Mexico State University research.
4. Duties and Responsibilities: While adaptive to changing priorities facing research endeavors, the University Research Council has the following specific duties and responsibilities:
  - a. Recommend to the Faculty Senate policies it deems appropriate with respect to research activities, facilities, personnel, and patents,
  - b. Consult with and advise the vice president for research on the stimulation of and support for research activities, including policies for investment of funds in university research endeavors,
  - c. Provide strategic research direction to the vice president for research ,
  - d. Assist in the evaluation of research programs within the university, and advise on new research centers and institutes and the performance evaluation of existing centers and institutes,
  - e. Recommend policies that will foster strong and mutually productive relationships among departments and research groups,
  - f. Be an advocate for the faculty on governmental, industrial, and other private sector and foundation support of the research programs of the university,
  - g. Support enhanced mechanisms for faculty to benefit financially from technology transfer and commercial application of research results for the public benefit,
  - h. Facilitate training for faculty on research grant management and indirect cost mechanisms,
  - i. Review and make recommendations to the vice president for research on internal research grants and awards, and,
  - j. Work with the vice president for research in enhancing procedures for submissions and review of research proposals.
5. Structure and Membership: The structure of the University Research Council consists of the complete University Research Council membership, an elected chair and executive committee, and appointed subcommittees established to address specific issues.
  - a. Eligibility for Membership: To be eligible, a faculty member must have at least a 25% allocation of effort assigned to research and creative activity and a successful track record in research and scholarship activity.
  - b. Members: The complete University Research Council membership consists of: the officers of the Council (chair, chair-elect, immediate past chair), two faculty members from each college (three from Arts and Sciences), one faculty representative from the library, one representative from each university research institute reporting to the vice president for research, and one representative from the faculty senate. The vice president for research may appoint additional members to represent specified research activities.
  - c. Term: Members will serve two-year terms on the council, beginning on July 1 of the year of selection, except for the chair-elect (*see below*). The terms of college representatives will be staggered such that one person will be selected each year (two in one year and one the next year from the College of Arts and Sciences). Members are eligible for reappointment. If a member is unable to complete a term, the appropriate college dean or, for university research institutes, the vice president for research will arrange for a replacement to fill the position. Selection procedures for faculty representatives will be determined by the individual colleges.

6. Chair and Other Officers:

- a. Election: Each year in August or September, the membership will elect a member to serve as chair-elect (who also serves as vice chair) for one year, as chair for the following year, and on the executive committee as past chair for the next year. The member elected as chair-elect will serve a three-year term on the University Research Council beginning on the following July 1. If a college representative is elected as chair-elect, the college will be permitted to select an additional representative to complete the unexpired term. In the event that an officer is unable to complete a term, the membership will elect a member to fill vacancies.
- b. Responsibilities of the Chair: The chair will be responsible to convene and conduct regular University Research Council meetings. When the chair is unavailable, the chair-elect or another member designated by the chair will assume these duties.

7. Executive Committee:

- a. Membership: The executive committee shall consist of the chair, chair-elect (who also serves as vice chair), immediate past chair, and faculty senate representative.
- b. Responsibilities: Responsibilities shall include, but not be limited to: preparing the meeting agenda, appointing subcommittees, and delivering charges to the subcommittees.
- c. Nominating Committee: Early in the spring semester, the Executive Committee will appoint a nominating subcommittee charged with the task of selecting nominee(s) for chair-elect and filling other office vacancies for the coming year.

8. Resource and Administrative Support: The Office of the Vice President for Research will serve as the office of record for the University Research Council.

C. Council of Associate Deans for Research (formerly Council of Research Centers):

The Council of Associate Deans for Research is an advisory group to recommend research policy and to coordinate operational research procedures among the colleges, university research institutes, and central research administration. It is chaired by the vice president for research. The council is composed of the associate deans for research of each of the colleges, the director of the Physical Science Laboratory, and the university research council chair, who serves in an *ex officio* capacity.

D. Institutional Review Board: *[Amendments to Institutional Review Board procedures were recommended by the Administrative Council 07.13.10; approved by the Board of Regents 07.20.10]*

Administrative authority for the protection of human subjects at New Mexico State University has been delegated by the president to the vice president for research. The Office of the Vice President for Research oversees the Institutional Review Board, which has been established to regulate university research involving human subjects, consistent with federal law and university policy. Prior to submitting an application to the Institutional Review Board, principal investigators shall familiarize themselves with Policy 5.94 and all subparts, any supplemental procedures issued by the Institutional Review Board, and guidance available online from the Office of Compliance and the federal Office of Human Research Protections. Procedures may be amended from time to time by the Institutional Review Board with the approval of the vice president for research.

1. Membership:

- a. Institutional Review Board members are appointed by the vice president for research for renewable three-year terms, upon recommendation from, but not limited to, the institutional review board chair and the compliance director. All members of the Institutional Review Board appointed by the vice president for research will be voting members. A list of the current officers and membership of the Institutional Research Board as well as detailed application procedures are available from the Office of Compliance.
- b. The Institutional Review Board chair is appointed by the vice president for research and serves as the link between the Office of the Vice President for Research and the

Institutional Review Board. A vice chair will be appointed to conduct business if the chair is unavailable, or has a conflict of interest.

- c. The composition of the Institutional Review Board will consist of individuals sufficiently qualified through their experience, expertise, and diversity, including consideration of race, gender, and cultural backgrounds and sensitivity to such issues as community attitudes, to promote respect for its advice and counsel in safeguarding the rights and welfare of human subjects. The Institutional Review Board will not consist entirely of men or entirely of women, or entirely of members of one profession.
- d. The Institutional Review Board will primarily be composed of representatives from the colleges and departments most concerned with projects involving human subjects. It will include at least:
  - i. one member whose primary concerns are in scientific areas,
  - ii. one member whose primary concerns are in nonscientific areas, and
  - iii. one individual who is not employed by or otherwise officially affiliated with the university and who is not part of the immediate family of a university employee.
- e. If the Institutional Review Board regularly reviews research protocols that involve a vulnerable category of subjects, such as children, prisoners, pregnant women, or handicapped or mentally disabled persons, the Institutional Review Board will include one or more individuals whose background is in protecting the welfare of these subjects.
- f. The vice president for research or his/her designee and the compliance director will be ex-officio non-voting members of the Institutional Review Board. A representative from the Office of the University General Counsel will serve as a non-voting consultant to the Institutional Review Board as necessary.
- g. The Institutional Review Board may, in its discretion, invite individuals with competence in special areas to assist in the review of issues which require expertise beyond or in addition to that available on the Institutional Review Board. These individuals will be non-voting members. Such non-voting members may include, but not be limited to, expert consultants external to the university and/or additional representatives of the university.

## 2. Functions and Responsibilities:

- a. The Institutional Review Board will assure complete and adequate review of research activities involving human subjects, and will be able to determine the acceptability of proposed research in terms of institutional commitments and regulations, applicable law, and standards of professional conduct and practice.
- b. No member of the Institutional Review Board will participate in the initial or continuing review of any project in which the member has a conflicting interest, except to provide information requested by the Institutional Review Board.
- c. The Institutional Review Board shall recommend to the vice president for research, and review on a continuing basis, university policies and procedures regarding the use of human subjects in research.
- d. The Institutional Review Board shall review and have authority to approve, require modifications to secure approval, or disapprove all research activities involving human subjects or data related to human subjects.
- e. Research activities shall be reviewed by the Institutional Review Board for compliance with established federal regulations related to the protection of human subjects, as issued by the U.S. Department of Health and Human Services and the U.S. Food and Drug Administration, and contained in the Code of Federal Regulations 45, Part 46.
- f. Research covered by these regulations that has been approved by the Institutional Review Board may be subject to further appropriate review and approval or disapproval by officials of the university. However, those university officials may not approve the research if it has not been approved by the Institutional Review Board.
- g. The Institutional Review Board shall provide advice and guidance to investigators regarding the protection of the rights and welfare of human subjects.
- h. The Institutional Review Board shall ensure that investigators have been certified in the ethical principles of using human subjects in research.

- i. Where necessary, the Institutional Review Board shall serve as a referral board for complaints from subjects of research.
- j. The Institutional Review Board shall require that information given to subjects as part of informed consent is in accordance with federal regulations as indicated in the Code of federal Regulations 45, Part 46. The Institutional Review Board may require that information in addition to that specifically mentioned in Code of Federal Regulations 45, Part 46, be given to the subjects when, in the Institutional Review Board's judgment, the information would meaningfully add to the protection of the rights and welfare of the subjects. Documentation of that process shall also be required. The Code of Federal Regulations outlining requirements for the protection of human subjects is available by contacting the Office of the Vice President for Research.
- k. The Institutional Review Board shall notify investigators in writing of its decision to approve or disapprove the proposed research activity or of modifications required to secure Institutional Review Board approval. If the Institutional Review Board decides to disapprove a research activity, it shall include in its written notification a statement of the reasons for its decision and give the investigator an opportunity to respond in person or in writing.
- l. The Institutional Review Board shall conduct continuing review of research covered by these regulations at intervals appropriate to the degree of risk, but not less than once per year, and shall have authority to observe or have a third party observe the consent process and the research.
- m. The Institutional Review Board shall have authority to suspend or terminate approval of research that is not being conducted in accordance with the Institutional Review Board's requirements or that has been associated with unexpected serious harm to subjects. Any suspension or termination of approval shall include a statement of the reasons for the Institutional Review Board's action and shall be reported promptly to the principal investigator, to appropriate university officials, and to the federal Office of Human Research Protections.
- n. If a research subject registers a complaint, the investigator shall attempt to relieve the complaint by explanation or by a change of procedure. Written Institutional Review Board approval is required for procedural changes.
- o. It is the responsibility of the Institutional Review Board to determine whether applications that involve more than minimal risk to human subjects are of sufficient scientific merit to answer the proposed research questions or hypotheses.

E. Institutional Animal Care and Use Committee:

1. Membership:

- a. Voting members of the Institutional Animal Care and Use Committee are appointed by the vice president for research upon recommendation from but not limited to the Institutional Animal Care and Use Committee chair and the director of compliance. Alternate members may be appointed by the vice president for research, each to substitute for an absent member. Alternates should receive the same training as members. If they attend a meeting with the primary member, they will not be counted toward a quorum or have voting rights.
- b. The Institutional Animal Care and Use Committee chair is appointed by the vice president for research, and serves as the committee liaison to that office. The committee chair shall be a continuous appointment by the vice president for research, subject to annual confirmation. A vice chair shall be selected by the committee to conduct business in the absence of the chair, or in place of the chair if and when the chair has an application before the committee or other conflict of interest.
- c. The term of membership on the Institutional Animal Care and Use Committee is a twelve-month renewable period. It is not uncommon for members to serve at least two years. The committee chair and the director of compliance will make a recommendation for renewal of membership on the committee to the vice president for research.
- d. The Institutional Animal Care and Use Committee shall include at least five members, at least one of whom is a community member that are not otherwise affiliated with the university. The committee must include a doctor of veterinary medicine with training or

experience in laboratory animal science and medicine and program authority and responsibility for activities involving animals at the university, a practicing scientist experienced in research involving animals, a member whose primary work concerns are nonscientific (examples include an ethicist, a lawyer, a member of the clergy), and a community representative who has no other affiliation with the university and has no immediate family affiliated with the university. No more than three members may come from the same college or administrative unit of the university.

- e. The vice president for research or his/her designee, the director of the Office of Compliance, and the biosafety officer will be ex-officio non-voting members of the Institutional Animal Care and Use Committee.
2. Functions and Responsibilities: All use of vertebrate animals must be reviewed and approved in advance by the Institutional Animal Care and Use Committee to ensure the necessity of animal use and high standards of humane treatment. Animal research must be conducted by adequately trained persons using all necessary measures to prevent, minimize and alleviate pain and distress to an animal. Measures will be taken to ensure that no animals in the university's care will experience severe or unrelieved pain and/or distress. All university employees involved in animal use for teaching or research purposes must be certified by the Institutional Animal Care and Use Committee and must complete the occupational health and safety program for animal workers. Details of these requirements can be obtained from the institutional animal care and use committee chair or the director of compliance. The office of record for Institutional Animal Care and Use Committee activities is the Office of Compliance within the Office of the Vice President for Research, which will comply with federal agency reporting requirements.

F. Institutional Biosafety Committee:

1. General Principles: The university, through the Office of the Vice President for Research, has established the Institutional Biosafety Committee which oversees the use of biohazardous agents and/or recombinant DNA by university faculty and staff, or at university facilities. University researchers using or planning to use biohazardous agents and/or recombinant DNA methods must submit the scope of their projects to the Institutional Biosafety Committee for approval.
2. Definitions:
  - a. Biohazardous Agents:
    - i. Any microorganism (including but not limited to bacteria, viruses, fungi, rickettsiae, or protozoa), or infectious substance, or naturally occurring, bioengineered, or synthesized component of any such microorganism or infectious substance that is capable of causing: (a) death, disease or other biological malfunction in a human, an animal, a plant or another living organism; (b) deterioration of food, water, equipment, supplies, or materials of any kind; or (c) a deleterious alteration of the environment.
    - ii. Any toxic material or product of plants, animals, microorganisms (including but not limited to bacteria, viruses, fungi, rickettsiae, or protozoa), or infectious substances, or a recombinant or synthesized molecule (whatever the origin and method of production), which includes any poisonous substance or biological product that: (a) may be engineered as a result of biotechnology; (b) produced by a living organism; or (c) is an isomer or biological product, homologue, or derivative of such a substance.
    - iii. Infectious or pathogenic biological agent defined by: (a) CDC as biosafety level (BSL) 2-4 (*BMBL 5th Edition December 2009*), or (b) NIH as risk group (RG) 2-4 agent (*NIH Guidelines September 2009*).
    - iv. Regulated biological agent or toxin as identified by the CDC-APHIS National Select Agents Registry Program (NSAR) pursuant to (a) HHS-CDC 42 Code of federal Regulations (CFR) Part 73; (b) USDA-APHIS (9 CFR Part 121) or (7 CFR Part 331); <http://www.selectagents.gov>.

- b. Recombinant DNA Molecules:
    - i. Nucleic acid molecules constructed outside of living cells by joining natural or synthetic DNA segments to DNA molecules that can be replicated in a living cell.
    - ii. DNA molecules that result from the replication of those molecules described above.
3. Membership:
- a. Voting members of the Institutional Biosafety Committee are appointed by the vice president for research upon recommendation from but not limited to the institutional biosafety committee chair and the director of compliance.
  - b. The institutional biosafety committee chair is appointed by the vice president for research and serves as the committee liaison to that office. The committee shall select a vice chair to conduct business in the absence of the chair, or in place of the chair if and when the chair has an application before the committee, or other conflict of interest.
  - c. The term of membership on the Institutional Biosafety Committee is a twelve-month renewable period. It is not uncommon for members to serve at least two years. The committee chair and the director of compliance will make a recommendation for renewal of membership on the committee to the vice president for research.
  - d. The institutional biosafety committee chair is a continuous appointment by the vice president for research, with an annual confirmation from the committee to the vice president for research. The biosafety officer is a continuous position appointment. The biosafety officer is a professional position that reports to the director of compliance.
  - e. The composition of the Institutional Biosafety Committee should include at least eight members employed by or otherwise affiliated with the university and two community members that are not otherwise affiliated with the university, with the following expertise and/or job duties:
    - i. recombinant DNA technology,
    - ii. molecular biology,
    - iii. biological safety,
    - iv. public health and epidemiology,
    - v. virology,
    - vi. microbiology,
    - vii. infectious diseases,
    - viii. animal scientist,
    - ix. plant pathogen or plant pest containment principles,
    - x. laboratory technician/non-doctoral, or
    - xi. facilities management.
  - f. The community members should represent the interests of the surrounding community with respect to health and protection of the environment and should be knowledgeable in the basic principles of microbiology and recombinant DNA technology, or capable of assimilating these principles within the context of their applicability to the surrounding community and the general public. Individuals with the following expertise and/or job descriptions should be considered:
    - i. officials of state or local public health or environmental protection agencies, or
    - ii. persons involved in medical, occupational health or environmental concerns in the community.
  - g. The Institutional Biosafety Committee may also include ex-officio non-voting members who may be invited to serve when their expertise is required and can supplement the deliberations of The Institutional Biosafety Committee. These members shall include, but not be limited to, biosafety expert consultants external to the university, and/or additional representatives, usually administrative, from such departments as Environmental Health & Safety; Employee Health Services; Research Administration; Office of the University General Counsel; Facilities and Services; and/or Planning, Design and Construction.

#### 4. Functions and Responsibilities:

- a. The Institutional Biosafety Committee is responsible for reviewing all applications submitted by research investigators and their laboratory staff members, teaching faculty, and visiting scientists (collectively defined as PI for principal investigator) whose activities involve:
  - i. any biohazardous agent as defined above which can cause disease in humans,
  - ii. any biohazardous agent which will be introduced into any animal,
  - iii. any non-exempt recombinant DNA molecules (Exempt experiments are defined by NIH Guidelines Section III-F) (NIH Guidelines September 2009),
  - iv. any large scale production of viable organisms containing recombinant DNA, or with the potential to produce toxic or hazardous substances (as defined by NIH Guidelines Section III-D-6 and Appendix K). (NIH Guidelines September 2009), or
  - v. any possession, use, or transfer of the select agents listed on the CDC-APHIS NSAR. (HHS Select Agents and Toxins 42 CFR Part 73: USDA Biological Agents & Toxins 9 CFR Part 121 or Plant Pathogens (7 CFR Part 331).
- b. The Institutional Biosafety Committee will minimize the risks to the health, safety, and well being of laboratory employees, the public, and the environment regarding the use of biohazardous agents, non-exempt recombinant DNA molecules, and large-scale production of recombinant DNA molecules.
- c. The Institutional Biosafety Committee recommends policies to guide Principal investigators, the biosafety officer, the Office of Compliance, and Environmental Health & Safety in the administration of the university's Biosafety Program with regard to the acquisition, use, transfer, storage, disinfection, disposal of agents, and emergency response procedures for all biosafety activities. The Institutional Biosafety Committee shall ensure that such activities meet standards of good practice consistent with safety of personnel, the general public, and the environment in ways that best facilitate relevant research or teaching activities at the university.
- d. The Institutional Biosafety Committee is vested with the authority to comprehensively review, and approve research applications with or without modifications, or withhold approval of all or any part of an application with regard to biological aspects of the research or activity. The Institutional Biosafety Committee may make recommendations for corrective action on protocols.
- e. If the biosafety officer's review of a suspected or alleged violation of any university policy or external regulation that involves "biosafety activities" indicates that the violation is of a serious or continuing nature, the biosafety officer will report such to the Institutional Biosafety Committee. The Institutional Biosafety Committee holds the authority to suspend any project in which serious or continuing violations have been reported. The Institutional Biosafety Committee will notify and coordinate with the affected investigator to rectify the situation. If further action is needed, the Institutional Biosafety Committee will inform the Office of Compliance, which will comply with appropriate federal agency reporting requirements.
- f. Upon request, the Institutional Biosafety Committee shall review and comment on proposed biosafety regulations, including but not limited to federal, state, and local policies. When appropriate, the Institutional Biosafety Committee will formulate draft policies and procedures for approval by the vice president for research and other institutional officials as needed.
- g. The Institutional Biosafety Committee shall periodically review the effectiveness of the Biosafety Program and make recommendations for improvements.
- h. The Institutional Biosafety Committee shall ensure that "biosafety activities that fall within the responsibility and scope of the Institutional Biosafety Committee" that are official university business conducted by a university employee at a non-university facility have been approved by the non-university facility and adhere to the university biosafety requirements.

G. Radiation Safety Committee:

1. General Principles:

- a. The use of radioactive materials and x-ray emitting machines at the university is regulated by federal, state, local and university entities. The Radiation Control Bureau of the New Mexico Environment Department (Bureau) is the primary regulatory authority.
- b. The Bureau issues Radioactive Material Licenses and X-Ray Certificates of Registration that define the conditions for use of radioactive materials and/or radiation producing devices at university facilities.
- c. The university has established the Radiation Safety Committee to serve as a review and approval body for the use of radioactive materials on campus or for university research purposes, and to provide and enforce safety guidelines for the use of radioactive materials or sources and of x-ray generating equipment at the university. University employees responsible for the use of radioactive materials in their research, operations, and/or teaching (whether conducted by employees, students, or others) must submit a proposal of their activities to the Radiation Safety Committee for approval.
- d. No program proposed or acquisition of radioactive materials shall be initiated until the proposal is approved by the Radiation Safety Committee. All staff and students participating in activities involving radioactive materials shall meet certain training requirements specified in the *Radiation Safety Manual*, available at the Environmental Health and Safety web site, and shall work within the permit granted by the Bureau and the Radiation Safety Committee's guidelines.

2. Membership:

- a. A minimum of three technical members of the Radiation Safety Committee are appointed by the vice president for research upon recommendation from the radiation safety committee chair. The members of the Radiation Safety Committee shall be representative of areas of the university where personnel are using radioactive materials or radiation emitting equipment. The radiation safety officer, a regular position of the Environmental Health and Safety Department, is an official member of the Radiation Safety Committee. All members of the Radiation Safety Committee, including the chair and the radiation safety officer, will be voting members. The radiation safety officer advises the Radiation Safety Committee on every aspect of the radiation safety program.
- b. The radiation safety committee chair is appointed by the vice president for research and serves as the committee liaison to that office. The committee shall select a vice chair to conduct business in the absence of the chair, or in place of the chair if and when the chair has an application before the committee, or other conflict of interest.
- c. Members of the Radiation Safety Committee are appointed for two-year renewable terms. The radiation safety officer is a continuous position appointment. The Radiation Safety Committee may also include ex-officio non-voting members who may be invited to serve when their expertise is required and can supplement the deliberations of the Radiation Safety Committee.

3. Functions and Responsibilities:

- a. The Radiation Safety Committee advises the vice president for research on radiation safety policy and procedures at the university. The Radiation Safety Committee is responsible for reviewing and approving all applications from research investigators and teaching faculty whose activities involve the use of radioactive materials/sources and x-ray generating equipment.
- b. The Radiation Safety Committee is vested with the authority to thoroughly review and make recommendations to the vice president of research regarding
  - i. qualifications of applicants requesting permission to use or supervise the use of radioactive materials or radiation equipment;



- ii. applicants' training and experience in the context of the plans for the work requested, including consideration of the types and quantities of materials, and the methods of use;
- iii. all training courses that an applicant, or first-time user, attends to overcome any deficiencies in training; and
- iv. efforts of each applicant to maintain exposure as low as reasonably achievable (ALARA) when considering the use of byproduct material.
- c. The Radiation Safety Committee will (a) ensure that the users justify their procedures, exposure potential and that individual and collective doses will be ALARA; and (b) encourage all users to review current procedures and develop new procedures as appropriate to implement the ALARA concept.
- d. The Radiation Safety Committee will delegate authority to the radiation safety officer for enforcement of radiation safety policies and procedures. If the Radiation Safety Committee overrules the radiation safety officer, it will record the basis for its action in the meeting minutes.
- e. The Radiation Safety Committee must meet at intervals not to exceed 12 months to review radiation policies and procedures and their implementation. A quorum for a meeting would require attendance of the chair, the radiation safety officer, and the committee member whose field of expertise is necessary to assure all safety aspects have been addressed.

#### **5.94.40 Responsibilities and Accountability for Sponsored Project Awards**

##### **A. Administrative Responsibility:**

1. **Principal Investigator Defined:** The principal investigator is the individual responsible for the intellectual direction of a research project and the training of graduate students. This responsibility includes the conduct of the project, fiscal and administrative accountability, and adherence to the requirements of all relevant laws, regulations, policies, procedures and agreements. If a project has multiple investigators (lead principal investigator and co-principal investigators), they shall share the responsibility and accountability for leading and directing the project, both intellectually and logistically.
2. **Eligibility to Serve as a Principal Investigator:** Eligibility to serve as a principal investigator on an externally sponsored award is generally limited to those regular employees of the university including: (a) those with faculty rank, including college faculty and research faculty as well as administrators with faculty rank such as (but not limited to) the president, executive vice president and provost, vice presidents, deans, and associate deans, and (b) research and development technical staff. There may be instances when it is in the best interest of the university to have other persons serve as principal investigators, such as temporary employees, affiliated faculty or emeritus faculty. Exceptions to the requirements that a principal investigator must have both (a) regular employee status and (b) either faculty rank or employment as research and development technical staff may be made with written approval of both the relevant dean or director, and the vice president for research. A student may serve as a co-principal investigator, but may not serve as the lead principal investigator on a project.

##### **B. Sponsored Project Proposal Process:**

1. **Proposal Preparation:** Proposal preparation is the responsibility of principal investigators and their units, working in cooperation with the Office of Grants and Contracts. The Proposal/Award Form or a similar automated system, as designated by the vice president for research, will be used by all principal investigators and project directors seeking externally sponsored project funding. This form will be processed in the early stages of proposal development. This is a mandatory form, and no research proposal will be signed or sent out from the university unless this form is signed by the appropriate administrative officers or designated representatives. Responsibility for proposal preparation includes developing budgets consistent with relevant cost accounting standards and obtaining appropriate certifications, permits (*e.g.*, for drug use), and permissions (*e.g.*, use of humans and animals in research).

2. **Proposal Submission:** Proposal submission is the sole responsibility of the Office of the Vice President for Research. Principal investigators should timely submit funding proposals through their unit to the Office of Grants and Contracts, with sufficient advance notice to allow for their proper review, approval and submission to funding agencies.
- C. **Acceptance of Sponsored Project Award:** Award documents are received by the Office of Grants and Contracts for final review, negotiation and formal acceptance. Only the vice president for research (or designee) has the authority to accept an award, negotiate and to sign award agreements related to sponsored programs, including amendments, modifications, budget changes, principal investigator changes, and extensions to existing agreements.
  - D. **Maintenance of Sponsored Project Records:** Records of sponsored project awards and related certifications, permits and permissions, as well as of non-financial deliverable reports to sponsors, are maintained by the Office of the Vice President for Research through the Office of Grants and Contracts. This includes coordinating the production, submission and retention of reports and records generated in the closeout of sponsored award agreements. Financial records of sponsored awards and related reports, invoices and financial reports, are maintained by the Office of Administration and Finance, primarily through the Sponsored Projects Accounting Office.
  - E. **Accountability for Sponsored Award Transactions:** Transactions on sponsored project awards shall be approved by the principal investigator and the dean, director, or designee of the college or other unit. The Sponsored Projects Accounting Office, in cooperation with the principal investigators and their respective units, fiscally monitors sponsored awards, reviews and prepares financial reports, and receives and disburses funds.
  - F. **Accountability for Property Acquired Through a Sponsored Project Award:** The principal investigator, department head, dean or director, and university property administrator shall be accountable for acquisitions and dispositions of equipment and other property acquired through sponsored project awards. Any such property will be recorded on the university's inventory at a minimum, for property to which the university does not acquire title, until the expiration of the award period. A determination as to whether title to property acquired under sponsored awards vests with the sponsor or with the university at the end of the award period should be included in the award agreement, rather than negotiated at award termination. The university property administrator will be kept informed of any amendment to the initial determination regarding property ownership, so that the university's inventory may be updated and the necessary final property reports prepared.

## 5.96

**Searches for Academic Administrators** *[Amendment (FS Proposition 11-08/09) passed by the Faculty Senate 04.02.09; approved by the Administrative Council 04.14.09; adoption of amendment ratified by the Board of Regents 09.25.09][Amendment (FS Proposition 04-09/10), passed by the Faculty Senate 11.05.09; ratified by the Board of Regents 02.01.10]*

- A. Guidelines and procedures for a search may be found in the [Search Committee Guidelines](#), copies of which are available in departmental offices or through the Office of Institutional Equity/OIE.
- B. Faculty members shall serve on search committees for academic administrative positions. They will be nominated and elected for this specific purpose.
- C. The executive vice president and provost will inform the chair of the Faculty Senate about nonacademic administrative searches, and the chair may request similar faculty representation.
- D. All academic administrative positions at the department head (or equivalent) or above level, including that of the Chancellor, require a search to be filled permanently.
- E. A search at the department head (or equivalent) or associate dean levels may be done externally or internally.

- F. Searches for all positions at the dean (or equivalent) level must allow external applicants.
- G. Internal candidates, including interims, are allowed to apply for any position.
- H. In all cases where external and internal candidates apply for the same position, these applicants will be treated equally. There is no assumed preference for internal applicants.
- I. The provisions of this policy do not limit the Board of Regents when negotiating a contract for interim president.

## 5.98

### **Tenure Track and Tenure (Continuous Contract) Amendment (FS Proposition 06-08/09)** *Passed by the Faculty Senate 01.15.09; adoption of amendment ratified by the Board of Regents 07.29.09]*

- A. Tenure Home: Tenure at the university is placed in a specific department/program/community college where the criteria for each individual's tenure are established. Tenure at the community college means at the community college, not on the main campus. There is no obligation to bring the person to the main campus if the person's position ceases to exist at the community college.
  - B. Initial Appointment: Excerpts from this manual regarding promotion and tenure will be presented to each new member of the faculty\* prior to appointment and the faculty member's acceptance of an appointment indicates understanding and acceptance of the provisions of the contract as specified in this manual. Information regarding social security, retirement, hospitalization, disability, and life insurance will be presented to each prospective member of the faculty prior to appointment and acceptance of the conditions of employment. The patent policy for the university staff will be presented to each prospective member of the faculty prior to appointment, and acceptance of the appointment indicates understanding and acceptance of this policy.
  - C. Temporary Contracts (Issued by the Office of the Executive Vice President and Provost): Contracts which cover an employment period of either 9 months or 12 months are issued as follows:
    - 1. Contracts are issued to full-time tenure-track faculty members.\* Full-time is interpreted to apply to tenure-track faculty members who are released no more than 1/4 time to duties other than academic and/or research programs and/or academic administration. Unless prior approval for exception is obtained from the department head, dean, and executive vice president and provost, it will be considered that all other faculty are less than full-time and occupy nontenure-track positions.
    - 2. Nine-month contracts cover the period from the opening faculty meeting in the fall to the date final grade reports are due for the spring semester; 12-month contracts are issued effective July 1 and terminate on June 30 of the following year. Temporary contracts are presumed to end at the conclusion of the stated term. The terms shall be stated in contractual form and a copy retained by the university and the appointee.
    - 3. New tenure-track faculty reporting for duty after the last Friday in September (12-month employees) or the second Friday in October (9-month employees) will not receive a temporary contract. Instead, the dean will prepare an agreement for the new faculty member's signature covering employment for the remainder of the year (this form to be submitted with the initial Personnel Action Form). The first contract will be issued at the beginning of the next contract period, which will constitute the first year of the probationary period toward tenure.
- \*Interpreted as including all tenure-track and tenured members of the instruction staff and the Agricultural Experiment Station staff; all Cooperative Extension Service state staff members; the Research Centers' staffs; and any others whom the Board of Regents may designate.*
- D. Probationary Period: The probationary period [may also be referred to as the trial, or provisional period] (1 year at a time) for personnel with or without previous experience agreed upon from other institutions of higher education will ordinarily not exceed 6 years. At the discretion of the

administration, the trial period may be shortened. Thereafter, there shall be a presumption of permanence in employment and the requirement of cause as indicated below assigned for dismissal.

- E. Nonrenewal of Contracts and Termination of Appointment: In the process of evaluating performance and issuing temporary contracts, it may be necessary not to renew a temporary contract.
1. During the trial period, non-renewal of the contract may be without implication of criticism or specification of cause.
  2. The reason for non-renewal will be stated, if so requested by the faculty member subject to non-renewal. The reason is only to be communicated if requested by the faculty member. The choice of the manner of notification (verbally or in writing) is to be made by the faculty member. The faculty member must request the reason for non-renewal prior to the end of the faculty member's contract.
  3. Prior to non-renewal, the department head, or comparable administrator, must consult with the promotion and tenure committee of the department before any recommendation of non-renewal is forwarded to the dean. The consultation is to be in the form of a meeting and the department head or comparable administrator must identify the faculty member(s) at risk for non-renewal. In addition, the department head or comparable administrator must provide the committee with all relevant information, to the extent allowed by law, related to the non-renewal.
  4. Notification of the non-renewal of short-term or non-continuous appointment is made in writing according to the following schedule:
    - a. for faculty members in their first year of service at this university – 3 months or more before the end date of their contract;
    - b. for faculty members in their second year of service at this university – 6 months or more before the end date of their contract;
    - c. for faculty members who will have 3 or more years of service at this university at the time of nonrenewal – 1 year or more before the end date of their contract.

A Contract Status Form must be processed by the department head for the nonrenewal of a temporary contract prior to the deadlines established for notification. The employee should acknowledge receipt of such notification by dating, signing, and returning the Contract Status Form.

- F. Voluntary Termination of a Temporary Contract: Any staff member who proposes to resign shall give written notice to the administration at the earliest time possible, but in no case later than 30 days after the staff member receives written notification of the terms of the next year's contract, or 3 months prior to the start of the following academic year, whichever is later, except when mutually agreed upon by the individual and the administration. The faculty member should inform the department head in writing. The department head will inform the dean, who in turn will notify the executive vice president and provost. The department head should then submit a terminating Personnel Action Form at the earliest possible date. If death is the reason for termination, payment will be made for all unused annual leave accrued at the time of death to a maximum of 52 working days of leave. If a person listed by the promotion and tenure committee does not wish to be considered for promotion or tenure, the person must so indicate to the department head in writing. However, if the person is in the fifth year of tenure-track service, withdrawal from consideration for tenure must be accompanied by written notice of resignation effective at the end of the sixth year of service (this notice to be received by the department head before the end of the fifth year of service).
- G. Involuntary Termination of a Temporary Contract: See [5.47 Faculty Discipline and Appeal Process](#)
- H. Change to Continuous Contract: The department head initiates the Contract Status Form to accomplish the change from temporary to continuous contract. All recommendations for tenure must be accompanied by notification to the executive vice president and provost from the dean of the result of the faculty committee vote. When tenure is awarded, it is awarded in the unit that

initiated the request for tenure (continuous contract). No temporary appointment can become continuous without the official action of the university administration.

- I. Continuous Contracts: A continuous appointment is not a matter of right, but is made after the provisional period has been completed successfully, providing the individual's services are needed. Such an appointment is made by the issuance of a new contract at the time of continuous appointment or shortly thereafter, and the contract becomes the abiding instrument governing employment, except that the terms may be modified from time to time by endorsement. Continuous contracts are issued by the Office of the Executive Vice President and Provost following receipt of an approved Contract Status Form. Continuous contracts are not reissued until there is a promotion in rank. Each spring an official contract amendment (salary letter) is issued by the president's office which informs the faculty member of final performance evaluation and annual salary for the ensuing year. Once a faculty member has been appointed to a continuous contract, that faculty member will retain continuous contract status even though the faculty member accepts appointment at less than full time.
- J. Transfers: Normally there are four types of transfers of faculty members within various agencies of the university:
  1. A faculty member leaving an instructional/research department to serve in a different instructional/research department. Under these circumstances, the individual may be given credit toward a continuous contract for the years served in the earlier department. With proper departmental and college vote, and the completion of a Contract Status Form by the new department, tenure may be transferred with a faculty member from one department to another.
  2. The transfer of a faculty member from a non-instructional division to an instructional division or vice versa. Under these circumstances, years of service in the prior position will not necessarily count toward a continuous contract in the new position. Proven performance in the first position, under these circumstances, might not assure that the individual would be able to render satisfactory professional service in the new area of assignment.
  3. The transfer of a faculty member from the university community college campuses to an instructional division on the main campus or vice versa. Under these circumstances, years of service in the prior position will not necessarily count toward a continuous contract in the new position or assure appointment in an equivalent rank. Proven performance in the community college or main campus position might not assure that the individual meets the rank requirements of the new position.
  4. The transfer of a faculty member from one community college to another: Under these circumstances, the individual may be given credit towards a continuous contract and rank for the years in the previous community college.
- K. Voluntary Termination of a Continuous Contract: The section above on voluntary termination of temporary contracts also applies to continuous contract employees.
- L. Involuntary Termination of a Continuous Contract: See [5.47 Faculty Discipline and appeal Process](#).

## **Chapter 6**

### **Academic-Related Policies**

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## **CHAPTER 6 - ACADEMIC-RELATED POLICIES** *(See also academic policies contained in the [Undergraduate](#) and [Graduate Catalogs](#) and [NMSU Student Handbook](#))*

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

- A. Definition of Academic Unit: For the purpose of this policy an academic unit is defined as a college, a department, an undergraduate major, a graduate degree program, or a library, whether these units are located on the main or a community college.
- B. Reviews/Recommendations and Approvals Required: Any proposal to create, reorganize, relocate or eliminate an academic unit must be submitted for review and recommendation by the Faculty Senate, the Academic Deans Council, and the Chancellor to the Board of Regents for their consideration and action.
- C. Initiation of Proposal to Create, Reorganize, Relocate or Eliminate an Academic Unit: Proposals to create, reorganize, relocate, or eliminate an academic unit formally originate with a bill submitted to the Faculty Senate. The proposed legislation shall follow the procedure specified in Faculty Senate Constitution ARTICLE IX Propositions for Consideration of the Constitution of the Faculty Senate, except that no such proposal will be considered as emergency legislation.
- D. Effective Date of Change: If approved, the creation of a department will be effective either January 1 or July 1 following the approval.
- E. Procedure for Implementation: After approvals from the appropriate authorizing bodies are obtained (*i.e.*, Faculty Senate, Academic Deans Council, etc.), the requesting department head/director must submit an Organization Change Request Form to the Office of Human Resource Services for processing. The form must be submitted with all relevant documentation attached no later than November 30 (for January 1 effective date) and May 31 (for July 1 effective date).
- F. Creation of New Colleges: The creation of a new college is a decision based on the weighing of a number of criteria, including those below. An attitude of flexibility, reality, and organizational feasibility should be maintained in applying these criteria. The structure of the entire university, if a new college is formed, is an important consideration.
  1. There should be a documented professional need for the college in the state and region.
    - a. Rationale: This can be expressed through increasing student enrollment in programs that would be part of the new college, or an obvious need for professional graduates of the college as expressed by state and local groups who desire to hire these professions.
  2. The proposed college should be of a recognized profession or group of disciplines.
    - a. Rationale: The new college should give a desirable added professional recognition and development in the area of the new college.
  3. At the outset, the new college shall have a minimum student enrollment of 250 with demonstrated ability to reach an enrollment of 500 within a 3- to 5-year period and a sufficient number of faculty to make it a viable administrative unit within the university.
    - a. Rationale: After several development years, the quantity of faculty and students should be sufficient to lend themselves to a quality of organization, instruction, and service that will provide a viable thrust to the university.

The quality and quantity of the faculty in the proposed college should be capable of maintaining with distinction an academic undergraduate and graduate program.

4. The university must be willing to make the commitment to furnish financial support for an additional college.
  - a. Rationale: This should include an adequate budget to provide for an expanding staff at the college level and funds for additional housing at a professional level.
- G. Changing a Department or Group of Departments into a School: The proposed school should incorporate more than one area of specialization or should offer more than one degree (may include interdisciplinary cooperative efforts or more than one department). The proposed school should be an administrative and support unit with undergraduates and graduate students and an established, nationally recognized teaching and research program. The administrative head of a school may be called a chair, a head, or a director, but this person's administrative level will be equal to that of a department head. The legislation must contain a clearly stated and convincing justification for the name change, and must have support of the department and college faculty and administration.
- H. New Academic Unit: There should be a documented academic/educational need for the academic unit, including but not limited to, an increasing student enrollment or significant employment opportunities for graduates in that field. The new program(s) should be consistent with the mission of the university and the college in which it will be located. There are sufficient faculty and resources to staff the program.
- I. Relocation or Reorganizing an Academic Unit: Proposals to relocate a department must meet all of the following criteria:
  1. The relocation will produce a more homogenous set of programs and departments in both colleges.
  2. The relocation will enhance the professional identity of the program or department involved
  3. The relocation will not cause undue hardship for other academic units.
  4. The faculty and administrators directly affected are in agreement.
  5. Such a change will better serve the university community, clients, and/or the mission of the university.
  6. Address the transfer of resources, courses taught, and the faculty rank and tenure (or years to tenure) of those individuals being transferred.
  7. If a unit is being relocated to another college, there should be significant support from the unit being transferred and the unit receiving the transferred personnel/resources.
- J. Elimination of an Academic Unit: (See also ARP-Rule 4.40, Layoff/Financial Exigency) Proposals to eliminate an academic unit must meet the following criteria:
  1. A significant decline in enrollment, either as measured by number of majors or student credit hours.
  2. The resources are needed by programs or departments with much higher enrollment or student credit hour production.
  3. In evaluating a proposal to eliminate an academic unit, the unit's contribution in the areas of teaching, research, and service shall be considered.
- K. Undergraduate Program Changes: (See [6.35 Curricula Changes](#)) All undergraduate program changes, including those of associate degrees, will be reported by the appropriate college



representative at the fall curriculum meeting of the Associate Deans Academic Council. If applicable, adequate library resources and support services should be confirmed.

**6.10 Academic Units/Programs (Procedures for Change)** (See [Appendices 5-A](#) and [B](#) for flowcharts of both academic and nonacademic change procedures) See also Policy [2.50 Naming Policies](#)

**6.15 Articulation Agreements**

- A. The decision to participate in an articulation agreement with another institution(s) rests with the faculty.
- B. For those articulation agreements that are initiated by the New Mexico Higher Education Department, the administration will appoint a representative to the HED Statewide Articulation Task Force. The representative will consult closely with faculty in individual departments on discipline-specific course equivalencies prior to signing any articulation agreements. Department faculty must approve any changes which affect how credit is awarded in their discipline prior to implementation. Faculty approval is not required if the proposed changes are already reflected in the Course Transfer Matrix established by the Office of the Registrar. (See [Transfer Credit in Undergraduate Catalog](#))
- C. In cases where a change in the current HED Articulation Agreement will affect the university's general education requirements, the representative will consult closely with the General Education Committee prior to signing any articulation agreements. The General Education Committee must approve any changes affecting the structure of the university's general education curriculum prior to its implementation.
- D. For those articulation agreements initiated by a university department or college, the initiating department or college will consult closely with the faculty in individual departments on discipline-specific course equivalencies prior to signing any articulation agreements. Department faculty must approve any changes in how credit is awarded in their discipline prior to implementation. Faculty approval is not required if the proposed changes are already reflected in the Course Transfer Matrix established by the Office of the Registrar. (See [Transfer Credit in Undergraduate Catalog](#))
- E. The Board of Regents endorses the concept of articulation between 2 and 4-year colleges and universities. At the university, the evaluation of transfer students' transcripts has been done by one central office for over 15 years. By centrally evaluating these transcripts, the majority of the problems with respect to articulation have been resolved. In addition, the university has prepared academic transfer guides for all two-year institutions in the state of New Mexico. To promote the continuous efficient, forward progress of students through the educational system of New Mexico, the board endorses practices and matrices which facilitate the intrastate transfer of credit and support the development and implementation of a statewide articulation plan. To this end, students awarded the Associate of Arts or Associate of Science degree from an accredited New Mexico postsecondary institution will be accepted at the junior level\* in baccalaureate degree-granting institutions.

*\*Students will be allowed to register as juniors. They may be required to take lower division course work to fulfill specific baccalaureate degree requirements. This interpretation will be published in catalogs and student transfer guides.*

**6.16 Authorized Absences**

Students making satisfactory progress in their classes will be excused from classes when they are representing the university at a university sponsored event (e.g., ASNMSU president represents the university at legislative session, student-athletes competing in university scheduled athletic events, or educational field trips, and conferences). Authorized absences do not relieve the student of class responsibilities. Prior written notice of the authorized absence will be provided to the instructor by the sponsoring department.

**6.20 Class Cancellation**

Classes are not to be canceled without prior approval of the appropriate department head and dean.

## 6.25 Class Disruption/Interruption

Any disruption or interruption of classes is to be reported promptly to the department head, who will in turn inform the dean and the dean will inform the executive vice president and provost.

## 6.26 Class Schedules and Catalogs

- A. Minimum Class Time: The minimum class meeting time is 750 minutes per credit hour per semester. A chart of minimum class meeting times follows. For more information, contact the Scheduling Office.

Course Length	Credit Hours	Meets 1 Time/Week	Meets 2 Times/Week	Meets 3 Times/Week	Meets 4 Times/Week	Meets 5 Times/Week
16-weeks	3.0 (2250 min.)	2 hrs 30 min	1 hr 15 min	50 min	40 min	30 min
6-weeks	3.0	6 hrs 25 min	3 hrs 15 min	2 hrs 10 min	1 hr 45 min	1 hr 25 min
5-weeks	3.0	7 hrs 30 min	3 hrs 45 min	2 hrs 30 min	2 hrs	1 hr 30 min
4-weeks	3.0	9 hrs 25 min	4 hrs 45 min	3 hrs 10 min	2 hrs 20 min	1 hr 55 min
9-weeks	3.0	4 hrs 20 min	2 hrs 10 min	1 hr 25 min	1 hr 5 min	50 min
8-weeks	3.0	4 hrs 45 min	2 hrs 25 min	1 hr 35 min	1 hr 15 min	60 min
Short-course	1.0					2 hrs 30 min

A credit equals 1 hour of class per week during a semester. To convert laboratory clock hours to credit hours, divide the laboratory clock hours by 2. Thus a course designated as (2+2P) could be evaluated as 3 credits. (See Chapter 5, Faculty - Assignments for other proportional credit calculations)

- B. Use of the Term “Variable”: The term variable in the class schedules and catalogs shall be reserved for the following courses only: 599, 600, 699 and 700.
- C. Listing of Credits: Courses showing credits X-Y (for example, 1-3) are limited to a maximum of 9 credits. That is, they may be listed for 1-9 credits, but not 1-10. Following the course description or title there should be a statement in regard to the maximum credit which may be taken for any given semester and the total maximum credits.
- D. Printing Format: In the printed class schedule the word variable following a course shall be applied to those courses in paragraph B. above. Courses referred to in paragraph C. above will be scheduled 1-3, 1-4, etc., according to the maximum credit which may be taken for any given semester.
- E. Authority of Chair of Associate Deans’ Academic Council: The chair of the Associate Deans Academic Council may approve the offering of new courses on a one-time-only basis if the courses are to be used in programs with special outside funding, or under the following circumstances:
1. The course responds to a special circumstance that could not be anticipated (*e.g.*, to take advantage of the expertise of someone hired in a professorial chair, such as the Gerald Thomas Chair).
  2. The course responds to specific needs in a grant recently received.
  3. Changes in certification requirements dictate immediate changes in the curriculum.
- F. Review by University Curriculum Committee: College deans are to urge department heads to submit to the University Curriculum Committee special topics courses at the lower division, upper division and (if applicable) graduate levels.
- G. Approval Authority of Associate Deans’ Academic Council: Associate Deans Academic Council approval of course changes for the ensuing catalog automatically authorizes scheduling of these

courses during the semesters preceding the publication of the catalog if requested by so indicating on the course change form on the line marked starting date.

- H. Adherence to Class Schedule: Faculty members will meet each class at the place listed in the schedule unless they have approval from the department head to meet elsewhere. (This especially pertains to changing a class to any off-campus location.)

### 6.30 Commencement

- A. Ceremony: Two ceremonies may be held at the end of each semester, one ceremony on Saturday morning for three colleges and one Saturday afternoon for the other three colleges. Graduate students will participate with their respective colleges, but all graduate students in each ceremony will sit and be identified together. One honorary degree may be awarded at each ceremony.
- B. Symbolic Commencement: Candidates for degrees sign applications which clearly state that the awarding of degrees is subject to completion of all requirements and cannot be interpreted as a commitment. Commencement ceremonies for the associate degrees awarded by the community colleges will be arranged by the respective community college.
- C. Academic Regalia: Each college may approve distinctive symbols to be worn by the top 10 percent of its graduates at commencement. Only one such symbol may be worn by each graduate. In addition, the student with highest honors in each college may wear a crimson-colored gown. No other symbolic additions to academic regalia are allowed without the approval of the Academic Deans Council.

### 6.35 Curricula Changes

- A. All new courses, course changes (description, credit, prerequisite, etc.), and course deletions are approved by the Associate Deans Academic Council, prior to being placed in the catalog or in the Schedule of Classes. This includes courses offered at the community colleges that meet for less than a full semester. A special meeting is called when appropriate to consider interim courses and other course changes approved for review by the chair of the Associate Deans Academic Council. Deadlines for having this information to appropriate offices will be announced and enforced. The chair is empowered to act for the committee on a one-time-only basis in the case of extenuating circumstances.
- B. Although a grade of D is "passing" but "below-average" work, it is recognized that in some courses, and sequences of courses highly cumulative in nature, below-average work is not adequate preparation for the subsequent courses. In such cases the Associate Deans Academic Council may approve a prerequisite specifying "a grade of C or better in the prerequisite course."
- C. A department wishing to initiate a new course, delete a present course, or introduce changes in descriptions, credits, or prerequisites must submit the request to the cognizant dean on the NCR form designed for this purpose. (These forms, commonly called "flimsies," are available in the deans' offices.) Format guidelines for flimsies are also available in the deans' offices.
- D. Summary sheets, in alpha-numeric order by prefix, provide a cover list of changes. (For example, a number change BIOL 116 to BIOL 119; a title change CHEM 199, Intro. to CHEM to Elementary Chem; a credit hour change PE101, 1 cr to 2 cr; a prereq. Change E T 101 to E T 112; a course deletion GEOG 206; or a new course.) Copies of summary sheets and flimsies are distributed by each dean as follows:

	# of summary sheet copies	# of flimsy copies
AGHE	9	9
A&S	24	5
BA&E	6	2
ED	7	4
ENGR	8	2
HSS	2	2
Executive Vice President/Provost	1	1
Catalog Editor	1	1
Graduate School	1	1
Scheduling	1	1
Library	1	

- E. Objections to any change cited on a flimsy are resolved prior to the meeting of the Associate Deans Academic Council. If this is not possible, a written statement must be submitted to the committee chair prior to the day of the meeting. Automatic approval of the committee will be extended to all courses for which there are no written objections. Any dispute regarding a flimsy that cannot be resolved by the Associate Academic Deans Council will be referred to the executive vice president and provost for a final decision.
- F. The recommendations of the Associate Deans Academic Council are reported immediately to the departments by the deans. An approved copy of the NCR form is distributed to the scheduling office, cognizant dean, and the cognizant department head. Courses which have not been offered for 5 years are subject to automatic deletion by the scheduling office. Before initiating deletion, the scheduling director prepares a list of such courses, and departments may request that they be maintained if suitable justification exists.

## 6.40 Course Material/Textbooks

- A. Course Material: Department heads are responsible for having on file a course outline for each course offered by the department. Each professor is responsible for course content and selection of required materials (textbook(s), supplementary printed material, equipment, supplies) for the course. The professor is obligated to keep course costs to the student as low as possible. The department head is responsible for the approval of bookstore requests, requests for supplementary materials, and for the coordination of requirements for multiple sections. The department head should be cognizant of course costs to students and advise the professors should such costs appear to be excessive.
- B. Textbooks: All textbook orders from faculty must be channeled through the department head for signature and approval and then forwarded to the bookstore manager. The bookstore manager will review departmental requests for textbooks and order as per the department head's request. Order quantities may be increased or decreased by the bookstore manager if previous enrollment or sales history indicates that it is necessary. Department heads must notify the bookstore manager immediately when additional sections are opened or courses canceled. Faculty will not be allowed to order and/or sell books on or off campus without written approval from the appropriate dean and the bookstore manager. Before a faculty member may require students to buy a textbook or other material authored or coauthored by that faculty member, approval from the department head is required. The department head may convene a committee of department faculty to consider the matter. If the department head is the author/coauthor of the required textbook or other material, a committee of department faculty will consider the matter and make a recommendation to the dean, whose approval will be required. Supplementary materials, published or unpublished, produced by departments or individuals for sale to students will be sold through the university Bookstore or through other vendors who are authorized to purchase such materials from departments only, not from individual faculty members. Payment by the vendors shall be made to the department upon

receipt of an appropriate departmental voucher or invoice. Faculty and staff members may request reimbursement from their departments for their expenses.

#### **6.45 Course Prefixes**

- A. Proposals for New Course Prefixes: Colleges or departments may propose new course prefixes through appropriate channels to the executive vice president and provost. It is assumed that the prefix will convey desirable information. New prefixes by the departments may be instituted only if they will be applied to at least 9 credits of course work.
- B. Lower-Division Occupational Education Courses at the University's Community Colleges: All courses taken toward fulfilling requirements for an associate degree and/or individual courses offered for credit at community colleges only will have an OE (Occupational Education) designation. The third and fourth letters will designate the area in occupational education (e.g., WU, Water Utilities; MM, Mid-Management).

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

The Board of Regents recognizes that on rare occasions a degree may be awarded to an individual who, upon review, has not properly completed all requirements for the degree.

- A. Allegations Reported To Dean: Allegations regarding academic misconduct which may result in permanent expulsion or degree revocation shall be brought immediately to the attention of the appropriate dean.
- B. Preliminary Investigation: The dean shall conduct a preliminary investigation with an appropriate professional body within the university.
  - 1. The dean may consult experts in the professional field in which misconduct is suspected. The purpose of this consultation shall be to provide an evaluation of the alleged misconduct.
  - 2. In all cases where such serious academic misconduct is suspected, the dean shall convene a misconduct review panel consisting of the department head of the appropriate department, or if appropriate, Graduate Council chair, the chair of the Faculty Senate, and an administrative officer of the unit in which the suspected misconduct occurred. No one who has participated in any previous decisions relating to the facts underlying the allegations in question may participate on the Review Panel (or on the ad hoc committee, described below). In the event of a conflict of interest, alleged bias against the accused or refusal to serve on the panel, the dean shall appoint a replacement from the senior faculty. This panel shall review the evidence and its evaluation, decide whether a formal charge is appropriate, and advise the dean and the executive vice president and provost.
  - 3. If, after such preliminary investigation, serious academic misconduct which could result in degree revocation is suspected, the dean shall notify the executive vice president and provost.
- C. Formal Charges: If so advised, the dean shall:
  - 1. Issue in writing a formal charge, detailing the basis for the charge, to be delivered to the accused as described below.
  - 2. Notify the accused in writing of the formal charge(s), including the factual allegations, in detail, upon which such charge(s) are based. This notice will also inform the accused of the right to appear at a hearing before an ad hoc committee and to present evidence at that hearing. The notice shall inform the accused of the proposed date of the hearing and that, if the allegations are substantiated, the revocation of the accused's degree will be considered as a sanction. In

addition, a copy of these procedures shall be included with the notice. This notice shall be delivered to the accused in person or by registered or certified mail, return receipt requested.

- D. Ad Hoc Hearing Committee: The ad hoc committee shall be composed of five senior faculty members appointed by the executive vice president and provost. The executive vice president and provost shall designate one member of the committee as the chair. In the event of a conflict of interest, bias against the accused, or refusal to serve on the committee, the executive vice president and provost shall appoint a replacement.
- E. Ad Hoc Committee Hearing Process: A hearing shall be held before the ad hoc committee, which hearing shall begin between 20 and 30 working days after the accused has been notified of the allegations, unless an earlier hearing is requested by the accused. The accused may request, and shall be granted, additional time, not to exceed 20 working days, to prepare for the hearing before the ad hoc committee. All hearings and appeals described in this procedure will be closed meetings, unless the accused student or former student requests that they be open to the public.
1. The accused shall be given the opportunity, at least 10 working days before the ad hoc committee hearing, to examine any documentary evidence that may be used in support of the allegations, and to interview any witnesses who will be called in support of the allegations.
  2. The accused may be represented by legal counsel, at the accused's expense, who shall be allowed to fully participate in all proceedings following notice of the charge(s) to the accused.
  3. The university may designate and appoint an attorney to present the evidence against the accused and to fully participate in all aspects of the proceedings.
  4. The hearing by the ad hoc committee and any subsequent proceedings shall be recorded by certified court reporter.
  5. All testimony before the ad hoc committee shall be sworn and upon the oath or affirmation of the witness.
  6. The burden of proof shall be on the university to prove the charge(s) by clear and convincing evidence.
  7. At the hearing before the ad hoc committee, the accused shall be entitled to present witnesses and cross-examine adverse witnesses, and to present such other written or documentary evidence as may be relevant to the charge(s).
  8. No formal rules of evidence shall be used by the ad hoc committee. The chair shall control the conduct of the hearing and shall rule on the admissibility of any disputed evidence and may exclude any evidence which, by its nature, would appear to be untrustworthy, irrelevant, or redundant.
  9. The ad hoc committee shall present written findings of fact to the dean. These findings shall state whether the charge(s) against the accused were substantiated by clear and convincing evidence and shall also set forth the specific pertinent factual findings established by the evidence. The ad hoc committee shall not make recommendations concerning possible sanctions.
  10. The ad hoc committee's findings shall be by majority vote and shall be reported to the dean, in writing, within 10 working days of the conclusion of the hearing.
  11. Following the hearing and upon receipt of the formal, written advice of the ad hoc committee, the dean shall decide upon the disposition of the case and, if appropriate, recommend the imposition of sanctions. Within 5 working days of the receipt of the ad hoc committee's report,

the dean will forward the record, and the dean's decision and recommendations to the executive vice president and provost.

12. Within 5 working days following receipt of the disposition and recommendation from the dean, the executive vice president and provost will submit a recommendation as to sanctions, if any, together with the reports of the ad hoc committee and the dean, to the Chancellor.
  13. The Chancellor will make a decision regarding the imposition of any sanction or penalty. This decision shall be rendered within 5 working days following receipt of the recommendation from the executive vice president and provost. The decision shall be delivered to the accused in person or by certified or registered mail, return receipt requested.
- F. Appeal to Board of Regents: The decision of the Chancellor may be appealed, in writing, to the Board of Regents. In the event the accused wishes to exercise such appeal, the accused shall, within 20 days of the date the decision of the Chancellor is mailed to the accused, provide the executive vice president and provost with written notice of appeal to the board. This notice shall be forwarded to the Chancellor. The Chancellor shall then forward the notice, a copy of the Chancellor's written decision, and the record of proceedings, including the evidence presented to the ad hoc committee, to the board. An appeal to the Board of Regents shall be considered by the board at its next regularly scheduled meeting:
1. The Board of Regents shall allow oral arguments by both the general counsel and counsel for the accused, or by the accused, not to exceed 30 minutes in length for each side.
  2. The accused, and general counsel, may present written arguments to the board, by service upon the executive vice president and provost, not later than 10 working days prior to the time that the board will hear oral arguments.
  3. The general counsel for the university shall be allowed to present its argument first, and to reserve any portion of the allotted 30 minutes for rebuttal following the accused's presentation.
  4. The Board of Regents, by majority vote, in open session, may affirm the action of the Chancellor, modify such action, or dismiss the allegations against the accused.
  5. The decision of the Board of Regents shall be reported, in writing, to the accused (by certified or registered mail, return receipt requested) within 30 days following oral argument, with a copy to the ad hoc committee.
  6. The decision of the board shall be final.

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

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

6. College and/or departmental and distance education increments.
- C. When contract and/or tuition funds are not sufficient to cover all the costs of Item 2, costs listed under the first and last items in Item 2 above may be negotiated to meet the constraints of funding.
- D. All of the above may be modified to meet different educational approaches; however, the total allocated resources would not be reduced.
- E. Following approval by the college dean, off-campus graduate course proposals are forwarded to the dean of the Graduate School, who is the academic officer responsible for field-based graduate offerings.

## 6.60 Examinations/Tests

- A. Exam Week: Normally, every class meets at least 750 minutes per credit hour. The registrar will schedule the sixteenth week of instruction of each regular semester in 2-hour blocks. These blocks may count toward the 750-minute minimum per credit hour if necessary, or it may exceed the 750-minute rule. In either case, the exam week class time is not optional and must be used for some culminating activity, whether or not the instructor requires a final exam.
- B. Exam Schedule: The examination schedule will be included in the class schedule at registration.
- C. Completion of Fall Semester Prior to Holiday: The fall semester will be completed before the winter holidays.
- D. Length of Examinations During Last Week of Regular Classes: Faculty are not allowed to hold examinations lasting more than one class period during the last week of regular classes. In addition, faculty can only reschedule exams outside of the regularly scheduled exam period with the unanimous consent of the students and permission of the department head.
- E. Student Grievance: Students who feel that their rights have been violated should contact the respective department head.
- F. Maximum of Three Final Exams Per Day: During exam week, a student cannot be required to take more than three exams in 1 day. Instructors of exams that would occur after the third must permit the student to take the exam at another time if the student desires. Any student having more than three examinations scheduled in any 1 day may notify the instructor of the last examination listed and ask for alternate arrangements to be made for examination. If the fourth exam is a departmental exam, the instructor of the third exam will make alternate arrangements. (See [6.88 Schedule of Classes](#) for deadline for notifying instructors.)
- G. Advance Coordination of Final Exams/Term Papers: Each faculty member will be requested by the deans to announce intentions as to final examinations and term papers during the first week of the semester.
- H. Advance Resolution of Final Exam Scheduling Conflicts: Also, the faculty member will request students with problems of scheduling to report them to the office of the college dean.
- I. Priority in Scheduling: A regularly scheduled evening class will have precedence over examinations scheduled in other courses outside the normal class meetings.
- J. Alternate Exam Time: When a conflict occurs, the department scheduling the examination will arrange for students to complete the examination at another time.
- K. Student Review of Final Exam or Term Paper: Students shall be permitted to see any examination or test paper upon request within a reasonable period of time after the conclusion of the test.



**6.65 General Education Coursework Required for Graduation** *[Amendment (FS Proposition No. 13-05/06) passed by the Faculty Senate 03.02.06, ratified by the Board of Regents 09.08.06] [Amendments (FS Propositions 25-07/08, 26-07/08 and 27-07/08) passed by the Faculty Senate 05.01.08; ratified by the Board of Regents 07.15.08] [Amendment (FS Proposition 21 11/12) passed by the Faculty Senate 05.03.12; approved by the Board of Regents 06.21.12]*

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

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

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

## 6.70 Grade Reports

- A. Deadline to Submit Mid Term Grade Reports (100/200 level courses): Progress Reporting for 100- and 200-level Courses: all instructors of 100- and 200- level courses will submit a grade that reflects all work completed as of the seventh Friday following the date classes begin during the regular 16-week of the Fall and Spring semesters.
  1. Midterm grades for 100- and 200-level courses will be due by 5:00 pm on the Tuesday following the seventh Friday defined herein. This requirement is not applicable to summer terms nor mini-semesters.
  2. Midterm grades shall only be used for authorized academic advising interaction with students.
- B. Deadline to Submit Final Grades: The deadline for submission of final grades will be 5 p.m. on the second working day after the last day of classes at the end of the semester or as assigned by the official academic calendar. Necessary forms will be furnished by the registrar.
- C. Faculty Obligated to Provide Academic Progress Upon Student Request: At the request of the student, the instructor will provide information on progress in the course prior to the last day to drop a course.
- D. Posting of Grades: Protection of Personally Identifiable Information:
  1. Personally identifiable information, such as names, social security numbers and/or Banner I.D. numbers, in whole or in part, shall not be used for the purpose of publicly posting student grades, unless specific written permission (signed and dated) has been obtained from the student prior to grades being posted.
  2. It is permissible to publicly post student grades without consent only if it is done in a manner that is not personally identifiable – *i.e.*, the faculty member assigns a unique identifier to each student for this purpose, and the identifier is kept confidential and known only to the student and the faculty member.

### REVISION HISTORY:

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

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

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

- A. Bachelor's: An honorary bachelor's degree may be awarded under the following conditions:
1. A student who has completed over 85% of the credit hours required by their degree program at the university (or has demonstrated strong effort to complete their degree as determined by the faculty of their degree program) is by accident, serious illness, death, or other unanticipated event permanently prevented from completing their degree at NMSU can be nominated for an honorary bachelor's degree as follows:
    - a. A department head or faculty member initiates the process and seeks departmental approval through the department's normal governance policies (e.g. consensus of majority vote of the faculty).
    - b. The student's home department makes a judgment regarding whether the student made suitable progress toward completion of their bachelor's degree.
    - c. If the nomination is approved by the home department, the department head or faculty member then submits the nomination to the Dean of the home college for the student and then, if approved by the Dean of that college, the nomination is submitted to the Provost for approval.
- B. Master's: An honorary master's degree may be granted to an individual who has brought honor to the university or to someone whom the university wishes to honor for that individual's contributions to the university, the state, or the nation.
- C. Professional Degree: An honorary professional degree may be granted to a person who has achieved extraordinary professional distinction. The degree may be awarded under the following conditions:
1. The individual has made an outstanding professional contribution to his or her field and is recognized for professional achievement; and
  2. The nominee or the nominee's family is willing to accept the degree.
- D. Procedural Consideration for Awarding Honorary Bachelor's/Master's Degrees: The honorary bachelor's degree will be awarded upon recommendation of the major department and the appropriate dean, with the approval of:
1. Faculty of the appropriate academic department
  2. Executive Vice President and Provost
  3. President of the University
  4. Board of Regents

The degree will be awarded at commencement exercises along with the conferral of earned degrees, or at another appropriate time approved by the executive vice president and provost.

- E. Procedures for Awarding an Honorary Master's Degree:
1. **Nomination Process**: A letter of nomination and support material, which should include support letters and/or documents describing the contributions and/or accomplishments of the nominee, is presented to the dean of the appropriate unit through the department head.
  2. **Approval Process**: All documentation will be submitted for approval to the following officers in the order listed below:
    - a. Faculty of the appropriate academic unit
    - b. Dean of the appropriate unit, upon the advice of an existing or appointed unit-wide

- committee
  - c. Dean of the Graduate School upon advice of the Graduate Council
  - d. Academic Deans Council
  - e. Executive Vice President and Provost
  - f. President of the University
  - g. Board of Regents
3. Presentation of Degree: The degree may be presented at a special ceremony or at another appropriate time approved by the executive vice president and provost.
  4. Limitation of Awards: Honorary master's degrees should be limited to not more than two per college or library each year to maintain prestige and distinction of the award.
- F. Procedures for Awarding an Honorary Professional Degree:
1. Nomination Process: A letter of nomination and support material, which should include support letters and/or documents describing the contributions and/or accomplishments of the nominee, is presented to the dean of the appropriate unit through the department head.
  2. Approval Process: All documentation will be submitted for approval to the following officers in the order listed below:
    - a. Faculty of the appropriate academic unit
    - b. Dean of the appropriate unit upon the advice of an existing or appointed unit-wide committee
    - c. Academic Deans Council
    - d. Executive Vice President and Provost
    - e. President of the University
    - f. Board of Regents
  3. Presentation of Degree/Limitation of Awards: The honorary professional degree may be presented at a special ceremony, or at another appropriate time approved by the executive vice president and provost, and shall be limited in number to one candidate from each college or library per semester.
  4. Distinction from Honorary Doctoral Degrees: These initiatives are separate from the established practice of awarding an honorary doctoral degree at each commencement and are intended to expand public recognition opportunities where it is deemed appropriate and conducive to enhance public relations for the university.
- G. Honorary Doctoral Degrees: Selection of honorary doctoral degree recipients rests with the Board of Regents. The responsibility for seeking qualified nominees for the honorary doctorate degree rests with the Office of University Advancement. Nominations will be sought from the campus community, alumni, and volunteers. No current faculty member or administrator of the university, nor any currently serving elected official, should receive honorary degrees; however, with a unanimous vote of the board, these prohibitions can be overruled. The vice president for university advancement will screen the nominations, provide biographical information, and make recommendations through the Chancellor to the board. The board will make the final selection. The honorary doctoral degree is normally presented during commencement ceremonies.

## 6.80 Independent Studies

Independent studies are for students capable of self-direction, who meets the requirement for the S/U option, *i.e.*, if the students are not eligible for the S/U option, they are not eligible for independent study. Class tickets will not be issued, nor will on-line scheduling unless the student presents a signed Independent Study Permit to the card issuer. Independent study courses are considered part of a faculty member's load. Departments will establish standards for each independent study course offered. The instructor should file a summary of requirements with the department head for each student enrolled in

an independent study course before the last day to add or drop a course. Independent study research or reading courses may not be challenged.

## 6.82 Majors and Minors

- A. Majors: New majors, including those of associate degrees, are endorsed by the Academic Deans Council, and then approved by the Faculty Senate and the Board of Regents. A major is defined as a recognized area of study in which there is an extensive and well-developed curriculum offered at the university, as well as adequate library resources and support services. A major may include courses from more than one department, but as a minimum it must consist of at least 24 credits in the major field, of which 18 credits must be upper-division courses. A student may take a double major. In this case, the student must meet all of the requirements in the catalog for each degree. Courses taken outside of the two major fields may be used to fulfill the conditions of both degrees.
- B. Supplementary Majors: In addition to a major, a student may elect to undertake a supplementary major. The academic colleges offer supplementary majors in areas where sufficient numbers of courses of a closely-related nature are available so as to constitute a significant body of study. The minimum requirements for a supplementary major are 24 credits taken from the catalog listing for the field of study, of which 18 credits must be upper-division courses.
- C. Minors: A student may also minor in a particular area. A minor is based on courses that encompass a recognized field of study. As a minimum, a minor must consist of 18 credits of course work, of which 9 credits are at the upper-division level. Upon approval of the dean of the college, departments may offer a minor that meets these requirements by describing it and receiving approval from the dean of the college. Departments may require that certain courses be a part of a minor and may exclude other courses. Acceptable minors are those listed in the catalog for a department. If a particular minor is not offered by a department, a student may petition for the recognition of that minor at the time of filing for a degree. If the department and the college concerned approve, they will notify the student and the registrar to that effect. Succeeding catalogs will then list that department as offering the particular minor and the requirements that must be met.

## 6.84 Military Science Coordinator

- A. Promotion of ROTC Program: The university's Reserve Officer Training Corps (ROTC) program is established as a voluntary course of study. It is the policy of the university to advocate and promote the ROTC, and the ROTC officers on campus shall be given faculty status.
- B. Role of the Dean of the College of Arts and Sciences: The dean of the College of Arts and Sciences serves as the military science coordinator and represents the university administration at various military functions. The dean also approves the faculty members assigned to the Departments of Aerospace Studies and Military Science.
- C. Dismissal from ROTC Programs: When an ROTC department makes a decision to cancel the contract leading to a commission for a student in the advanced ROTC program, the following university procedure will apply:
  - 1. If the contract is canceled during a semester when the student is currently enrolled in an advanced ROTC course, and the student is demonstrating satisfactory academic performance, the student may be dropped from the course only with the student's approval and with a grade of W.
  - 2. The student wishing to complete a given advanced course for graduation or for credit, whose contract is canceled during the semester in which the student is enrolled in the course, will be permitted to complete the course, provided the student continues to demonstrate satisfactory academic performance. The course may be completed by continued attendance at classes, or

by extra-class arrangements made for individual instruction at the discretion of the professor of military science or aerospace studies. Extra-class arrangements must provide to the student the opportunity to achieve the same grade which could have been received by remaining in class.

## 6.86 Registrar

The Office of the Registrar cannot provide official academic information to unauthorized persons, nor can it reduce the amount of information obtained in the registration process below what is required by the New Mexico Higher Education Department, state statutes, and the National Center for Education Statistics. In these requirements, the Office of the Registrar follows the minimum recommended by the American Association of Collegiate Registrars and Admissions Officers. Strict adherence to academic policies is an integral part of record integrity. A balance must be maintained between public relations and the responsibilities of record-keeping.

### A. Duties of the Registrar:

1. Record and preserve academic data on all students registered for credit at the main campus and at the community colleges.
2. Determine assignment of resident or nonresident tuition and fees, in accordance with state law and the uniform definition established by the New Mexico Higher Education Department and the Attorney General's Office.
3. Submit reports of official enrollment statistics to the New Mexico Higher Education Department and to the National Center for Education Statistics.
4. Develop procedures for registration of students in any program in which academic credit is issued.
5. Coordinate preparation of a schedule of classes for each academic semester or summer session.

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

### C. Transcripts: Transcripts will not be furnished without the student's consent if the student is 18 years of age or over, except as requested by a parent claiming the student as a dependent under the definition established by the Internal Revenue Service. If a student is under 18, the parents may request and receive a transcript of the academic records. The Office of the Registrar will also furnish to the student, upon written request, an information copy of the student's academic record. Transcripts, either official or unofficial, may be furnished to university faculty members or professional staff members upon request, with or without the student's permission. Prior to each advisement period, information copies are produced for the advisors.

### D. Release of Student Information: Information concerning a student that is published in the official student directory may be released to anyone requesting such information. This information will be published unless a request to withhold is received by the registrar by the last day of late registration for the fall term (Buckley Amendment - PL 93-380). Information recorded on the academic record page and in the student's file is released according to the procedures covering issuing of transcripts. Information in the student's folder is confidential, and is not released except to those authorized under the Buckley Amendment to PL 93-380 and The Family Educational Rights and Privacy Act of 1974. (See [2.90 University Records](#))

### E. Eligibility for Registration: Students under any type of sanction may not register until the sanction is removed by the appropriate office. On-line entry or clearance of sanctions is entered by the university agency involved. Students on scholastic suspension may apply for readmission and

register when eligible. Students with disabilities may petition for early registration through the Office of Services for Students with Disabilities Office, Room 100, Garcia Annex.

- F. Statistical Data: Certain statistical data are required from the student in order to furnish data to the New Mexico Higher Education Department, the National Center for Education Statistics, and university officials. Other information required is for identification of student records. Registration of students who refuse to furnish requested data is subject to cancellation.
- G. Establishing Residence Status for Tuition Purposes: This responsibility, delegated to the registrar, is based upon state law and various rulings from the New Mexico Higher Education Department and the Attorney General's Office. The general counsel may be consulted by the registrar in cases where legal advice seems warranted. Determination is made by the registrar on the basis of information and affidavits submitted by the student. The burden of proof is on the student, and the final decision will be made by the university. Information on residence requirements may be obtained from the Office of the Registrar. The admissions office determines residency for tuition purposes for first-time applicants.
- H. Release of Registration Statistics to the Press: Final or near final registration statistics are released by the registrar through the vice president for student affairs and enrollment management to the associate vice president for university communications and marketing services, who in turn furnishes such figures to the media. Such release is not made until the close of registration. Any university official may release final enrollment figures after they are published.
- I. Recording Academic and Demographic Data on the Academic Record: Office of the Registrar updates and corrects data entered by admissions on the student's record at the time of matriculation. The following data are entered: last name, first, middle/maiden; date of birth; college or school to which admitted; degrees granted from the university ; date of degrees; major field; minors; other institutions attended, and credits granted; high school last attended; admission status; and social security number or alternate identification number. Also recorded on the undergraduate academic record page, upon approval by the academic dean, are allowable credits from military service, challenged courses, CLEP, or ACT. Such credit will be treated as transfer credit without a grade, will count toward graduation, and may be used in fulfilling curriculum requirements as specified by the student's academic college.
- J. Registration: Eligible students may reserve courses in the offices of the academic deans or on-line by computer, as determined by the academic calendar. Subsequent schedule changes may be made on the dates published in the Schedule of Classes. Students with disabilities may petition for early registration through the Office of Services for Students with Disabilities, Room 100, Garcia Annex. Eligible students may complete registration by mail, phone, Web, or in person by making a minimum down payment to the Office of University Account Receivable. Students who reserve classes but fail to complete registration by the published deadline will be disenrolled from all classes. At the close of the drop/add/late registration period, students who have not made the required payment will be disenrolled from all classes and may not attend until the next scheduled session.
- K. Academic Scheduling: (See [6.26 Scheduling Course](#))
- L. Grade Reporting to the Registrar: Faculty members report grades for students in their classes, through the department head and dean, on forms furnished by the registrar. It is the responsibility of the faculty member to submit these grades according to regulations and dates recommended by the Faculty Senate and approved by the president. Subsequently a list of grades assigned is sent to each instructor for verification.
- M. Justification of I: An I Grade Information Form shall be sent to the dean's office with instructor's grade sheet for each I grade assigned. Forms are available in the offices of the academic deans.

N. Procedures for Approval of Degree Candidates:

1. Three days (1 day in summer) after final grades are recorded on-line, the Office of the Registrar will furnish each academic dean a list of degree candidates, showing the results of the final record check.
2. The deans' offices will confirm candidates who have met all requirements, and delete those who have not.
3. The deans will certify graduation for the candidates listed.
4. The Office of the Registrar will furnish the executive vice president and provost a list of approved degrees after the deans' certifications are received. The official graduation date will be the date degrees are approved by the executive vice president and provost.
5. The Office of the Registrar will record degrees approved and mail diplomas to graduates.

**6.87 Student Admission and Residency Processes in Relation to Immigration Status**  
*[Policy approved by Administrative Council 09.13.05; policy adoption ratified by the Board of Regents 09.08.06]*

The rules and regulations for establishing student residency for tuition purposes are defined by the New Mexico Higher Education Department which is authorized by the Constitution of the State of New Mexico and state statutes.

- A. All international students entering the United States on a non-immigrant student visa will apply for admission through the Office of International Admissions Program located in Garcia Annex. Consult the Undergraduate Catalog section on Foreign Students for specific restrictions and procedures ([NMSU Undergraduate Catalog](#)).
1. Any non-citizen entering an institution of higher education on a non-immigrant visa (*i.e.*, student, diplomatic, visitor or visiting scholar), including spouses and dependents, shall be classified as a non-resident for tuition purposes.
- B. All legal immigrants (permanent residents), partially documented, undocumented or refugee students, who have attended a secondary educational institution in New Mexico for at least one year and have either graduated or received a general education development (GED) certificate in New Mexico, will apply for admissions through the Office of Undergraduate Admissions located in the Educational Services Building.
1. Legal immigrants or refugees must present documentation of their status to the Office of Admissions and Office of the Registrar.
2. Students meeting requirements may be eligible for in-state tuition as determined by the Office of the Registrar in accordance with the State of New Mexico Higher Education Department ([hed.state.nm.us](http://hed.state.nm.us)).
3. Students eligible for in-state tuition may be eligible for state-funded financial aid.

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

Summer teaching at the university is considered a privilege and not a right. Departments will use the following guidelines in determining summer teaching assignments within the department's FTE summer allocation:

- A. Priorities: 1) The first priority must be student and program needs. As resources permit, courses needed by the students to complete programs in a timely fashion should be offered. 2) After student needs, continuing tenured and tenure-track faculty will have priority in teaching assignments.



- B. Development of Departmental Policy: Departments will have the flexibility to develop their own policies after priorities #1 and #2 above have been met. The departmental policy must be written and available to all departmental faculty and other interested parties. The departmental policy must adhere to existing policies related to summer teaching (*e.g.*, current policy states that, in general, faculty members will be employed in one 6-week period only).
- C. Allocation as Relates to Department Heads: No summer session faculty allocation is used for 12-month department heads who teach in the summer.
- D. Schedule: Two 6-week sessions will be scheduled between the end of the spring semester and the beginning of the fall semester. Colleges and departments offering courses numbered 450 and above, designed primarily to meet the needs of teachers have permanent approval to offer courses on a 5-week schedule. During the first summer session, the 5-week option schedule begins after the first week of instruction. In the second summer session, the 5-week option schedule ends after the fifth week of instruction. It is recognized that students may be registered in both 5-week and 6-week courses. Graduate students in a combined registration may not register for more than 6 credits.
- E. Faculty Teaching-Normal: Because the summer schedule must be prepared well in advance, and summer funding is always uncertain, early agreements regarding summer teaching must be identified as tentative. No actual commitment is made until approvals are completed on an E-Hire Form Permission to Offer section). Full load for 6 weeks is 4.5 semester credits or equivalent. (For community college faculty the full load for 6 weeks is 6 semester credits or equivalent.)
- F. Salary for Summer Session: (*See Policy [5.25.40 Compensation - Summer](#)*)

## 6.89 Transfer Credit

- A. Faculty Decision: The decision to award a student credit for work completed at another institution rests with the faculty.
- B. Registrar's Duties: The registrar will maintain a data base of commonly transferred courses from other institutions and their NMSU equivalents.
- C. Four Year Review of Departmental Equivalents: Every 4 years faculty from each department will have the opportunity to review the equivalents from their department and make changes to the data base.
- D. Transferred Courses Not in Registrar's Data Base: Transferred courses that are not in the data base will be individually evaluated by the Office of the Registrar. If uncertain about which NMSU course is equivalent, the registrar will consult with the faculty in the relevant department.
- E. Transfer Credits from Non-Accredited Institutions: Transferred credits from non-accredited institutions will be evaluated by faculty from the relevant department after the student has shown acceptable performance at NMSU for two semesters.
- F. Responsibility of Student to Provide Documentation to Facilitate Determination of Transferability: It is the student's responsibility to provide departmental faculty with sufficient materials to determine which of the department's courses is equivalent to the credits being transferred. The determination whether a course is from an accredited institution will be based on where the course was actually taken. (For example, a course taken at a workplace for which college credit was later awarded by an accredited institution would be treated as credit from a non-accredited institution.)

## 6.90 Tutoring Services

- A. Approvals: All tutors paid from university funds will be recommended by the head of the department in which the course is taught. In addition, approval must be obtained from the dean of the college. Graduate students must also obtain the approval of the dean of the Graduate School.
- B. Requirements for Providing Tutorial Services: Additional requirements for tutorial services are outlined in the [NMSU Student Employment Handbook](#).
- C. Employment of Graduate Assistants, Fellows and Trainees: Graduate assistants, fellows, and trainees may be employed as tutors. Such employment must be shown to be free of conflict of interest and must be consistent with policies governing supplemental appointments of such students. (See [NMSU Graduate Catalog](#))
- D. Hourly Tutoring Rates: (See the [NMSU Student Employment Handbook](#). For exceptions to published rates for graduate students, contact the dean of the graduate school.)

## 6.92 Authorization of Course Registration Changes After Standard Administrative Deadline

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

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

**REVISION HISTORY:**

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

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

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

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

B. Routine Processing by Library:

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

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

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

1. The completed Master’s Thesis and Dissertation Embargo Request Form must be signed by:
  - a. Student
  - b. Dissertation Advisor(s)
  - c. Department Head
  - d. Dean of College or Designee
  - e. Dean of Graduate School
2. Conditions: The following conditions will apply if an embargo is granted:

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

## Chapter 7

### Human Resources-Employee Benefits

**NMSU Policy System in Transition:**

*All provisions of Chapter 7 were repealed by the Board of Regents on December 11, 2015, but continue in effect in the Administrative Rules and Procedures of NMSU (ARP). Please refer to Regents Policy 4.00, and to the ARP ( <https://manual.nmsu.edu/files/2013/10/12.11.15-Trans-3rd-Ed-ARP.pdf>), Rules 7.03-7.45.*

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

## Chapter 8

### Human Resources-Staff Policies

**NMSU Policy System in Transition:**

*All provisions of Chapter 8 were repealed by the Board of Regents on December 11, 2015, but continue in effect in the Administrative Rules and Procedures of NMSU (ARP). Please refer to Regents Policy 4.00, and to the ARP, <https://manual.nmsu.edu/files/2013/10/12.11.15-Trans-3rd-Ed-ARP.pdf>, Rules 8.05-8.75.*

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

## Chapter 9

### Facilities and Services

- 9.04 Facilities and Services
- 9.05 Campus Planning
- 9.10 Capital Projects
- 9.20 NMSU Real Estate

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

*The following provisions have been repealed from this chapter of the Regents Policy Manual, but continue in effect in the Administrative Rules and Procedures of NMSU (ARP). Please refer to the ARP at .*

- 9.15 *Funding and Costs*
- 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*

## CHAPTER 9- FACILITIES AND SERVICES

### 9.04 **Facilities and Services** *[Amendment recommended by the Administrative Council 07.27.11; approved by the Board of Regents 08.22.11]*

Facilities and Services is funded by the state and by NMSU for the operation and maintenance of Instruction and General Space ("I & G"). It exists to provide courteous, responsive, cost-effective campus service by providing a broad range of campus support services. Its core mission is the management, operation, repair, renovation, and construction of the fixed physical assets of the university. All construction activity on university-owned facilities is mandated by state law to be done in accordance with applicable building codes. Should Facilities and Services become aware of any activity or work which does not meet building codes, that activity or work will be removed and the responsible department will bear the cost of all required remedial actions. In order to coordinate these construction activities and to protect the interests of the university, all contractors performing construction (as defined by the Construction Industries Division) on facilities owned by the University shall obtain the express permission from Facilities and Services. Only those entities licensed and acceptable to the Construction Industries Division and to the NMSU Facilities and Services shall be allowed to perform construction-related activities. Some construction projects may also require approval of the Higher Education Department and the State Board of Finance.

### 9.05 **Campus Planning (Master Plan)** *[Amendment recommended by the Administrative Council 07.27.11; approved by the Board of Regents 08.22.11]*

Facilities and Services is charged with the responsibility for the development and maintenance of facility master plans for the main campus. In addition, Facilities and Services coordinates and assists the community campuses in the development of their master plans. All Master Plans must be submitted to and adopted by the Board of Regents.

### 9.10 **Capital Projects** *[Amendment recommended by the Administrative Council 07.27.11; approved by the Board of Regents 08.22.11]*

- A. Authority of Facilities and Services: Facilities and Services is charged by the Board of Regents with the responsibility to plan, manage, and oversee all capital outlay construction projects for all locations within the university system. In addition, Facilities and Services will be responsible for any work which is competitively bid for a construction activity (as defined by the Construction Industries division).
- B. Authority Reserved to the Board of Regents: All capital projects that fall under the following categories must be submitted to the Board of Regents for approval: (1) purchases of real property unless otherwise delegated pursuant to Policy 9.20; (2) any project which results in the addition of square footage, whether from the construction of a new facility or of building addition or of purchase or portable buildings; (3) any proposal to issue bonds; (4) any alteration or site improvement over \$300,000 for an institution with an FTE enrollment of over 1,500; and (5) any demolition of an existing building.
- C. Capital Projects Construction Contract Award: The Board of Regents authorizes the senior vice president for administration and finance (or designee) to act on its behalf to award construction contracts to the lowest responsible bidder consistent with applicable New Mexico or federal law. Any increase that causes the total project budget to exceed 10% of the amount originally budgeted shall be resubmitted to the Board of Regents for approval prior to authorizing the additional expenditure.
- D. Selection of Architects, engineers, landscape architects and surveyors: In order to assist the senior vice president for administration and finance in the selection of an architect and/or engineer for a capital outlay project, a Selection Committee established by Facilities and Services will solicit inquiries and screen potential firms through a Request for Proposal (RFP). This process shall be in accordance with New Mexico Procurement Code (13-1-28 through 13-1-199 NMSA 1978). The members of the Selection Committee will send individual evaluation sheets to the associate vice



president for facilities and services for the three most qualified firms. The associate vice president for facilities and services will review the assessments of the Review Committee members and develop a final tabulation sheet, which will be available for public review. The associate vice president for facilities and services will then select a firm to design the capital outlay project with approval from the senior vice president for administration and finance.

The Board of Regents authorizes the university administration to select professional design firms to design small public works projects on campus. A small public works project shall be defined as one with fees between \$50,000 and \$100,000. The selection of these firms shall be through the same procedure as above and the number of firms selected shall be in accordance with NMSA 13-1-153 and NMSA 13-1-154. Utilization of services under these awards shall be administered through a University Professional Service Contract for each project and approved by the director of procurement services & risk management and the assistance vice president for facilities and services or their designee(s). These firms will be selected through the same procedure as detailed above and in accordance with New Mexico Procurement Code (13-1-28 through 13-1-199 NMSA 1978).

Architects and engineers may also be employed for small maintenance remodel projects via Professional Service Contracts as specified in the New Mexico Procurement Code (13-1-28 through 13-1-199 NMSA 1978) when approved by the director of purchasing and the associate vice president for facilities and services.

The Board of Regents authorizes the university administration to negotiate architect's and/or engineer's fees in all cases. The senior vice president for administration and finance, in coordination with the associate vice president for facilities and services, reserves the right to terminate any capital project contract for nonperformance of duties.

## **9.15 Funding and Costs**

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

## **9.20**

**NMSU Real Estate** *[Amendment superseding former 9.20 (Lands) approved by the Administrative Council 06.13.06; adoption of amendment ratified by the Board of Regents 09.08.06] [Amendment to 9.20 A. (3) approved by the Administrative Council 05.09.08; adoption of amendment ratified by the Board of Regents 07.15.08] [Amendment recommended by the Administrative Council 07.27.11; approved by the Board of Regents 08.22.11][Amendment recommended by the Regents' Real Estate Committee 11.02.11; approved by the Board of Regents 12.09.11][Amendment recommended by the Administrative Council 02.14.11; approved by the Board of Regents 03.12.12][Amendment recommended by the Administrative Council 04.09.13; approved by the Board of Regents 05.10.13]*

For the purposes of this policy, "NMSU real estate" is defined as all land owned or leased by NMSU. For purposes of this policy, a real estate "transaction", means any easement, lease, right-of-way, memorandum of understanding, letter agreement, use agreement, license agreement or other agreement that may increase NMSU's risk of liability or affect the use of, or interest in, NMSU real estate.

### **A. Authority of the Board of Regents:**

1. **Titleholder:** Legal title to all NMSU real estate (land, buildings, air rights, water rights and mineral rights) is vested in the Board of Regents, without regard to the academic or administrative entity that occupies or otherwise uses the real estate.
2. **Authority to Convey Property:** The title to all property belonging to the university is vested in the Board of Regents as a corporate body. NMSA 1978, § 21-3-4. Pursuant to NMSA 1978, § 21-1-20, the Board of Regents is authorized to buy, sell, lease, or mortgage realty and take such other action, in the best interests of the university.
3. **Retention of Authority:** The Board of Regents specifically reserves the authority to review and take action with regard to all transactions permanently affecting NMSU real estate, including all sales and acquisitions and encumbrances. The board delegate's authority and responsibility to the Chancellor or designee to review, approve and execute the following types of real estate

transactions:

- a. Real estate transactions involving a term of less than ten (10) years, including any options to extend; and
- b. Real estate transactions not to exceed a total university cost liability (excluding operating expenses) of \$100,000 per year; and
- c. 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.

**B. General Policy Regarding NMSU Real Estate:**

1. Collaboration between NMSU Offices: The Office of Real Estate shall serve as coordinator for the academic and administrative units for all real estate transactions. Contacts from non-university entities regarding real estate shall be directed to the Office of Real Estate.
  - a. Each proposed real estate transaction of any type or nature shall be initiated by consultation with the director of the Office of Real Estate. Such consultation shall occur as early as possible in the planning process, in order to maximize the university's bargaining position, and in order for the Office of Real Estate to better provide the academic or administrative unit with guidance regarding the nature of the transaction and estimated time and cost needed for completion.
  - b. After the initial consultation with the Office of Real Estate, the academic and administrative units may make general inquiries and conduct general discussions with third parties; however, all official negotiations with property owners, developers, landlords, realtors, brokers and other third parties shall be conducted on behalf of the university by the Office of Real Estate.
2. Philosophy: NMSU is expected to preserve, enhance and maximize the productivity of its real estate assets. It is the policy of the university to preserve adequate land area for all foreseeable academic and support needs and to utilize to the best possible advantage to the university all land areas surplus to the academic and support needs.
3. Purpose: NMSU real estate, consisting of land, buildings, air rights, water rights and mineral rights, shall be acquired, used or disposed of consistent with the university's mission, strategic master planning efforts, and within approved budgets.
  - a. NMSU property shall not be made available for individual use or gain.
  - b. Acquisitions and gifts of interests in real estate shall not create excess risk of liability or financial exposure, shall support the university's mission, and are subject to acceptance by the Board of Regents.
  - c. NMSU real estate may only be sold or otherwise disposed of after determination by the affected department, the cognizant dean or vice president that it is in the best interest of the university, recommendation from the Regents' Real Estate Committee, if any, and approval from the Board of Regents, as well as compliance with other state requirements.
4. Oversight of Physical Property: Academic and administrative units are responsible for ensuring that the real estate and/or space occupied by, or assigned to, them is being used in accordance with this policy.
5. Minimization of Risk of Liability: The risk of loss to the university shall be minimized with each real estate transaction. Each real estate transaction shall therefore be conducted in accordance with procedures established by the Office of Real Estate, and consistent with finance, purchasing, and other state law requirements.
6. Deposit and Use of Proceeds: Proceeds derived from the sale, lease or consideration for NMSU real estate interests are restricted and will be used for nonrecurring capital outlay items which are typically not funded from traditional sources. Specific proposals will be presented to the

Board of Regents for approval before any commitments are made against these funds.

7. Effect on Title: Easements, leases, rights-of-way and other real estate transactions that may encumber NMSU's real estate shall:
  - a. Be limited to the specific purpose requested; and
  - b. Be limited to the minimum amount of land necessary for the proposed operation; and
  - c. Be limited to the shortest term that will accommodate the proposed operation; and
  - d. Be based upon fair market value or appraisal comparables to ensure that the university receives adequate consideration, if applicable.
8. Periodic Needs Assessments: Facilities and Services, the Office of Space Management, and the Office of Real Estate shall coordinate to conduct periodic reviews of real estate with the college and library deans, vice presidents, vice and associate provosts and directors to ensure their real estate needs are being met, and to identify any changes that may need to be made.

**C. Responsibilities of NMSU Office of Real Estate:**

1. The University's Representative for Real Estate Transactions: NMSU entities shall collaborate regarding, and the Office of Real Estate shall oversee real estate transactions on behalf of the university. Such transactions include, but are not limited to:
  - a. Leases of real estate (regardless of ownership),
  - b. Acquisition and disposal of real estate or interests therein,
  - c. Enhancement and development of NMSU real estate,
  - d. Easements (regardless of ownership),
  - e. Rights-of-Way (regardless of ownership),
  - f. Memorandums of Understanding (relating to real estate),
  - g. Temporary Use Agreements, and
  - h. Access Agreements.
2. Coordination with Other University Departments: The Office of Real Estate shall ensure that each real estate transaction is reviewed by the affected department or administrative unit, and the cognizant dean or vice president; the Office of Administration and Finance, including the Office of Purchasing and Materials Management and Facilities and Services; and the Office of the University General Counsel prior to presenting for review to the Chancellor or designee and approval by the Board of Regents. The Office of Real Estate may develop and require routing forms and checklists for this purpose.
3. Lead Negotiator and Preparer of Documents: Consistent with the legal opinion of the Office of the University General Counsel, and in coordination with the head of the affected academic or administrative unit, the director of the Office of Real Estate shall negotiate and prepare all real estate transactions for approval and signature by the Board of Regents.
4. Repository of Original Documents: The Office of Real Estate shall be responsible for the proper retention and safe storage of original real estate documents.

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

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

**9.30 Miscellaneous**

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

**9.33 Vehicle Assignment Policy**

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

- 9.34 Fleet Asset Management Program**  
*[REPEALED by Board of Regents 12.11.15; See ARP-Rule 9.34]*
- 9.35 Transportation Services-Rentals**  
*[REPEALED by Board of Regents 12.11.15; See ARP-Rule 9.35]*
- 9.50 Use of Facilities & Space Management**  
*[REPEALED by Board of Regents 12.11.15; See ARP-Rule 9.50]*
- 9.55 Utilities**  
*[REPEALED by Board of Regents 12.11.15; See ARP-Rule 9.55]*
- 9.60 Wayfinding and Signage Policy**  
*[REPEALED by Board of Regents 12.11.15; See ARP-Rule 9.60]*



## Appendices

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

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

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

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

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

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

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

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

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

Members of the board shall not be removed except for incompetence, neglect of duty or malfeasance in office, after notice of hearing and an opportunity to be heard having first been given such member. The supreme court of the state of New Mexico is hereby given exclusive original jurisdiction over proceedings to remove members of the board under such rules as it may promulgate, and its decision in connection with such matters shall be final.

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

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

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

This section provides that NMSU shall be open to the children of all the residents of this state, and such other persons as the Board of Regents may determine, under such terms, rules and regulations as may be prescribed by said Board of Regents; shall be nonsectarian in character and devoted to practical instruction in agriculture, mechanic arts, natural sciences connected therewith, as well as a thorough course of instruction in all branches of learning bearing upon agriculture, and other industrial pursuits.

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

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

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

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

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

**NMSA 1978, § 21-7-5.**

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

**NMSA 1978, § 21-7-6.**

This section for UNM, applicable to NMSU through the above cited statute, provides that the president of the Board of Regents, also referred to as the chair, presides at all meetings and signs all instruments required to be executed by the board. The board president appoints committees of the board. When the president is absent, the board appoints a president pro tem. The secretary/treasurer attests all instruments required to be signed by the board president and keeps an accurate record 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 revised 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 CONSTITUTION AND BYLAWS OF THE NMSU EMPLOYEE COUNCIL****NMSU EMPLOYEE COUNCIL CONSTITUTION***[Revised by Employee Council 01.10.13]***ARTICLE I – NAME**

The name of this organization shall be the NMSU Employee Council

**ARTICLE II - FUNCTIONS**

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

1. Investigate matters involving the policies and procedures of the administration of the university.
2. Make recommendations based on such investigations to the Chancellor.
3. Establish and maintain an organization of the university staff for the following purposes:
  - a. To provide communication between the staff and the administration of the university.
  - b. To provide communication among the several parts of the university staff.

Section B:

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

Section C: NMSU Employee Council shall have complete authority to determine its own procedure.

**ARTICLE III – MEMBERSHIP**

Section A: The staff of the university, for the purposes of the constitution, shall consist of those people who are regular part-time and regular full-time employees who are not eligible to be members of a collective bargaining unit. Further elaboration of this definition shall be done as needed by NMSU Employee Council.

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

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

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

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

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

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

#### **ARTICLE IV - NOMINATIONS, ELECTIONS, AND TERM OF OFFICE**

Section A: The NMSU Employee Council Chair shall appoint at least three members to an Election Committee. Election board members may not be running for re-election. This Election Committee shall send nomination forms to all personnel of each respective area indicating the number of classifications to be filled. Whenever possible, these shall be sent by November 1 of each year.

Section B: Whenever possible, the Election Committee shall send ballots for each classification to be filled to all personnel of each respective area by December 1 of each year. All personnel of an area may vote once for each classification being filled from their area. Whenever possible, the completed ballots should be received by the Election Committee no later than the working day nearest the 15th of December. The ballots shall be counted by the Election Committee.

Section C: The Election Committee shall notify the Chair of NMSU Employee Council of the number of votes received by each candidate. The chair-elect shall keep this record for the 3-year term in the event that an alternate might need to be selected to fill an unexpired term.

Section D: In cases of tie votes, NMSU Employee Council membership shall vote by secret ballot to determine the winner.

Section E: The Election Committee shall notify each person who was nominated concerning the results of the election. Those elected begin serving their 3-year terms at the February meeting.

Section F: If a member is unable to complete the term of office, NMSU Employee Council shall select, by secret ballot, an elected alternate representing the same area and classification as the departing member to fill out the term.

#### **ARTICLE V - ELIGIBILITY FOR VOTING AND HOLDING OFFICE**

Every full-time employee of the areas listed in Section B of Article III shall be eligible to vote and to hold office. No person is eligible to vote in more than one of these areas.

#### **ARTICLE VI - OFFICERS**

Section A: At the regular February meeting, members of the NMSU Employee Council shall elect from the primary representatives a chair, chair-elect, and secretary/treasurer. The secretary/treasurer shall hold office for 1 year. The chair-elect shall serve as a member of the Executive Committee for 3 years: 1 year as chair-elect, 1 year as chair, and 1 year as past-chair. The chair shall serve for 2 years: 1 year as chair and 1 year as past-chair. In the event that the past-chair no longer serves as a primary NMSU Employee Council member, past-chair will act as an ex-officio member of both the NMSU Employee Council and its Executive Committee during the 1-year past-chair term.

## **ARTICLE VII -- MEETINGS**

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

Section B: The Chair of NMSU Employee Council may call special meetings at any time. Such meetings shall be limited to the consideration of the specific items of business designated in the call of the meeting.

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

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

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

Section F: Primary representatives are requested to attend the monthly meetings on a continuous basis or send an alternate in their place. If a primary representative does not attend two consecutive meetings or fails to have an alternate attend, NMSU Employee Council may replace the primary representative with an appropriate alternate.

## **ARTICLE VIII - PROPOSITIONS AND CONSIDERATION**

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

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

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

## **ARTICLE IX - AMENDMENTS**

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

## **ARTICLE X**

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

**NMSU EMPLOYEE COUNCIL BYLAWS***[Revised by Employee Council 01.10.13]*

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

- a. Attend all regular and special meetings
- b. If unable to attend, arrange for an alternate to attend

7. Alternate Representative:

- a. Attend meetings as a nonvoting member (or stay informed about NMSU Employee Council's business)
- b. Substitute for voting members as requested by a member or the chair
- c. Fill the unexpired term of a member from the same area and classification in the case of the member's resignation

8. Chancellor Representative:

- a. Appointed by the Chancellor
- b. Attend all NMSU Employee Council and Executive Committee meetings as non-voting member
- c. Act as liaison between NMSU Employee Council and the Chancellor

## COMMITTEES

- A. NMSU Employee Council shall have the power to create such committees as may be necessary.
- B. Any regular employee shall be eligible to serve on any of the committees created by the Employee Council, except those requiring membership in the Employee Council.
- C. NMSU Employee Council shall have an Executive Committee that consists of the chair, chair-elect, past-chair (*ex-officio*), secretary/treasurer and Chancellor's Representative (*ex-officio*). This Executive Committee shall maintain an agenda to conduct the business of NMSU Employee Council and make other decisions that may appear necessary or business that NMSU Employee Council may be asked to do.
- D. NMSU Employee Council shall have a standing committee on fringe benefits, excluding insurance. The Fringe Benefits Committee will be comprised of seven members plus two *ex-officio* members. The Fringe Benefits Committee members shall serve staggered 3-year terms, subject to reappointment by NMSU Employee Council. The *ex-officio* members shall be the Human Resources Services Director or a designated representative and the associate vice president budget/controller or a designated representative. The *ex-officio* members shall be non-voting. One member shall be an NMSU retiree and an alternate for the retiree will be appointed. Appointments to the committee shall be made by NMSU Employee Council. The Fringe Benefits Committee shall elect its Chair and other such officers as it deems necessary. The Chair shall serve as an *ex-officio*, nonvoting member of NMSU Employee Council if they are not a duly elected voting member.
- E. NMSU Employee Council shall have a standing committee on insurance. The Insurance Committee will be comprised of six members plus four *ex-officio* members. The Insurance Committee members shall serve staggered 3-year terms. The *ex-officio* members shall be the Human Resources Services Director or a designated representative, the Pioneer Representative from NMSU Employee Council, the Director of University Health Center or their designee and the associate vice president budget/controller or a designated representative. The *ex-officio* members shall be non-voting. Appointments to the Insurance Committee shall be made by NMSU Employee Council and shall have 3 members that are current retirees and 3 members that are currently active employees. NMSU Employee Council will also appoint one alternate that is a retiree and one alternate that is a current employee. The Insurance Committee shall elect its Chair and other such officers as it deems necessary. The Chair shall serve as an *ex-officio*, non-voting member of NMSU Employee Council, if they are not a duly elected voting member.
- F. NMSU Employee Council shall establish committees to do various assignments as they develop. The following steps shall prevail in setting up the membership and organization of such committees: (1) NMSU Employee Council will select the membership of each committee; (2) the Chair of the committee shall be selected by NMSU Employee Council or the Executive Committee; (3) the Executive Committee shall instruct the Chair and the members of the committee on (a) the objectives proposed for the accomplishment of the committee; and (b) a proposed time schedule for the accomplishment of the objectives, with the right of the committee to make adjustments in both (a) and (b) with the consent of the Executive Committee. The committee will be considered as discharged when it completes the assignment.
- G. ROBERTS AWARD - A committee shall be appointed annually to select the recipient for the Stephen W. and Robert E. Roberts Memorial Staff Award. Human Resources will request nominations, compile the results, and

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

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

## **STANDING COMMITTEE APPOINTMENTS**

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

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



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

**Purpose**

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

**Membership**

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

**Meetings**

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

**Duties and Responsibilities**

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

and/or the chief audit executive.

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

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

**Purpose**

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

**Membership**

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

**Meetings**

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

**Duties and Responsibilities**

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

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

**Purpose**

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

**Membership**

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

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

**Meetings**

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

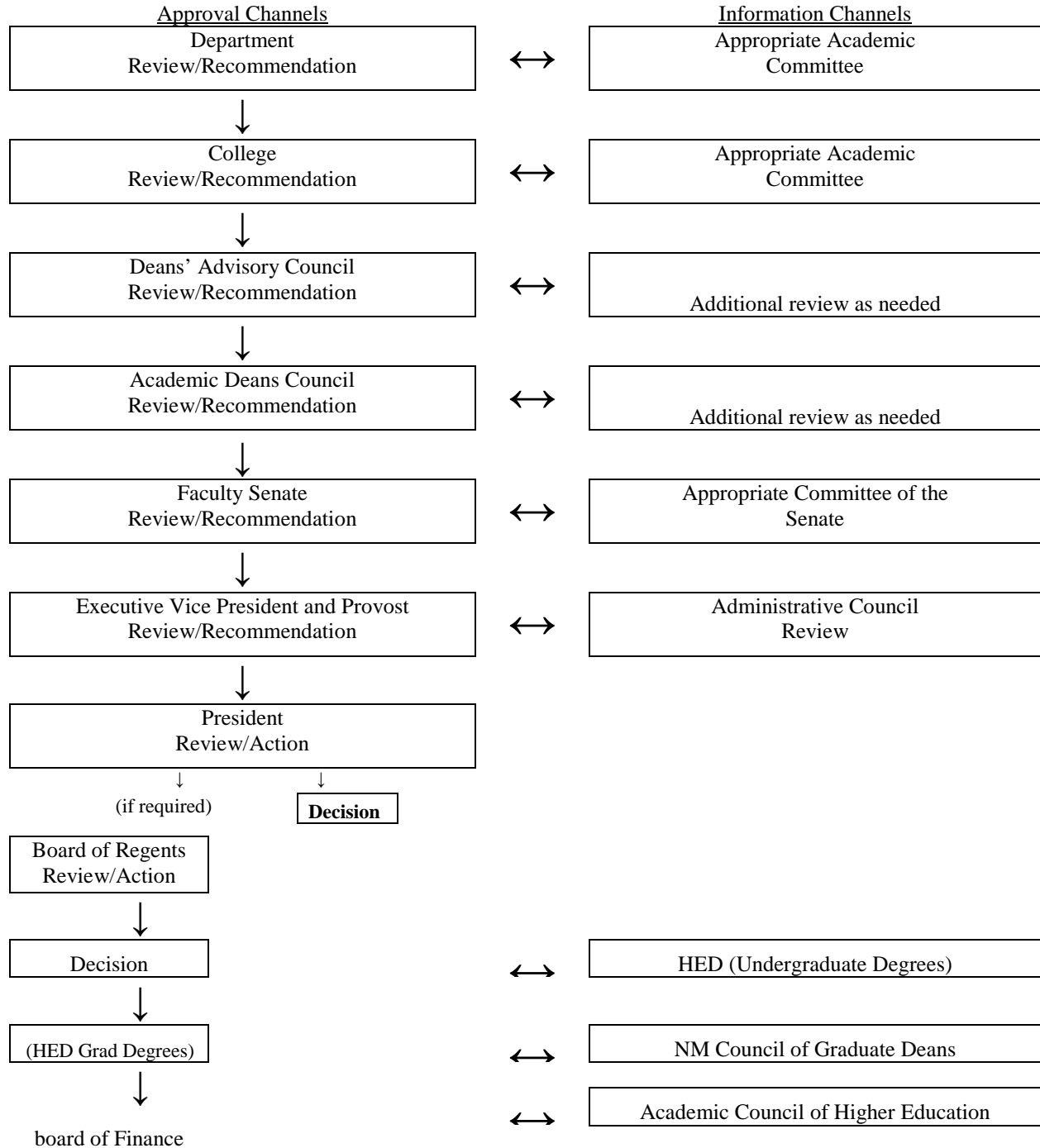
**Duties and Responsibilities**

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

## CHAPTER 5 – HUMAN RESOURCES-FACULTY POLICIES

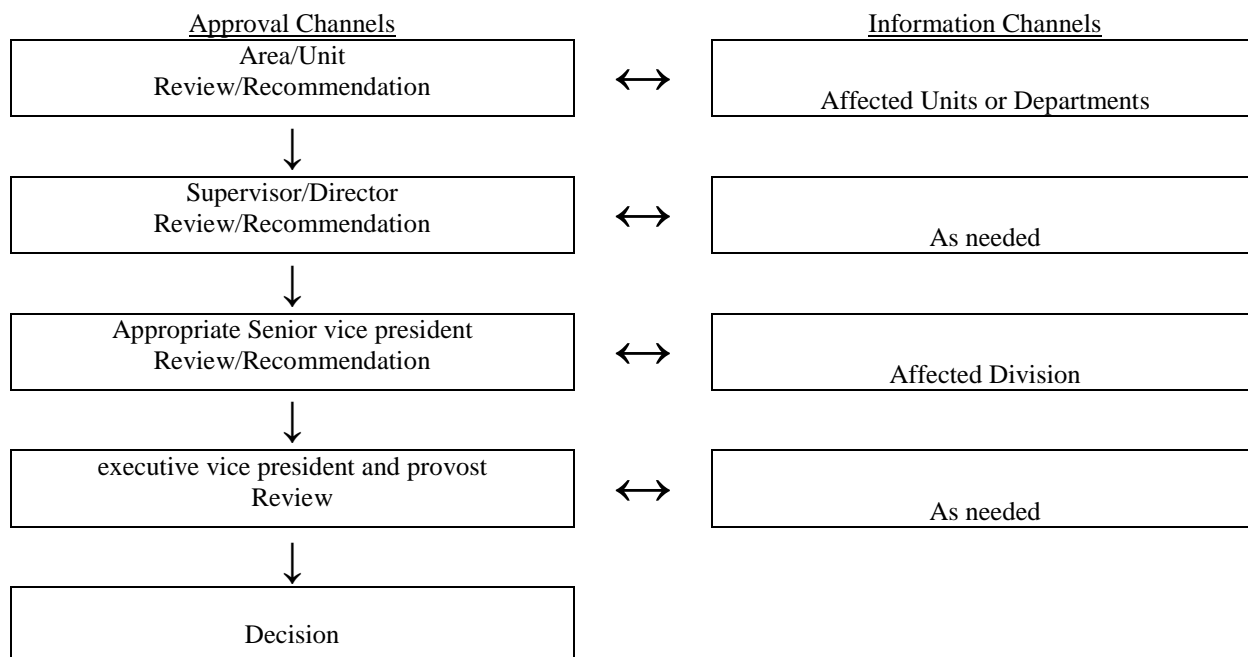
### 5-A Academic Units (Procedures for Changes)

#### APPROVAL PROCESS FOR ACADEMIC PROGRAM CHANGES



**5-B Approval Process for Nonacademic Program Changes**

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



## 5.47 Faculty Discipline Appeal Flowchart (last updated 04.07.11)

