



Regents' Policy Manual

**Proposed Revisions of the Regents' Policy Review
Committee Compiled for Regents' Review**

January 12, 2018

Track-Changes Version

DRAFT OF 10-2-2017 – track changes

Foreword

Origin and Structure of the University

The University of New Mexico, created by an Act of the Territorial Legislature in 1889, opened as a summer normal school on June 15, 1892, and began full-term instruction on September 21 of the same year. In creating the University, the Legislature designated it as a state university whose objective should be to "provide the inhabitants of the State of New Mexico with the means of acquiring a thorough knowledge of the various branches of literature, science, and arts." ~~§ 21-7-2, NMSA 1978, § 21-7-2~~ (Laws 1889, ~~ch~~Ch. 138, § 1).

In keeping with this mandate, the ~~Albuquerque campus University~~ offers undergraduate and/or graduate instruction ~~through fourteen (14) colleges and schools: Anderson School of Management, School of in-Architecture and Planning, College of Arts and Sciences, College of Education, School of Engineering, College of Fine Arts, Honors College, School of Law, School of Medicine, College of Management, Nursing, College of Pharmacy, College of Population Health, University College, and University Libraries and Learning Sciences.~~

~~Additionally, the University offers professional degree programs in Law and Medicine, and graduate instruction through its in Public Administration. All freshman meeting the admission requirements for baccalaureate-level work at UNM are admitted to and enrolled in the University College which administers the Bachelor of University Studies degree program as well as several associate degree programs.~~

~~The University has branch campuses/colleges in Valencia County, Gallup, and Los Alamos, and Taos, operates graduate centers in Los Alamos and a campus in Rio Rancho, as well as other satellite locations. Santa Fe, and operates the Taos Education Center.~~

~~Fully accredited since 1922, the~~The University of New Mexico is the largest of the ~~State's~~state's publicly supported institutions of higher learning ~~and has been fully accredited by the North Central Association since 1922.~~

Mission

~~The mission of the University of New Mexico is to serve the educational needs of the citizens of the state. This mission involves three interrelated dimensions:~~

The University develops and offers **Mission**

Comment [PMD1]: This mission statement was approved by the Board of Regents in December 2001, appears in [Faculty Handbook Policy A20](#), and is being used to support the reaffirmation of UNM's accreditation.

The University will engage students, faculty, and staff in its comprehensive educational, research, and service programs. UNM will provide students the values, habits of mind, knowledge, and skills that they need to be enlightened citizens, to contribute to the State and national economies, and to lead satisfying lives. Faculty, staff, and students create, apply, and disseminate new knowledge and creative works; they provide services that enhance New Mexicans' quality of life and promote economic development; and they advance our understanding of the world, its peoples, and cultures. Building on its educational, research, and creative resources, the University provides services directly to the City and State, including health care, social services, policy studies, commercialization of inventions, and cultural events.

1. comprehensive educational programs at the associate, baccalaureate, master, and doctoral levels in a wide range of academic and professional fields.
2. The University conducts research and engages in scholarly and creative activities to support undergraduate, graduate, and professional educational programs and to create, interpret, apply and accumulate knowledge. The University contributes to the quality of life in New Mexico and beyond by providing to the public selected services that are part of, contribute to, or originate from the University's teaching and scholarly activities.

Reference

- Faculty Handbook A20 ("Vision, Mission, and Value Statements")



Note: RPM 1
is a proposed new policy
and, therefore, we have
not included a track-
changes version for your
review

DRAFT OF 10-2-2017 – track changes

Regents' Policy Manual - Section 1.1: Responsibilities of the Board of Regents

Adopted Date: 09-12-1996 Amended: 12-14-2004 Amended: 06-12-2012

Ultimate Responsibility for University~~the~~ Governance ~~of the University~~

The Board of Regents is responsible for the governance of the University. Only of New Mexico. This responsibility may be exercised only by the Board as a unit may exercise this responsibility; individual Regents are without power to act separately in the transaction of University business, except when one of the Board's officers is specifically authorized to act on behalf of the Board.

The Board's power to govern the University includes fiduciary responsibility for the assets and programs of the University, establishment of goals and policies to guide the University, and oversight of the functioning of the University. The Board vests responsibility for the operation and management of the University in the ~~President of the University~~ President.

Duties and Functions of the Board

The Board shall carry out the duties and functions authorized by law and as specified in this policy manual including, but not limited, to the following:

1. Appoint a ~~President of the University~~ President who serves as chief executive officer, Chief Executive Officer; and delegate authority to the President for effective operation of the University.
2. Adopt Board of Regents' policies for the governance of the University, and, as necessary, periodically review and approve revisions to the Regents' Policy Manual ~~for compliance and revision, in addition to revisions submitted, as necessary, at any time.~~
3. Establish, and periodically review, the mission, goals, objectives of the University, and a long-range campus master plan for the physical development of the University; and campus locations.
- 3.4. Createcreate colleges and, schools, and branches.
- 4.5. Approve the constitutionconstitution or other governing documentsdocument of faculty, staff, and student governing bodies and component or affiliated organizations, as determined to be appropriate by

the University President ~~and the Board~~.

~~5.6.~~ 6. Approve all degrees awarded by the University.

~~6.7.~~ 7. Enter into, and review biennially, operating agreements with the ~~board~~Board of ~~advisors~~Advisors of each branch community college and instructional center~~college~~.

~~7.~~ 8. ~~Approve the organizational structure for the University, and any major revisions proposed by the President.~~

8. Take any other actions required by law to be decided at the level of the Board.

The Board reserves the right to consider and determine any matter relating to the University.

References

- ~~N.M. Constitution~~Const. Art. XII, § 13 ("Board of regents")
- ~~;~~NMSA 1978, §§ 21-1-1 et seq. ("General provisions related to state educational institutions") and 21-7-1 et seq. ("University of New Mexico")

DRAFT OF 9-11-2017 – track changes

Regents' Policy Manual - Section 1.2: Structure of the Board of Regents

Adopted Date: 09-12-1996

Amended: 09-09-2003 Amended: 08-10-2004 Amended: 12-14-2004

Amended: 03-14-2005 Amended: 10-10-2006 Amended: 12-14-2010

Amended: 09-12-2014 Amended: 06-12-2015 Amended: 08-14-2015

Amended: 03-14-2016

Appointment of Members

The Board of Regents is composed of seven (7) members who are appointed by the Governor of New Mexico, with the consent of the Senate, for staggered terms of six (6) years except for the student regent who is appointed for a two-(2)-year term. Under state law, the Governor and the Secretary of Education are designated as ex-officio, non-voting advisory members. The non-voting Regent advisors are the Chair of the UNM Foundation Board and the Presidents of the Faculty Senate, Staff Council, Associated Students of UNMthe University of New Mexico, Graduate and Professional Student Association, Alumni Association, UNM Retiree Association, and UNM Parent Association, ~~and the Chair of the UNM Foundation are non-voting advisors.~~

Removal of Members

Members of the Board of Regents shall not be removed except for incompetence, neglect of duty, or malfeasance in office. A member may not be removed without notice of hearing and an opportunity to be heard. The New Mexico Supreme Court has original jurisdiction over proceedings to remove a member of the Board of Regents in accordance with such rules as the Court may promulgate, and its decision in such matters is final.

Officers

The Board of Regents is required by statute to meet in Albuquerque on the second Monday in March of each year to elect a president and secretary-treasurer, at which time, though not required by statute, the Board also elects a vice president. The Board President presides at all meetings of the Board and signs all instruments required to be executed by the Board. When the Board President ~~of the Board of Regents~~ is absent, the Board of Regents hereby appoints the Vice ~~-~~President to serve as Presidentpresident pro tem.

Compensation

Members of the Board are not remunerated for their services. They are, however, eligible for travel reimbursement, pursuant to the University's travel reimbursement policies. (See, [RPM 7.7 and UAP 4030.](#)) ("[Travel](#)")

Conflict of Interest

Members of the Board are subject to the "Regents' Code of Conduct and Conflicts of Interest Policy." ([See, RPM 1.8.](#))

Orientation of New Members

~~When a~~The University Counsel will provide new member is appointed to the Board, the member may choose to receive hard copies of the Faculty Handbook and the Regents' Policy Manual, or elect to access the manuals online at <http://handbook.unm.edu> and at <http://policy.unm.edu/regents-policies/index.html>, respectively. New members ~~also will receive~~with a compilation of current New Mexico statutes pertaining to the Regents. The [Board](#) President will arrange briefing sessions for newly appointed Regents. to orient them to the University and apprise them of their fiduciary duties. New members shall familiarize themselves with the Regents' Policy Manual, Faculty Handbook, University Administrative Policies and Procedures Manual, and Pathfinder.

Standing Committees

In order to facilitate the work of the Board of Regents, the [Board](#) President ~~of the Board of Regents~~ appoints members to standing committees each year and appoints chairs and vice- chairs of each committee. ~~The Board President of the Board of Regents may appoint him or herself as a~~ may become a self-appointed member of any standing committee. ~~The Board President of the Board of Regents~~ shall consult with the Board of Regents concerning such appointments to committees.

~~Consistent with the requirements of the University Research Park and Economic Development Act ("URPEDA"), the President of the Board of Regents nominates members to serve on the various boards of directors of URPEDA corporations in which the University is a member following the approved bylaws of each URPEDA corporation and nominees will be appointed to each such Board upon the vote of a majority of the Regents.—~~

The standing committees of the Board of Regents are Audit and Compliance; Finance and Facilities; Academic, Student Affairs and Research; and the Health Sciences Center (HSC). ~~The Board President of the Board of Regents~~ may

name other standing committees with the consent of the Board of Regents.

Each standing committee shall consist of three (3) Regent members. -One Regent must be a member of both the Finance and Facilities Committee and the HSC Committee. -A quorum of a Regents' committee consists of a majority of the appointed members of that committee. The Board President ~~of the Board of Regents~~ may be self-designated, or may designate other Regents, to serve as alternate voting members of standing committees ~~him or herself or another Regent as alternate members of a standing committee or board who may serve as voting members whenever any of when~~ the Regent members are not present.

Each standing committee shall have a designated ~~vice-chair responsible for assisting~~ University administrator who assists the chair of the committee. The chair of each committee shall be responsible for preparing the agenda for the committee meetings, in consultation with the designated administrator, the University President, and the Board President ~~of the Board of Regents. The University President may submit agenda. Action~~ items for the ~~committee to the President of the Board of Regents and the chair of the committee. All action items for the Board of Regents are~~ typically firstare reviewed first by a standing committee.

The duties and responsibilities of the HSC Committee are set forth in RPM 3.5. The duties and responsibilities of the Audit and Compliance Committee are set forth in RPM 7.3. The other standing committees' duties and functions are determined by the Board of Regents, and shall include at least gathering information; conferring with members of the administration, faculty, staff, student body, and public on the topics within the ~~committee's~~ committees' duties; and making recommendations for action by the Board of Regents. -The chairs of the standing committees (or vice-chairs in the absence of the chairs) shall report the committee recommendations to the Board of Regents at its meetings.

Standing committees do not constitute a quorum of the Board of Regents and have no authority to act for the Board of Regents. -All standing committees will abide by the New Mexico Open Meetings Act, except that in addition to the exclusions listed in the Act, the standing committees may close meetings, when less than a quorum of the Board of Regents is present, in the following instances: (1) to meet with internal or external auditors to discuss any examination or audit prior to the release of an audit report; ~~and/or~~ (2) to meet with attorneys from the Office of University Counsel ~~and/or~~ hired outside counsel to discuss any matter that is protected by the attorney-client privilege.

University Research Park and Economic Development Act Corporations

Consistent with the requirements of the University Research Park and Economic

Development Act (URPEDA), the Board President nominates members to serve on the boards of directors of URPEDA corporations in which the University is a member, following the approved bylaws of each URPEDA corporation, and nominees will be appointed to each such board upon the vote of a majority of the Regents. See RPM 7.17 for a list of URPEDA corporations.

Consent Agenda Matters

Certain matters, or categories of matters, may be referred ~~by~~to the Board of Regents ~~for discussion and recommendation~~as consent agenda items by a standing committee and thereafter placed on the Board of Regents' consent agenda for approval by the Board of Regents without further discussion. ~~All matters, or categories of matters, within the subject matters regularly assigned to a standing committee shall be deemed to have been referred by the Board to that standing committee. Any~~Upon request, any member of the Board of Regents shall have the right, ~~upon request,~~ to remove ~~any~~an item from the Board's consent agenda and place the item on the Board's regular agenda for discussion.

Operations Committee

In addition to the standing committees, there shall be an Operations Committee ~~which shall consist of the President consisting~~ of the Board ~~of Regents~~President as chair, together with two (2) other Regent members appointed by the Board ~~President of the Board~~. The Operations Committee will meet informally, including by telephone conference, to discuss the agenda for upcoming Board of ~~Regents~~Regents' meetings and other items of business likely to come before the Board of Regents. The meetings of the Operations Committee will not be subject to the requirements of the Open Meetings Act.

Ad Hoc Committees

From time to time the Board President ~~of Board~~ may appoint ad hoc committees consisting of two (2) or three (3) Regent members to gather information and make recommendations to the Board of Regents about specified matters. Public notice of such meetings will be given and public attendance and participation permitted as deemed appropriate by the committee chair.

Quorum for Meetings of the Board

Four (4) of the seven (7) members of the Board shall constitute a quorum for the transaction of business.

Agenda for Meetings

~~Items are typically considered by the appropriate Board of Regents' committee before going to the full Board of Regents.~~ The University President is responsible for preparation of the written agenda for Board of ~~Regents~~Regents' meetings; the President consults with the Board President ~~of the Board of Regents~~ about each agenda. Copies of the agenda are distributed to the Regents, the University President, other administrators, representatives of the news media, other interested parties, and posted on the University's website.

Additions to the agenda may not be made less than seventy-two (72) hours prior to the meeting, except in the case of an emergency as defined in the Open Meetings Act. The Board of Regents will consider such emergency changes to the agenda at the beginning of ~~each~~a meeting, but once the Board of Regents formally approves the agenda, it will be followed.

Persons or groups wishing to place an item on the agenda of the Board of Regents, whether for possible Board of ~~Regents~~Regents' action or for purposes of addressing the Board of Regents about an item, must submit a letter to that effect to the Board President ~~of the Board of Regents~~ via the University President not less than four (4) working-business days prior to the scheduled meeting. Final decisions to place items on the agenda or to refer items to committee will be rendered by the Board President ~~of the Board of Regents~~ after consultation with the University President.

Conduct of Meetings

Parliamentary procedure shall be governed by the most current revision-edition of Roberts' Rules of Order, except that New Mexico law or other applicable Regents' policies will govern if there is a conflict with Roberts' Rules of Order.

References

- ~~N.M. NM Const., art~~Art. XII, § 13 ("Board of regents")
- ~~N.M. STAT. ANN. NMSA 1978,~~ §§ 21-1-9 ("Expenses of members of boards of regents"), 21-1-13 ("Ex officio board memberships of governor and superintendent of public instruction"), 21-7-5 ("Annual organization meeting of board; election of officers; bond of secretary-treasurer; conditions"), 21-7-6 ("President; secretary and treasurer; duties and powers") ~~(1978)~~
- NMSA 1978, § 10-15-1 et seq. ("Open Meetings Act")
- RPM 1.8 ("Regent Code of Conduct and Conflicts of Interest")
- RPM 3.5 ("UNM Health Sciences Center Committee")
- RPM 7.3 ("Audit and Compliance Committee")
- RPM 7.7 ("Travel Reimbursement and Per Diem")
- RPM 7.17 ("University-Affiliated Organizations")
- UAP 4030 ("Travel")

DRAFT OF 9-11-2017 – track changes

Regents' Policy Manual - Section 1.3: Public Notice of Regents' Meetings

Adopted Date: 09-12-1996

Amended: 12-08-1998

Amended: 03-11-2002

Amended: 09-09-2003

Amended: 03-14-2005

Amended: 06-12-2012

Amended: 05-01-2013

Amended: 05-01-2014

Amended: 12-13-2016

1. Policy

This policy is adopted pursuant to the New Mexico Open Meetings Act, NMSA 1978, § 10-15-1, et seq.

2. Regular Meetings

Regular meetings of the Board of Regents will be held on the second Monday in March and at regular pre-announced intervals, which are generally monthly, unless otherwise announced in the Notice-notice of Regular-regular Meetings meetings pursuant to this policy.

Notice of Regular Meetings

Notice to the public of the regular meetings of the Board of Regents will specify the date, time, and place thereof and will state that a copy of the agenda will be made available on the public regents.unm.edu website, at least seventy-two (72) hours prior to the meeting. Notice will be given to those newspapers and broadcast stations that have filed a written request with the University Communication and Marketing Department for such notices of meetings. Notice will be by email at least ten (10) days prior to the meeting and the written Notice-notice will be placed on the public regents.unm.edu website.

3. Special Meetings

Special meetings of the Board of Regents may be called by the Board President or any four (4) members of the Board.

Notice of Special Meetings

Notice to the public of special meetings of the Board of Regents will specify the date, time, and place thereof and will state that a copy of the agenda will be made available on the public regents.unm.edu website, at least seventy-two (72) hours prior to the meeting. Notice will be given to those newspapers and broadcast stations that have filed a written request with the University Communication and Marketing Department for such notices of meetings. Notice will be by email at least seventy-two (72) hours prior to the meeting and the written notice will be placed on the public regents.unm.edu website.

4. Emergency Meetings

Emergency meetings of the Board of Regents may be called by the Board President or any four (4) members of the Board only in the event of unforeseen circumstances that, if not addressed immediately by the Board, will likely result in injury or damage to persons or property or substantial financial loss to the University. The Board will avoid emergency meetings whenever possible.

Notice of Emergency Meetings

Notice to the public of emergency meetings of the Board of Regents will specify the date, time, place, and subject matter thereof and will be given to those newspapers and broadcast stations that have filed a written request with the University Communication and Marketing Department for such notices of meetings. Notice will be by email, at least twenty-four (24) hours prior to the meeting or by such other notice as soon as possible and as may be practicable under the circumstances.

Report to the New Mexico Attorney General

Within five (5) days of taking action on an emergency matter, the Board of Regents shall report to the New Mexico Attorney General's Office the action taken and the circumstances creating the emergency.

5. Compliance with the Americans with Disabilities Act

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 a meeting of the Board of Regents, please contact the University Communication and Marketing Department with as much advance notice as possible to allow for arranged services. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the University Communication and Marketing Department if an accessible format is needed.

6. Remote Participation in Meetings

A member of the Board of Regents may participate in a regular, special, or emergency meeting of the Board by means of a conference telephone or other similar communications equipment when it is otherwise difficult or impossible for the member to attend the meeting in person. Each member participating remotely must be identified when speaking, all participants must be able to hear each other at the same time, and members of the public attending the meeting must be able to hear any member of the Board who speaks during the meeting. The minutes of any meeting at which there is remote participation shall identify any Regents who were not physically present but who participated remotely.

7. Closed Meetings (Executive Sessions)

Exceptions to Open Meetings Act

Meetings of the Board of Regents may be closed, according to the procedures set out below, only if the matter to be considered falls within one of the enumerated exceptions defined in § 10-15-1(H) of the Open Meetings Act or if closure can be implied from or required by other laws or constitutional principles which specifically or necessarily preserve the confidentiality of certain information.

Closing an Open Meeting

If notice has not been given previously that a meeting will be closed, a meeting may be closed by ~~Closing of a meeting shall be by~~ a majority vote of a quorum of the Board during the open meeting, with the vote of each member being recorded. The motion shall state: (1) the authority for the closure (the statutory provision); and (2) the subject to be discussed with reasonable specificity. The matter to be discussed must have been included on the agenda, except for emergency matters.

Calling a Closed Meeting Outside of an Open Meeting

Notice that a meeting will be closed, in whole or in part, will be given as specified above for a regular, special or emergency meeting, as appropriate, by so specifying either in the notice of the meeting or on the agenda. The notice shall state the specific provision of the law authorizing the closed meeting and shall state the subject to be discussed with reasonable specificity.

The minutes of the next open meeting shall contain information about the closed meeting, including the date, time, place, and subject matter of the closed meeting, the names of the Regents present at the closed meeting, the names of the absent Regents, and a statement that the matters discussed in the closed meeting were limited only to those specified in the notice of the closed meeting.

Action

Any final action taken as a result of discussions in a closed meeting shall be made by a vote of the Board of Regents at an open public meeting, with the exceptions allowed under § 10-15-1(H).

8. Agendas

A copy of the agenda for each regular and special meeting of the Board of Regents will be available at least seventy-two (72) hours prior to the meeting (and the notice of the meeting shall so state) and will be placed on the regents.unm.edu website. Except for emergency matters, the Board shall take action only on items appearing on the agenda.

9. Public Input at Meetings

An opportunity for public input regarding agenda items shall be provided at each regular meeting during Board consideration of the agenda item in question. The Board President shall determine the length of time to be allowed for public input for each agenda item, the sequence in which individuals may address the Board, and the length of time that will be allowed for each person to address the Board. The Board President may request that a group designate spokesperson.

10. Minutes

The Board of Regents shall approve and keep written minutes of all its meetings. The minutes shall include, at a minimum: (1) the date, time, and place of the meeting; (2) the names of Regents in attendance and those absent; (3) a statement of what proposals were considered; and (4) a record of any decisions made by the Board and how each Regent voted.

Draft minutes shall be prepared within ten (10) working days after the meeting and must be available for public inspection. The draft minutes must clearly indicate that they are not the official minutes and are subject to approval by the Board.

Draft minutes shall be approved, amended, or disapproved at the next regular meeting where a quorum is present. Minutes shall not become official until approved by the Board of Regents. Official minutes are subject to public inspection.

No minutes need to be kept during closed sessions, but information about the closed session must be recorded as specified in the "Closed Meetings" section of this [resolutionpolicy](#).

Recordings of Board of Regents' meetings shall be kept for, at minimum, three (3) years.

11. References

- NMSA 1978, § 10-15-1 et seq. ("Open Meetings Act")
- NMSA 1978, § 21-7-5 ("Annual ~~Organization Meeting~~organization meeting of ~~Board; Election~~board; election of Officers; ~~Bond~~officers; bond of ~~Secretary-Treasurer; Conditions~~)secretary-treasurer; conditions")

DRAFT OF 9-11-2017 – track changes

Regents' Policy Manual - Section 1.4: Appointment of the ~~President of the~~ University President

Adopted Date: 09-12-1996 Amended: 10-13-1998

Applicability

This policy applies to the selection and appointment of the ~~President of the~~ University President.

Definition

The term "candidate" includes both applicants and nominees for the position of ~~President of the~~ University President.

Policy

The Board of Regents is responsible for selecting and appointing a ~~President of the~~ University President. The Board considers this to be one of its most important responsibilities.

Implementation

Whenever the position of ~~president~~President becomes vacant, the Regents shall conduct a search for qualified candidates for the ~~presidency~~Presidency. The Board shall be guided by equal employment opportunity and affirmative action principles and procedures.

The Board may appoint an advisory search committee to aid in identifying qualified candidates for the ~~presidency~~Presidency. Such a committee should be representative of the various segments of the University community and may include Regents and one or more members from the community at large. The Board will carefully consider the committee's recommendations before taking final action but cannot be bound by those recommendations, because the Board has sole legal responsibility for appointing a ~~president~~President of the University.

All Regents, search committee members, or employees involved in the ~~presidential~~Presidential search process at the University shall keep confidential the ~~candidates' identities~~identity of candidates for President and ~~other identifying information~~the details of the deliberations of those responsible for screening candidates, except as ~~authorized~~provided in this policy. Under all circumstances, letters of reference, the deliberations of the search committee, and other similar evaluative materials shall be kept confidential with respect to all candidates. Preliminary interviews of candidates by the search committee or any member or subcommittee of the search committee prior to the public identification of finalists shall also be confidential.

At least twenty-one (21) days before the date of a meeting of the Board of Regents at which final action is taken on selection of the University President, the Board shall give public notice of names of the finalists being considered for the position. The Board shall consider in the final selection process at least five (5) finalists. The required notice may be provided through various methods, which must include publication in a newspaper of statewide circulation and in a newspaper of county-wide circulation in Bernalillo County. The required publication shall be made at least twenty-one (21) days and not more than thirty (30) days before the described meeting. Copies of the resumes or curriculum vitae of the finalists shall be made available at the same time public notice is given of their names.

The Board may appoint an interim or acting president pending completion of a search for a permanent president.

The University President serves at the discretion of the Board, subject to the terms of the President's contract.

References

- ~~NMSA 1978~~Inspection of Public Records Act, § 21-4-2-1-16.1, NMSA 1978 (“State institutions of higher education; presidential searches”), ~~as amended, Special Session 1998.~~

DRAFT OF 9-11-2017 – track changes

Regents' Policy Manual - Section 1.5: Appeals to the Board of Regents

Adopted Date: 09-12-1996

Applicability

This policy applies to appeals ~~of administration, faculty, student government, or hearing board decisions~~ to the Board of Regents.

Policy

~~Faculty, staff, or students~~ Any person affected by ~~a decision~~ final decisions of the administration, faculty, student government, or a hearing board may appeal the decision to the Board of Regents. The Board has discretion to determine whether the appeal will be considered, ~~except for those~~ with the following exceptions. The Board is required to hear certain appeals from decisions of the Academic Freedom and Tenure Committee. In contrast, federal regulations prohibit the Regents from accepting appeals pertaining to decisions of the University's institutional review boards (which ~~the Board is required to hear~~ oversee human subjects research) or Institutional Animal Care and Use Committee.

The Board upholds the rights of appeal afforded under University policies. Any person wishing to appeal a final decision to the Board may submit a written petition to the Office of the Regents, which will inform the Office of the University President of the Regents' receipt of the appeal. The Board may refer appeals to a committee of the Board for recommendation as to whether the appeal should be heard.

Implementation

~~A person wishing to appeal a decision to the Board must submit a written petition to the Board through the President of the University.~~ The petition must be filed within thirty (30) calendar days from the date of the final decision ~~being appealed was rendered,~~ -unless expressly otherwise provided by University policy ~~to the contrary.~~ A final decision is the last step of appeal or review provided for in a University policy or document and may include decisions of

administration, faculty, student government, or hearing boards. The petition must describe the decision being appealed and the basis for the appeal. Generally, the Board accepts appeals only in extraordinary circumstances.

The Board shall have sixty (60) calendar days to determine whether to accept a discretionary appeal. In considering whether to ~~take~~accept a discretionary appeal, and in considering the appeal itself, the Board (or a committee if one is appointed ~~to consider whether an appeal should be heard~~) may request written briefs, oral arguments, or both.

~~The Board shall render~~ At its ~~final decision within 90 days from the date the appeal was filed unless a delay is~~ discretion, the Board may extend its time to consider a requested ~~by one of the parties and approved by the President of the Board. If no decision is rendered within the deadline, the appeal shall be deemed denied.~~appeal.

References

~~Other documents and policies that specifically mention appeals to the Board of Regents include, but are not necessarily limited to:~~ **Faculty Handbook Section B, UAP 3220 ("Ombuds/Dispute Resolution Services for Staff"),** **Student**

~~Grievance Procedure.~~ Reference

- RPM 1.1 ("Responsibilities of the Board of Regents"): "The Board reserves the right to consider and determine any matter relating to the University."

DRAFT OF 9-12-2017 – track changes

Regents' Policy Manual - Section 1.6: Special Recognition and Awards

Adopted Date: 09-12-1996 Amended: 11-14-1996

Applicability

This policy applies to awards of honorary degrees and other types of special recognition given on behalf of the University at the discretion of the Board of Regents. This policy does not preclude other kinds of awards and recognition by other units or officials of the University.

Policy

It is the practice of the Board of Regents of the University to recognize from time to time the contributions of special people to the University, to the ~~state~~ State of New Mexico, or to the national or international community. The Board has established the following awards for this purpose.

1. **Honorary Degrees.** The University ~~of New Mexico~~ wishes to recognize and thereby encourage individuals by awarding special honors to those persons who have contributed significantly to the cultural or scientific development of the Southwest, or to the spiritual or material welfare of its people. At the same time, due regard should be paid to eminent individuals and scholars whose contributions are of general significance and transcend geographic limitations. In no case should a passing courtesy to the University ~~of New Mexico~~, such as the delivery of a commencement address, be the sole or principal cause for such honorary awards. The award of an honorary degree to a person seeking or holding a political office does not indicate endorsement by the University ~~of New Mexico~~. Political involvement should not prevent selection of an individual for an honorary degree. It is not the University's policy to award honorary degrees to active members of the faculty, staff, or administration. This does not preclude, in an exceptional case, the awarding of an honorary degree to an emeritus member of the faculty or to a former employee whose stature remains or becomes eminent in the years following active service with the University. In such exceptions, sufficient time shall have elapsed to insure objectivity in the process of selection. Honorary

degrees will be awarded only upon the approval of the Regents, based on recommendations from the Honorary Degree Committee, whose membership is set out in the Faculty Handbook.

2. **Regents' Meritorious Service ~~Medal~~Award.** The Regents' Meritorious Service ~~Medal~~Award will be awarded to a member or members of the faculty and staff of the University ~~of New Mexico~~ in recognition of extraordinary and distinguished service to the University. The criteria for the faculty award will be outstanding teaching, service to students, research, scholarship, publications, performance in faculty and University governance, or other such contributions which have enhanced the institution. The criteria for the staff award will be outstanding performance of duties and meritorious service which have enhanced the University. ~~Nominations for these awards may be submitted to the President by students, faculty, and staff. The final decision~~Selection will be made by the Regents.
3. **Regents' Recognition ~~Medal~~Award.** The Regents' Recognition ~~Medal~~Award will be awarded by the Regents ~~of the University of New Mexico~~ to a person or persons, other than faculty or staff, who have performed outstanding service to the institution. The criteria for the award will be extraordinary and unselfish assistance to the University over an extended period of time. However, a single service might be recognized if, in the judgment of the Regents, circumstances warrant. Selection will be made by the Regents.
4. **The University Medal.** The University Medal will be awarded by the Regents ~~of the University of New Mexico~~ to a person of national or international accomplishment deserving of high honor. In keeping with the universal nature of the knowledge and public service which are embodied in the very essence of the University, the University Medal will be used to express the appreciation of the University for the accomplishments and contributions of the individual, which may be in any field of knowledge or public service of national or international character. No limits of residence or national origin are to be placed on this award. Since the desirability of honoring such persons should be both obvious and compelling, the Regents will not grant this award on a systematic basis, nor institute fixed time periods for making the award. The medal will be awarded only in the event that the attainments of a qualified individual are such that the administration and Regents are persuaded that this rare and special recognition is clearly deserved.

Implementation

Awards will be a silver alloy medal, or other appropriate device, bearing the seal of the University of New Mexico and other appropriate designs and will be accompanied by a certificate upon which the nature of the service will be cited.

DRAFT OF 9-12-2017 – track changes

Regents' Policy Manual - Section 1.7: Advisors to the Board of Regents

Adopted Date: 09-12-1996 Amended: 08-14-2007 Amended: 08-12-2008

Applicability

This policy applies to advisors to the Board of Regents.

Policy

The Board of Regents is committed to open communication with various constituencies on campus and values their advice on matters of policy and other actions affecting the University. The position of ~~Advisor~~ advisor to the Board of Regents is one method of assuring appropriate and adequate communication. Advisors are not intended to substitute for other forms of communication and access to the Regents, but rather to facilitate and focus the expression of points of view to the Board of Regents.

Advisors to the Board of Regents shall include the following:

- President of the Faculty Senate
- President of the Associated d Students of the University of New Mexico (ASUNM)
- President of the Graduate and Professional Students Association (GPSA)
- President of Staff Council
- President of the UNM Alumni Association
- President of the UNM Retiree Association
- President of the UNM Parent Association
- Chair of the UNM Foundation Board

These bodies represent the major campus constituencies.

The advisors shall serve in an advisory, nonvoting capacity for the term of office to which each was elected. ~~No provision will be made for a substitute to serve in the absence of an advisor.~~

DRAFT OF 9-12-2017 – track changes

Regents' Policy Manual - Section 1.8: Regent Code of Conduct and Conflicts of Interest Policy

Adopted Date: 09-12-1996

-Amended: 07-15-2003

-Amended: 09-09-2003

Renumbered from 6.4: June 9, 2004

Applicability

This policy applies to members of the ~~University~~ Board of Regents.

Policy

~~1. Members of the Board of Regents shall use the powers ("Regents") are expected to perform their duties faithfully and resources efficiently and never to give rise to suspicion of their office only to advance the University's improper conflict with~~ interests ~~and not to obtain personal benefits or pursue private interest of the University.~~ Regents shall not accept favors or gratuities of significant economic value from any firm, person, or corporation that is engaged in, or attempting to engage in, business transactions with the University. They must avoid any conflict of interest that ~~might~~ may affect their independent judgment in the impartial performance of their duties. They may not engage in official acts for the purpose of enhancing ~~use their positions to enhance~~ their direct or indirect financial interest or use or disclose confidential information learned as a Regent for anyone's private gain. Regents shall comply with state conflict of interest laws as well as University policies.

~~2.~~ No Regent shall maintain a financial interest in a firm or corporation with which the University is engaged in business. In addition, a Regent shall not participate directly or indirectly in any decisions relating to any transaction between the University and a business entity of which the Regent or any member of the Regent's immediate family is a director or trustee.

~~3.~~ For the purposes of this policy, "financial interest" includes any direct or indirect financial interest. This includes any transaction between the University

and the Regent or a ~~member of the~~ Regent's immediate family member. An "immediate family member" is a family member who shares a home with a Regent; or is a person who receives financial support of more than twenty-five percent (25%) of his or her annual income from a Regent; or is a person who is claimed as a dependent for federal income tax purposes by a Regent. "Financial interest" also includes any transaction between the University and a business entity (corporation, sole proprietorship, partnership, LLC, or similar entity), including parents or subsidiaries of the business entity, in which the Regent or a ~~member of the~~ Regent's immediate family member:

- a. • has an ownership interest (other than as owner of less than one percent (1%) of the stock of a publicly traded corporation),; or
- is a partner or officer of such business entity or an employee of such business entity whose compensation is related to business transacted with the University.

~~4. A member of the Board of Regents will have 120 days from the date the Board of Regents approves the "Regent Code of Conduct and Conflicts of Interest Policy" ("Code") to fully comply with the Code.~~ Each Regent will annually certify compliance with this policythe Code on a form approved by the Regents. Each annual certification shall be filed by the Regents with the University Counsel who shall furnish a copy to the Executive Vice President for Administration. If a Regent fails to file an annual certification or fails to comply with other aspects of this policythe Code, the Board of Regents shall give written notice to the Governor of the State of New Mexico. The Regents shall make any such notice public. Violation of this policythe Code by a Regent will be grounds for removal of that Regent pursuant to Art. ~~iele~~ XII, §Section 13.D of the Constitution of New Mexico.

~~5. The Members of the Board of Regents are required by the~~ Financial DisclosuresDisclosure Act, Section 10-16A-1, et seq., NMSA 1978, § 10-16A-3, requires each Regent to file a yearly Financial Disclosure Statementreport with the New Mexico Secretary of State concerning the Regent's financial interests. A copy of the Financial Disclosure Statementsuch report shall also be filed by the Regent with the University Counsel who shall furnish a copy to the Executive Vice President for Administration and distribute a copydistributed to each member of the Board of Regents. The report filed with the University CounselVice President shall be amended whenever it issupplemented to the extent necessary to reflect significant changed circumstances. set forth the Regent's financial interests as defined in Section 3 of this policy.

In accordance with NMSA 1978, § 10-16-11.D, this code of conduct shall be reviewed at least once every four (4) years.

References

- NM Const. Art. XII, § 13 (“Board of regents”)
- NMSA 1978, § 10-16-1 et seq. (“Governmental Conduct Act”)
- NMSA 1978, ~~§ 10-16-1 et seq.~~; Procurement Code §§ 13-1-190, -193, -195; 21-1-17, -35 (“Procurement Code”)
- NMSA 1978, § 10-16A-3 (“Financial Disclosure Act”)
- NMSA 1978, § 10-~~16B~~16A-1, et seq. (“Gift Act”)

DRAFT OF 9-12-2017 – track changes

Regents' Policy Manual - Section 2.1: Free Expression and Advocacy

Adopted Date: 09-12-1996

Applicability

This policy applies to all members of the University community, including Regents, faculty, students, staff, and visitors.

Policy

Freedom of ~~academic~~ inquiry and freedom of expression are indispensable elements of a university. The freedom to engage in advocacy and to express dissent by lawful means, including peaceable assembly and the right of petition, is as important on a university campus as elsewhere in our society. The Regents have protected and defended, and will continue to protect and defend, the academic freedom of all members of the University community. The exercise of the freedom to of expression and dissent, however, must be balanced with the rights of others, ~~respect for others, the educational process, and to learn, work, conduct business, and engage in~~ other legitimate University activities ~~and interests~~.

The Regents recognize ~~and approve~~ the right of free speech and ~~honest~~ expression of opinion on any subject by any member of the University community, subject only to reasonable ~~viewpoint-neutral rules~~ rules that apply uniformly and do not discriminate among points of view. Those who speak or act shall not do so in the name of the University or any of its organizations unless there has been specific authorization to do so. The ~~President of the~~ University President, as its ~~Chief-chief Executive-executive Officer-officer~~, is authorized by the Board of Regents to be the primary spokesperson for the University. The ~~President of the~~ Board of Regents President is authorized to speak officially on behalf of the Board.

Implementation

~~The President of the University shall develop viewpoint-neutral administrative policies and procedures for free expression and advocacy on University grounds.~~

References

- United States Const., First Amendment;
- New Mexico Const., art. II, § 17 (“Freedom of speech and press; libel”); see, Policy on Mall Use/Time, Place, and Manner of Public Expression; Mall Amplification Policy; Policy on Demonstrations and Assemblies; published annually in the Pathfinder.
- UAP 2220 (“Freedom of Expression and Dissent”)

DRAFT OF 9-12-2017 – track changes

Regents' Policy Manual - Section 2.2: Speakers from Off Campus

Adopted Date: 09-12-1996

Applicability

This policy applies to all speakers at the University who are not affiliated with the University of New Mexico, whether or not sponsored by members of the campus community.

Policy

The University encourages free inquiry on the campus. It provides a forum for a wide variety of speakers, including those expressing unpopular or controversial ideas. The University has confidence in the ability of its students, faculty, and staff to critically evaluate all ideas that may be expressed ~~at the University by speakers from off campus~~ by speakers from off campus. Neither the use of a University venue nor the sponsorship of an off-campus speaker by a University unit amounts to University endorsement of the views expressed by the speaker, the attendees, or the sponsoring organization.

As an ~~educational~~academic institution, the University expects that presentations of speakers in University facilities will be of educational value, and that they will be conducted in an orderly manner. ~~The responsibility for determining the educational value of invited speakers rests ultimately upon the group authorized to extend the initiation.~~ Academic departments, administrative offices, student governments, and chartered student organizations may invite off-campus speakers to address the University community in accordance with established procedures and protocols. No University organization should accept speakers imposed upon it by any outside agency or individual, ~~nor should an organization lend its entitlement to invite a speaker merely as an accommodation to anyone.~~

University facilities normally will not be made available for non-affiliated or non-sponsored speakers, except through the University's facility rental policies and procedures. ~~Exceptions will be made for candidates for state and national political office and for speakers who address closed audiences of organizations that use University facilities on an invitational or rental basis.~~ This policy is not intended to

restrict the use of University facilities for meetings of a professional or academic nature arranged as part of the University's regular functions.

Speakers approved in accordance with University procedures should be allowed free expression of their views. Members of the audience ~~with divergent points of view~~ should permit such speakers to be heard without harassment.

Implementation

~~The President shall adopt administrative policies and procedures to implement this policy.~~

References

- ~~See, RPM 8.1 ("Special Use of University Facilities Policy (p.8-1); Off-Campus Speakers Policy published annually in the *Pathfinder*."~~



Note: RPM 2.3
is a proposed new policy
and, therefore, we have
not included a track-
changes version for your
review

DRAFT OF 9-13-2017 – track changes

Regents' Policy Manual - Section 2.6: Drug-Free Environment

Adopted Date: 09-12-1996

Amended: 06-12-2012

Applicability

This policy applies to all members of the University community and all property owned, used, leased, or controlled by the University, or any site where official University business is being conducted.

Policy

The University is committed to fostering an environment for the pursuit of its mission that is free of ~~illegal drugs and~~ the illegal or inappropriate use of drugs or alcohol. Drug and alcohol abuse at the University pose a serious threat to the health and welfare of faculty, staff, and students; impair performance; jeopardize the safety and well-being of other members of the University community and of the general public; and conflict with the responsibility of the University to foster a ~~healthy~~healthful atmosphere for the pursuit of education, research, and public service.

The unlawful manufacture, distribution, dispensing, possession, or use of controlled substances or alcohol on University property or as part of any University activities by any member of the University community is strictly prohibited.

All members of the University community shall abide by this policy as a condition of employment or enrollment. Violation of this policy ~~shall~~may result in disciplinary action, up to and including dismissal and expulsion.

Implementation

~~The President shall adopt administrative policies and procedures to implement this policy which shall be in accordance with the requirements of federal and state law. In addition, the President will~~The University President will promote and maintain alcohol

and drug-free awareness programs to inform all members of the University community about the issues and risks of substance abuse at the University.

References

- ~~The Drug-Free Workplace Act of 1988, 41 U.S.C. USC § 701 et seq. ("The Drug-Free Workplace Act of 1988"); . Section 22 of the Drug-Free School and Communities Act Amendments of 1989, 20 U.S.C. 1145g, 3224a; "Use and Possession of Alcohol on University Property," UBPPM 2140; "Policy on Illegal Drugs and Alcohol," UNM Pathfinder.~~
- ~~Section 22 of the Drug-Free School and Communities Act Amendments of 1989, 20 U.S.C. USC 1145g, 3224a (Section 22 of the "Drug-Free School and Communities Act Amendments of 1989")~~
- ~~UAP 2140 ("Use and Possession of Alcohol on University Property")~~
- ~~Pathfinder ("Policy on Illegal Drugs and Alcohol")~~
- ~~Campus Office of Substance Abuse Prevention~~

DRAFT OF 9-13-2017 – track changes

Regents' Policy Manual - Section 2.7: University Seal and Other Official Symbols~~Use of the University's Name~~ ~~and Symbols~~

Adopted Date: 09-12-1996

Amended: 06-12-2012

Applicability

This policy applies to the use of the University's name and official symbols, including the University seal.

Policy

The official seal of the University of New Mexico is the symbol of the authority and corporate signature of the Board of Regents and may be used in its impressed or embossed form only on diplomas, academic transcripts, enrollment certifications, or other official University documents for which certification is requested by the federal government or a foreign government. The seal cannot be altered or modified except by authorization of the Board of Regents. Over the course of the University's history, the Regents have authorized several variations of the official seal. Use of the University's name and other symbols must comply with ~~the UBPPM 1010~~UAP 1010.

The Office of the University Secretary and the Office of the Registrar shall have custody of the seal for the purposes described in this policy. The ~~President of the~~ University President may determine additional or different custodians for the seal.

References

- NMSA 1978, § 21-7-4 ("Corporate powers of the board") (granting the Regents "the right...of making and using a common seal and altering the same at pleasure.")
- UAP 1010 ("University External Graphic Identification Standards,") ~~UBPPM 1010.~~

DRAFT OF 9-13-2017 – track changes

Regents' Policy Manual - Section 2.8: Visitors to the University

Adopted Date: 09-12-1996

Amended: 06-12-2012

Applicability

This policy applies to all persons on University campuses who are not ~~members of the University community~~ students, employees, or Regents of the University.

Policy

The University acknowledges and affirms the rights of visitors under the federal and state constitutions, including First Amendment and due process rights. However, it shall be considered an offense against the University to engage in conduct ~~which that~~ adversely affects the University's educational function, disrupts community living on campus, or interferes with the rights of others to pursue their education, to conduct their University duties and responsibilities, or to participate in University activities ~~shall be considered an offense against the University~~. Such conduct is prohibited and ~~shall~~ can lead to disciplinary action, including expulsion or barring from campus, or arrest by the University when the offense occurs on University premises, as part of a University-sponsored event, or in connection with University activities. The Regents adopted a "Visitor Code of Conduct" which is published in the ~~UNM~~ Pathfinder. The Code specifies ~~the which~~ types of conduct ~~which may will~~ lead to disciplinary action and the sanctions for such conduct.

References

- Pathfinder RPM 2.1 ("Free Expression and Advocacy") UBPPM 2220; ("Visitor Code of Conduct,") UNM Pathfinder.

DRAFT OF 1-12-2018 – track changes

Regents' Policy Manual - Section 2.9: University Archives and Records

Adopted Date: 09-12-1996

Applicability

This policy applies to all ~~employees~~records of the University.

Policy

~~There is a need to adequately document, by identifying and preserving historically and legally significant records, the University's three basic functions of teaching, research, and public service. Any record bearing upon the activities and functions of the University that is produced or received by an employee of the University in the transaction of University business becomes University property, and potentially subject to the New Mexico's Public Records Act. The offices of University Archives and Records Management work collaboratively to retain and dispose of records, depending on their significance and type, in accordance with state and federal law.~~

University Archives

The University Archives documents the University's three basic functions of teaching, research, and public service, by identifying and preserving historically, fiscally, and legally significant records of enduring value.

For main campus and the branch campuses, UNM has appointed a University Archivist, who is responsible for determining which records have enduring historical, fiscal, or legal significance. The University Archivist develops standards and procedures for appraising, preserving, organizing, and accessing records of enduring value. Such records may not be permanently removed from the University or destroyed without the University Archivist's prior approval of the University Archivist.

Implementation

~~The University shall appoint a University Archivist. The University Archivist shall develop, in accordance with state law where applicable, standards and procedures for~~

selecting, preserving, organizing, and servicing both official and personal records which provide evidence of the University's contribution to society, and for determining whether and when University records may be permanently removed or destroyed. The Archivist shall have final authority to disapprove the removal or destruction of University records until satisfied that the records have no historical, legal, or fiscal value.

Records that have enduring value generally include:

- Minutes, official correspondence, policy statements, and vital records of the University's governing bodies and administrative offices
- Annual reports and other publications of departments, schools, and colleges
- Photographs, press releases, video recordings, or other items that document University events
- Theses and dissertations
- Campus maps, building and construction files, and blueprints

The Health Sciences Library and Informatics Center is responsible for administering the archive for the Health Sciences Center.

Records Management

The University's Records Management Center handles the retention and disposition of routine business records of the University. Routine business records provide evidence of business transactions and document the University's programs and activities. They are maintained for valid administrative and legal reasons for a set period, and may be destroyed in compliance with state and federal law and regulations. Any records that could have enduring value must be reviewed by the University Archivist before destruction.

References

Record Retention and Disposition Schedules; State Records Act.

- University Archives
- Records Management Center
- Health Sciences Library and Informatics Center
- NMSA 1978, § 14-3-1 et seq. ("Public Records Act")
- NMAC 1.21.2 ("Retention and Disposition of Public Records")

DRAFT OF 9-13-2017 – track changes

Regents' Policy Manual - Section 2.10: Architectural Style of Campus Buildings and Campus Master Plan

Adopted Date: 09-12-1996

Amended: 06-12-2012

Applicability

This policy applies to all buildings on the central campus of the University.

History

The Pueblo Revival style of architecture on campus was introduced by University President Tamm in the early 1900s and was officially adopted by the Regents at that time after stormy controversy. Later abandoned for a few years, the Pueblo Revival style was readopted by Santa Fe architect John Gaw Meem. ~~Meem was retained~~ Retained by the University as campus architect in 1933, ~~Meem and~~ designed thirty-six structures in the distinctive style ~~which that~~ came to be known as Pueblo Revival.

In 1959, with the adoption of the Long-Range Campus Development Plan, the Regents agreed to preserve and enhance the established Pueblo Revival architectural style, with modifications, of buildings on the central campus. No such architectural restrictions were imposed for the north and south campuses, but hope was expressed that new buildings would have regional character.

Policy

It is the policy of the University that all buildings constructed on the central campus ~~reflect continue to be designed in~~ the Pueblo Revival ~~style style, or harmonize with that~~ style, and that buildings on the north and south campuses reflect the general character of this style to the extent possible given the special needs for facilities in these areas. The consistent use of a single architectural style has become a unique feature of the University of New Mexico campus, and contributes to an aesthetically pleasing environment for all members of the University community.

The Board of Regents shall approve the University's long-range campus master plan to guide the physical development of the campus. Revisions to the master plan must have the approval of the Regents.

Implementation

The President, through the Planning and Campus Development Department, shall draft:

- design specifications for central campus buildings which specify use of the Pueblo Revival architectural style for central campus buildings and that are compatible with this style for other areas of the campus; and
- updates to the campus master plan for approval by the Board of Regents.

References

- Central Campus Consolidated Master Plans

A copy of the current approved campus master plan is on file in the Office of the Provost/Executive Vice President for Academic Affairs, the Office of the Executive Vice President for Administration/COO/CFO, and the Planning and Campus Development Department.

DRAFT OF 9-13-2017 – track changes

Regents' Policy Manual - Section 2.10.1: Historic Preservation

Adopted Date: 11-09-1999

Applicability

This policy applies to all buildings, landscapes, ~~and~~ places, ~~and or~~ objects of historic significance that possess exceptional value or quality in representing and reflecting the University's architectural and cultural heritage.

History

The University ~~of New Mexico has several buildings, landscapes and places or objects of historic significance and value, and is~~ was one of the first institutions in the Southwest to adopt and promote the Pueblo Revival style ~~as an important regional architectural style. The campus and the campus~~ contains some of the earliest non-residential interpretations of ~~the Pueblo Revival~~that style. Many buildings also have historic significance because of the architects who designed them. ~~For example,~~ John Gaw Meem, for example, a highly respected New Mexico architect who helped to develop the ~~southwestern adobe~~Pueblo Revival style, was responsible for designing thirty-six campus buildings.

Policy

It is the policy of the University that all buildings, landscapes, ~~and~~ places, ~~and or~~ objects of historic significance be preserved and protected. Removal of or major alteration to any buildings designated by the University Historic Preservation Committee to be of historic significance must be approved by the Board of Regents. These unique historic resources provide a connection to the past for students, faculty, staff, alumni, and the general public. They are essential to ~~alumni development, student recruitment,~~ the public image of the University, and help define a sense of place.

Implementation

~~The President shall adopt administrative policies and procedures which create the Historic Preservation Committee, define the Committee's responsibilities and provides guidelines for ensuring the preservation and protection of the University's historic resources, consistent with this Regents' policy. The President will report annually to the Regents on Committee activities and findings.~~

References

[UAP 5020 \("Historic Preservation"\)](#)

DRAFT OF 9-13-2017 – track changes

Regents' Policy Manual - Section 2.11: Honorary Naming University Facilities, Spaces, Endowments, and Programs Recognition

Adopted Date: 09-12-1996

Amended: 11-13-2001

Amended: 06-14-2005

Applicability

This policy applies to the honorary naming of facilities ~~including buildings and structures, interior,~~ spaces, ~~landscapes, roads, collections,~~ programs, and endowed ~~chairs and professorships~~ faculty positions, ~~schools and colleges~~ on the various campuses of the University. For the purpose of this policy, “programs” are intended to include major academic and non-academic entities, such as departments, schools, colleges, institutes, and centers.

Policy

The University ~~of New Mexico~~ welcomes the opportunity to honor those who have rendered extraordinary service or support to UNM, the institution. Facilities, spaces, ~~endowments or programs,~~ and endowed chairs and professorships faculty positions may be named for individuals or entities whose accomplishments or generosity advance the academic University's mission ~~of the University, further the capacity of UNM to meet its teaching and scholarly objectives and to serve its community, and enhance the growth and reputation of UNM.~~ A decision to construct or renovate a building, establish a chair, or create a program is to be ~~taken~~ determined on the basis of established academic and other operational criteria and approved in keeping with the University's established practices ~~and academic mission.~~ Naming will be independent of all appointment, admission, and curriculum decisions, which the University will continue to make in keeping with its established practices and academic mission. ~~To ensure the appropriateness of the honor, the University will follow the guidelines listed in this policy as it makes decisions on a case-by-case basis with regard to naming facilities, spaces, endowments or programs.~~

The criteria listed in this policy are intended to set reasonable standards, but they should be adapted, as needed, to suit specific situations.

Criteria for Selection of Honorees

Naming a facility, space, ~~endowment or program, or endowed chairs and professorships~~faculty position for an individual, organization, or corporation is one of the highest honors that the University can bestow. This recognition is a ~~lasting and~~ powerful affirmation of the honoree's connection to the University's mission. As such, honorees shall have exemplary character, an unqualified reputation for honesty, personal integrity, and the highest standards of personal and professional ethics.

~~1. Extraordinary University Service~~

~~Honorees who have been employed by the University shall~~ Individuals may be considered for naming recognition if they have given extraordinary service to the institution ~~in a teaching, research, service or administrative field~~ with such exceptional and sustained distinction that their contributions are widely recognized ~~by their peers, both at the University and elsewhere. The recognition afforded the honoree may also include private financial contributions related to the naming opportunity. Honorees may not be in active service at the University or hold elected office at the time of the naming, unless the circumstances are exceptional.~~

~~2. Private Financial Support~~

Individuals ~~who have not been University employees~~, corporations, and other organizations may be considered for naming recognition if they have made significant financial contributions to the University related to the naming opportunity. ~~Decisions regarding such recognition are made on a case-by-case basis in accordance with the approval process contained in this policy and any other applicable University policies and shall also take into consideration the total cost of the project, the availability of other funds and the level of financial contribution. A bequest or legacy gift from a donor who is still alive will not normally be considered for a naming opportunity. The criteria for granting naming recognition for extraordinary University service and private financial support are discussed in UAP 1020. Honorary Recognition Facilities, Spaces, Endowments, and Programs~~

~~The following guidelines should also be taken into consideration in determining a significant level of financial support in a given situation:~~

- ~~• New facilities—fifty percent (50%) of construction costs or three million dollars whichever is greater.~~
- ~~• Renovation of facilities—seventy-five percent (75%) of the cost of renovating a facility.~~

- ⊖ Existing facilities without renovation—seventy-five percent (75%) of the fair market value of the facility.
- ⊖ Portable items—donation of the collection or at least fifty percent (50%) of the value of the collection.
- ⊖ Tribute markers—fifty percent (50%) of the cost or value of associated items (e.g. trees, gardens).
- ⊖ Endowed chairs and professorships—full funding of the endowment.
- ⊖ Programmatic Entities—determined on a case-by-case basis.

Request for Approval

Since the honorary naming of facilities, spaces, endowments and programs ~~has, and endowed chairs and professorships~~ faculty positions have a long-term impact on the University, the approval process is designed to ensure such action is in the best interest of the University. All naming requests will be reviewed by the Committee on Naming ~~Facilities, Spaces, Endowments, and Programs~~ in accordance with the guidelines and procedures found in UAP 1020. ("Honorary Naming Recognition Facilities, Spaces, Endowments, and Programs"). ~~The Committee will submit recommendations to the President or other official with approval authority. A plan for any naming opportunity that involves private financial support must be submitted in writing to the Committee and the appropriate approving official prior to submission of a request for approval of a specific name. In the best interest of the University and prospective honorees, information relating to any naming request or plan should remain confidential until appropriate approvals have been obtained.~~

Final approval by the Board of Regents is required in the following cases:

1. Naming of facilities and spaces that are part of the outside environment of the University ~~must be approved by the Board of Regents.~~
2. ~~Naming facilities and spaces that are part of the interior space of the University must be approved by the President. At the discretion of the President, the request may be forwarded to the Board of Regents for approval.~~
3. ~~Naming facilities and spaces that are made up of portable items which are identifiable because of a specific focus or purpose (for example, collections of art and/or artifacts) must be approved by the Provost/Executive Vice President for Academic Affairs or the Executive Vice President for Health Sciences, depending on the location.~~
4. ~~The display of tribute markers which include plaques, medallions or other markers in association with features such as trees, benches or small monuments must be approved by the Executive Vice President for Administration.~~

5. Naming of endowed ~~chairs and professorships~~ faculty positions must be approved by the Board of Regents.
6. ~~The naming~~ Naming of academic or non-academic ~~programmatic entities (such as departments, schools, colleges, institutes and centers)~~ must be approved by the Board of Regents. programs

The Board of Regents reserves the right to review for approval, on a case-by-case basis, any naming request not specifically addressed above ~~and not otherwise. At the discretion of the University President, requests~~ delegated by to the President may be forwarded to the Board of Regents ~~to the President of the University for approval.~~

Duration of Name

~~Naming of facilities, spaces, endowments and programs in honor of individuals is generally expected to last the lifetime of the facility, space, endowment or program. Naming of facilities, spaces, endowments and programs in honor of corporations or other organizations will have a set number of years attached to the naming which will be determined on a case-by-case basis and listed in the signed gift agreement. Naming associated with a particular facility, space, endowment or program will not preclude further naming within the facility, space, endowment or program.~~

Request Processing

~~Every reasonable effort will be made to ensure that a naming request will be acted upon within sixty (60) days of the initial submission of that request to the Committee.~~

Recording and Reporting

The University Secretary will be responsible for recording the official decisions on all naming requests and reporting those decisions to the appropriate UNM officials.

Implementation

~~The President will develop detailed policies and procedures to ensure that the naming of facilities, spaces, endowments and programs is consistent with this Regents' policy. The President shall appoint a Committee on Naming Facilities, Spaces, Endowments, and Programs to review naming plans and requests and to make recommendations for approval. This amended policy does not apply to any arrangements that are in existence at the date the amendment is adopted.~~

References

- RPM 1.1 ("Responsibilities of the Board of Regents")

- UAP 1020 ("Honorary Naming Recognition Facilities, Spaces, Endowments, and Programs")

DRAFT OF 9-13-2017 – track changes

Regents' Policy Manual - Section 2.11.1: Building Plaques

Adopted Date: 05-08-2007

Adopted: May 8, 2007

Applicability

This policy applies to the placement of plaques on new buildings and on major new additions to buildings constructed on the University's campuses.

Policy

Upon the completion of construction of a new building or a major new addition to a building on any of the University's campuses, a plaque shall be mounted in the lobby of the building or other appropriate interior location as determined by the University President. -The plaque will be of such material, proportion, and detail as to harmonize with its surroundings in an appropriate manner, as approved by the University Architect. -The plaque will include the following information:

- Building name
- University President on the date ~~(the “contract approval date”)~~ of approval of the construction contract for the building project (the “contract approval date”).
- Members of the Board of Regents and their Board offices on the contract approval date, and members and their offices on the dedication date.
- Executive Vice President for Administration on the contract approval date, if the project is under ~~his/her~~that Executive Vice President’s jurisdiction
- Provost/Executive Vice President for Academic Affairs on the contract approval date, if the project involves an academic or student services building
- ~~Chancellor/Executive Vice President~~ for Health Sciences on the contract approval date, if the project involves a Health Sciences Center building
- Members of the Clinical Operations Board on the contract approval date, if determined appropriate by the University President for a project that involves ~~a Health Sciences Center building~~University Hospitals
- Name of ~~Architect~~architect
- Name of ~~General~~general Contractor~~contractor~~

- Year building completed
- Other individuals ~~and~~/or public officials who the University President ~~of the University~~ determines made substantial efforts or contributions that made the project possible
- If elected officials who were in office at the time the building was funded are listed, acknowledged, or thanked, the plaque shall also include a statement of equal size and visibility that thanks the taxpayers of New Mexico for their contribution in funding the construction.

References

Regents' Policy 2.11 ("Naming University Facilities, Spaces, Endowments, and Programs");

UAP 1020 ("Naming University Facilities, Spaces, Endowments and Programs");

- NMSA 1978, §Section 13-8-1, NMSA 1978 ("Public buildings; acknowledgment of taxpayers when elected officials acknowledged").

DRAFT OF 9-14-2017 – track changes

Regents' Policy Manual - Section 2.12: Advertising, Sales, and Solicitations on Campus

Adopted Date: 09-12-1996

Amended: 06-12-2012

Applicability

This policy applies to advertising and solicitation on campus, to indoor and outdoor sales on campus, and to vending. ~~This policy applies to north campus, main central campus and south campus.~~

Policy

Sales, solicitation, and advertising are a natural part of modern life, and an integral part of many university activities. Moreover, the University, ~~with its urban campus,~~ is an attractive location for many sales, solicitation, and advertising activities, both University-affiliated and independent.

Unregulated advertising, solicitation, and sales can create chaos, disturb the University's educational environment, detract from University activities, and create unwarranted risks for consumers. Moreover, different parts of campus have different needs and concerns in connection with advertising, solicitation, and sales. ~~In addition, unregulated vending mars the beauty and tranquility of the campus and contributes to unnecessary congestion, noise, and trash.~~

The University President is authorized to adopt policies regulating advertising, sales, and solicitations, including machine vending. ~~The President shall adopt administrative policies and procedures to allow for outdoor vending, but in a controlled manner that protects and preserves the academic environment of the University from unnecessary disturbances; protects and preserves the beauty and tranquility of the University environment; promotes the health and safety of the University community; prevents commercial exploitation of students; and protects and preserves the University's proprietary interests in its property.~~

available to ~~the~~ STC.UNM for possible assignment to ~~that entity~~ STC.UNM for commercialization.

~~As required by § 6-5A-1, NMSA 1978, the Board of Regents has approved an agreement between the University and the STC, setting forth the relationship between these entities and their respective responsibilities.~~

Implementation

~~The President may adopt administrative policies and procedures consistent with the Agreement and the STC bylaws to carry out this policy.~~

References

- NMSA 1978, § 21-28-1 et seq. ("University Research Park and Economic Development Act, § 21-28-1 et seq., NMSA 1978; ")
- STC.UNM Bylaws;
- Revised Memorandum of Agreement between the Board of Regents of UNM and STC.UNM dated December 14, 2004
- RPM 5.8 ("Intellectual Property")
- Faculty Handbook E70 ("Intellectual Property Policy")

DRAFT OF 9-15-2017 – track changes

Regents' Policy Manual - Section 2.16: University Counsel

Adopted Date: 09-12-1996

Amended: 12-14-2004

Amended: 01-06-2007

Amended: 01-09-2007

Amended: 12-14-2010

Amended: 03-14-2016

Applicability

This policy applies to the Office of University Counsel; and the use of outside legal counsel by the University ~~and requests for legal advice concerning University business from members of the University community.~~ -This policy also applies to the initiation of, joinder, or intervention in litigation, or other forms of legal proceedings, in the name of the Regents or for or on behalf of the University.

Policy

The ~~President of the~~ University President shall, consistent with RPM 3.3, appoint a University Counsel who shall be a member of the New Mexico Bar and shall serve as the chief legal officer ~~to~~for the University. ~~University Counsel reports~~Reporting directly to the University President ~~of~~, the University ~~and may when appropriate provide~~Counsel provides advice on legal issues to the Board of Regents; ~~and, at the request of authorized University administrators, to the University community.~~

The function of the ~~University Counsel's~~ Office of University Counsel shall be to help the University carry out its mission of teaching, research, and service in compliance with federal and state law and University policies and procedures. -The Office shall emphasize preventative strategies for avoiding legal difficulties. -The Office shall also defend; or arrange for the defense, of the University, and, in appropriate cases, its officers and employees, in legal proceedings. -The Office shall also defend or arrange for the defense of students against any legal proceedings commenced against them arising from their good faith participation in official University investigations or grievance or disciplinary proceedings, or in official positions, boards, or committees (other than as officers or members of chartered student organizations).

The University Counsel, with the approval of the ~~President of the University~~ President, is hereby authorized to initiate, join, and intervene in legal proceedings in the name of the Regents of the University of New Mexico in routine matters, ~~which do not raise policy issues,~~ such as matters involving commercial disputes, collection of amounts due, ~~or trespass on University property,~~ medical treatment decisions, or care of patients. Initiation of, joining, and intervening in non-routine legal proceedings must be authorized by the Board of Regents; ~~provided, however, that the President or his designee, may authorize the initiation, joining, or intervening in legal proceedings that involve medical treatment decisions or care of patients.~~

~~It is in the best interest of the University that legal~~ Legal services provided by outside counsel to the University and its components should be of the highest quality and delivered in a cost-effective manner. In order to attain these objectives, no component of the University may retain or employ outside counsel except with the prior approval of the University President ~~of and University Counsel.~~ ~~For the University or his designee.~~ The purpose of this policy, the term "component of the University" includes the University, any unit, department, or office of the University and any University-affiliated organization of which the University is the sole member or in which the University holds, directly or indirectly, a majority voting interest, and which relies on the Office of University Counsel for oversight and invoice approval. The retention, employment, and supervision of such outside counsel shall be in accordance with guidelines promulgated by University Counsel and pursuant to a contract for legal services approved by the ~~President of the University~~ Counsel.

References

~~Appointment and Termination of Key Administrators, RPM 3.3; Student Government, RPM 4.1; Signature Authority for Contracts, RPM 7.8.~~

- RPM 3.3 ("Appointment and Termination of Key Administrators")
- RPM 7.8 ("Signature Authority for Contracts")

DRAFT OF 9-15-2017 – track changes

Regents' Policy Manual - Section 2.17: Public Access to University Records

Adopted Date: 09-12-1996

Amended: 05-28-2008

Applicability

This ~~Policy~~ policy applies to requests for University records under the Inspection of Public Records Act, NMSA 1978, § 14-2-1 et seq. (IPRA). ~~This Policy supersedes the September 12, 1996, version of Board of Regents' Policy 2.17.(IPRA).~~

Policy

~~The policy of the University, as~~ As a public body, the University complies is to fully ~~comply~~ with all the provisions and requirements of IPRA, ~~which. IPRA~~ provides that "every person has the right to inspect public records of this state," subject to certain exceptions. -IPRA broadly defines "public records" as all documents or other materials, regardless of their physical form or characteristics, that are used, created, received, maintained, or held by any public body and relate to public business. -IPRA provides certain exceptions to the right of public inspection. -These exceptions include, for example, individuals' medical records, letters of reference, matters of opinion in personnel files or students' cumulative files, trade secrets, items that fall within the attorney-client privilege, and items that are considered non-public exceptions "as otherwise provided by law." ~~Items considered non-public as otherwise provided by law, for purposes of IPRA, may include for example, individuals' social security numbers.~~

The policy of the University is to treat as a public records record, and therefore subject to public inspection under IPRA, every item that is defined by IPRA as a public record, and to except from the right of public inspection only those public records that are specifically exempted by IPRA from public inspection. -No person who is employed by, does business with, or has a contractual relationship with the University has a legitimate expectation of privacy or confidentiality with regard to public records concerning that person except as specifically provided by IPRA.

Notwithstanding this broad policy that University records are subject to public inspection, the University will comply with all federal and state laws and regulations that provide for confidentiality or non-disclosure of specific records, such as ~~for example, student records and information from student~~educational records within the meaning of the Family Educational Rights and Privacy Act of 1974 (~~"(FERPA)-")~~ and protected personal health information under the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Implementation

~~The President shall adopt policies and procedures to ensure that the University complies fully with IPRA so that public~~Public records pertaining to the University will be available for public inspection to the fullest extent ~~permitted~~required by law. Pursuant to IPRA, NMSA 1978, § 14-2-7, the ~~President shall designate at least one~~University has designated a custodian of public records who shall have the duties and responsibilities specified in that section ~~and who of the statute. The custodian of public records~~ shall respond to requests to inspect public records in accordance with the statute and this policy.

References

- ~~NMSA 1978 § 14-2-1 et seq. ("Inspection of Public Records Act, NMSA 1978 § 14-2-1 et seq.; Family Educational Rights and Privacy Act of 1974")~~
- ~~FERPA, 20 U.S.C. § 1232g ("FERPA"); "~~
- ~~HIPAA, 45 CFR Part 160 and Subparts A and E of Part 164 ("HIPAA")~~
- ~~UAP 2300 ("Inspection of Public Records," UBPPM Policy 2300; ")~~
- UNM's Public Records Webpage: <http://publicrecords.unm.edu>

DRAFT OF 9-15-2017 – track changes

Regents' Policy Manual - Section 2.18: Guiding Principles

Adopted Date: 08-14-2015

Applicability

These guiding principles serve to direct and guide ethical conduct. -They apply to all members of the University community: Regents, ~~executive officers~~administration, faculty, staff, ~~student employees~~, students, ~~public and student~~ members of University advisory boards and committees, and other volunteers serving in an official capacity.

Policy

Integrity, ~~trust~~respect, the pursuit and dissemination of knowledge, and public service are essential elements of the University's character and guide our decisions. -These and other elements of our character are reflected in the guiding principles.

All members of the University community are expected to maintain the highest standard of ethics as articulated in the guiding principles. -Our devotion to these principles at all times, under all circumstances, and in all our actions is key to our success as an institution and as individuals.

The University President shall ensure that all members of the University community are aware of the guiding principles.

Guiding Principles

1. Freedom of Inquiry

We encourage, protect, and respect the exploration of ideas and their free expression.

2. Integrity

We build trust through transparency, truthfulness, and responsibility.

3. Inclusiveness and Respect

We thrive in a diverse environment characterized by respectful regard for other persons, recognition of their dignity, and ~~considered~~appropriate use of influence and power.

4. Responsibility to Community

We reflect upon our past, serve our present, and strive to improve our future through thoughtful stewardship of our cultures and environment.

Implementation

~~The President shall ensure that all members of the University community are aware of the guiding principles, which are supported by existing policies and procedures.~~

Related Policies

~~1. Freedom of Inquiry~~

- ~~• RPM Policy 2.1 (“Free Expression and Advocacy”)~~
- ~~• RPM Policy 2.2 (“Speakers from Off Campus”)~~
- ~~• UAP 2220 (“Freedom of Expression and Dissent”)~~
- ~~• RPM 5.1 (“The Faculty’s Role in the University’s Academic Mission”)~~
- ~~• Faculty Handbook Appendix 7 (“Statement on Extramural Utterances”)~~

~~2. Integrity~~

~~Codes of Conduct and Ethics~~

- ~~• RPM 1.8 (“Regent Code of Conduct and Conflicts of Interest Policy”)~~
- ~~• RPM 4.2 (“Student Code of Conduct”)~~
- ~~• The Pathfinder (“Student Code of Conduct”)~~
- ~~• Faculty Handbook D100 (“Dishonesty in Academic Matters”)~~
- ~~• RPM 6.4 (“Employee Code of Conduct and Conflicts of Interest”)~~
- ~~• UAP 3715 (“Code of Conduct”)~~
- ~~• RPM 2.8 (“Visitors to the University”)~~
- ~~• The Pathfinder (“Visitor Code of Conduct”)~~
- ~~• HSC Code of Ethics~~

~~Research~~

- ~~• Faculty Handbook E40 (“Research Misconduct”)~~

- Faculty Handbook E90 (“Human Beings as Subjects in Research”)
- Faculty Handbook E100 (“Policy Concerning Use of Animals”)
- Faculty Handbook E110 (“Conflicts of Interest in Research”)
- Faculty Handbook E120 (“Effort Reporting Policy”)

Grievance Procedures and Dispute Resolution

- RPM 4.3 (“Student Grievances”)
- Faculty Handbook D175 (“Student Conduct and Grievance Procedures”)
- Faculty Handbook D176 (“Graduate Student Grievance Procedures”)
- Faculty Handbook C07 (“Faculty Disciplinary Policy”)
- UAP 3215 (“Performance Management”)
- RPM 6.10 (“Dispute Resolution and Employee Grievances”)
- UAP 3220 (“Ombuds/Dispute Resolution Services for Staff”)

Reporting Misconduct

- UAP 2200 (“Whistleblower Protection and Reporting Suspected Misconduct and Retaliation”)
- UAP 7205 (“Dishonest or Fraudulent Activity”)

3. Inclusiveness and Respect

Diversity

- RPM 2.4 (“Diversity and Campus Climate”)

Sexual Harassment

- RPM 2.5 (“Sexual Harassment”)
- UAP 2730 (“Sexual Harassment”)
- UAP 2740 (“Sexual Violence and Sexual Misconduct”)

Respectful Campus

- UAP 2240 (“Respectful Campus”)
- Faculty Handbook C09 (“Respectful Campus”) Includes procedures for reporting and investigating complaints of faculty bullying

Equal Opportunity

- RPM 2.3 (“Equal Opportunity and Affirmative Action for Employees and Students”)
- UAP 2720 (“Equal Opportunity, Non-Discrimination, and Affirmative Action”)
- UAP 2310 (“Academic Adjustments for Students with Disabilities”)

- ~~UAP 3110 ("Reasonable Accommodation for Employees with Disabilities")~~
- ~~UAP 2295 ("Service Animals")~~

4. Responsibility to Community

- ~~RPM 2.10.1 ("Historic Preservation")~~
- ~~UAP 5020 ("Historic Preservation")~~
- ~~UAP 2100 ("Sustainability")~~

DRAFT OF 9-15-2017 – track changes

Regents' Policy Manual - Section 3.1: Responsibilities of the University President

Adopted Date: 09-12-1996

Amended: 12-14-2004

Amended: 03-14-2016

Applicability

This policy applies to the University President ~~of the University~~.

Policy

The University's President ~~of the University~~ is its ~~Chief~~ chief Executive ~~executive~~ Officer ~~officer~~ and reports directly to the Board of Regents. The University President is responsible for implementing the policies adopted by the Board of Regents. The Board hereby delegates authority to the University President to ~~carry out his or her responsibilities to~~ manage the University, as set forth generally in this policy, ~~and to adopt administrative policies and procedures consistent with Regents' policies. The~~ University President may further delegate ~~this~~ management authority unless specifically prohibited from doing so by ~~an~~ explicit statement in a policy adopted by the Regents.

~~The President may adopt new or revised administrative policies and procedures on the President's own initiative or on the recommendation of faculty or administrative staff, without prior approval of the Regents, provided that any changes in administrative policies and procedures do not conflict with Regents' policy.~~

~~The President may further delegate this authority unless specifically prohibited from doing so by explicit statement in a policy adopted by the Regents.~~

The University President's responsibilities include:

- oversight of the quality of the academic and support programs of the University and all of its component entities;
- supervision of the relationship between students and the administration;

- management of the University's finances;
- administration of the personnel system;
- operation and maintenance of real and personal property under the jurisdiction of the University;
- oversight of fundraising, intercollegiate athletics, auxiliary enterprises, and alumni activities;
- consultation and cooperation with the Regents and other University groups on various matters, including planning for the future development of the University;
- representation of the University in public affairs;
- ~~accounting to the Board of Regents for the University's finances on a quarterly and annual basis;~~
- ~~establishing a centralized system for fundraising, advancement, and development;~~
- reporting ~~annually~~ to the Board of Regents on the state of the University and its finances;
- ~~presenting to the Board of Regents for approval the organizational structure of the University.~~

The Regents' Policy Manual specifies actions for which Regents' approval is required. However, it is virtually impossible to anticipate every situation in which it may be appropriate for the Regents to act. It is the responsibility of the University President ~~of the University~~, in consultation with the Board President ~~of the Board~~, to seek Regents' approval when a proposed action is of such consequence that it could significantly affect the fiscal condition of the University or its academic mission or is of such public importance as to warrant the involvement of the Regents even though Regents' approval is not specifically required by this Policy Manual ~~manual~~ or any statute or other regulation.

Implementation

~~The President shall appoint an administrative staff to assist in the performance of the functions and duties assigned by the Board to the President and may re-delegate authority as the President deems necessary to selected administrators, except as may be explicitly restricted by the Board of Regents.~~

Adoption of Administrative Policies and Procedures

The University President may adopt appropriate administrative policies and procedures to implement ~~policies adopted by the~~ Regents' policies. ~~These may include~~ President may adopt new or revised administrative policies and procedures adopted on the President's own initiative or on the recommendation of faculty or administrative staff, without prior approval of the Regents, provided that any changes in the administrative policies and procedures do not conflict with Regents' policies.

The University President ~~shall adopt a procedure~~has adopted a policy for developing ~~and adopting~~ new or revised administrative policies and procedures. ~~This procedure shall be designed to~~ that ensures participation and discussion by those members of the University community affected by the proposed administrative action. Administrative policies and procedures shall become effective on the date of ~~adoption~~ approval by the University President, or as otherwise specified.

References

- ~~(RPM 7.8)~~ UAP 1100 ("Development and Approval of Institutional Policy")

DRAFT OF 9-15-2017 – track changes

Regents' Policy Manual - Section 3.3: Appointment and Termination of Key Administrators

Adopted Date: 09-12-1996

Amended: 12-14-2004

Amended: 12-14-2010

Amended: 03-14-2016

Applicability

This policy applies to the appointment, dismissal, compensation, and contract amendment or non-renewal of all executive vice presidents, ~~vice presidents,~~ and the University Counsel.

Policy

In addition to following the applicable administrative policies and procedures, the University President shall inform the Board of Regents prior to appointing, dismissing, setting compensation, and amending or not renewing the contract of all executive vice presidents, ~~vice presidents,~~ and the University Counsel. The University President shall also inform the Board of Regents in connection with the appointment, termination, and compensation of other senior or key administrative positions, as appropriate, depending on the circumstances surrounding the appointment, termination, or change in compensation. -In the case of the Executive Vice President and Chancellor for Health Sciences, the University President has authority to dismiss ~~him or her~~ the person occupying this position only with the ~~consent and~~ approval of ~~a majority of~~ the Board of Regents.

With regard to the recruitment and hiring of all executive vice presidents, ~~vice presidents,~~ and the University Counsel, the following guidelines shall be observed, consistent with University policies and procedures:

- A national search shall be conducted unless there are exceptional circumstances and the Regents have been consulted.;
- A broadly -representative search committee shall be used.;
- Finalists in a competitive process for the position shall participate in interviews, ~~including which include~~ an open forum on campus for the general University or

Health Sciences Center, as the case may be, community, and interested members of the public.

References

~~RPM 6.9.~~

- [UAP 3210 \("Recruitment and Hiring"\)](#)

~~Implementation~~

~~The President shall RPM 6.9.~~

~~Implementation~~

~~The President shall adopt administrative policies and procedures for the recruitment and hiring of key administrative positions, including but not limited to the positions specified in this policy. Dismissal or contract non-renewal shall be in accordance with University policies and procedures.~~

DRAFT OF 9-15-2017 – track changes

Regents' Policy Manual - Section 3.4: Health Sciences Center ~~and Services~~

Adopted Date: 12-14-2010
Amended: 03-14-2016

(replaces RPM 2.13)

Applicability

This policy applies to the University of New Mexico's Health Sciences Center (HSC), which administers academic and clinical programs, facilities, and services ~~operating as part of the UNM Health Sciences Center (HSC), and, as provided more fully below, to certain subsidiary~~ includes affiliated University Research Park and Economic Development Act (URPEDA) corporations of the University. This policy also applies to those operations of the University that are deemed to be “health care components” of the University as set forth below.

Policy

~~The health care related education, research, and clinical programs and services offered by the University and/or provided in the University's facilities and those of certain of its University Research Park and Economic Development Act (“URPEDA”) subsidiaries as described in this Policy are hereby designated as the “UNM Health Sciences Center” which is and shall be a component unit of the University. The clinical elements of the HSC are intended to be~~ **Components**

HSC is a fully integrated, academic health center and health care delivery system and will be, with an academic arm and a clinical arm. The clinical arm is collectively administered as the “UNM Health System.”

Component Units The components of **UNM Health Sciences Center**

~~The HSC consists of~~ HSC's academic arm include the-:

- School of Medicine, the- (including UNM Comprehensive Cancer Center)
- College of Nursing, the

- ~~College of Pharmacy; the~~
- ~~College of Population Health Sciences Center~~
- ~~HSC Library & Informatics Center;~~

The components of the UNM Cancer Center, Health System, HSC's clinical arm, include the:

- Clinical elements of the school and colleges listed above (including UNM Medical Group, Inc., ("UNMMG") a New Mexico non-profit and URPEDA corporation organized and formed by the University, UNM Sandoval Regional Medical Center, Inc., ("Comprehensive Cancer Center)
- UNM Hospitals
 - UNM SRMG") a New Mexico non-profit and URPEDA corporation organized and formed by the University and several research and public service programs related to health sciences. The HSC also includes the University of New Mexico Hospital ("UNMH"), the University of New Mexico
 - UNM Children's Hospital (the "Children's
 - Carrie Tingley Hospital"), the University of New Mexico
 - UNM Adult Psychiatric Center formerly known as the Mental Health Center ("Adult Psychiatric Center"), the UNM Children's
 - UNM Children's Psychiatric Hospital ("CPH"), the Carrie Tingley Hospital ("CTH") and the outpatient
 - Outpatient facilities and clinics operated under the license(s) of the foregoing. In this Policy, UNMH, Children's Hospital, Adult Psychiatric Center, CPH, CTH and the outpatient
- UNM Medical Group, Inc. (an affiliated URPEDA corporation)
 - Outpatient facilities and clinics thereof shall be referred to collectively as the "UNM Hospital." The HSC will also include such other and further under the license of the foregoing
- UNM Sandoval Regional Medical Center, Inc. (an affiliated URPEDA corporation)
 - Clinics under the license of the foregoing
- Other clinics, centers, and programs developed and/or to be developed and operated by the HSC or any of the component units currently comprising the HSC or those added to the HSC at a future date. operated by HSC

~~UNM Health Sciences Center~~HSC Executive Vice President and Chancellor

~~The~~Subject to RPM 3.1 ("Responsibilities of the University President"), the Executive Vice President and Chancellor for Health Sciences ~~(hereinafter and in all other policies "Chancellor for Health Sciences")~~ shall provide leadership and have administrative and fiscal responsibility for all of HSC's clinical and academic activities, operations, and

~~programs of the HSC, and the UNM Health System, consistent with University policies, recognizing that teaching, research, service, and patient care are the foundations of an academic health center in accordance with RPM 3.3.~~

~~The President of the University shall, in consultation with the Board of Regents, set the annual goals to be established for the Chancellor for Health Sciences in performing his or her job duties. The President of the University shall perform an evaluation of the Chancellor for Health Sciences' performance in respect of such goals in consultation with the Board of Regents.~~

~~Subject to RPM 3.1, the Chancellor for Health Sciences shall have general supervision over the affairs, property, personnel, and financial resources of the HSC. With respect to the Institutional Compliance Programs identified more fully in RPM 3.7, the Chancellor for Health Sciences shall be designated and shall be the "institutional official" or "designated official," as the case may be for each Institutional Compliance Program at the HSC requiring the designation of such an official. In this regard, the Chancellor for Health Sciences shall have such additional powers, duties, and authorities as may from time to time be assigned to him/her by the President of the University.~~

~~Additionally, the Chancellor for Health Sciences shall serve as the chief academic officer relative to colleges, schools, programs, and centers at the HSC and is responsible for coordinating, developing, and improving the educational and research programs at the HSC, subject to any limitations imposed in his/her employment contract and/or by the President of the University in accordance with RPM 3.1. The Chancellor for Health Sciences will ensure that all HSC educational and research programs meet the standards of the State of New Mexico and all relevant and applicable accreditation bodies. The Chancellor for Health Sciences will oversee the deans of the respective colleges and schools comprising the HSC and the work of the faculty in the colleges, schools, programs, and centers at the HSC. Moreover, with respect to faculty matters at the HSC, all references in Faculty Handbook Policies to the Provost or the Provost's Office shall mean or shall be interpreted to mean the Chancellor for Health Sciences or to the Office of Chancellor for Health Sciences.~~

1.— Authority in an Emergency

In the event of an emergency declared by the President as described in RPM 3.2, the Chancellor for Health Sciences, in the exercise of reasonable judgment under the circumstances, is authorized to approve actions as are necessary to safeguard persons or property or to maintain the HSC's educational, research and clinical functions. Such actions shall remain in effect during the state of emergency, unless cancelled sooner by the President.

~~2. Appointment of Additional Officers for the UNM Health Sciences Center~~

~~Upon the approval of the President of the University, the Chancellor for Health Sciences may appoint such additional deans of the component colleges and schools of the HSC and/or officers of the HSC or the UNM Health System and such agents and employees as the Chancellor for Health Sciences may deem necessary; appropriate and advisable and may delegate to such deans and/or officers as is consistent with Regent policies and policies of the University that are applicable to the HSC.~~

~~3. Policies and Procedures for the UNM Health Sciences Center~~

~~The Chancellor for Health Sciences may issue administrative policies and procedures related to HSC matters ~~for the HSC and for the UNM Health System~~, as long as the policies are not in conflict with policies in the Regents' Policy Manual~~Regents' Policy Manual~~, Faculty Handbook, or the University Administrative Policies and Procedures Manual~~University Administrative Policies and Procedures Manual~~.~~

The Chancellor for Health Sciences shall be designated and serve as the "institutional official" or "designated official," as the case may be, for any program at HSC requiring the designation of such an official. The Chancellor for Health Sciences will ensure that HSC's educational and research programs meet the standards of the State of New Mexico and all relevant and applicable accreditation bodies. The Chancellor for Health Sciences serves as the chief academic officer of the Health Sciences Center, and also serves as its chief executive officer. In general, references in Faculty Handbook policies to the Provost or the Provost's Office should be interpreted to apply to the Chancellor for Health Sciences or to the Office of Chancellor for Health Sciences.

References

- NMSA 1978, § 21-28-1 et seq. ("University Research Park and Economic Development Act, N.M. Stat. ann. § 21-28-1 et seq. (1978, as amended); RPM 3.2 "Authority in an Emergency"; RPM 3.5")

- RPM 3.1 ("Responsibilities of the University President")
- RPM 3.5 ("Health Sciences Center ~~Board of Directors~~"; ~~RPM 3.6~~Committee")
- RPM 3.6 ("UNM Hospital Board of Trustees"; ~~RPM 3.7~~)
- RPM 3.7 ~~Institutional~~("Health Sciences Center Compliance Program."~~"))~~
- RPM 3.8 ("Institutional HIPAA Compliance Program")

DRAFT OF 9-15-2017 – track changes

Regents' Policy Manual - Section 3.5: **UNM** Health Sciences Center Committee

Adopted Date: 12-14-2010

Amended: 02-14-2012

Amended: 02-11-2013

Amended: 09-10-2013

Amended: 06-12-2015

Amended: 03-14-2016

Applicability

~~This policy applies to the clinical, operational, financial, research, and educational affairs of the UNM Health Sciences Center (“HSC”) and the UNM Health System established under RPM 3.4. This policy defines the roles and responsibilities of the Board of Regents' Health Sciences Center standing committee (“HSC Committee”).~~

Policy

~~The Regents hereby create and designate the HSC Committee as a standing committee of the Board of Regents to oversee the~~oversees HSC's clinical, operational, financial, research, and educational affairs ~~of the HSC and the UNM Health System.~~

~~1.~~ Composition

The HSC Committee shall consist of three (3) Regents, to be selected by the Board of Regents in accordance with RPM 1.2.

~~2.~~ Scope of Authority

~~In accordance with RPM 1.2, the~~The Regents hereby delegate to the HSC Committee the responsibility to oversee the affairs of the HSC and advise the UNM Health System. ~~The Regents retain on the right to consider, determine, and act upon any matter relating to the HSC and its component units in the exercise of their sound discretion. same.~~ Subject to the foregoing, the ~~Regents hereby delegate to the HSC Committee as follows~~shall have authority to oversee the HSC's:

~~2.1. The HSC Committee shall have authority to act upon the following:~~

- ~~1. Compliance by the HSC and each of the component schools, colleges, and units within the HSC and the employees thereof with applicable federal and state health care regulatory requirements as well as HSC-wide policies with respect thereto.~~
- ~~2. Compliance by the HSC and each of the component schools, colleges, and units within the HSC and the employees thereof with the Health Insurance Portability and Accountability Act (“HIPAA”), the Health Information Technology for Economic and Clinical Health Act, the HIPAA Regulationsregulations, and the University’s HIPAA compliance program as well as HSC-wide policies with respect thereto.~~
- ~~3. The licensure, accreditation, planning, patient care, medical staff matters, quality assurance, and relationship with the component schools and colleges within the HSC and the other component units of the HSC. This shall include monitoring the outcomes of accreditation reviews and other peer evaluations. As to the UNM Hospital, the UNM Cancer Center, and UNM Sandoval Regional Medical Center (“SRMC”), review at least annually reports relating to licensure, including special services, accreditation, planning, patient care, medical staff matters including quality assurance, and any appropriate corrective action, and relationships with the schools and colleges comprising the HSC.~~
- ~~4. At appropriate intervals to be determined by the HSC Committee, reports of financial matters relating to each school or college comprising the HSC as well as the Office of Research for the HSC, the UNM Hospital, UNM Cancer Center, UNM Medical Group (“UNMMG”), UNM SRMC (and such other and future clinical enterprises and/or subsidiaries as may exist as a part of the HSC) including expenses and revenue by source, patient days and visits, and other pertinent financial data and information and financial planning.~~
 - ~~• The substantive aspects of policies and programs related to the educational philosophy and objectives of the HSC; assessing the HSC’s educational and student activities, research activities, and associated support programs for their relationship to the University’s mission, vision, and values, as well as quality measures, productivity, and cost; oversight of theLicensure, accreditation, planning, patient care, medical staff matters, and quality assurance.~~
 - ~~• Reports of financial matters relating to the academic and clinical components of HSC.~~
- ~~5. The manner in which the University’s policies are administered as they affect the HSC and HSC faculty.~~
- ~~6. The HSC’s strategiesStrategies in enrollment management, retention, and student diversity at each of its component schools and colleges and in their respective educational programs.~~

- 7.● Assuring effective input from the HSC student, faculty, and staff advisors to the HSC Committee.
- 8.● Subject to ~~RPM 7.8~~RPM 7.8 (describing financial settlements), claims and/or lawsuits involving ~~the HSC~~HSC's academic and/or ~~the schools and colleges comprising the HSC, the UNM Hospital, UNMMG, UNM SRMC (and such other and future clinical enterprises and/or subsidiaries as may exist as a part of the HSC)~~components and the development of a loss control program with respect thereto.

2.2. Matters as to which the HSC Committee, consistent with the provisions of the Faculty Constitution and Faculty Handbook as set forth in RPM 5.1, shall review and make recommendations to the Regents for final approval include:

Strategie

- 1.● In consultation with the University Architect, strategic planning and master facility planning for HSC clinical, educational, and research enterprise activities.
- 2.● Developments, including pending legislation, involving significant changes in health care delivery and financing.
- 3.● New degrees, courses, and curriculum changes required by ~~State~~state law or desired by the colleges and schools comprising the HSC to promote academic excellence at the HSC.
- 4.● Tuition and fees to be charged at the colleges and schools comprising the HSC.
- 5.● The establishment or disestablishment of colleges, schools, and graduate divisions, organized multi-campus research units and other major research activities, special training programs, and public service undertakings.
- 6.● Establishing an annual HSC educational and research enterprise strategic plan for the University.

~~7. Proposing changes to Regents' policies relative to HSC academic and student affairs.~~

- 8.● ~~The HSC faculty tenure and promotion process~~Processes to ensure expected outcomes are achieved in attracting and retaining outstanding faculty at the HSC ~~and making recommendations to the Regents with respect to potential improvements thereto.~~
- 9.● The appointment of individuals to serve as members of the ~~Boards~~boards of ~~Directors~~directors of ~~UNMMG~~the UNM Medical Group and UNM ~~SRMC~~Sandoval Regional Medical Center, and such other and future ~~subsidiary~~affiliated corporations formed to support the HSC consistent with the provisions of the University Research Park and Economic Development Act ("(URPEDA")).

- 10.● The formation of one or more corporations in the future under the URPEDA to support the strategic plans and mission of the HSC and its component units.
- 11.● The transfer of money, personal property, and real property to any one or more URPEDA corporations formed by the Regents to support the HSC and its component units and the proposed terms thereof.
- 12.● ~~Review budget~~Budget requests and proposed legislation.

References

- NMSA 1978 § 21-28-1 et seq. (“University Research Park and Economic Development Act, ~~NMSA 1978 § 21-28-1 et seq.~~”)
- RPM 3.4 (“Health Sciences Center ~~and Services~~”)
- RPM 3.6 (“UNM Hospital Board of Trustees”)
- RPM 3.7 (“Health Sciences Center Institutional Compliance Program”)
- RPM 3.8 (“Institutional HIPAA Compliance Program”)
- RPM 5.1 (“The Faculty’s Role in the University’s Academic Mission”)

DRAFT OF 9-15-2017 – track changes

Regents' Policy Manual - Section 3.7: Health Sciences Center Institutional Compliance Program

Adopted Date: 12-14-2010

Amended: 09-12-2014

(replaces ~~RPM 2.13.3 and RPM 2.13.4~~)

Applicability

This policy applies to the academic and clinical programs, facilities, and services operating under the University of New Mexico Health Sciences Center (HSC) and its units, clinics, centers, programs, and affiliated corporations described in [RPM 3.4](#).

Institutional Compliance Program

The HSC ~~will attempt~~s to ensure at all times that its business (internally and with outside contractors) is conducted in accordance with the highest ethical standards and in compliance with the various federal and state laws and regulations applicable to its activities. To fulfill these obligations, the HSC has adopted and implemented an Institutional Compliance Program, which will include all compliance functions related to its clinical, research, and educational efforts. These functions include, without limitation, clinical and clinical trials compliance, human research protection, animal research, biosafety, conflict of interest, human subjects protection, use of animals in education and research, export control compliance, research integrity, and fiscal compliance related to billing and federal grants, [Family Educational Rights and Privacy Act](#), and other educational compliance activities. ~~(collectively, the “HSC Institutional Compliance Programs and Requirements”).~~

The HSC Institutional Compliance Program is committed to building a culture that fosters integrity and ethical conduct, promoting compliance with regulatory requirements, and ~~enhances~~ [enhancing](#) awareness through education, training, and guidance to faculty and staff. Employees are expected to acknowledge that they understand their responsibilities and perform their work in an ethical and legal manner as detailed in the [HSC Code of Ethics, www.hsc.unm.edu/policy-office/ethics.html](#). The HSC Institutional Compliance Program promotes an environment where suspected

acts or events of non-compliance should be reported to their immediate supervisor, another member of management, or the ~~Chief HSC~~ Compliance Officer. Reports can also be made in confidence and anonymously without fear of retaliation through the ~~HSC-UNM Compliance~~ Hotline at 1-888-899-6092 or online through www.unm.ethicspoint.com.

The HSC Institutional Compliance Program is based on risk-based and proactive activities in support of compliance and aligned with the compliance program guidances published by the U.S. Department of Health & ~~and~~ Human Services' Office of the Inspector General for hospitals, recipients of ~~Public Health Service~~ research awards, and related health professions (including those related to physicians at teaching hospitals), and the ~~United States~~US Federal Sentencing Guidelines. ~~In pursuit of the HSC missions of excellence in patient care, education of future healthcare professionals, and the generation of new knowledge through biomedical research~~ ~~the~~The HSC Institutional Compliance Program ~~will strives~~ to reduce fraud, waste, and abuse while maintaining the reputation of the HSC as a reliable, honest, and trustworthy health care community partner.

References

- ~~HSC Compliance Office~~
- US Federal Sentencing Guidelines: www.ussc.gov/guidelines/2015-guidelines-manual/archive/2010-8b21
- Office of the Inspector General Compliance Program Guidelines: <https://oig.hhs.gov/compliance/compliance-guidance/index.asp>
- ~~Centers for Medicare and Medicaid Services~~ Guidelines for Physicians at Teaching Hospitals: <https://www.cms.gov/outreach-and-education/medicare-learning-network-MLN/MLNProducts/downloads/guidelines-teaching-physicians-textonly.pdf>

DRAFT OF 1-12-2018 – track changes

Regents' Policy Manual - Section 3.8: Institutional HIPAA Compliance Program

(formerly part of RPM 3.7)

Applicability

This policy applies to the “health care components” of the University’s Health Sciences Center (HSC), to other health care components of the University, and to the University’s organized health care arrangement (OHCA).

The University is considered a “hybrid covered entity” because it consists of both health care components and non-health care components. The health care components of the hybrid covered entity are identified in Exhibit A to this policy.

HIPAA and HITECH

It is the policy of the health care components of the University to establish reasonable administrative, technical, and physical safeguards in an effort to protect the privacy of “protected health information” and “electronic protected health information” that the health care components create, obtain, or maintain, as required by the:

- Health Insurance Portability and Accountability Act of 1996 (“, as amended (HIPAA”) and),
- Health Information Technology for Economic and Clinical Health Act, contained in the American Recovery and Reinvestment Act of 2009 (“(HITECH-Act”);), and the
- regulations issued by the Department of Health and Human Services with respect thereto to HIPAA (collectively with HIPAA and HITECH, the “HIPAA Standards”).

Self-Insured Health Plans, ~~the “HIPAA Regulations”) the University is hereby deemed a “hybrid covered entity” within the meaning of the HIPAA Regulations. Certain components of the University have been designated by the Regents as “health care components” of the University. The “health care components” of the “hybrid covered entity” shall, at a minimum, include, but not be limited to, the HSC and the UNM Health System as described and defined in Section 1 of RPM 3.4 and the Office~~

of University Counsel. Additionally, the University and the UNM Hospital each sponsor self-insured group health benefit

The University and University Hospitals may sponsor self-insured health plans for the benefit of their respective employees and their dependents ~~and certain other self-insured medical, dental, prescription drug, and vision health benefit plans (collectively, the “UNM/UNMH, including the UNM~~ **Self-Insured Health Plans**~~)”~~. The UNM/UNMH Self-Insured Health Plans shall be considered an “organized health care arrangement” within the meaning of HIPAA, HITECH Act, and the HIPAA Regulations. ~~As a an organized health care arrangement and covered entity within the University, the UNM/UNMH Plan, the Self-Insured Resident Physician Health Plans are Plan, and the Self-Insured Student Health Plan (each, a “Self-Insured Benefit Plan,” and, collectively, the “Self-Insured Benefit Plans”). The Self-Insured Benefit Plans shall each be considered “health care components a “covered entity” within the meaning of the HIPAA and the Standards.~~

HIPAA Regulations. All components of this organized health care arrangement will comply with HIPAA, HITECH Act, and the HIPAA Regulations, including all informatics technology security. **Privacy Officer**

The Chancellor for Health Sciences will designate an individual to serve as the HSC Compliance Director to oversee, implement and report on the HSC Institutional Compliance Program and Requirements. Additionally, the President of the University shall delegate ~~The University President has delegated~~ to the Chancellor for Health Sciences responsibility ~~to assure compliance with HIPAA, HITECH Act, and the HIPAA Regulations and to designate an individual to serve as the Privacy Officer for the University’s health care components and the organized health care arrangement.~~

Implementation

~~Certain components of the University designated by the Regents as “for assuring that the University’s health care components” of the University are listed in Exhibit A to this policy. Exhibit A will be replaced with a resolution of the Regents adopted on an annual basis that identified in Exhibit A comply with the HIPAA Standards. As part of that responsibility, the Chancellor for Health Sciences designates the “an individual to serve as the HIPAA Privacy Officer for the University’s health care components” of the University.~~

The responsibilities of the HIPAA Privacy Officer include assuring that Exhibit A accurately reflects the University’s health care components. The HIPAA Privacy Officer must notify the UNM Policy Office when Exhibit A should be amended. The UNM

Policy Office has authority to amend Exhibit A at the request of the HIPAA Privacy Officer.

Affiliated Corporations

Two affiliated University Research Park and Economic Development Act (URPEDA) corporations that are components of HSC's clinical arm are separate legal entities and, therefore, their own covered entities within the meaning of the HIPAA Standards. These URPEDA corporations are integral members of the UNM Health System, as defined in RPM 3.4, and have adopted and implemented their own policies in respect to the HIPAA Standards, consistent with this policy.

More specifically, UNM Medical Group, Inc. (UNMMG) and any and all clinics operated and/or managed by UNMMG are a covered entity separate from the University, including, without limitation, UNMMG's provision of third-party administration, medical management, clinical management, network management, and related services in relation to any of the Self-Insured Benefit Plans.

In addition, UNM Sandoval Regional Medical Center, Inc. (SRMC) and any and all clinics operated and/or managed by SRMC are a covered entity separate from the University. At the same time, any self-insured group health benefit plan sponsored by SRMC for the benefit of SRMC employees and their dependents (the "SRMC Self-Insured Benefit Plan") is also considered a separate covered entity.

Organized Health Care Arrangement

The HSC, the Self-Insured Benefit Plans, UNMMG, SRMC, the SRMC Self-Insured Benefit Plan, and the health care components listed in Exhibit A shall take the steps necessary to be considered an OHCA within the meaning of the HIPAA Standards when the parties mutually agree and benefit from joint activities. All components of the OHCA will undertake the steps necessary to comply with the HIPAA Standards.

References

- NMSA 1978, § 21-28-1 et seq. ("University Research Park and Economic Development Act, N.M. Stat. ann. § 21-28-1 et seq. (1978, ")
- 42 U.S.C. § 1320d, and as amended); by the HIPAA Omnibus rule, effective March 26, 2013 ("The Administrative Simplification Provisions of the Health Insurance Portability & Accountability Act of 1996 (HIPAA), codified at 42 U.S.C. § 1320d.")
- Regulations pursuant to HIPAA-codified at: 45 C.F.R., CFR, Parts 160, 162, and 164; American Recovery and Reinvestment Act of 2009 (ARRA); Title XIII;

Health Information Technology for Economic and Clinical Health Act (~~HITECH Act~~);

- ~~RPM 3.4 “(“Health Sciences Center and Services”;~~ RPM 3.5 “Health Sciences Center Board of Directors”; ~~RPM 3.6 “UNM Hospital Board of Trustees”;~~ University Business Policy 2200, “Reporting Misconduct and Retaliation”; ~~HSC Institutional Compliance Plan;~~ and HSC Code of Conduct/Organizational Ethics; ~~UNM’s HIPAA Compliance Policy for Certain Health Plans Offered by the University;~~ UNM Hospital HIPAA Policy.)
- UNM’s HIPAA Compliance Policy for Certain Health Plans Offered by the University

EXHIBIT A

~~THE UNIVERSITY OF NEW MEXICO Health Care Components Designated As a Hybrid Entity Pursuant to Regulations Promulgated Pursuant to the Health Insurance Portability & Accountability Act of 1996, As Amended~~ Amended: December 7, 2010

The University of New Mexico (~~“UNM”~~),¹ as a hybrid covered entity under 42 ~~C.F.R.CFR~~ Part 164.504, hereby designates the following operations as health care components for purposes of complying with the ~~Health Insurance Portability and Accountability Act of 1996~~ HIPAA Standards:

- ~~1. The Health Sciences Center (and its component units, centers, and programs as defined in RPM 3.4) and the UNMH Facilities (as defined in RPM 3.4), excluding the Tumor Registry and the Office of the State Medical Investigator for the State of New Mexico in fulfilling its statutory duties as coroner;~~
- ~~2. UNM Medical Group, Inc., a New Mexico non-profit and University Research Park and Economic Development Act corporation (“UNMMG”), including, without limitation, any and all clinics operated and/or managed by UNMMG;~~
 - HSC and its academic and clinical arms (as defined in RPM 3.4, except for UNMMG and SRMC)
 - ~~3. • Telemedicine, telehealth, and/or teleradiology programs (including, without limitation, Project ECHO) on all UNM campuses;~~ hospitals, and clinics
 - ~~4. • Counseling Assistance &and Referral Services;~~
- ~~5. Center for Family & Adolescent Research;~~
- ~~6. Center for Exercise; and Applied Human Physiology~~
- ~~7. Psychology Clinic;~~
- ~~8. • Speech and Hearing Sciences;~~

9. ~~Employee Health Promotion Program;~~

10. ~~Any and all Lobo Clinics;~~

11. ~~Student Health Center and Counseling, excluding those activities thereof covered by the Family Education Rights and Privacy Act, 20 U.S.C. § 1232g, as amended;~~

12. ~~Office of the University Counsel;~~

- Office of the University Counsel when accessing or providing health care operational support services in respect to the HSC, the Self-Insured Benefit Plans, and/or to any of the other health care components identified in this Exhibit A

13. ~~Safety and Risk Services Department; when accessing or providing health care operational support services in respect to the HSC, the Self-Insured Benefit Plans, and/or to any of the other health care components identified in this Exhibit A~~

14. ~~Internal Audit Department;~~

15. ~~UNM Medical Plan (as defined when accessing or providing health care operational support services in RPM 3.4), including, without limitation, respect to the following:~~

a. ~~UNM Medical Plan (for health benefits)~~

b. ~~Delta Dental (for dental benefits)~~

c. ~~Flexible Healthcare Spending HSC, the Self-Insured Benefit (for flexible spending accounts) Plans, and/or to any of the other health care components identified in this Exhibit A~~

d. ~~Prescription Drugs~~

- Applicable Human Resources Department Departments as follows:

- o of the University, in carrying out and discharging Planits administration duties in respect to its Self-Insured Benefit Plan

16. ~~o of UNM Hospitals, in carrying out and discharging its administration duties in respect of the UNM Medical to its Self-Insured Benefit Plan;~~

17. ~~Information Technologies Department of the University, and the HSC, respectively, when accessing or providing mission support services in respect of the UNM Health Sciences Center HSC, the UNM Medical Plan Self-Insured~~

Benefit Plans, and/or to any of the departments, centers, or programs other health care components identified in this Exhibit A; and

~~18. UNM Hospitals self-insured Health Benefit Plans including, without limitation, the following:-~~

~~a. UNM Hospitals group health benefit plan (for health benefits)-~~

~~b. Delta Dental (for dental benefits)-~~

~~c. Flexible Healthcare Spending Benefit (for flexible spending accounts)-~~

~~d. Prescription Drugs~~

DRAFT OF 9-18-2017 – track changes

Regents' Policy Manual - Section 3.9: Benefits of the University President

Adopted Date: 08-08-2014

Applicability

This policy applies to the University President and spouse.

Policy

The University President is eligible to receive the same employee benefits provided by policy for all other University employees, including life insurance, health and accident insurance, retirement, and tuition waivers. The Board of Regents may further authorize supplemental life insurance, deferred compensation, or other benefits or salary supplements as part of the Regents' goal to maintain peer equity in the University President's compensation.

If expressly authorized by the Regents in furtherance of the University President's responsibilities, additional benefits such as sabbatical privileges, leaves of absence, individual professional association memberships, and club memberships and dues may be provided for use in carrying out the role of University President.

The terms of the University President's compensation and benefits package are set forth in an ~~Employment~~employment ~~Agreement~~agreement between the University President and the Regents. In the event of a conflict between the ~~Employment~~employment ~~Agreement~~agreement and the provisions of this policy the ~~Employment~~employment ~~Agreement~~agreement governs.

Term Life Insurance

The University will purchase a term life insurance policy on the life of the University President. The ~~Employment~~employment ~~Agreement~~agreement between the University President and the Regents specifies that the University must be named as a partial beneficiary under the policy. The premium cost for the percentage of the policy for which the University President specifies the beneficiary is to be included in the

taxable compensation of the University President. The premium cost for the percentage of the policy for which the University is named as a beneficiary is not to be included in the taxable compensation of the University President.

Automobile Use

The University President may receive an automobile allowance, payable monthly for the reimbursement of the use of personal vehicles for University purposes. ~~The University will reimburse the University President's business-related gasoline expenses.~~ The automobile allowance shall be specified in the Employment agreement.

Travel

The University President will receive reimbursement for reasonable travel, hotel, and other proper expenses for official University business, in accordance with UAP Policy 4030 ("Travel"). The Board of Regents will approve any requests for exceptions to the requirements of UAP 4030 on a case-by-case basis.

Professional Growth

The University will pay or reimburse the University President for reasonable expenses incurred to attend educational conferences, conventions, courses, seminars, and other similar professional growth activities.

Official Residence

The University President's official residence is located at 1901 Roma NE on the University campus. As required by the Board of Regents as a condition of employment, the residence will be used for University purposes, both administrative and social. The University will provide repair and maintenance services, utilities (electricity, gas, water, sewer, cable television or similar service, and telephone service) for the residence. Any remodeling or major repairs in excess of twenty thousand dollars (\$20,000) must be reviewed by the Board of Regents' Finance and Facilities Committee and approved by the full Board.

In the public parts of the official residence the University President shall entertain visiting dignitaries and community leaders, hold receptions, meetings, fundraisers, or otherwise host a variety of events for mixed business and social purposes benefiting the interests of the University. In such instances, cooking, catering, and housekeeping services may be provided or otherwise paid for by the University at the University President's request.

Discretionary Funds

In order to assist the University President in carrying out presidential duties, the University President will have a reasonable discretionary fund made available from private funds raised by the UNM Foundation for such miscellaneous expenses as retirement or recognition gifts, purchase of tables at receptions sponsored by community organizations, and other similar expenses judged appropriate for the benefit of the University. The University President's expenditures are provided for Regents' review on a regular basis, including through an annual audit of such expenditures.

Alcoholic Beverages

Reimbursement of the purchase of alcoholic beverages is prohibited except when incurred in the performance of University business, such as a hospitality event for guests of the University. Payment or reimbursement for such purchases of alcoholic beverages shall be made with University of New Mexico Foundation funds. The University President is expected to comply with UAP Policy 4000 ("Allowable and Unallowable Expenditures").

Spousal Benefits

The Regents recognize that the University President's spouse is expected to participate in the activities and operations of the University. The spouse often makes a large and uncompensated contribution to the affairs of the University. By representing and often substituting for the University President at functions within the University and the community and through involvement in University events, fundraising, alumni, and other activities, the spouse can provide an important benefit to the University. -In order for the reimbursement of a spouse's expenses to be non-taxable and excluded from the University President's gross income, the spouse must have been engaged in an activity that has a bona fide University business purpose.

Actual expenses for travel, lodging, and meals for the spouse may be paid by the University when the spouse participates in meetings, conferences, and workshops specifically related to the presidential role, and when participating in official functions such as alumni development, fundraising, and University advancement. Any such University related travel expenses incurred will be reimbursed according to UAP 4030 ("Travel") and other established policies and procedures and be considered non-taxable.

When the spouse accompanies the University President on trips and does not have a bona fide business purpose or has no specific and significant involvement in the

business activity, the amount paid for such travel is taxable and must be included in the President's gross income.

Annual Audit Report

Internal Audit shall prepare and submit to the Board of Regents an annual audit report detailing the University President's travel and entertainment expenses.

References

- UAP 4000 ("Allowable and Unallowable Expenditures
- UAP 4030 ("Travel")

Attachments

- Exhibit A: - Taxes Related to the Expenses of the University President's Spouse
- Exhibit B: - Documentation Form for Spousal Expenses

DRAFT OF 9-18-2017 – track changes

Regents' Policy Manual - Section 4.1: Student Government

Adopted Date: 09-12-1996

Amended: 12-12-1996

Amended: 06-09-1998

Applicability

This policy applies to all students at the University of New Mexico.

Policy

The Board of Regents recognizes the importance of student government and authorizes students to provide for their own self-government in aspects of student affairs in accordance with Regents' policies and student government constitutions approved by the Regents. The student government organizations authorized by the Board of Regents are the Associated Students of the University of New Mexico (ASUNM), representing undergraduate students of the main-Albuquerque campus; the Graduate and Professional Student Association (GPSA), representing graduate and professional students of the main-Albuquerque campus; the Gallup Branch Campus Student Government; the Taos Branch Campus Student Government; the University of New Mexico-Valencia Branch Campus Student Government, and the Los Alamos Branch Campus Student Government. The constitutions of each of these organizations and any proposed amendments as provided for in their constitutions are subject to approval and modification by the Board of Regents. The Board of Regents will intervene in student government only in unusual circumstances or to ensure compliance with the law.

The by-laws, law books, election rules, and other regulations of these organizations shall be subject to review and approval by the University Counsel as to form and consistency with applicable law and regulations.

References

Constitutions of ASUNM and GPSA, respectively, published annually in the Pathfinder.

DRAFT OF 9-18-2017 – track changes

Regents' Policy Manual - Section 4.2: Student Code of Conduct

Adopted Date: 09-12-1996
Amended: 06-12-2012

Applicability

This policy applies to all ~~full-time and part-time~~ enrolled students ~~pursuing undergraduate, graduate, or professional studies~~ at the University.

Policy

The University ~~will take disciplinary action against~~ acknowledges and affirms the rights of students for under the federal and state constitutions, including First Amendment and due process rights.

In 1992, the Regents approved a Student Code of Conduct, which is published in the Pathfinder. The purpose of the Student Code of Conduct is to prevent conduct which~~that~~ adversely affects the University's educational function; ~~disrupts community living on campus;~~ or ~~interferes with the rights of others to pursue their education, conduct~~ perform ~~their University duties and responsibilities, or participate in University activities, when the.~~

The University may take disciplinary action when ~~offensive conduct in a~~ violation of the Student Code of Conduct ~~occurs on University premises or at University-sponsored events, or. Disciplinary action also may be taken when for an~~ violation offense ~~which~~ that ~~occurs off campus is such that~~ when the ~~failure to take disciplinary action is likely to interfere with the educational process or the orderly operation of the University, or endanger the health, safety, or welfare of the University community. The Regents have adopted a "Student Code of Conduct" which is published in the UNM Pathfinder.~~

References

- "Student Code of Conduct," UNM Pathfinder. ~~Pathfinder ("Student Code of Conduct")~~

DRAFT OF 9-18-2017 – track changes

Regents' Policy Manual - Section 4.3: Student Grievances

Adopted Date: 09-12-1996

Amended: 06-12-2012

Applicability

This policy applies to all [enrolled](#) students at the University.

Policy

Disputes arise in every community and the University community is no exception. Disputes may arise, for example, in regard to academic matters, disciplinary matters, academic records, discrimination, academic dishonesty, or sexual harassment. The University shall provide procedures for the peaceful and fair resolution of disputes that may arise between students, and between students and members of the faculty or staff of the University. ~~The University President may, if deemed desirable, establish different procedures for different types of grievances or for different parts of the University.~~ All grievance procedures shall respect the due process and other constitutional rights of the participants. These procedures shall provide for the possibility of appeal to the Board of Regents at the discretion of the Board.

References

- [Pathfinder](#) ("Student Grievance Procedure")
- ~~and "Graduate Student Grievance Procedure,"~~ [Pathfinder](#) ("Procedure for Redress of Sexual Harassment")
- [Pathfinder](#) ("Student Employee Grievance Procedure")
- [Faculty Handbook C09](#) ("Respectful Campus")
- [Faculty Handbook D176](#) ("Graduate Student Grievance Procedures")-UNM ~~Pathfinder.~~
- [UAP 2240](#) ("Respectful Campus")
- [UNM Office of Equal Opportunity](#) ("Discrimination Claims Procedure")

DRAFT OF 9-18-2017 – track changes

Regents' Policy Manual - Section 4.4: Student Records

Adopted Date: 09-12-1996

Amended: 06-12-2012

Applicability

This policy applies to all records containing personally identifiable information about a student. It does not apply to records containing information about prospective students, applicants, or alumni.

Policy

Under the Family Educational Rights and Privacy Act of 1974 (FERPA), students have the right to inspect and review most records maintained about them by the University, to restrict access to information about them by outsiders in most cases, and to amend student-education records which-that are inaccurate, misleading, incorrect or violate students' privacy rights. FERPA also requires the University to inform students of their rights under the law. ~~FERPA and the policy.~~

~~It is the policy of the University to comply fully and fairly with the provisions of the Act and applicable federal regulations.~~

References

- RPM 2.17 ("Public Access to Records;")
- UAP 2300 (~~RPM 2.17~~; "Inspection of Public Records;")
- Pathfinder (~~UBPPM 2300~~; "Student Records Policy;") UNM Pathfinder.

DRAFT OF 9-18-2017 – track changes

Regents' Policy Manual - Section 4.5: Student Publications

Adopted Date: 09-12-1996

Amended: 06-12-2012

Applicability

This policy applies to all publications written or produced by students at the University.

Policy

The University recognizes and fully supports the First Amendment rights of its students in expression of views through the written word. The Board of Regents, faculty, and staff shall not exercise editorial control over student publications, except where specifically provided by University policies or procedures. The University shall not be deemed to endorse the content of these publications unless so stated.

References

- US Const. First Amendment
- NM Const., Art. II, § 17 ("Freedom of speech and of the press; libel")

- ~~— U.S. Constitution, First Amendment;~~
- ~~N.M. Constitution, Art. II, § 17; "Student Publications Board,"~~ Faculty Handbook A.70.2

Comment [1]:

Faculty Senate abolished Policy A70.2 on 4/24/07. There exists a Student Publications Board that has adopted a Policy Statement which appears not to be subject to BOR review. I don't think that Statement should be included in the References section.

DRAFT OF 9-18-2017 – track changes

Regents' Policy Manual - Section 4.6: Chartered Student Organizations

Adopted Date: 09-12-1996

Applicability

This policy applies to all chartered student organizations, including sororities and fraternities.

Policy

Chartered student organizations may be formed to further the common interest of the members of the group and the University community. Such organizations develop many opportunities for learning ~~which that~~ supplement and reinforce the classroom activities of students. They also provide students with the opportunity to engage in a wide range of activities and expand forums for discussion and debate.

Chartering of an organization does not constitute an endorsement of the organization, or of its programs or purposes, by the University. Chartering is the approved means of gaining official recognition. An organization's failure to meet its responsibilities as a chartered student organization may ~~Misuse or nonuse of a charter will~~ result in the withdrawal of recognition by the University. Neither chartered student organizations nor their officers have the legal authority to enter into contracts on behalf of the University.

Implementation

~~The President shall establish administrative policies and procedures for chartering student organizations, which shall be published in the Pathfinder.~~

References

- UNM-Pathfinder (See, "-Chartered Student Organization_s-Policy") ~~published annually in the Pathfinder.~~

DRAFT OF 9-18-2017 – track changes

Regents' Policy Manual - Section 4.7: Tuition and Fees

Adopted Date: 09-12-1996

Amended: 11-14-1996

Amended: 03-13-2000

Amended: 12-12-2014

Amended: 01-09-2015

Applicability

This policy applies to the annual determination of tuition and mandatory fee rates for resident and nonresident undergraduate and graduate students, including the differential tuition charged for certain programs. All changes to tuition and fee rates, including differential tuition, go into effect on the first day of the fall semester following the Regents' approval. -The Board of Regents has plenary authority and responsibility for the setting of tuition and mandatory fee rates for students at all levels, undergraduate, graduate, and professional, and does so in the exercise of its sound judgment and discretion.

Policy

The Board of Regents has ultimate authority for approving tuition and fee rates. -The Board will consider recommendations received from the University President, as well as from the Provost, Chancellor for Health Sciences (for the Health Sciences Center), and the Branch Campus Advisory Boards (for the branch campuses).

The Board has charged the University President, in conjunction with the Provost, Chancellor, and Branch Campus Advisory Boards, ~~for-with~~ developing an equitable process for determining the annual tuition and fee rate recommendations. -At all stages, starting early in the budget cycle, the process should emphasize the five elements of collaboration, inclusiveness, transparency, timeliness, and accountability and provide:

- regular communication with the Board
- meaningful opportunities for student involvement
- meaningful opportunities for involvement by faculty, staff, and academic leaders

Among factors to be considered in determining tuition and fee rates are comments from campus constituents, access issues, levels of state appropriations, reduction of expenses, availability of need-based financial aid, charges at peer and regional institutions, national trends, economic conditions, recruitment and retention of faculty on the national market, recognition of the social benefits of higher education, strategic initiatives and priorities of the University, and other parameters defined in this policy.

Financial assistance will be available to mitigate the effects of increases in tuition and fees in order to assure access to the University for qualified students who demonstrate the greatest financial need.

Objectives

In setting the annual tuition and fee rates, the Regents endeavor to:

- provide a rationale for the University's tuition and fees decisions
- stabilize the planning and operation of University functions
- provide predictability and consistency with respect to tuition and fees as a guide to students and their families
- ensure that students and the ~~state~~ State continue to share the cost of education at UNM in reasonable proportions
- ensure that tuition and fee decisions are consistent with the goals and objectives of the University
- be sensitive to relevant national and regional tuition and policy trends
- ensure that current New Mexico economic conditions of the consumer are considered in establishing tuition policy
- provide competitive salaries for faculty and staff
- provide a meaningful opportunity for student input in the University's budget development process, particularly in regard to tuition and fees
- avoid rate increases through reduction of expenses and reallocation of funds
- move UNM toward achieving its strategic goals
- assess administration-prioritized expenditure options and proposed funding strategies for each of them

Mandatory Fees

Mandatory fees consist of a student activity fee, a facility/information technology debt service fee, and a student government fee.

The Student Fee Review Board recommends student activity fee amounts and unit allocations of student activity fee revenue to the Budget Leadership Team. The Budget Leadership Team recommends fee amounts and allocations to the University

President, who approves the allocations of student activity fee revenue and recommends a student activity fee rate to the Regents.

A debt service fee with two components, a facility fee and an enterprise resource planning project fee, is assessed to help the University repay the outstanding principal and interest on bonds sold by the University. -The fee is calculated based upon the amount needed by the University to make required debt service payments. -The fee is set at the time bonds are issued, and approved annually by the Regents.

Subject to authorization by the Regents, a student government fee is levied on each student, as specified in the Associated Students of the University of New Mexico Constitution, ~~and~~ the Graduate and Professional Student Association Constitution, and, as applicable, the constitutions of branch campus student governments.

References

- UAP 1310 ("Student Fee Review Board")
- UAP 8210 ("Tuition and Fees")

Comment [1]:

I found the Constitutions for student government at the Los Alamos and Taos branch campuses. Both documents include provisions providing for a fee to be levied on all lower division students with the funds going to student government, as authorized by the BOR. In the case of Taos, the funds are split between student government and an account controlled by the Executive Director to be used for student oriented services. So it appears there are UNM student governments in addition to ASUNM and GPSA that receive some fee funding.

DRAFT OF 9-18-2017 – track changes

Regents' Policy Manual - Section 4.8: Academic Dishonesty

Adopted Date: 09-12-1996

Amended: 06-12-2012

Applicability

This policy applies to all students at the University with regard to academic activities and professional activities related to academic work.

Definition

"Academic dishonesty" includes, but is not limited to, dishonesty in quizzes, tests, or assignments; claiming credit for work not done or done by others; ~~hindering the academic work of other students; misrepresenting academic or professional qualifications within or without the University;~~ and nondisclosure or misrepresentation in filling out applications or other University records.

Comment [PD1]: This language was removed because it does not appear in the Faculty Handbook D100 definition.

Policy

Each student is expected to maintain the highest standards of honesty and integrity in academic and professional matters. The University reserves the right to take disciplinary action, up to and including dismissal, against any student who is found guilty of academic dishonesty or who otherwise fails to meet the expected standards. Any student judged to have engaged in academic dishonesty in course work may receive a reduced or failing grade for the work in question and/or for the course.

References

- Faculty Handbook D100: (["Dishonesty in Academic Matters"](#)) (["Academic Dishonesty,"](#)) UNM Pathfinder

DRAFT OF 9-18-2017 – track changes

Regents' Policy Manual - Section 4.9: Intercollegiate Athletics

Adopted Date: 09-12-1996

Applicability

This policy applies to all intercollegiate athletic programs offered by the University.

Policy

Through its intercollegiate athletics programs, the University of New Mexico provides the opportunity and encouragement for student athletes to pursue degrees of their choice and develop their athletic abilities in keeping with high standards of academic scholarship, sportsmanship, leadership, and institutional loyalty.

It is the University's policy that its intercollegiate athletics programs must:

- ~~1~~ — Encourage scholarship, sportsmanship, fair play, and a sense of responsibility among all athletes, members of the University community, and spectators at athletic events;
- ~~2~~ — Enable the University to be represented by men and women who are bona fide students making normal progress in degree programs with appropriate academic counseling, advisement, and support;
- ~~3~~ — Comply with the spirit and intent of the federal regulations mandating equal opportunity for men and women in intercollegiate athletics, including remedying financial discrepancies between men's and women's athletic programs; and
- ~~4~~ — Comply strictly with the rules and regulations of the National Collegiate Athletics Association (NCAA), ~~the Western Athletic Conference (WAC),~~ or any other governing body to which the University might become subject.

Student athletes shall be required to comply with all applicable rules and regulations of the NCAA ~~and the WAC~~ and shall receive appropriate training in those rules and regulations.

Implementation

The President shall adopt administrative policies and procedures for implementing this policy. Coaches and other athletics personnel ~~shall be~~ are required ~~by the terms of their employment contracts~~ to manage their programs in compliance with all applicable laws, ~~and regulations, and University policies~~ and ~~shall be a~~ shall be subject to discipline for failure to comply. Coaches and other athletics personnel shall receive regular training in relevant laws, ~~and regulations,~~ and University policies.

References

- Title IX of Civil Rights Act of 1964; ~~U.S. Department of Health, Education and Welfare regulations of 1979;~~
- NCAA regulations; ~~WAC regulations.~~
- Faculty Handbook A61.2: ("Athletic Council")

Comment [1]:

I'm not sure what this reference is. As far as statutory law, Title IX and its implementing regulations cover it.

DRAFT OF 9-20-2017 – track changes

Regents' Policy Manual - Section 5.1: The Faculty's Role in the University's Academic Mission

Adopted Date: 09-12-1996

Applicability

This policy applies to the Faculty of the University.

Policy

The Board of Regents fully appreciates the strategic role the Faculty has in carrying out the University's mission of teaching, research, and public service. The Board, therefore, reaffirms the right of review and action delegated to the Faculty in regard to: (1) formulation of institutional aims; (2) creation of new colleges, schools, and departments and divisions; (3) major curricular changes and other matters which in the opinion of the University President ~~of the University~~ or ~~his~~ delegate affect the institution as a whole; (4) requirements for admission, and graduation, and for honors, and scholastic performance in general; (5) approval of candidates for degrees; (6) policies of appointment, promotion in academic rank, and dismissal, ~~and promotion in academic rank~~; (7) research; and (8) general faculty welfare. However, actions taken by the University Faculty shall be subject to the authority of the Regents in matters involving finance, personnel, and general University ~~Policy~~policy.

Following review and action by the Faculty and administration, Formal approval by the Board is required, ~~following review and action by the Faculty, and administration~~ for: formulation and revision of institutional aims; creation of colleges, schools, and branches; creation or elimination of degree programs; candidates for degrees; policies for appointment, promotion in rank, and dismissal of faculty members; and faculty welfare issues ~~as these relate directly to fiscal and institutional issues~~. Nothing in this policy in any way restricts the plenary authority of the Board of Regents under New Mexico law and ~~this the Regents'~~ Policy Manual.

Implementation

The [Faculty Constitution](#) adopted by the Faculty and approved by the Board (~~last amended in 1985~~) contains the ~~faculty~~ [Faculty](#) responsibilities included in this policy. In implementing this policy, the Board may from time to time approve policies and procedures adopted by the ~~faculty~~ [Faculty](#). The Faculty Constitution and policies and procedures adopted by the ~~faculty~~ [Faculty](#) and approved by the Board shall be ~~printed published~~ in the [Faculty Handbook](#) and shall indicate the dates of approval by the Board.

References

- [Faculty Handbook \(online, as maintained by the Office of the University Secretary\), \[1990 ed.\], page A-9.](#)
- [Faculty Handbook A51 \("Faculty Constitution"\)](#)

~~The following policies, approved previously by the Regents and the Faculty and printed in the [Faculty Handbook](#), are not considered by the Regents to be governing-level policies appropriate for this manual. They do, however, continue in effect and may be changed or eliminated in the future by the Faculty Senate, with the approval of the University President or Provost, without approval by the Regents.~~

~~LICY NAME~~ **FACULTY HANDBOOK PAGE NO.**

- ~~[Faculty Handbook C05 \("Rights and Responsibilities at the University of New Mexico"\), Section 6, \(applicable to faculty only\)](#)~~
A-5-6
- ~~[Faculty Handbook C100 \("Academic Load"\)](#)~~
B-18
- ~~[Faculty Handbook C90 \("Dates of Campus Duty"\)](#)~~
~~[Faculty Handbook C10 \("B 21](#)~~
• ~~[Employment and Advanced Degrees"\)](#)~~
B-22
- ~~[Faculty Handbook C50 \(Faculty Contracts"\)](#)~~
B-23-24
Minimum Teaching Requirements
- ~~[Faculty Handbook C60 \("Visiting Scholars"\)](#)~~
B-27-28
- ~~[Faculty Handbook C305 \("Emeritus Status"\)](#)~~
B-28-29
- ~~[Faculty Handbook C1](#)~~
G-1
Publications Opportunities
- ~~[Faculty Handbook E30 \("Reprints of Scholarly Research Publications"\)](#)~~
D-4-6
- ~~[Faculty Handbook E6-7](#)~~
D-6-7

Research Support
D-7-9

The following policies, approved previously by the Regents and the Faculty and printed in the Faculty Handbook, have been incorporated in other policies as indicated below:

POLICY NAME

REFERENCE

Patent Policy-

RPM 5.8

Privileges and Benefits

RPM 6.3

Copyright Policy

RPM 5.8

Appointments

RPM 5.2, 6.1

Faculty Duties and Responsibilities

RPM 5.2

Promotion in Rank

RPM 5.2

Employment of Relatives

UBPPM 3210

Political Activities

RPM 6.5

Termination of Employment

RPM 5.2

The following policies, contained in the previous Regents' Policy Manual, are repealed (these policies do not appear in the Faculty Handbook):

Treason

~~D-4~~

Letters of Academic Title

~~D-5~~

Employment Above Age 70

~~D-5~~

University Physician Associates

~~D-7~~

Affiliation of Medical School

~~D-8~~

UNM Hospital/UNMH (BCMG)

~~D-8~~

Research Objectives

~~G-1~~

DRAFT OF 9-20-2017 – track changes

Regents' Policy Manual - Section 5.2: Academic Freedom and Tenure; ~~Titles,~~ ~~Appointments, and Promotions~~

Adopted Date: 09-12-1996

Applicability

This section applies to ~~all the~~ Faculty of the University.

Policy

The University's Policy on Academic Freedom and Tenure, which includes faculty [titles](#), appointments, reviews ([including post-tenure reviews](#)), and promotions, is set forth in full in Section B of the Faculty Handbook. ~~last amended in 1985, and on Appointments and Promotions, last amended in 1979, are set forth in full in the~~ Faculty Handbook.

Reference

Faculty Handbook Section B ("Policy on Academic Freedom and Tenure")

DRAFT OF 9-20-2017 – track changes

Regents' Policy Manual - Section 5.4: Leaves of Faculty Leave and Absence from Assigned Duties

Adopted Date: 09-12-1996

Applicability

This policy applies to the faculty-Faculty of the University ~~of New Mexico~~.

Policy

~~The following~~Various types of ~~leaves of absence~~leave authorized for faculty members are ~~authorized~~set forth in provisions of the Faculty Handbook, including sabbatical leave, ~~leave without pay, annual~~ leave ~~for service abroad, military leave, faculty absence from assigned duties,~~ sick leave, ~~maternity~~parental leave, holidays, professional leave, ~~and military leave, leave for service abroad,~~ leave of absence incident to political activity, ~~absence from assigned duties, academic leave for principal lecturers, jury/court duty, religious accommodations, and leave without pay.~~

Implementation

The full text of policies on faculty leave ~~of and~~ absence from assigned duties, previously adopted by ~~the~~ faculty and approved by the Board, is printed in the *Faculty Handbook*. Additional leave policies applicable to employees, including faculty of the University, are contained in the University Administrative Policies and Procedures Manual.

References

- Faculty Handbook [1990 ed.], pages C-3 to C-7, C50, C90, and C200 through C280
- Emeritus Status, RPM-6.3-University Administrative Policies and Procedures Manual (Sections 2000 and 3000)

DRAFT OF 9-21-2017 - track changes

Regents' Policy Manual - Section 5.5: Outside Employment and Conflicts of Commitment

Adopted Date: 09-12-1996

Applicability

This policy applies to full-time faculty members of the University.

Policy

Full-time ~~members of the University~~ faculty are encouraged to engage in outside professional activities such as writing, consulting, lecturing, or activities of similar nature which will enhance their professional growth or reputation, subject to the following restrictions:

- Since ~~the faculty member's~~ faculty's primary responsibility is to the University, all outside employment is considered secondary. The time spent in outside employment ~~or in additional work done within the University for extra compensation, or in both of these together,~~ may not exceed the equivalent of one work day per seven-day week during the contract period. For faculty with nine-month contracts this is the equivalent of 39 work days and for faculty with twelve-month contracts this is the equivalent of 52 work days per contract period.
- Outside professional activities will not significantly conflict with classes, ~~office~~ office hours, or other assigned duties and commitments.
- Except in cases specifically approved in writing by the University President authorizing ~~official~~ official University involvement, the ~~faculty member in undertaking such employment shall~~ University is not responsible for any services provided to an outside entity. Faculty act as an individual ~~individuals~~ and not as an agent ~~agents~~ of the University and shall not use the name of the University or official University stationery in connection with such work when providing services to outside entities.
- Great care
 - Faculty should be taken not provide any services to avoid an outside entity when those services would conflict of interest with or appearance of a conflict of interest situation be in carrying out any type of consultant or research activity competition with services offered by the University itself.
- When exceptions to this policy are necessary in the interest of the University, they

must have the advance written approval of the ~~Associate Provost for Academic Affairs~~ or Chancellor, as appropriate.

~~Deans are to report to the Associate Provost for Academic Affairs at the end of each semester and summer session summaries of the number of days spent by each faculty member on outside employment.~~

Implementation

~~The full policy, previously adopted by the faculty and approved by the Regents, is printed in the Faculty Handbook.~~

~~The Provost has interpreted the "one work day per week" language to mean 39 days for the contract period (9 months). The 39 days can be arranged in various ways (e.g., one day a week, all at one time); Saturdays and Sundays are counted toward the 39 days. Extra compensation paid through the University (see RPM Policy 5.6) and outside employment both count toward the 39 days.~~

~~For the Health Sciences Center, the reporting by the dean (last item in policy above) is made to the Vice President for Health Sciences.~~

References

~~Faculty Handbook [1990 ed.] pages B-25 — B-26.~~

- Faculty Handbook C130 ("Outside Employment and Conflicts of Commitment")
- HSC Faculty Outside Activities Policy

DRAFT OF 9-21-2017 – track changes

Regents' Policy Manual - Section 5.6: Extra Compensation Paid by the University

Adopted Date: 09-12-1996

Applicability

This policy applies to regular faculty members at the University.

Policy

Faculty members may occasionally receive extra compensation from the University for additional work done, separate from their usual responsibilities, in connection with University-related activities provided that:

1. The faculty member wishes to pursue the opportunity for extra compensation;
- ~~1.2.~~ _____ Advance approval in writing is given by the chair of the faculty member's contract department and the appropriate department chairperson and dean or director of the college or school of the contract department; and
- ~~2.3.~~ _____ The work done for extra compensation does not in the opinion of the approving authority authorities:
 - a. Conflict in time with regular University duties and assignments;
 - b. Constitute a "conflict of interest" situation for the faculty member; and
 - b.c. Come within the scope of the faculty member's regular responsibilities for which compensation is already being paid.
- ~~3.~~ The work for extra compensation or the outside employment, or both of these together, does not exceed the equivalent of one working day per week. (See Policy Concerning Outside Employment, RPM 5.5.)

Implementation

~~The full policy, including procedures for paying extra compensation, was previously adopted by the Faculty and approved by the Board. It is printed in full in the Faculty Handbook.~~

~~See "Implementation" section of RPM 5.5 for an interpretation of "one working day per~~

week."

References

- Faculty Handbook C140 ("Extra Compensation Paid by the University")
- Office of Faculty Affairs and Services Guidelines on Extra Compensation
- HSC Procedures for Implementing C140

Faculty Handbook [1990 ed.], page B-26.

DRAFT OF 9-21-2017 – track changes

Regents' Policy Manual - Section 5.7: ~~Confidentiality of~~ Faculty Records

Adopted Date: 09-12-1996

Applicability

This policy applies to information about faculty members of the University.

Policy

Information concerning faculty ~~members of the University of New Mexico~~, other than ~~confidential case files and related information that necessary for and~~ kept by the Office of Equal Opportunity ~~Programs and the Academic Freedom and Tenure Committee~~, may be gathered, retained, disclosed, and used by academic or administrative units of the University subject to rules adopted by the Faculty and approved by the Board. Information concerning a faculty member shall be collected or retained by an academic or administrative unit of the University solely for the purposes of carrying out official University business, including ~~and of~~ determining the status or responsibilities of faculty members. ~~Any person is entitled to public information maintained by the University concerning a faculty member.~~

In accordance with UAP 2300, any person is entitled to public information maintained by the University concerning a faculty member.

Implementation

~~In 1981, the Board, following review and action by the faculty, approved the detailed policy (including rules), which is printed in its entirety in the~~ ***Faculty Handbook***.

References

- Faculty Handbook C70 ("Confidentiality of Faculty Records")
- RPM 2.17 ("Public Access to University Records")
- RPM 6.7 ("Disclosure of Information About Employees and Candidates for

Employment”)

- UAP 2300 (“Inspection of Public Records Act”)
- UAP 3710 (“Personnel Information Disclosure Policy”)

Faculty Handbook [1990 ed.], pages E-1 and E-2.

DRAFT OF 9-27-2017 – track changes

Regents' Policy Manual - Section 5.8: Intellectual Property

Adopted Date: 09-12-1996

Amended: 11-09-1999

Amended: 09-14-2010

Applicability

~~This policy applies to all~~In the course of conducting their University-administered activities, faculty, staff, and students ~~who often~~who often create intellectual property ~~which can that may~~which can that may be ~~protected~~protectable by patent, copyright, or other means. This policy applies to the ownership, protection, and transfer of ~~scholarly/artistic works and technological works created by University faculty, staff and students.~~such intellectual property.

Policy

~~In the course of conducting The University-administered activities such as research, investigation and education, the faculty, staff and students often create intellectual property which may be protectable by patent, copyright or other means. It is the policy of the University to encourage, support and reward scientific research and scholarship, and to recognize the rights and interests of creators, the University and the public. It is also the policy of the University to encourage~~encourages the treatment of intellectual property in ways beneficial to the creators ~~(in part by sharing royalties with creators), of such works,~~as well as to the University and to the public. In order to benefit the University and the public, by the University retaining~~retains~~ownership of certain intellectual property and ~~pursuing~~pursues its commercialization ~~thereof~~thereof. These efforts can ~~only~~only be successful only if the University and the creators assist each other in identifying, evaluating, protecting, and exploiting such property. ~~These~~Such efforts ~~also contribute to the recognition that help in recognizing~~also contribute to the recognition that help in recognizing the creation of intellectual property ~~is~~is a significant academic achievement.

~~Accordingly, it~~It is the policy of the University to encourage, support, and reward

research and scholarship, and to recognize these achievements by providing advice the rights and interests of legal relationships with respect to intellectual property, encouraging the creators' performance of key roles in the utilization of intellectual property and optimizing the benefits of potentially valuable intellectual property to the creators through commercialization efforts and sharing of royalties with the creators, as well as, the University, and the public. The However, the University's commitment to teaching and research is primary. This and this policy does not diminish the right and obligation of faculty, staff, and students to disseminate research results for scholarly purposes. The latter is considered by the University to take precedence over the commercialization of scholarly/artistic and technological works intellectual property.

Implementation

On September 14, 2010, following review and action by the faculty, the Board approved a revision of the detailed "Intellectual Property Policy" originally adopted in 1989, which is available on the Internet and from chairs and deans.

References

Detailed "Intellectual Property Policy" adopted by Faculty Senate 4-27-2010.

- RPM 2.15 ("STC.UNM")
- Faculty Handbook E70 ("Intellectual Property Policy")
- STC.UNM



Note: RPM 5.9
is a proposed new policy
and, therefore, we have
not included a track-
changes version for your
review

DRAFT OF 9-27-2017 – track changes

Regents' Policy Manual - Section 5.17: Conflict of Interest Waiver ~~Policy~~ for Technology Transfer

Adopted Date: 10-12-1999

Applicability

This policy applies to the ~~Regents-officers (including Regents)~~ and ~~to all~~ employees ~~(faculty and staff)~~ of the University.

Policy

In accordance with NMSA 1978, § 21-28-2, ~~The the University~~ President or a designee may grant permission for an officer or employee of the University to establish and maintain a substantial interest in a private entity which contracts with the University for the purpose of providing goods ~~and/or~~ services to the University, or receiving goods ~~and/or~~ services from the University, in order to facilitate the transfer of technology developed by the officer or employee from the University to commercial and industrial enterprises for economic development, based upon the following criteria:

- ~~—~~ The proposed undertaking will benefit the economy of the State of New Mexico.
- ~~—~~ The proposed undertaking will not adversely affect research, public service, or instructional activities at the University.
- ~~—~~ The officer's or employee's interest in the private entity, or benefit from the interest, will not adversely affect any substantial interest of the State of New Mexico.

The University President's determination shall be made in consultation with the applicable UNM Conflict of Interest Committee, as established pursuant to E110 Regents' Policy 5.10 (Conflicts of Interest in Research) or as otherwise determined by the President.

Implementation

The Board approved a detailed policy on October 12, 1999. This policy is published on the Office of Research Services web page.

References

- Research Park Act, NMSA 1978, § 21-28-25, NMSA 1978; ("University Research Park and Economic Development Act"; "Transfer of technology developed by universities; officer or employee interest in private entity")
- Conflicts of Interest in Sponsored Research, RPM 5.10;
- RPM 1.8 ("Regent Code of Conduct and Conflicts of Interest")
- RPM 6.4 ("Employee and Regent Code of Conduct and Conflicts of Interest"), RPM 6.4. Applicability
- Faculty Handbook E80 ("Conflict of Interest Waiver Policy for Technology Transfer")
- Faculty Handbook E110 ("Conflicts of Interest in Research")

DRAFT OF 9-27-2017 – track changes

Regents' Policy Manual - Section 5.18: Endowed ~~Faculty Chairs~~Positions

Adopted Date: 06-14-2005

Amended: 01-09-2015

Applicability

This policy applies to the ~~faculty~~Faculty of the University of New Mexico.

Policy

The quality of the ~~f~~Faculty is one of the enduring hallmarks of a great institution. The University of New Mexico will have made great strides toward being a world-class institution when a large number of eminent scholars across many different areas of study are members of our faculty.

An endowed position is a singular opportunity to recognize and sustain innovative intellectual work or leadership. An endowed ~~chair~~faculty position, such as a chair or professorship, is an honor that can be bestowed on a scholar of distinction. ~~This honor will allow an individual to conduct meaningful inquiry that will expand the frontiers of knowledge and instruct generations; as a result, the reputation of the University will be enhanced.~~ An endowed administrative position is bestowed on a faculty executive to advance the quality of leadership. ~~An endowed chair is a singular opportunity to recognize and sustain innovative intellectual work.~~ The income derived from such an endowment can be used to provide salary support or to fund specific laboratory or other scholarly expenses. Any named position must have an endowment.

~~The Role of the University of New Mexico Foundation~~

~~An endowed chair may be established by a gift or conferred pledge of \$1.5 million. When the University of New Mexico Foundation (UNM Foundation) becomes aware of a donor's wish to establish an endowed chair, the UNM Foundation will communicate the intent of the donor to the President of the University, the Provost and Executive Vice President for Academic Affairs, and the Chancellor for Health Sciences. Upon approval by the President, the UNM Foundation will oversee the details of the gift pledge and will ensure that a fundamental agreement is drafted containing terms~~

consistent with the intentions of the donor. A resolution proposal by the UNM Foundation will be forwarded to the Board of Regents' Academic, Student Affairs, and Research Committee. Appropriate University offices will receive copies of fundamental agreements and resolutions. The Board of Regents' Academic, Student Affairs, and Research Committee will, if approved, forward the resolution to the Board of Regents for action.

The Role of the Regents of the University of New Mexico

The Board of Regents, as the governing body of the University, will act to approve both the establishment of a chair and its holder. In both cases their action will be preceded by review and approval by the Board of Regents' Academic, Student Affairs, and Research Committee.

Once the candidate to hold the chair has been approved by the Board of Regents, the University will take steps to invest in that individual and the chair. This ceremonial occasion would bring together the donors responsible for creating the chair, other donors and friends of the University, friends and family of the chair holder, friends and board members of the University and, if appropriate, invited guests who share scholarly interests with the chair holder to celebrate with members of the academic community. Venues for such an event may vary; possible examples include the Alumni Memorial Chapel, the Student Union Building, or on some occasions the outdoors. The UNM Foundation will be responsible for planning and executing the event.

Role of the Provost and Executive Vice President for Academic Affairs and the Chancellor for Health Sciences

The Provost and Executive Vice President for Academic Affairs or the Chancellor for Health Sciences, depending on the academic role of the chair holder, should ensure that chair holders provide a report of their activity during the course of an academic year. This ensures the academic integrity of the chair and also provides the donor with information on the positive outcomes of his or her gift.

References

- [RPM 2.11](#) ("[Honorary Naming University Facilities, Spaces, Endowments, and Programs Recognition](#)")¹;
- [RPM 7.13](#) ("Receipt and Investment of Gifts to the University")²; and
- [Faculty Handbook C170](#) ("Endowed Chairs and Named Professorships")³;
- [UAP 1020](#) ("Honorary Naming Recognition")⁴



Note: RPM 6.1
is a proposed new policy
and, therefore, we have
not included a track-
changes version for your
review

DRAFT OF 9-27-2017 – track changes

Regents' Policy Manual - Section 6.2: Staff Recruitment and Hiring, Promotion and Transfer

Adopted Date: 09-12-1996

Applicability

This policy applies to all staff employees of the University, ~~but does not apply to faculty, athletic coaches, or student employees.~~

Policy

~~All hiring, promotion, and transfer~~The goal of staff employees shall be based on training, experience, and past performance, in accordance with the University's staff recruitment and hiring process is to achieve an excellent workforce with representation and participation from all of the diverse sectors of our society. The primary objectives of the process are:

- recruiting the best qualified candidates;
- expeditiously filling vacant positions with the best qualified candidate;
- having applicant pools that include qualified candidates from diverse groups in keeping the University's commitment and obligation to affirmative action principles; and
- treating all candidates fairly and equitably, in keeping with the University's commitment and obligation to equal employment opportunity and affirmative action policy. Subject to the University's policy on underutilization: employees of the principles.

University ~~shall be given preference for promotion or transfer over outside applicants if their policies and procedures may grant preferences to New Mexico residents and UNM employees in making hiring decisions, when the~~ qualifications, ability, and past performance of candidates are substantially equal ~~as determined by the University;~~ seniority in UNM employment shall be given weight when two or more employees possess qualifications which are substantially equal ~~as determined by the University;~~ and New Mexico residents shall be given preference in hiring if their qualifications, ability, and past performance are substantially equal ~~as determined by the University.~~

Implementation

The President shall adopt administrative policies and procedures to implement this policy which shall be published in the University Business Policies and Procedure Manual.

References

- ~~See Policy on RPM 2.3 ("Equal Opportunity and Affirmative Action for, Anti-Harassment, and Anti-Retaliation")~~
- ~~UAP 2720 ("Prohibited Discrimination, Harassment, and Related Retaliation")~~
- ~~UAP 3210 ("Recruitment and Hiring")~~
- ~~UAP 3240 ("Contract Employees") and Students, 2.3 (contains the University's policy on underutilization).~~

~~UAP 3210 ("Recruitment and Hiring").~~

DRAFT OF 9-28-2017 – track changes

Regents' Policy Manual - Section 6.3: Privileges and Benefits

Adopted Date: 09-12-1996

Applicability

This policy applies to all faculty and staff employees of the University, ~~but not to student employees.~~

Policy

The University strives to attract and support employees through competitive benefits, professional development and training, clear job requirements and policies, and a safe, healthful, and diverse environment.

In addition to salary compensation, the University ~~shall provide various~~ provides privileges and benefits to ~~its~~ eligible employees. These may include, ~~but are not limited to,~~ various kinds of leave, insurance, holidays, retirement, ~~and education benefits, and dependent education benefits, as well as recognition and reward programs. Employees also have access to dispute resolution resources and grievance procedures.~~

Policies and procedures for faculty and staff may differ, depending on the subject; guidance can be found in the Faculty Handbook and University Administrative Policies and Procedures Manual.

The Regents shall approve the provision of new or expanded benefits if significant budgetary or policy implications are involved. The University President shall implement this policy, including determination of specific benefits, levels of employee contribution, and terms and conditions.

~~Emeritus status is granted to those faculty members of any academic rank and to administrative officers of director level and above who have been full time and who are eligible for retirement benefits under the provisions of the New Mexico Educational Retirement Act at the time of their separation from the University, whether by retirement or resignation. Anyone on disability retirement who subsequently, by reason~~

~~of age, progresses into regular retirement status shall be designated as emeritus at that time, and here again eligible staff employees must be at director level or above.~~

Implementation

~~The President shall adopt administrative policies and procedures to The University President shall implement this policy, including determination of specific benefits, levels of employee contribution, and terms and conditions.~~

References

~~Policies on Personnel in UBPPM Sections 3400 and 3600.~~

~~Dependent Educational Benefits, RPM 6.11.~~

~~Leaves of Absence, RPM 5.4.~~

~~Faculty Handbook, C1-C3 and C7-C10.~~

- UAP, in particular Section 3000 Policies ("Personnel")
- Faculty Handbook, in particular Section C ("Faculty Rules and Benefits")
- Faculty Handbook A53.1 ("Policies Applicable to Faculty")

DRAFT OF 9-28-2017 – track changes

Regents' Policy Manual - Section 6.4: Employee Code of Conduct and Conflicts of Interest ~~Policy~~

Adopted Date: 09-12-1996

Amended: 07-15-2003

Amended: 09-09-2003

Amended: 06-09-2004

Applicability

This policy applies to all employees (~~faculty and staff~~) of the University, to public and student members of University advisory boards and committees, and to other volunteers ~~serving in an acting on behalf of or in service of the University in any~~ official capacity. For the purposes of this policy, the term "employee" shall include all of these individuals.

Policy

Employees of the University shall maintain the highest standards of business ethics in transactions with the University, with state, federal, and local governments, and with the public. Employees are expected to perform their duties faithfully and efficiently and never give rise to a suspicion of improper conflict with the interests of the University. Employees shall not accept favors or gratuities from any firm, person, or corporation that is engaged in, or attempting to engage in, business transactions with the University.

Subject to specific University administrative policies, employees must avoid any conflict of interest that may affect their independent judgment in the impartial performance of their duties and may not use their positions to enhance their direct or indirect financial interest or use confidential information learned as employees for anyone's private gain.

All employees shall comply with state conflict of interest laws as well as University policies. No employee shall have any direct or indirect financial interest in any contract for building or improving or for furnishing of supplies or services to the University, except as permitted pursuant to the University Research Park and Economic Development Act or unless such contract complies with the provisions of the New Mexico Governmental Conduct Act and the Procurement Code. University employees as well as individuals and firms proposing business transactions with the University shall disclose in advance and in writing any direct or indirect financial interest employees ~~may~~ have in a transaction with the University.

Normally, employees with a direct or indirect financial interest in a transaction may not participate in any University decisions related to such transaction, except as specified in applicable University administrative policies or otherwise permitted by law. Transactions in which the University President has any financial interest must be permitted by law and approved by the Board of Regents.

At the beginning of each fiscal year the University President, the Executive Vice Presidents, and all ~~other Vice vice Presidents-presidents and vice chancellors~~ must file a Financial Disclosure Document-Statement in accordance with UAP 3720UBPPM 3720. Any employee who violates this policy or related administrative policies shall be subject to disciplinary action, up to and including dismissal.

Implementation

~~The President shall adopt administrative policies and procedures for implementing this policy, which shall incorporate the relevant requirements of state conflict of interest laws and a process for annual disclosure.~~

References

- NMSA 1978, ~~Governmental Conduct Act~~, § 10-16-1 et seq. (“Governmental Conduct Act”);
- NMSA 1978, ~~Procurement Code~~ §§ 13-1-190, -193, -195; § 21-1-17-, § 21-1-35
; (“Procurement Code”)

- ~~NMSA 1978 Research Park Act, §§ 21-28-25;~~ (“University Research Park and Economic Development Act”)
- ~~RPM 1.8 (“Regent Code of Conduct and Conflicts of Interest”);~~ ~~RPM 1.8;~~
- ~~RPM 2.18 (“Guiding Principles”)~~
- ~~RPM 5.5 See, (“Policy on Outside Employment~~ and Conflicts of Commitment”)~~;~~
- ~~UAP 3720 (“Code of Conduct and Conflicts of Interest”)~~
- ~~RPM 5.5 (faculty); UBPPM Policies 3720.~~

DRAFT OF 9-28-2017 – track changes

Regents' Policy Manual - Section 6.5: Political Activity by Employees

Adopted Date: 09-12-1996

Applicability

This policy applies to all employees ~~(faculty and staff)~~ of the University.

Policy

All University employees ~~are citizens and, like other citizens,~~ are free to engage in political activities so far as they are able to do so consistent with their obligations to the University, and in accordance with applicable law.

In order to ensure its autonomy and integrity, the University shall not be an instrument of partisan political action. The expression of political opinions and viewpoints will be those of the individual and not of the University as an institution.

~~Under state law, e~~Employees of the University may not serve as members of the New Mexico Legislature, unless they are granted a leave of absence from the University.

Comment [PD1]: NMSA 1978, Sec. 10-9-21.C requires a leave of absence for candidates and office holders, but it's part of the Personnel Act and does not apply to UNM employees. The FH requires a leave of absence as does UAP 2060.

Implementation

~~The President shall adopt administrative policies and procedures to implement this policy.~~

References

- NMSA 1978, §§ 2-1-3 ("Compensation as state officer or employee other than that received as a legislator prohibited") and 2-1-4 ("Payment of other compensation to legislature for acting as officer or employee of state prohibited")
- NMSA 1978, § 10-16-3.1B ("Prohibited political acts")
- UBPPM Policy 3735UAP 2060 ("Political Activity")
- Faculty Handbook C150 ("Political Activities of UNM Faculty")

- Faculty Handbook C240 ("Leave of Absence Incident to Political Activity") [1990 edition], Political Activities of UNM Faculty, C-7 and C-8, approved by the Faculty and the Board of Regents in 1970.

UAP 2060 ("Political Activity") UBPPM Policy 3735; NMSA 1978, §§ 2-1-3, and 2-1-4 and 10-16-3.1B.

Faculty Handbook [1990 edition], Political Activities of UNM Faculty, C-7 and C-8, approved by the Faculty and the Board of Regents in 1970.
Faculty Handbook C150 ("Political Activities of UNM Faculty")

DRAFT OF 9-28-2017 – track changes

Regents' Policy Manual - Section 6.6: Labor and Management Relations

Adopted Date: 09-12-1996

Amended: 06-08-1999

Amended: 09-12-2000

Applicability

This policy applies to all ~~permanent full-time and part-time~~ regular, non-probationary employees ~~(faculty and staff)~~ of the University.

Policy

The ~~University of New Mexico Policy on~~ University's labor and management relations ~~are governed by the terms of a~~ Labor Management Relations states, in part, as follows:

~~"Any permanent, full-time or part-time staff employee~~ Resolution ~~of the University is free to~~ May 2006. Under the Resolution, employees (other than management, supervisory, confidential, and probationary employees) may form, join and, or assist any labor organization for the purpose of his or her own choosing or to participate in the formation of a new labor organization, or to refrain from any such activities, except however, faculty, supervisory personnel, managerial, administrative and professional employees exempt from the overtime provisions of collective bargaining through a representative chosen by the federal Fair Labor Standards Act, confidential employees and employees engaged in personnel work, temporary part-time employees and temporary full-time employees shall not be represented by without interference, restraint, or coercion. Employees also have the right to refuse to form, join, or assist any labor organization for the purposes of bargaining collectively with the University on wages, hours, or other working conditions."

Implementation

The Board of Regents has adopted, and hereby reaffirms, a policy on labor-management relations for the University and a similar policy for the University of New Mexico Hospital. The Health Sciences Center Clinical Operations Board is authorized by Exhibit A to Regents' Policy 2.13, as amended, to adopt or amend the labor-management relations policy for the University of New Mexico Hospital, which is applicable to employees of the Health Sciences Center Clinical Facilities who are assigned to the University of New Mexico Hospital personnel system. The procedures for determination of appropriate bargaining units, conducting elections and certifying labor organizations as exclusive bargaining representatives are set forth in these policies. Complete copies of these policies are maintained by the University Counsel, the University's Human Resources Department, and the University of New Mexico Hospital Human Resources Department. The President may adopt administrative policies and procedures to implement this policy.

References

Public Employees Bargaining Act, § 10-7A-1, et seq., NMSA 1978.

Regents' Action

Labor-Management Relations Policy, as revised June 8, 1999; University of New Mexico Hospital Labor Relations Policy, as revised February 18, 1981; Signature Authority for Contracts, RPM 7.8.

- UNM Labor Management Relations Resolution of May 2006
- UNM Labor Management Relations Board Rules and Regulations
- Main Campus Collective Bargaining Agreements
- University Hospitals Collective Bargaining Agreements

DRAFT OF 9-28-2017 – track changes

Regents' Policy Manual - Section 6.7: Disclosure of Information About Employees and Candidates for Employment (combined 6.7 and 6.8)

Adopted Date: 09-12-1996

Amended: 10-13-1998

Amended: 05-28-2008

Applicability

This policy applies to all University employees, (except student employees as defined by the Family Educational Rights and Privacy Act,) and candidates for employment by the University. This policy does not apply to information relating to ~~current or former employees of the University, or to searches for~~ a University President of the University.

Definitions

~~The term "candidate" includes any applicant or nominee for a position at the University, except applicants for the position of President of the University.~~

Policy

~~The identity, the job application, and the resume or curriculum vitae of a~~ Certain information about employees and candidates for employment are public records and are subject to public inspection in accordance with the provisions of the New Mexico Inspection of Public Records Act ("IPRA"). ~~Examples of~~ information that is subject to disclosure or inspection under IPRA includes, but is not limited to, the name, job title, organization, dates of employment, salary, and job application, resume, or curriculum vitae of each individual. Certain

matters that may pertain to an ~~candidate~~ [individual](#) are exempt under IPRA from public disclosure or public inspection. Exemptions from the right of public inspection, ~~which the University will generally interpret narrowly,~~ include letters of reference concerning employment and letters or memorandums that are matters of opinion in personnel files. The University ~~will~~ also [will](#) treat ~~candidates'~~ [protected or confidential information, such as](#) social security numbers [and protected health information,](#) as exempt from public disclosure, ~~as well as other personal information such as home addresses and home telephone and or cell phone numbers.~~

Implementation

~~The President, with approval of the Board of Regents, shall adopt administrative policies and procedures to implement this policy.~~

References

- ~~INMSA 1978, § 14-2-1 et seq. ("Inspection of Public Records Act,")~~
~~NMSA 1978 § 14-2-1; et seq.:~~
- ~~RPM 1.4 ("Appointment of the President of the University,")~~ [RPM 1.4;](#)
- ~~RPM 2.17 ("Public Access to University Records,")~~ [RPM 2.17;](#)
- [RPM 5.7 \("Faculty Records"\)](#)
- ~~UAP 2300 ("Inspection of Public Records,")~~ [UBPPM Policy 2300;](#)
- ~~UAP 3210 ("Recruitment and Hiring,")~~ [UBPPM Policy 3210 Section 3.;](#)
- ~~UAP 3710 ("Personnel Information Disclosure,")~~ [UBPPM Policy 3710.](#)
- [Faculty Handbook C70 \("Confidentiality of Faculty Records"\)](#)

DRAFT OF 9-28-2017 – track changes

Regents' Policy Manual - Section 6.12: University of New Mexico Staff Council

Adopted Date: 09-12-1996

Applicability

This policy applies to ~~all regular University staff~~ the Staff employees ~~employed at least half-time, the University.~~

Policy

The Board of Regents has approved the creation of the University of New Mexico Staff Council. The purpose of the Staff Council is to represent ~~all the interests of staff as defined above, and to serve;~~ it serves as an important source of input into the issues and decisions of the University as they relate to the general welfare of ~~the staff of the University.~~ The Staff Council shall represent UNM staff to the University administration, and the Staff Council President shall serve as an advisory member of the Board of Regents. The Staff Council shall make recommendations regarding conditions of employment and shall work toward improving wages, hours, and conditions of employment for the ~~staff~~ Staff.

UNM staff ~~employees~~ may ~~participate, serve~~ as ~~individuals, in members of~~ the Staff Council, as provided by the Staff Council Constitution, notwithstanding their employment in a position subject to a collective bargaining agreement. The Staff Council shall not supersede or replace collective bargaining units officially recognized by the University, nor shall it have any authority with respect to University collective bargaining agreements.

Implementation

~~The Board of Regents approved the Constitution of the UNM Staff Council on September 8, 1992. The Constitution provides for 60 members elected from among eligible staff employees. Copies of the Staff Council Constitution, amended as of August 1993, and the Bylaws are maintained by the Department of Human Resources and the University Counsel.~~

References

- UNM Staff Council Constitution and Bylaws;
- UAP 1150 ("Staff Council ~~UBPPM Policy 1150~~")

DRAFT OF 9-28-2017 – track changes

Regents' Policy Manual - Section 7.1: Accounting and Reporting of Funds to the Governor~~State~~

Adopted Date: 09-12-1996

Applicability

This policy applies to all funds received by the University, including federal funds.

Policy

The University shall keep an accurate account of all funds received. The University shall make reports on these funds to the Governor or Governor's designee ~~Higher Education Department (HED) annually and at other times as the Governor requires in accordance with HED's~~ the State of New Mexico's schedule for such reports, including a full and complete report at least thirty days prior to the regular session of the State Legislature.

Implementation

~~Implementation of this policy shall be by means of submission of the annual operating budget, the annual legislative budget request and~~ These reports include the University's the annual audited financial statements ~~to the Department of Finance and Administration.~~

References

- N.M.N.M. Const., Art. V, § 9 ("Accounts of and reports by executive department and public institutions")
- NMSA 1978, § 6-17-1 et seq. ("Finances of state educational institutions")
- NMAC 5.3.4-5.3.13 ("Post-secondary institution finances")
- See also, State ex rel. Sego v. Kirkpatrick, 86 N.M. 359, 524 P.2d 975 (1974) (requiring reporting of federal funds).

Accounting and reporting of funds to the Governor is required by ~~N.M. Const., art. V, § 9~~. See also, ~~State ex rel. Sege v. Kirkpatrick, 86 N.M. 359, 524 P.2d 975 (1974)~~ (requiring reporting of federal funds).

DRAFT OF 9-28-2017 – track changes

Regents' Policy Manual - Section 7.2: Internal ~~Auditing and Compliance~~Audit

Adopted Date: 09-12-1996

Amended: 08-10-2004

Amended: 07-01-2007

Amended: 05-28-2008

Amended: 09-12-2014

Applicability

This policy applies to the controls, risk management, and organizational governance of the University, and to public access to University records.

Policy

The Internal Audit Department was established to perform a comprehensive internal audit and risk management function for the University and improve the University's operations. ~~The Compliance Program was established to ensure that University activities are conducted in compliance with applicable federal and state laws and regulations and with the highest ethical standards. The Compliance Program consists of the Main Campus Compliance Program, which is addressed in this policy, and the Health Sciences Center Institutional Compliance Program, which is addressed separately in RPM 3.7 ("Health Sciences Center Institutional Compliance Program").~~

~~These units add value and improve the University's operations. They conduct independent, objective assurance services and consultations to determine whether the University's systems of controls, risk management, and organizational governance, as designed and represented by management, are adequate, functioning properly and ethically, and in full compliance with all regulations. To ensure independence of the internal audit and compliance functions, the Director of Internal Audit and the Main Campus Chief Compliance Officer reports functionally to the Board of Regents, and administratively to the University President. Internal Audit and the Main Campus Compliance Office shall be free from interference in determining the scope of internal auditing and compliance reviews, and shall be empowered to obtain the information necessary to perform its they need to perform their work and communicate the results.~~

Authority

The Internal Audit Department is authorized to:

1. Have unrestricted access to all functions, records, property, and personnel.
2. Obtain the necessary assistance of personnel in organizations where ~~they~~it performs audits.
3. Communicate with University management, faculty, staff, external auditors, governmental entities, and law enforcement agencies as needed.
4. Cooperate with any legitimate inquiry or investigation from an outside audit, law enforcement, or investigative agency.

The Internal Audit Department is not authorized to:

1. Perform any operational duties for the University or its affiliates.
2. Initiate or approve accounting transactions external to Internal Audit.
3. Direct the activities of any University employee not employed by Internal Audit.
4. Render legal opinions.
5. Have direct responsibility for or authority over any of the activities that it examines.

~~The Compliance Office is authorized to:~~

- ~~1. Obtain the necessary assistance of personnel involved in compliance activities. To this end, the Chief Compliance Officer shall identify a network of compliance partners who have expertise in specific compliance areas.~~
- ~~2. Require that compliance partners provide regular (e.g., quarterly) reports that are sufficient to determine compliance status.~~
- ~~3. Communicate with University management, faculty, staff, and governmental entities, as needed.~~
- ~~4. Cooperate with any legitimate inquiry or investigation from an outside law enforcement or investigative agency.~~

~~The Compliance Office is not authorized to:~~

- ~~1. Direct the activities of any University employee not employed by the Compliance Office, except as authorized above.~~
- ~~2. Render legal opinions.~~
- ~~3. Have direct responsibility for or authority over any of the activities that it examines.~~

Responsibility and Accountability

The Director of Internal Audit shall:

1. Submit an annual budget and audit plan to the Board of Regents' Audit and Compliance Committee for review and approval.
2. Provide quarterly reports to the Audit and Compliance Committee on the status and results of the audit plan, significant audit findings and recommendations, and sufficiency of department resources.
3. Provide timely information to the University President and the Audit and Compliance Committee concerning suspected fraudulent activities.
4. Maintain a professional audit staff with sufficient knowledge, skills, experience, and professional certifications to meet the requirements of the policy.

~~The Chief Compliance Officer shall:~~

- ~~1. Submit an annual budget and compliance plan to the University President for review and approval and to the Audit and Compliance Committee for review.~~
- ~~2. Provide quarterly reports to the University President and the Audit and Compliance Committee on the status and results of the compliance plan, significant compliance findings and recommendations, and sufficiency of department resources.~~
- ~~3. Provide timely information to the University President and the Audit and Compliance Committee concerning significant compliance concerns.~~
- ~~4. Obtain and maintain sufficient knowledge, skills, experience, and professional certifications to fulfill the requirements of the position.~~

Scope of Work

The scope of work of Internal Audit is to determine whether the University's systems of control, risk management, and organizational governance, as designed and represented by management, are adequate and functioning properly to ensure:

1. Risks are identified and managed.
2. Significant financial, managerial, and operating information is accurate, reliable, and timely.
3. Employees' actions are in compliance with policies, standards, procedures, and applicable laws and regulations.
4. Resources are acquired economically, used efficiently, and adequately protected.
5. Programs, plans, and objectives are achieved.
6. Quality and continuous improvements are fostered in the University's control process.
7. Significant legislative or regulatory issues impacting the organization are recognized and addressed appropriately.
8. Procedures used by the governing body provide oversight of risk and control processes administered by management.

~~The scope of work of the Compliance Office is to identify compliance requirements, enhance compliance awareness, and support the achievement of compliance obligations. As part of this work, the Compliance Office will:~~

- ~~1. Identify compliance partners for every unit of the University (excluding the Health Sciences Center) that has a compliance role. The compliance partners manage day-to-day compliance for a wide range of University activities, including without limitation, human subjects research, export control, animal research, conflicts of interest in research, research integrity, research administration, the Clery Act, Federal Educational Rights and Privacy Act, tax-exempt bonds, unrelated business activities, Americans with Disabilities Act, affirmative action, equal opportunity employment, donor gift restrictions, financial aid, global operations, human resources, immigration, land use, National Collegiate Athletic Association, procurement, property management, scientific misconduct, sexual harassment, intellectual property, technology licensing, and workers compensation.~~

- ~~2. Provide the tools, guidance, and oversight that the compliance partners need to ensure that their units' internal compliance controls are adequate and functioning.~~
- ~~3. Coordinate the University's compliance activities, including chairing a Compliance Committee.~~
- ~~4. Identify key risk areas and perform risk assessments on compliance readiness.~~
- ~~5. Provide compliance advisory services to Internal Audit and to faculty and staff.~~
- ~~6. Assist in the development of compliance-related policies or practices.~~
- ~~7. Assist in the development and delivery of compliance-related training.~~
- ~~8. Evaluate emerging compliance trends in higher education and government and recommend best practices.~~
- ~~9. Report results of compliance program activities to senior management and the Audit and Compliance Committee.~~
- ~~10. Collaborate with the Health Sciences Center's Chief Compliance Officer on various compliance matters.~~

Audit Reports

Internal Audit will prepare a written report of the results of audit work performed. Management is required to respond to the report within ten days of receiving it. The response will include three elements: a statement as to whether management agrees with the audit finding, corrective action to be taken to meet the objectives of the audit finding, and the dates by which the actions will be implemented. If no action will be taken, the response will indicate the reasons. Internal Audit will forward its report and the management's response to the University President who shall review them and either accept the response or request further development of the response. After the University President has accepted the response, Internal Audit will forward the report and response to the Audit and Compliance Committee for approval.

Upon approval of an audit report by the Audit and Compliance Committee, the full text of the report will be made public in accordance with [RPM 2.17](#), except for information that is specifically exempted from public inspection by the New Mexico Inspection of Public Records Act (IPRA). Any such information that is specifically exempted by IPRA will be redacted (blacked-out) when the reports are made public. Information redacted from reports will be made public if and when these considerations are no longer relevant. Public reports will be posted on Internal Audit's public Internet web site. The full text of reports may be released to non-public sources, such as external auditors, governmental entities, funding entities, and law enforcement agencies as needed. Internal Audit will perform follow-up reviews to ensure corrective actions indicated in the responses have been completed.

Investigation of Fraudulent Activity

The Internal Audit Department will coordinate ~~the~~ investigation of suspected fraudulent activities within the University. If an investigation reveals possible fraudulent activity has occurred, Internal Audit will ask University Counsel to render an opinion as to whether the audit findings indicate that illegal activity appears to have occurred. If, in University Counsel's opinion, illegal activity appears to have occurred, Internal Audit will notify the University President, the cognizant vice president, Safety and Risk Services, the Compliance Office, and the appropriate law enforcement agency. If the illegal activity involves an area of high public interest or an amount greater than \$20,000, Internal Audit will notify the Audit and Compliance Committee within forty-eight hours.

Internal Audit will notify the State Auditor's Office of illegal activity in accordance with the State Audit Act, NMSA 1978, § 12-6-6 ~~NMSA 1978~~, and the State Auditor's regulations, NMAC 2.2.2.10.N. Internal Audit will assist the Office of the Vice President for Research Services or the Health Sciences Center Controller's Office in notifying funding agencies when contract and grant funds are involved in the loss.

Standards and Ethics

~~Both Internal Audit and the Compliance Office are required to maintain the highest standards of ethical practice.~~ In the conduct of its audits, Internal Audit shall abide by applicable pronouncements made by professional bodies including the Institute of Internal Auditors (IIA) and the American Institute of Certified Public Accountants (AICPA). The generally accepted auditing standards published by these groups shall serve as guides in the performance of internal audits. In addition to maintaining the highest standards of practice in the performance of its duties, Internal Audit shall adhere strictly to the Code of Ethics as established by the IIA and adopted by the Association of College and University Auditors. Due regard should also be given to pronouncements concerning ethical behavior by the AICPA.

References

- NMSA 1978, § 12-6-6 ("Audit Act");
- NMAC 2.2.2.10.N ("Possible violations of criminal statutes in connection with financial affairs")
- ~~NMAC 2.2.2.10;~~
- RPM 2.17 ("Public Access to University Records");
- RPM 7.3 ("Audit and Compliance Committee")

- UAP 2200 ("Reporting Suspected Misconduct and Whistleblower Protection from Retaliation");
- UAP 7205 ("Dishonest or Fraudulent Activities");
- and pPublications from the Institute of Internal Auditors.

DRAFT OF 10-3-2017 – track changes

(NEW standalone policy; formerly part of 7.2; track changes show changes from RPM 7.2)

Regents' Policy Manual - Section 7.2: ~~Internal Auditing and~~ 1: Chief Compliance Officer

Adopted Date: 09-12-1996

Amended: 08-10-2004

Amended: 07-01-2007

Amended: 05-28-2008

Amended: 09-12-2014

Applicability

~~This policy applies to the controls, risk management and organizational governance of the University, and to public access to University records.~~

The role of the Chief Compliance Officer and the University's compliance program are addressed in this policy; supplemental information about Health Sciences Center compliance is addressed in RPM 3.7.

Policy

~~The Internal Audit Department was established to perform a comprehensive internal audit function for the University.~~

~~The Compliance Program was established to ensure that University activities are conducted in compliance with applicable federal and state laws and regulations and with the highest ethical standards. The Compliance Program consists of the Main Campus Compliance Program, which is addressed in this policy, and the Health Sciences Center Institutional Compliance Program, which is addressed separately in RPM 3.7 ("Health Sciences Center Institutional Compliance Program").~~

These units add value and improve the University's operations. They conduct independent, objective assurance services and consultations to determine whether the University's systems of controls, risk management, and organizational governance, as designed and represented by management, are adequate, functioning properly and ethically, and in full compliance with all regulations. To ensure independence of the internal audit and compliance functions, the Director of Internal Audit and the Main Campus Chief Compliance Officer report functionally to the Board of Regents, and administratively to the University President. Internal Audit and the Main Campus Compliance Office shall be free from interference in determining the scope of internal auditing and compliance reviews, and shall be empowered to obtain the information they need necessary to perform their work and communicate the results.

Authority

The Internal Audit Department is authorized to:

1. Have unrestricted access to all functions, records, property, and personnel.
2. Obtain the necessary assistance of personnel in organizations where they perform audits.
3. Communicate with University management, faculty, staff, external auditors, governmental entities, and law enforcement agencies as needed.
4. Cooperate with any legitimate inquiry or investigation from an outside audit, law enforcement or investigative agency.

The Internal Audit Department is not authorized to:

1. Perform any operational duties for the University or its affiliates.
2. Initiate or approve accounting transactions external to Internal Audit.
3. Direct the activities of any University employee not employed by Internal Audit.
4. Render legal opinions.
5. Have direct responsibility for or authority over any of the activities that it examines.

The Compliance Office is authorized to:

~~1. Obtain the necessary assistance of personnel involved in compliance activities.~~
~~To this end,~~ To ensure independence of the compliance functions, the Chief Compliance Officer reports functionally to the Board of Regents and administratively to the University President. Functional reporting to the Board typically involves the Board approving the annual compliance plan and receiving communications from the Chief Compliance Officer ~~shall identify a network of compliance partners who have expertise in specific compliance areas,~~ on the results of compliance activities or other matters that the Chief Compliance Officer determines are necessary. Administrative reporting typically involves a reporting relationship that facilitates the day-to-day operations of the compliance activity.

- ~~2. Require that compliance partners provide regular (e.g., quarterly) reports that are sufficient to determine compliance status.~~
- ~~3. Communicate with University management, faculty, staff, and governmental entities, as needed.~~
- ~~4. Cooperate with any legitimate inquiry or investigation from an outside law enforcement or investigative agency.~~

The Compliance Office is not authorized to:

- ~~1. Direct the activities of any University employee not employed by the Compliance Office, except as authorized above.~~
- ~~2. Render legal opinions.~~
- ~~3. Have direct responsibility for or authority over any of the activities that it examines.~~

Responsibility and Accountability

The Director of Internal Audit shall:

- ~~1. Submit an annual budget and audit plan to the Board of Regents Audit and Compliance Committee for review and approval.~~
- ~~2. Provide quarterly reports to the Audit and Compliance Committee on the status and results of the audit plan, significant audit findings and recommendations, and sufficiency of department resources.~~
- ~~3. Provide timely information to the University President and the Audit and Compliance Committee concerning suspected fraudulent activities.~~

- ~~4. Maintain a professional audit staff with sufficient knowledge, skills, experience, and professional certifications to meet the requirements of the policy.~~

The Chief Compliance Officer shall:

1. Submit an annual budget and compliance plan to the University President for review and approval and to the Audit and Compliance Committee for review.
2. Provide quarterly reports to the University President and the Audit and Compliance Committee on the status and results of the compliance plan, significant compliance findings and recommendations, and sufficiency of department resources.
3. Provide timely information to the University President and the Audit and Compliance Committee concerning significant compliance concerns.
4. Obtain and maintain sufficient knowledge, skills, experience, and professional certifications to fulfill the requirements of the position.

Scope of Work

~~The scope of work of Internal Audit is to determine whether the University's systems of control, risk management, and organizational governance, as designed and represented by management, are adequate and functioning properly to ensure:~~

- ~~1. Risks are identified and managed.~~
- ~~2. Significant financial, managerial, and operating information is accurate, reliable, and timely.~~
- ~~3. Employees' actions are in compliance with policies, standards, procedures, and applicable laws and regulations.~~
- ~~4. Resources are acquired economically, used efficiently, and adequately protected.~~
- ~~5. Programs, plans, and objectives are achieved.~~
- ~~6. Quality and continuous improvements are fostered in the University's control process.~~
- ~~7. Significant legislative or regulatory issues impacting the organization are recognized and addressed appropriately.~~
- ~~8. Procedures used by the governing body provide oversight of risk and control processes administered by management.~~

The scope of work of the Compliance Office is to identify compliance requirements, enhance compliance awareness, and support the achievement of compliance obligations. As part of this work, the Compliance Office will:

- ~~1.~~ Identify compliance partners ~~for every unit of~~ at the University ~~(excluding the Health Sciences Center)~~ that has a compliance role. ~~The compliance.~~
Compliance partners manage day-to-day compliance for a wide range of University activities, ~~including without limitation, human subjects research, export control, animal research, conflicts of interest in research, research integrity, research administration, the Clery Act, Federal Educational Rights and Privacy Act, tax-exempt bonds, unrelated business activities, Americans with Disabilities Act, affirmative action, equal opportunity employment, donor gift restrictions, financial aid, global operations, human resources, immigration, land use, National Collegiate Athletic Association, procurement, property~~ assure regulatory compliance and risk management, ~~scientific misconduct, sexual harassment, intellectual property, technology licensing, and workers compensation.~~
- ~~2.~~ 1. ~~Provide the tools, guidance, and oversight that the compliance partners need to ensure that~~ within their units' internal compliance controls are adequate and functioning. ~~speciality areas.~~
- ~~3.~~ 2. ~~Coordinate~~ Oversee the University's compliance activities, including chairing ~~a~~ the Institutional Compliance Committee and administering the UNM Compliance Hotline.
- ~~4.~~ 3. Identify key risk areas and perform risk assessments on compliance readiness.
- ~~5.~~ 4. Provide oversight for compliance ~~advisory services to Internal Audit~~ requirements from federal and ~~to faculty and staff~~ state regulatory agencies.
5. Monitor regulatory requirements affecting higher education and notify compliance partners of regulatory changes.
- ~~6.~~ Assist in the development of compliance related policies ~~or~~ , practices.
- ~~7.~~ 6. ~~Assist in the development,~~ and ~~delivery of compliance related~~ training.
- ~~8.~~ Evaluate emerging compliance trends in higher education and government and recommend best practices.
- ~~9.~~ Report results of compliance program activities to senior management and the Audit and Compliance Committee.
7. As appropriate, conduct internal investigations and facilitate investigations by other neutral parties.
- ~~10.~~ 8. Collaborate with the Health Sciences Center's ~~Chief~~ Compliance Officer on ~~various~~ compliance matters.

Audit Reports

Internal Audit will prepare a written report of the results of audit work performed. Management is required to respond to the report within ten days of receiving it. The response will include three elements: a statement as to whether management agrees with the audit finding, corrective action to be taken to meet the objectives of the audit finding, and the dates by which the actions will be implemented. If no action will be taken, the response will indicate the reasons. Internal Audit will forward its report and the management's response to the University President who shall review them and either accept the response or request further development of the response. After the University President has accepted the response, Internal Audit will forward the report and response to the Audit and Compliance Committee for approval. Upon approval of an audit report by the Audit and Compliance Committee, the full text of the report will be made public in accordance with RPM 2.17, except for information that is specifically exempted from public inspection by the New Mexico Inspection of Public Records Act (IPRA). Any such information that is specifically exempted by IPRA will be redacted (blacked-out) when the reports are made public. Information redacted from reports will be made public if and when these considerations are no longer relevant. Public reports will be posted on Internal Audit's public Internet web site. The full text of reports may be released to non-public sources, such as external auditors, governmental entities, funding entities, and law enforcement agencies as needed. Internal Audit will perform follow-up reviews to ensure corrective actions indicated in the responses have been completed.

Investigation of Fraudulent Activity

The Internal Audit Department will coordinate investigation of suspected fraudulent activities within the University. If an investigation reveals possible fraudulent activity has occurred, Internal Audit will ask University Counsel to render an opinion as to whether the audit findings indicate that illegal activity appears to have occurred. If, in University Counsel's opinion, illegal activity appears to have occurred, Internal Audit will notify the University President, the cognizant vice president, Safety and Risk Services, the Compliance Office, and the appropriate law enforcement agency. If the illegal activity involves an area of high public interest or an amount greater than \$20,000, Internal Audit will notify the Audit and Compliance Committee within forty-eight hours.

~~Internal Audit will notify the State Auditor's Office of illegal activity in accordance with the State Audit Act, § 12-6-6 NMSA 1978, and the State Auditor's regulations, NMAG 2.2.2.10. Internal Audit will assist the Office of the Vice President for Research Services or the Health Sciences Center Controller's Office in notifying funding agencies when contract and grant funds are involved in the loss.~~

9. Administer peer hearings for staff employees.

Standards and Ethics

~~Both Internal Audit and the Compliance Office are required to maintain the highest standards of ethical practice. In the conduct of its audits, Internal Audit shall abide by applicable pronouncements made by professional bodies including the Institute of Internal Auditors (IIA) and the American Institute of Certified Public Accountants (AICPA). The generally accepted auditing standards published by these groups shall serve as guides in the performance of internal audits. In addition to maintaining the highest standards of practice in the performance of its duties, Internal Audit shall adhere strictly to the Code of Ethics as established by the IIA and adopted by the Association of College and University Auditors. Due regard should also be given to pronouncements concerning ethical behavior by the AICPA.~~

The Compliance Office is required to maintain the highest standards of ethical practice.

References

- ~~Audit Act, §12-6-6, NMSA 1978; NMAG 2.2.2.10; RPM 2.17 ("Public Access to University Records"); RPM 7.3 ("Audit and Compliance Committee"); UAP 2200 ("Whistleblower Protection and Reporting Suspected Misconduct and Whistleblower Protection from Retaliation"); UAP 7205 ("Dishonest")~~
- ~~UAP 3220 ("Ombuds Services and Dispute Resolution for Staff")~~
- ~~UNM Compliance Hotline (1-888-899-6092 or Fraudulent Activities); and publications from the Institute of Internal Auditors.~~ www.unm.ethicspoint.com

DRAFT OF 9-28-2017 – track changes

Regents' Policy Manual - Section 7.3: Audit and Compliance Committee

Adopted Date: 09-12-1996

Amended: 08-10-2004

Amended: 09-12-2014

Applicability

This policy applies to the controls, risk management, and organizational governance of the University.

Policy

The Audit and Compliance Committee will assist and advise the Board of Regents in fulfilling its oversight responsibilities for the University's financial reporting, internal controls, risk management, performance of external and internal auditors, compliance with laws and regulations, and compliance programs. The Audit and Compliance Committee will review all contracts for audit and non-audit services provided by independent public accountants and recommend action to the Board. The internal auditors, external auditors, and Chief Compliance Officer shall have direct access to the Audit and Compliance Committee and the Board.

Composition

The Audit and Compliance Committee of the Board of Regents shall consist of one member from each of the Regents' standing committees. The Board President shall appoint members to the Audit and Compliance Committee, and appoint the chair and the vice chair. The Board President shall be an alternate member, serving in the absence of a regular committee member. One member shall be designated as the "financial expert." This Regent shall possess financial expertise, including but not limited to an understanding of generally accepted accounting principles, financial statements, internal controls, and audit functions.

Meetings

The Audit and Compliance Committee shall meet four or more times a year. At least annually, the Audit and Compliance Committee shall meet separately in executive session with the external auditors and ask for comments on management support of the audit function, quality of audit effort, quality of internal controls, and other areas of concern. As needed, the Audit and Compliance Committee and Board will meet in executive session with the Director of Internal Audit and the Chief Compliance Officer.

Financial Statements

The University shall maintain proper financial accounts and records and prepare annual financial statements in accordance with generally accepted accounting principles. The University President and the Executive Vice President for Administration must attest that the annual financial statements accurately reflect the financial position of the University.

External Audits and Reviews

The University's financial accounts and records shall be audited annually by independent public accountants approved by the Higher Education Department and the State Auditor. The Audit and Compliance Committee will recommend to the Board the independent public accountants to conduct the annual audit. The independent public accountants who perform the annual audit are prohibited from providing consulting services to the University. The audit shall be conducted in accordance with generally accepted auditing standards.

The Audit and Compliance Committee will review the audit scope and approach and oversee the audit. To the extent deemed necessary and desirable, the Audit and Compliance Committee will maintain direct and separate avenues of communications with the external auditors. As soon as feasible after the end of the fiscal year, the Board of Regents will review the annual audit report, including the management letter and response, with the external auditors and will take action to approve the report. The report must also be approved by the State Auditor.

In addition to the annual audits conducted by external auditors, other parties, such as federal and state agencies, may conduct financial audits and compliance or regulatory reviews of the University's projects and programs. In the event that a University department becomes aware of such an audit or review, the department must notify the Director of Internal Audit, and provide the Director with a copy of the final report issued to the University for the audit. The Director of Internal Audit will notify the Audit and Compliance Committee of any significant risks or deficiencies noted in the report.

Internal Audit Department and Compliance Office

Both the Director of the Internal Audit Department and the Chief Compliance Officer report functionally to the Board, and administratively to the University President. The Internal Audit Department and Compliance Office shall be free from interference in determining the scope of internal auditing, compliance reviews, performance of work, or communication of results. The Audit and Compliance Committee will review and approve the annual audit plan and budget submitted by the Director of Internal Audit and the compliance plans submitted by the Chief Compliance Officer. The Committee will receive quarterly reports from the Director of Internal Audit and the Chief Compliance Officer on the status and results of the audit and compliance plans and significant audit and compliance findings. The Audit and Compliance Committee will meet with the Director of Internal Audit and the Chief Compliance Officer to review the University's system of internal controls and the adequacy of accounting, financial, and operational policies and practices on financial and compliance reporting.

~~Discussions regarding~~The Audit and Compliance Committee must approve the hiring, ~~performance evaluation, compensation,~~ and termination of the Director of Internal Audit ~~require endorsement of and~~ the ~~Audit and Chief~~ Compliance ~~Committee Officer~~.

References

- ~~Audit Act~~NMSA 1978, § 12-6-3, NMSA 1978; ("Audit Act")
- ~~NMAC 2.2.2.8., 2.2.2.10;~~
- ~~RPM 3.7-~~ ("Health Sciences Center Institutional Compliance Program"); ~~"~~)
- ~~RPM 7.2-~~ ("Internal Auditing ~~and~~")
- ~~RPM 7.2.1 ("Chief Compliance")~~ Officer")

DRAFT OF 7-28-2017 – track changes

Regents' Policy Manual - Section 7.4: Purchasing

Adopted Date: 09-12-1996

Amended: 04-08-2014

Applicability

This policy applies to the purchase of supplies, materials, equipment, and contractual services. It also applies to the reimbursement of employees for expenses incurred in the performance of University business.

Policy

The University of New Mexico is committed to operating in the most economical and efficient manner possible. The University shall follow the State Procurement Code ~~unless the Board of Regents expressly determines that an alternative procedure is required in a specific area in order to carry out the University's mission. The Board has made no such determination as of the effective date of this policy.~~ All funds received by the University, regardless of their source, are considered to be University funds and all purchases shall be made in accordance with University policies and procedures.

Comment [PD1]: Removed on advice of legal counsel.

Except as otherwise provided in this manual with regard to real estate matters ([RPM 7.9](#)) and construction projects ([RPM 7.12](#)), the Regents shall authorize the execution of any contracts for the purchase of goods and/or services costing one million dollars (\$1,000,000) or more ~~per contract~~. When a contract is brought before the Regents for consideration, the full scope of the total financial commitment should be disclosed and discussed with the Regents. If it is reasonably foreseeable that a contract amount will increase over time to equal or exceed one million dollars (\$1,000,000), the contract shall be authorized by the Regents. In the event that any contract authorized by the Regents exceeds the amount authorized by more than ten percent (10%), the contract shall be brought back before the Regents for information purposes as soon as possible.

Implementation

~~The President shall establish specific procurement policies that assure the procurement of goods and services of acceptable quality at the lowest possible cost. The President shall also establish policies and procedures for the reimbursement of~~

employees for appropriate expense incurred in the performance of University business, such as travel, recruitment and hiring of new employees, hospitality of guests of the University, and business expenses. All such policies and procedures shall ensure compliance with all applicable state and federal laws regarding the procurement and management of goods and services. The President may also establish policies to assure minimum performance standards and compatibility with other University investments in facilities and equipment.

Delegation of Authority

UNM's Chief Procurement Officer shall be its Central Purchasing Officer, under the general direction of the Executive Vice President for Administration. The Chief Procurement Officer is delegated ~~shall have the~~ sole authority by the Regents to establish the institutional procedures for obligating the University for the procurement of supplies, materials, equipment, and contractual services.

The purchase of goods and services for clinical components of the Health Sciences Center may be performed by the University of New Mexico Hospital Purchasing Department, as a separate satellite purchasing office of the University, in compliance with University procurement policies and procedures and under the direction of the Chief Procurement Officer.

References

- NMSA 1978, § 13-1-99(G) (The University of New Mexico is exempt from the requirement that all purchasing for state agencies be performed by the State Purchasing Agent.) ~~NMSA 1978, § 13-1-98.~~
- UAP Section 4000 Policies: Procurement

DRAFT OF 9-28-2017 – track changes

Regents' Policy Manual - Section 7.5: ~~Small Business Program and Vendor~~ Diversity Initiative

Adopted Date: 09-12-1996

Applicability

This policy applies to all funds expended by the University.

Policy

The University desires to provide optimal opportunity for small business concerns, including those of socially and economically disadvantaged ~~small businesses, and businesses owned by members of traditionally underrepresented groups~~ to participate in contracts for goods or services provided to the University. Accordingly, the University's Purchasing Department shall ~~develop~~ maintain a ~~Small, Disadvantaged and Women-Owned Business Program and~~ Vendor Diversity Initiative. The ~~program's initiative's~~ goal is to foster and achieve greater participation by in-state businesses owned by minorities, women, veterans, and people with disabilities. Inclusion of these businesses in the economic mainstream improves the fiscal stability and vitality of our community and state, ~~called the Small Business Program. The Small Business Program shall support the University's mission of community action and public service, enhance the University's ability to compete for federal and state-sponsored programs and research funds, and ensure compliance with federal and state law. Departments are encouraged to purchase from small businesses and businesses owned by members of traditionally underrepresented groups.~~

Implementation

~~The Purchasing Department shall develop and administer this Program.~~

References

~~Small, Disadvantaged and Women-Owned Business Program, UBPPM Policy 4305.~~

- UAP 4305 ("Vendor Diversity Initiative")

DRAFT OF 9-28-2017 – track changes

Regents' Policy Manual - Section 7.6: University Business Enterprise ~~Business~~ Activities

Adopted Date: 09-12-1996

Amended: 12-14-2010

Applicability

This policy applies to all activities conducted by the University of New Mexico and its affiliated units where fees are charged for providing goods or services, including to the general public.

Policy

All University business enterprise activities shall be related to the University's mission, ~~of providing instruction, research, scholarship, cultural innovation, public service, patient care, and campus support.~~ Some activities within this mission may be organized as separate and distinct business cost centers, with fees charged for providing goods and services that enhance, promote, or support the University's mission and meet the needs of students, faculty, staff, and patients. Some of these business activities also may ~~also~~ be available to the general public. ~~The University shall comply with all applicable laws and regulations concerning its business activities.~~ The governance of business enterprise activities ~~in respect~~ of the Health Sciences Center shall be as set forth in RPM 3.4.

Implementation

~~The President shall establish administrative policies and procedures to ensure that all business activities are related to or support the University's mission. Exceptions to the policy may be authorized by the President when clearly in the best interest of the University and the public.~~

Delegation of Authority

The Executive Vice President for Administration/~~CFO/COO~~ and the Chancellor for Health Sciences (in respect ~~of to~~ Health Sciences Center activities) shall be responsible

for oversight and review of University business activities, including periodic review of all University business enterprise activities.

References

~~University Business Activities, UBPPM Policy 6010.~~

- UAP 6010 ("University Business Activities")

DRAFT OF 9-28-2017 – track changes

Regents' Policy Manual - Section 7.7: Travel Reimbursement and Per Diem

Adopted Date: 09-12-1996

Amended: 06-12-1997

Amended: 09-11-1997

Amended: 08-12-2003

Amended: 10-11-2011

Amended: 01-01-2012

Applicability

This policy applies to ~~all~~ members of the Board of Regents, and to faculty, ~~and~~ staff, and students traveling on official University business.

Policy

Travel on official University business ~~by members of the Board of Regents, faculty and staff~~ is integral to fulfilling the University's mission, whether in-state, across the nation, or internationally. The University shall reimburse the reasonable and allowable costs of this travel, as specified in UAP 4030.

~~No per diem for attendance at Board or committee meetings shall be paid to Regents.~~

~~The University recognizes that it must comply with the New Mexico Per Diem and Mileage Act, NMSA 1978, (the "Act") and the U.S. Office of Management and Budget Circular A-21 (see "Cost Accounting Standards," UBPPM Policy 2400). To ensure compliance, the Board of Regents has determined the following reimbursement per diems as permitted in § 10-8-4 of the Act and the federal cost accounting standards.~~

Definitions

~~**Federal rates:** Meal per diem rates set forth from time to time by the Internal Revenue Service (IRS) and U.S. Department of State.~~

~~**State Funds:** Funds appropriated to the University in the General Appropriation Act or those provided in the New Mexico Constitution.~~

~~**Institutional Funds:** All University funds not defined as state funds.~~

Federally Sponsored Travel

Employees who are reimbursed solely from federal funds will be reimbursed for meals and incidental expenses at the federal reimbursement rates, as provided in §10-8-4(C)(2) of the Act, for travel to destinations outside of New Mexico. Meal per diem for travel within New Mexico is limited to the lowest federal meal per diem rate applicable to New Mexico; this rate is applicable to all travel within New Mexico even if the IRS designates a higher rate for a specific city in New Mexico.

Other Travel

~~Out-of-state travel: Reimbursement from state funds shall be either per diem of \$115 as provided in §10-8-4(C)(2) of the Act or actual expense for lodging and reimbursement for meals of \$45 per day as provided in §10-8-4(L) of the Act, with the difference between the state funded portion and the amount allowed by federal meal per diem rates to be reimbursed with institutional funds. If the Board of Regents finds that a per diem allowance of \$115 is inadequate for out-of-state travel to a geographical area, the per diem allowance shall be \$215 for out-of-state travel to that geographical area.~~

~~**In-state travel:** Reimbursement from state funds shall be either per diem of \$85 as provided in §10-8-4(B)(2) of the Act or actual expense for lodging and reimbursement for meals of \$30 per day as provided in §10-8-4(L) of the Act, with the difference between the state funded portion and the amount allowed by federal meal per diem rates to be reimbursed with institutional funds consistent with the limitations discussed in federally sponsored travel above. If the Board of Regents finds that a per diem allowance of \$85 is inadequate for reimbursement of expenses in any municipality in this state, the per diem allowance shall be \$135 for travel to the municipality.~~

Implementation

The President shall adopt administrative policies and procedures to implement this policy.

References

- NMSA 1978, § 10-8-1 et seq. ("Per Diem and Mileage Act")
- 2 CFR Part 200 ("Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards")
- UAP 2400 ("Cost Accounting Standards")
- UAP 4030 ("Travel");
- Unrestricted Accounting, Main
- U.S. Office of Management and Budget Circular A-21; Travel Reimbursement Policies and Procedure, UBPPM Policy 4030; "Cost Accounting Standards," UBPPM Policy 2400.

DRAFT OF 9-28-2017 – track changes

Regents' Policy Manual - Section 7.8: Signature Authority for Contracts

Adopted Date: 09-12-1996

Amended: 03-10-1997

Amended: 12-06-2007

Amended: 08-12-2008

Amended: 12-14-2010

Amended: 04-08-2014

Amended: 03-14-2016

Applicability

This policy applies to all members of the Board of Regents, and to faculty, staff, and students.

Policy

The Board of Regents must approve and an officer of the Board of Regents must sign the following types of contracts and documents, after due authorization by the Regents:

1. Contracts between the University President and the University;
2. Contracts between the Chancellor for Health Sciences and the University;
3. Bond resolutions, notifications, and certification documents, including certifications of bond sales; and
4. Any contracts or other documents required by law to be signed by an officer of the Board of Regents.

The Chief Procurement Officer or designee must sign contracts for the purchase of goods and services, and the authority to do so is hereby delegated.

The University President shall have the authority to sign all other contracts and documents (other than contracts or agreements for the purchase of goods and services) for the operation of the University and may delegate this authority. The

University President's signature authority as set forth above includes the authority to execute certificates representing stocks, bonds, or other securities in order to buy, sell, assign, or endorse for transfer such securities. The University President shall also have authority to require additional signatures on contracts for the purchase of goods and services.

It is the official policy of the University to avoid financial settlements of claims and lawsuits against the University except when appropriate. -The University shall not agree to pay a financial settlement without (a) an appropriate risk assessment of the case, (b) written approval by the Chancellor for Health Sciences, Provost, or Executive Vice President for Administration, and (c) final approval by the University President. A financial settlement payment by the University of \$400,000 or more must also be approved by the Board of Regents.

After fully advising the University President, the Chancellor for Health Sciences is authorized to enter into affiliation agreements with other patient care facilities to provide educational opportunities.

The signature authority delegated in this policy must be exercised in accordance with other Regents' policies, some of which may require approval of the contract or other document by the Board of Regents.

References

- RPM 1.4 ("Appointment of the President of the University");
- RPM 3.4 ("Health Sciences Center and Services"); ~~and~~
- RPM 7.10 ("Borrowing and Bonding Authority");
- UAP 2010 ("Contract Signature Authority and Review").

DRAFT OF 9-28-2017 – track changes

Regents' Policy Manual - Section 7.9: Property Management

Adopted Date: 09-12-1996

Amended: 04-08-2014

Applicability

This policy applies to all property owned, used, loaned, or leased to the University.

Policy

The University may acquire, maintain, protect, use, and dispose of property required to perform its mission. University property shall be managed according to University policies and applicable state and federal law.

University property includes all equipment purchased by University departments, regardless of the source of funds used to purchase the equipment; U.S. Government-owned equipment used by University departments; components and materials used to make equipment, whether furnished to, acquired by, or fabricated by the University; property donated to the University; and property loaned or leased to the University by outside organizations.

The following types of property management transactions must be approved by the Board of Regents:

1. Purchase, sale, or transfer of real property.
2. Leases of real property, the annual cost of which is \$1,000,000 or more. (Note: If the lease contains an option to purchase the real property, the Regents must approve exercising the option.)
3. The Finance and Facilities Committee or the Health Sciences ~~Board of Directors~~ Committee, as appropriate, must approve the disposition of surplus property, in accordance with NMSA 1978, § 13-6-1 et seq. -Such dispositions are not required to be approved by the full Board.

By statute, the purchase of real property also must be approved by the Higher Education Department and the State Board of Finance.

Implementation

~~The President shall adopt administrative policies and procedures to implement this policy.~~

References

~~By statute, purchase of real property must also be approved by the Higher Education Department and the State Board of Finance.~~

- ~~Disposition of Surplus Property Act~~, NMSA 1978, § 13-6-1, (Disposition of Surplus Property Act).
- NMSA 1978, § 21-1-21, NMSA 1978 (“Capital expenditures”)
- RPM 7.13 (“Development, Receipt, and Investment of Gifts to the University”)
- UAP 7710 (“Property Management and Control”).

DRAFT OF 9-28-2017 – track changes

Regents' Policy Manual - Section 7.10: Borrowing and Bonding Authority

Adopted Date: 09-12-1996

Applicability

This policy applies to the financial affairs of the University.

Policy

The University is authorized to borrow money through the issuance and sale of University bonds for erecting, purchasing, or otherwise acquiring, altering, improving, furnishing, and equipping any necessary buildings or structures at the University; or acquiring any necessary land for use by the University; or for retiring the whole or ~~any~~ part of any series of bonds previously issued by the University. The University also is authorized to borrow money through the issuance and sale of bonds for purchasing, erecting, altering, improving, repairing, furnishing, and ~~or~~ equipping any income-producing facility and for acquiring any necessary and convenient lands for these purposes. The Board of Regents may impose and collect fees for the use of such facilities as it deems necessary to retire these bonds on schedule. The University may borrow funds by issuing other debt obligations under terms approved by the Board of Regents.

Bonds or other obligations issued by the University may be sold at public or private sale, at the discretion of the Board of Regents. The proceeds from the sale of these bonds shall be paid to the University, which shall place the proceeds in a separate fund, ~~known as the Building and Improvement Fund~~. This fund shall be used only for the purposes stated in applicable law and the purposes for which the bonds were issued.

Bonds or other obligations shall be authorized and issued only when the Board of Regents determines that it is prudent to do so and that appropriate provisions can be made for orderly repayment. At the time of issuing bonds the Board of Regents shall establish a fund ~~known as the Interest and Retirement Fund~~ for the payment and interest of the bonds. The issuance and sale of these bonds constitute an irrevocable

pledge by the Board of Regents of sufficient funds from each year's income from the University's funds to pay the interest and principal on the bonds.

Implementation

~~The President may adopt administrative policies and procedures to implement this policy.~~

References

- NMSA 1978, §§ 6-13-1 to -26 ("Institution bonds"); §§ 6-14-1 to -12 ("Public securities"); §§ 6-17-1 to -19 ("Finances of state educational institutions"); and §§ 21-7-13 to -25 ("Building and improvement bonds")
- RPM 7.8 ("Signature Authority for Contracts,") RPM 7.8

DRAFT OF 9-28-2017 – track changes

Regents' Policy Manual - Section 7.11: Selection of Architects for UNM Projects

Adopted Date: 09-12-1996

Amended: 04-08-2014

Applicability

This policy applies to the selection of architects for all University of New Mexico projects.

Policy

It is the policy of the University to select architects inclusive of all protected classes under federal and state law. ~~from all areas of the state without regard to race, color, religion, national origin, sex, age, physical or mental disability handicap, sexual orientation preference, pregnancy ancestry, gender identity, spousal affiliation, veteran status, or genetic information or medical condition,.~~ The University wishes to employ the best qualified architectural firm for each project and to use a variety of different firms. Only registered architects resident in New Mexico will be designated as the project architect or architect of record, as required by law.

When an addition or remodeling is planned for an existing building, the architect who designed the original building, if still in practice, may be retained as a "sole source," if the earlier work was satisfactory and the Chief Procurement Officer approves the contract pursuant to the New Mexico Procurement Code.

References

- NMSA 1978, § 61-15-1, et seq. ("Architectural Act")

DRAFT OF 9-28-2017 – track changes

Regents' Policy Manual - Section 7.12: Approval of Construction Projects

Adopted Date: 09-12-1996

Amended: 04-08-2014

Applicability

This policy applies to University construction projects.

Policy

In accordance with laws and regulations of the State Higher Education Department and Board of Finance ~~as may be amended from time to time~~, the following construction projects shall be presented to the Board of Regents for approval:

1. Any addition of square footage or construction of a new building.;
2. Any alterations, site improvement, or other major project costing over \$300,000 or, for branches, over \$50,000. (Note: Higher Education Department approval is required for major projects costing over \$300,000; Board of Finance approval is required for major projects costing over \$750,000.);
3. Any revised, previously approved project, if the total project cost increases by 10% or \$100,000, whichever is greater; or if the size increases by more than 10% or 1,000 Net Square Feet, whichever is greater; or if the type or purpose of the space changes by 10% or more.

Expenditures for the construction of or additions to buildings or major projects including major remodeling must be approved by the Higher Education Department and the State Board of Finance, under statute and regulations of the Higher Education Department and Board of Finance.

This policy does not apply to the purchase of equipment.

Implementation

The President may adopt administrative policies and procedures to implement this policy and provide for review and approval of all construction projects.

References

- NMSA 1978, § 13-1-28, et seq. New Mexico (“New Mexico Procurement Code”); § 13-1-28, et seq.,
- NMSA 1978, § 13-1-21, et seq. (“Resident preference”); § 13-4-1 (public “Public works contracts”); § 21-1-21 (capital expenditures); § 21-1-21 (“State educational institutions; adequate parking”)
- NMAC 2.70.4 (“Policy on capital expenditures by state educational institutions”)
- NMAC 5.3.10 (“Capital projects approval by commission on higher education”)

Expenditures for the construction of or additions to buildings or major projects including major remodeling must be approved by the Higher Education Department and the State Board of Finance, per statute and regulations of the Higher Education Department and Board of Finance § 21-1-21 NMSA 1978.

DRAFT OF 9-28-2017 – track changes

Regents' Policy Manual - Section 7.12.1: Selection of Contractors for UNM Construction Projects

Adopted Date: 10-12-2004

Applicability

This policy applies to the selection of contractors for all UNM-University projects involving construction of a new building or major building renovation.

Policy

The State Procurement Code provides various options for procuring the services of a contractor for construction and construction management services, including competitive sealed bids, prequalification of contractors, competitive sealed proposals, and design and build project delivery. For each construction project undertaken, the University will select the option most optimal and likely to result in a high-quality project on time and within budget.

The competitive sealed proposal process (including design and build delivery or seeking construction management services) allows the University to consider non-price factors in the final selection of a contractor, including contractor experience, past performance, and management resources. It also permits consideration of architect/contractor/subcontractor teams. The University's procedures for selecting contractors or design and construction teams through competitive sealed proposals will include a statement that all contractors and other professionals who respond to the request for proposals will be evaluated fairly based upon the factors set forth in the solicitation.

University procurement documents for construction shall also include the following provisions:

- a statement that all contractors' bonding companies shall be on the U.S. Department of Treasury's Listing of Approved Sureties (Circular 570); and
- a statement that the University retains the right to inspect the contractors' last three years of financial statements.

Regarding possible construction projects at the University of New Mexico, the Board of Regents determines there are currently no construction projects in the planning stages in which a project labor agreement would be used. If the Board of Regents in the future should choose to consider using a project labor agreement on a construction project, it will publish legal notice and will also issue a press release, both at least thirty (30) days prior to the Board meeting to consider this question, specifying the date, time and place of such meeting.

The University is committed to treating fairly all contractors and other professionals who participate in the University's procurement process. The University's policy is to select contractors and other professionals inclusive of all protected classes under federal and state law.

~~without regard to race, color, religion, national origin, gender, age, physical or mental disability handicap, sexual orientation preference, ancestry, pregnancy, gender identity, spousal affiliation, veteran status, or genetic information, or medical condition.~~

In addition to a commitment to the fair and equitable treatment of contractors in the selection process, once a contractor is selected and construction begins, the University is committed to efficient and effective management practices to resolve issues that arise during construction.

Implementation

~~The Director of Purchasing shall adopt policies and procedures for the selection of contractors for construction projects. The Director of Purchasing will involve representatives of the contractor community in drafting regulations for selecting contractors through competitive sealed proposals and through other innovative techniques such as the teaming of architects, contractors and subcontractors.~~

~~The Executive Vice President for Administration shall implement effective management practices and structures to resolve issues that arise during construction.~~

Comment [1]:

Done. The Purchasing Department adopted a rule governing the selection of contractors for construction projects.

References

- NMSA 1978 § 13-1-28 et seq. ("New Mexico Procurement Code"), sec. 13-1-28 et seq., NMSA 1978

DRAFT OF 9-28-2017 – track changes

Regents' Policy Manual - Section 7.13: Receipt and Investment of Gifts to the University

Adopted Date: 09-12-1996

Amended: 12-08-1998

Amended: 04-08-2014

Applicability

This policy applies to the receipt and investment of funds and other gifts from private sources to the University and for the benefit of the University. It does not apply to grants or contracts for research or service projects from governmental agencies or other entities.

Policy

Private support is important to the teaching, research, and service activities of the University. Through private support, the University can enhance current programs and develop resources to support programs for future generations. The University shall employ coordinated efforts to obtain and increase private support.

The Board of Regents recognizes the University of New Mexico Foundation, a non-profit corporation existing solely to promote the University, as a major supporting organization through which private citizens can assist the University with fund-raising efforts. Pursuant to state law ([NMSA 1978, § 6-5A-1, NMSA 1978](#)), the Board of Regents has approved [a formal Memorandum of Agreement](#)~~an agreement~~ to govern the relationship between the University and the UNM Foundation. The University encourages all donors of significant gifts for use in various programs or projects of the University to make them to the UNM Foundation for the benefit of the University.

Gifts made to the University or to the UNM Foundation shall be received in accordance with the Memorandum of Agreement and UAP 1030. The Board of Regents' approval shall be required prior to acceptance of: ~~(1)~~ any gift of real property that is made directly to the University. The Regents must also approve the initial establishment of quasi-endowments with University funds, all transfers of University funds to established quasi-endowments, and expenditures of principal that exceed ten percent

(10%) in any given fiscal year.; and (2) any gift of tangible personal property that is made directly to the University that would require an annual expenditure of more than \$50,000 by the University. Either the University or the UNM Foundation may accept gifts, subject to the University's agreement with the Foundation and University policy. Any gift of tangible personal property that is made directly to the University and requires that would require an annual expenditure by the University of more than \$25,000 up to and including \$50,000 shall be presented to the Board of Regents' Finance and Facilities Committee for information.

The UNM Foundation shall manage investments within its purview in a manner that will maximize the benefit intended by the donors. The Board of Regents shall approve investment management guidelines recommended by the Foundation. These guidelines shall apply to all endowment and other gift funds managed by the University and under the investment management oversight of the Foundation's Investment Committee, as well as all assets received by the Foundation on behalf of the University. Endowment investments shall be managed in accordance with the Consolidated Investment Fund Investment Policy, jointly approved by the Regents and the UNM Foundation Board of Trustees.

The Board of Regents shall approve the establishment and purpose of any quasi-endowment, regardless of the source of funds for the quasi-endowment.

Implementation

The President may adopt administrative policies and procedures regarding the acceptance of gifts and other development matters.

The Foundation shall adopt and recommend investment management guidelines to the Board of Regents for approval. The full text of the investment management guidelines (Consolidated Investment Fund Investment Policy) is maintained on the UNM Foundation's website. The Memorandum of Agreement between the University and the UNM Foundation is maintained by the UNM Foundation and the University Counsel's Office.

References

- NMSA 1978 § 6-5A-1, NMSA 1978 (“Definitions; requirements for governmental entities that receive funds or property from certain organizations”)
- Requirements for Receiving Funds from [Affiliated] Organizations; NMSA 1978, § 21-1-38 (“Definition; requirements for adoption of investment policy for investing endowment funds”)
— Policies for Investing Endowment Funds)
- RPM 7.9 (“Property Management”)
- RPM 7.19 (“Regents' Endowment Fund”)

- [UAP 1030](#) ("Gifts to the University")
- [Memorandum of Agreement between the Regents of UNM and the UNM Foundation, Inc., on file at the UNM Foundation and \[Office of University Counsel's Office\]\(#\)](#)
- Consolidated Investment Fund Investment Policy

DRAFT OF 9-28-2017 – track changes

Regents' Policy Manual - Section 7.14: Risk Management and Insurance

Adopted Date: 09-12-1996

Amended: 12-14-2010

Amended: 08-14-2015

Applicability

This policy applies to all members of the University community and to all property owned or controlled by the University.

Policy

1. Safety and Loss-Prevention Program

It is the policy of the University to take reasonable steps to avoid accidents or other incidents that could result in injury or death to students, faculty, staff, and visitors, and to protect the physical resources of the University against loss or damage. The University, therefore, will have an active safety and loss-prevention program. ~~Because of the unique and distinct manner in which the Health Sciences Center operates and the unique nature of the risks of loss with respect thereto, the governance and oversight of the safety and loss prevention program for the Health Sciences Center (and each of its components colleges, schools, centers, units, and subsidiary corporations as described in Section 1 of RPM 3.4) shall be as described in Section 3i of RPM 3.5 ("for the UNM Health Sciences Center Committee") Board of Directors and Exhibit A Section 12 of RPM 3.6 for the ("UNM Hospitals Board of Trustees").~~ The program will also provide for the proper handling and disposition of hazardous materials, ~~pursuant to applicable laws.~~

~~Liability insurance covering the University and its "public employees," as defined in the New Mexico Tort Claims Act, property and casualty insurance, workers' compensation insurance, and health care liability coverage for health care students are provided by the Risk Management Division, General Services Department, of the State of New Mexico.~~

~~The~~Recognizing that the tort liability to third parties of the University and its "public employees" ~~s and its "public employees" tort liability to third parties~~ is subject to the

immunities and limitations set forth in the New Mexico Tort Claims Act and the Eleventh Amendment to the U.S. Constitution. ~~In, in~~ cooperation with the Risk Management Division of the New Mexico General Services Department, under and pursuant to the New Mexico Tort Claims Act, the University will carry (a) fire and extended coverage insurance on its buildings, heating and cooling systems, and major equipment; (b) worker's¹ compensation and unemployment compensation as required by applicable law; ~~and~~ (c) medical malpractice, professional liability, and comprehensive general liability insurance under the Public Liability Fund administered by the Risk Management Division ~~to protect itself and its "public employees," as defined in and consistent with the New Mexico Tort Claims Act; and~~ (d) such other and further insurance coverage as may be necessary and appropriate under the circumstances of a particular situation.

2. Insurance ~~Benefits for Employees and Students~~

~~The University will provide opportunities for its eligible students and eligible employees to purchase medical insurance health care coverage.~~

~~To ensure fiduciary responsibility, T~~he Board must approve the establishment or elimination of any alternative insurance or self-insurance program. In 2009, the Board approved a self-funded employee health plan.

The University will offer to ~~all its active permanent eligible faculty, and staff employees, students employees, and certain retirees,~~ group health ~~insurance~~ coverage which the University ~~co-pays~~ contributes to in accordance with state law. ~~University-Eligible employees also may also choose to elect coverage from the University's diverse suite of benefit plans, purchase group life insurance, accidental death and dismemberment insurance, and short and long term disability insurance coverage for themselves and their families through the University.~~
~~The University will offer one or more health insurance policies to its students each year.~~

2.1. Reserve Fund Maintained for UNM Self-Insurance Plan

The University maintains a reserve fund for its self-insured ~~group health plan, prescription drug, and dental benefits~~ covering ~~active eligible~~ employees and ~~eligible~~ retirees. Third Party Administrators (TPA) are contracted to process claims and perform certain administrative functions. In addition to claims payments and TPA administrative fees, the three components of the reserve fund (discussed below) may be used, as appropriate, for ~~health care medical~~ and non-~~health care medical~~ costs such as stop-loss premiums, wellness initiatives, onsite clinic costs, telemedicine services, disease management services, and outside consulting fees.

The reserve fund has three distinct components: an Incurred But Not Reported (IBNR) reserve, a Claims Fluctuation Reserve (CFR), and a general reserve.

- The IBNR reserve is maintained to fund terminal liabilities in the event that the self-funded plan, or any subset of it, were to cease. The amount of the IBNR reserve is calculated and certified annually by an independent credentialed healthcare actuary.
- The CFR ~~reserve~~ provides budget certainty to any given fiscal year should actual costs exceed the expected amounts. The amount is calculated to reflect a percentage of budget certainty between fifty percent (50%) and one hundred percent (100%).
- The general reserve represents any funds that exceed the combined IBNR reserve and CFR reserves, and may include earnings created by the reserve.

2.2. Use of the General Reserve Component of the Self-Insurance Reserve Fund

The Board in its discretion may approve the allocation of funds from the general reserve component for other University purposes. The premium amounts paid by covered employees constitute assets of the self-insurance plan, and can be used for no other purpose. Any interest paid on the employees' premiums, and other monies that exceed participant contributions and form the basis of the general reserve component, however, are considered general assets of the University and may be used for purposes unrelated to the self-insurance plan.

3. ~~Reports to the Board~~

~~The University President shall report annually to the Board on the status and financial condition of the University's risk management and insurance programs. In this regard, the Chancellor for Health Sciences shall coordinate reporting for the Health Sciences Center's safety and loss prevention program with the University President of the University.~~

References

- NMSA 1978, Tort Claims Act, § 41-4-1 et seq., NMSA 1978 ("Tort Claims Act");
- NMSA 1978, Workers' Compensation Act, § 52-1-1, et seq., NMSA 1978 ("Workers' Compensation Act");
- Group Benefits Act, § 10-7B-1, et seq.

Comment [PD1]: The OUC confirmed that UNM is subject to the Act and may participate in the State's self-insurance plan, but since UNM is not electing to participate at this time I eliminated the reference. The Act does not authorize UNM to establish its own self-insurance plan, it authorizes UNM to participate in the State plan.

DRAFT OF 9-28-2017 – track changes

Regents' Policy Manual - Section 7.15: Official ~~Social Functions~~Hospitality Events

Adopted Date: 09-12-1996

Applicability

This policy applies to expenditure of University funds for official hospitality events ~~social functions which that~~ promote the University's mission.

Policy

The University of New Mexico serves as an educational, social, and cultural center for the ~~state~~State. The University, its officers, faculty, and staff are often called upon to sponsor, support, or participate in various official ~~social~~hospitality functionsevents. Because these functions further the mission of the University and because participation is expected and historically has been practiced, the expenditure of University funds for such purposes is necessary, appropriate, and in the best interest of those serving and being served by the University.

Recognition of the University as a public trust is a necessary guide for socially-related expenditures. The University's use of funds is subject to public scrutiny. The guiding principles should be that expenditures are for the good of the University and ~~are consistent with public expectations, both in the region and state~~are appropriately modest.

~~Delegation of Authority~~

~~The President shall establish administrative policies and procedures to implement this policy.~~

References

- UAP 4000 ~~Policy on~~ (“Allowable and Unallowable Expenditures”), ~~UBPPM Policy 4000.~~

DRAFT OF 9-28-17 – track changes

Regents' Policy Manual - Section 7.16: Financial Exigency

Adopted Date: 09-12-1996

Applicability

This policy applies to University-wide fiscal operations. It does not apply to decisions concerning individual programs.

Policy

In the event the University is threatened by a serious financial crisis which jeopardizes its mission and effective operation, the Board of Regents may declare a University-wide financial exigency to be followed by reductions in University expenditures, including reductions in force, if necessary. In making a determination of financial exigency and in approving reductions in expenditures, the Board will be guided by recommendations from the University President, who shall convene a special committee to advise the University President on the nature and extent of the exigency and recommended courses of action.

Implementation

~~The President may adopt administrative policies and procedures to implement this policy.~~

References

- ~~Faculty Handbook Policy on Academic Freedom and Tenure, Section B5.3.3~~
~~("Separation from the University---Financial Exigency")~~
- ~~UAP 3225 ("Separation of Employment")~~
- ~~See, Policy on Academic Freedom and Tenure, Section 7, published in the Faculty Handbook, regarding the rights of tenured faculty members under financial exigency.~~

DRAFT OF 9-28-2017 – track changes

Regents' Policy Manual - Section 7.18: Joint Powers Agreements

Adopted Date: 09-12-1996

Applicability

This policy applies to all joint powers agreements entered into by the University.

Policy

The Regents shall authorize any joint powers agreement entered into by the University. By means of a resolution specifying the general subject and the ~~public government~~ agency involved, the Regents may authorize the University President or ~~his or her~~ designee to enter into a joint powers agreement to exercise jointly any power common to the University and the ~~public government~~ agency. In the alternative, and at the discretion of the Board, the Regents may approve the actual joint powers agreement.

Comment [1]:
The Joint Powers Act uses the term "public agency" in defining the bodies that may enter into JPA's.

Joint powers agreements should be used only where required by statute for the joint exercise of a power common to two or more public agencies.

Implementation

~~The President may adopt administrative policies and procedures to implement this policy.~~

References

- NMSA 1978, § 11-1-1 et seq. ("Joint Powers Agreement Act"), ~~Section 11-1-1 et seq., NMSA 1978 Section 11-1-3 NMSA 1978 Comp.~~

DRAFT OF 9-28-2017 – track changes

Regents' Policy Manual - Section 7.19: Regents' Endowment Funds

Adopted Date: 09-12-1996

Amended: 08-16-2005

Applicability

This policy applies to all allocations and expenditures from the Regents' Endowment Funds.

Policy

The Regents' Endowment Funds ~~has~~ have been created as ~~a~~ quasi-endowments of the University. ~~It~~ They shall be managed and used as follows:

1. The Regents' Endowment Funds shall be invested as part of the University's endowment funds and portfolio and shall be managed in accordance with the Consolidated Investment Fund Investment Policy. ~~the Regents' Investment Management Policy.~~
2. The proceeds from the sale of all real property owned by the University, net of any disposal costs, shall be deposited into the Regents' Endowment Funds.
3. All reductions of the Regents' Endowment Funds' principal balances must be approved by the Board of Regents and shall generally be limited to the acquisition of real property.
4. Investment income distributed annually in accordance with the investment management guidelines approved by the Board of Regents shall be limited to programs ~~which~~ that: (1i) enhance the recruitment and retention of outstanding faculty, staff, and students; (2ii) contribute to the merit-based scholarship program of the University, including the Regents' Scholars Program; (3iii) support the development of real estate; and (4iv) advance the University President's initiatives. ~~provide for the University President's Advancement Program; (5) reward~~

~~outstanding performance of the SAM Financial Services Center Investment Management Program, to be used for improvements to and upgrade of the facilities, equipment, software, and special projects for the Finance Services Center.~~

5. The ~~University administration~~UNM Foundation shall provide information to the Regents ~~in June of~~ each year regarding the Regents' Endowment Funds's principal balancess and the proposed distribution of income for the next fiscal year.
6. To provide an opportunity for Anderson Schools of Management (ASM) students to receive realistic investment experience and training, the Board of Regents' ~~will transferred~~ Two-two Million-million Dollars-dollars (\$2,000.000) from the ~~UNM and /Foundation's~~ Consolidated Investment Fund to ~~the ASM's~~ Financial Services Center Investment Management Program~~-of the Anderson Schools of Management~~. The funds ~~will beare~~ invested as part of an ASM faculty-guided educational program. This transfer ~~is was~~ effective August 31, 2005, in accordance with the Resolution adopted by the Board of Regents on April 12, 2005, and implemented in accordance with the Investment Management Guidelines for ASM's Financial Services Center Investment Management Program, as reviewed and revised by the Board of Regents. The ~~funds remain part of the Regents' Endowment Funds and the~~ Board of Regents retains the right to terminate the program. ~~and require the return of any or all of their fund balance.~~

Implementation

~~The President may adopt administrative policies and procedures to implement this policy.~~

References

- RPM 7.13 ("Receipt and Investment of Gifts to the University");
- Consolidated Investment Fund Investment Policy (on the UNM Foundation website)

DRAFT OF 9-28-2017 – track changes

Regents' Policy Manual - Section 7.20: Budgets and ~~Fund Balances~~Reserves

Adopted Date: 12-13-2005

Applicability

This policy applies to budget management and use of ~~fund balances~~reserves for Current Unrestricted funds at the University of New Mexico with special emphasis on Instruction & and General funds.

Policy

The Board of Regents has a fiduciary responsibility to ensure effective, efficient management of funding provided to the University to fulfill its mission of education, research, and public service. Budgeting involves all segments of the University and is a continuous process designed to ensure the best use of available funding. Budget management requires short-term and long-range planning, and involves setting up program priorities, ~~requesting funding, allocating available funds to various programs and projects, preparing and maintaining the budget, and reporting on the use of funds and intended use of any unexpended funds.~~

Reporting and Review of ~~Fund Balances~~Current Unrestricted Reserves

At the end of each fiscal year, departments responsible for Current Unrestricted funds categorize their reserves and submit categorization reports to their dean or director. The reserves are categorized as committed, dedicated, or discretionary. will submit a budget use report to the cognizant vice president. The report will include beginning balances, new revenue, expenditures, transfers, and ending balances for the fiscal year just ended. In addition, the report for Instruction & General funds will include the ending fund balances as a percentage of the budget for each department. The Budget Office of Planning, Budget, and Analysis and the HSC Budget Office will submit an annual comprehensive report on fund balancessavings and reserves to the Board of Regents, at their November meeting. This information will be reported University-wide for Instruction & General, Student Social and Cultural Development, Research, Public Service, Financial Aid, Auxiliary Enterprises, Athletics, and Independent Operations.

Allocation of ~~Fund Balances~~Reserves

It is critical to the fiscal integrity of the University that adequate central reserves be available to address unexpected ~~and~~/or critical needs of the University; therefore, the Regents may transfer a percentage of annual savings in Instruction ~~&and~~ General ~~fund balances~~reserves to a central fund. ~~The Regents will determine how these funds will be allocated in support of the mission of the University. This process provides an incentive to budgetary units to build balances for future use, while also recognizing that cost savings throughout the University need to be available to address institutional priorities. An exception to this policy may be granted if a department submits a plan for use of its fund balance to the cognizant vice president for approval. If approved by the cognizant vice president, the plan must then be submitted to the Regents for final approval.~~

Deficit Balances

If a department anticipates a year-end deficit, the deficit will be covered by the next higher-level responsible administrator or the department's budget will be reduced by an amount sufficient to cover the prior year's deficit. Exemption from this process requires written approval from the cognizant vice president.

Implementation

~~Every department with a negative fund balance that existed on or before June 30, 2005, must submit a deficit reduction proposal by March 31, 2006, for review and approval by the cognizant vice president. The proposal will include a plan for phased reduction of the deficit. The President shall adopt administrative policies and procedures for implementing this policy.~~

References

- UAP 7000 ("Budgets and Reserves")

RPM 1.1, "Responsibilities of the Board of Regents."

DRAFT OF 9-28-2017 – track changes

Regents' Policy Manual - Section 7.21: Investment of Operational Funds and Bond Proceeds

Adopted Date: 12-13-2005

Amended: 05-11-2010

Applicability

This policy governs the investment of operational funds and bond proceeds of the University of New Mexico. It does not apply to endowments held by the University and the UNM Foundation, which are invested in accordance with the Foundation's Consolidated Investment Fund ~~Endowment~~ Investment ~~Management~~ Policy.

Policy

The University shall manage its cash flow in a manner ~~which~~ that will maximize funds available for investments. The primary objective for investments of operational funds and bond proceeds of the University is capital preservation. In addition, available funds shall be invested with the following objectives:

1. ~~•~~ • Conformance with applicable laws and regulations, bond resolutions and indentures, and other pertinent legal restrictions.
2. ~~•~~ • Sufficient liquidity to ensure the University can quickly respond to cash demands and meet funding and operations requirements and emergency expenditures.
3. ~~•~~ • Recognition of differing objectives and needs of various operating funds and bond proceeds.
4. ~~•~~ • Maximization of investment returns.

The Board recognizes that in order to meet these investment objectives it may be advantageous to engage the services of investment consultants and managers who have appropriate training and expertise and who have access to specialized information and analysis or analytical tools and systems. Investment consultants and managers must be registered investment advisors with the Securities and Exchange Commission (~~SEC~~) and must have a minimum of \$500 million of assets under

management. Such contracts must be approved by the Board of Regents. All persons or entities, including investment managers and consultants, that have responsibility for investment of University funds shall be bound by this and other University policies, including conflict of interest policies, ~~RPM 1.8 and RPM 6.4~~, and federal and state laws and regulations.

Investment Guidelines

The scope of authority for the types of investments that may be made with University funds is statutorily defined in NMSA 1978, Sections 6-8 and 6-10. University assets may be invested in any securities permitted by law, subject to the provisions of this investment policy. Individuals responsible for investment decisions shall exercise judgment, care, skill, and caution to invest and manage funds as a prudent investor would, by considering the objectives, terms, and distribution requirements while preserving capital. Operational funds and bond proceeds are primarily invested in high quality, relatively short-term fixed income securities not exposed to significant market risk. Investments should have an average duration of three years or less, an average credit quality of A1/A+ or better, no use of leverage, and security ratings of investment grade.

Prohibited Investments

~~Notwithstanding authority granted by law and elsewhere in this document, in order to mitigate exposure to interest rate risk, market risk, and liquidity risk, the following investments and investment practices are prohibited. Prohibited investments include, but are not limited to the following:~~

- ~~• Domestic or international equity securities (i.e. stocks)~~
- ~~• Commodities and futures contracts~~
- ~~• Options~~
- ~~• Speculative securities~~
- ~~• Mortgages-backed debt and pass-through securities or obligations~~
- ~~• Non-government fixed income mutual funds~~
- ~~• Private placements~~
- ~~• Limited partnerships~~
- ~~• Real estate properties~~
- ~~• Principal-only (PO) securities~~
- ~~• Interest-only (IOs) securities~~
- ~~• Planned amortization class (PACs)~~
- ~~• Residual Tranche collateralized mortgage obligations~~
- ~~• Venture capital investments~~
- ~~• Derivatives, except when utilized to protect the Global Fixed Income Portfolio~~

- Collateralized mortgage obligations (CMOs) and other mortgage-backed securities, inverse floaters, leveraged floaters, capped and rate floaters, dual index floaters, and floating rate notes whose index is tied to a long-term interest rate or lagging index, e.g. Cost of Funds Index (COFI)
- Investment purchase on margin or short sales
- Leveraging the portfolio, lending securities with an agreement to buy them back after a stated period of time (reverse repurchase agreements from the perspective of the Operating Fund)
- Repurchase agreements are prohibited for operating funds, but are allowable for bond proceeds
- GICs are prohibited for operating funds, but are allowable for bond proceeds

Reporting and Accountability

The University Debt and Investment Advisory Committee is responsible for ensuring University investments are managed in accordance with University policy and applicable laws and regulations. ~~The Committee is also responsible for oversight of the investment process and distribution of investment income, monitoring investment activities, and reporting the results of investment activity annually to the Board of Regents. The Committee is chaired by the Executive Vice President for Administration/CFO/COO and is composed of representatives from Financial Services, the Office of Planning, Budget and Analysis, and other members designated by the Executive Vice President for Administration/CFO/COO.~~

~~The Associate Vice President for Planning, Budget, and Analysis under the supervision of the Executive Vice President for Administration/CFO/COO is responsible for the day-to-day investment activities concerning University operational funds and bond proceeds. The associate vice presidents for Financial Services are responsible for ensuring proper internal controls are in place. The UNMH University Hospitals~~ Administrative Chief Financial Officer is responsible for the day-to-day investment activities concerning ~~UNM Hospital~~ University Hospitals' operational funds and bond proceeds and for ensuring proper internal controls are in place. All investment transactions require prior authorization from two University administrators with signature authority on the University's depository account. All individuals delegated authority to make investment decisions must be bonded in accordance with NMSA 1978, Section 6-8-5.

References

- NMSA 1978, § 6-8-1 et seq. ("Investment of public money")
- NMSA 1978, § 6-10-1 et seq. ("Public money")

- NMSA 1978, §§ 45-7-601 et seq. 6-8 and 6-10; ("Uniform Prudent Investor Act");
- NMSA 45-7 (601-612);
- 26 USCA Internal Revenue Code IRC §148; ("Arbitrage");
- RPM 1.8 ("Regent Code of Conduct and Conflicts of Interest-Policy;")
- RPM 6.4 ("Employee Code of Conduct and Conflicts of Interest-Policy;")
- UBPPM 3715 "Code of Conduct," UAPUBPPM 3720 ("Code of Conduct and Conflicts of Interest;")
- UAPUBPPM 7610 ("Investment Management;")

DRAFT OF 10-2-2017 – track changes

Regents' Policy Manual - Section 8.1: Special Use of University Facilities

Adopted Date: 09-12-1996

Applicability

This policy applies to the special use of ~~all~~ University facilities.

Policy

University facilities are primarily for the use of University organizations and departments. Regularly scheduled events and classes have first priority for the use of University facilities, followed by UNM-sponsored special events. Under certain conditions, University facilities may be rented to enterprises not directly connected with the University.

Any reasonable request for special use of University facilities will be considered.

Implementation

~~The President shall adopt administrative policies and procedures to implement this policy.~~

References

- Pathfinder ("Speakers from Off-campus-Campus and Freedom of Expression and Dissent")~~Speakers Policy, Pathfinder.~~
- Pathfinder ("Main Campus Rules for Outdoor Events, Sound, and Posting"); Pathfinder
- UAP 2060 ("Political Activity")
- UAP 2220 ("Freedom of Expression and Dissent")
- UAP 2230 ("Police and Security Services")

DRAFT OF 10-2-2017 – track changes

Regents' Policy Manual - Section 8.2: Law Enforcement on Campus

Adopted Date: 09-12-1996

Applicability

This policy applies to all members of the University community and the general public.

Policy

State criminal and traffic laws apply on University property. The University President may employ and assign duties of campus police officers, who are authorized to enforce all applicable laws and University regulations, and have the powers of peace officers within the exterior boundaries of lands under the control of the Board of Regents, including public streets and highways within such boundaries.

Implementation

~~The President shall adopt any necessary administrative practices and procedures to implement this policy.~~

References

- Albuquerque City ordinances do not apply to land under the control of the Board of Regents. See City of Santa Fe v. Armijo, 96 N.M. 663, 633 P.2d 685 (1981).
- NMSA 1978, § 29-5-1 et seq. (“Educational ~~Institutions-institutions~~; —Traffic ~~traffic Regulations-regulations~~ and ~~Police-police Officersofficers~~”).

DRAFT OF 10-2-2017 – track changes

Regents' Policy Manual - Section 8.3: ~~Parking and Vehicles~~ and Parking on Campus

Adopted Date: 09-12-1996

Amended: 04-09-2003

Applicability

This policy applies to all motorized and non-motorized vehicles on University property. ~~These Nonmotorized~~ vehicles include, but are not limited to, automobiles, golf carts, bicycles, skateboards, skates, rollerblades, mopeds, scooters, and unicycles. The policy does not apply to the use of ~~nonmotorized vehicles~~ ambulatory mobility devices as assistance for the mobility impaired (~~e.g., walkers, wheelchairs~~).

Policy

For the orderly flow of parking and vehicular traffic within the limited confines of University property, the University President shall adopt parking and vehicular ~~rules~~ regulations, which shall be ~~printed and~~ made available to students, employees, and visitors.

~~Except for law enforcement vehicles, the use of nonmotorized vehicles shall be prohibited in those areas identified by the President as high pedestrian areas on campus. Skateboards and other nonmotorized v~~ehicles, including skateboards, shall be used on the ground only and may not be used on walls, benches, fountains, stairs, or other structures. The University President by regulation may ban specified types of ~~nonmotorized~~ vehicles from campus.

Implementation

The UNM Parking ~~and Traffic~~ Regulations are enforced by the UNM Police Department and UNM Parking and Transportation Services, and maintained on the UNM Parking and Transportation Services website. ~~Copies of the Regulations are maintained at the Offices of Parking Services, the Executive Vice President for Administration, the~~

University Counsel, and at Zimmerman Library. They are published by the Secretary of State as a regulation of the State of New Mexico.

The President shall define and designate high pedestrian areas as "Dismount Areas." The President shall deem all handicap ramps as Dismount Areas. The President may designate certain times and days during which enforcement of the Dismount Areas rules will be suspended. The President may designate different Dismount Areas, or different enforcement times and days, for different categories of nonmotorized vehicles. Dismount Areas other than handicap ramps shall be clearly posted. If Dismount Areas are regularly in effect only during certain days or hours, the days and hours of effectiveness shall also be clearly posted.

References

- NMSA 1978, §§ 29-5-1 and, § 29-5-1.1 ("Educational institutions; campus traffic regulations"), and § 37-8A-3.A(3); UNM Parking & Traffic Regulations.
- [UAP 2260 \("Non-Motorized and Small Motorized Vehicles"\)](#)
- [UAP 7780 \("Use of University Vehicles"\)](#)
- [UNM Parking Regulations](#)

DRAFT OF 10-2-2017 – track changes

Regents' Policy Manual - Section 8.4: The ~~New Mexico~~ Student Union Building

Adopted Date: 09-12-1996

Applicability

This policy applies to the use of the Student Union Building.

Policy

The Student Union Building is a social and extracurricular center of the campus community, and a focal point for campus activities for all members of the University community. The Student Union Building serves as a unifying force in the life of the University, presenting opportunities for the exchange of ideas and opinions ~~between~~ among faculty, ~~and students, and others~~ in a congenial, informal atmosphere.

The University President is authorized to determine the appropriate use of the Student Union Building, and may delegate this authority ~~as the President deems appropriate.~~

Implementation

~~The President shall adopt administrative policies and procedures to implement this policy.~~

References

- ~~— Student Union Building: Prohibited Conduct, Pathfinder.~~
- RPM 2.2 (“Speakers from Off Campus”)
- RPM 8.1 (“Special Use of University Facilities”)

DRAFT OF 10-2-2017 – track changes

Regents' Policy Manual - Section 8.5: Museums and Collections

Adopted Date: 09-12-1996

Applicability

This policy applies to all University museums and collections.

Policy

In furtherance of its educational mission and its commitment to public outreach, the University houses significant collections of art and artifacts in its various museums and other locations. To preserve the cultural, scientific, and historical value of these collections, the University shall ensure that they are protected from unwarranted deterioration or deaccession.

Implementation

~~The President shall adopt any administrative policies and procedures necessary to implement this policy.~~

References

- [UAP 6410 \("Museums and Collections"\)](#)

DRAFT OF 10-2-2017 – track changes

Regents' Policy Manual - Section 8.6: KNME-TV

Adopted Date: 09-12-1996

Applicability

This policy applies to KNME-TV.

Policy

KNME-TV is an educational television station licensed by the Federal Communications Commission jointly to the Regents of the University of New Mexico and the Albuquerque Public Schools (APS). Operation of the station is governed by a Joint Powers Agreement between UNM and APS, copies of which are maintained at KNME-TV, ~~the Provost's Office~~, and the Office of University Counsel's ~~Office~~.

Implementation

The University President shall provide for appropriate management of KNME-TV, subject to the Joint Powers Agreement and applicable federal law.

DRAFT OF 10-2-2017 – track changes

Regents' Policy Manual - Section 8.7: KUNM Radio

Adopted Date: 09-12-1996

Amended: 08-12-2003

Applicability

This policy applies to the radio station KUNM-FM.

Policy

KUNM-FM, a noncommercial educational radio station, is licensed to the Board of Regents. The Board has the responsibility for all aspects of the station's operations, including programming. The Board will assure that the station enjoys the full protection of the First Amendment so that the station can continue to fulfill its role as an institution of the press.

KUNM shall operate as a University radio station in accordance with the federal Communications Act of 1934 and all rules and policies of the Federal Communications Commission that pertain to noncommercial educational radio stations. The station shall fulfill the following goals: (1) serve the people in KUNM's listening area by providing a variety of high-quality programming that serves diverse interests, particularly programming that might not be available on commercial radio stations; (2) comprise an integral component of the University's academic mission; and (3) maintain a high standard of quality in content, presentation, and technical competence.

Implementation

The Board of Regents does not make decisions concerning specific programs at KUNM. Day-to-day The station shall operate as a University radio station, with management responsibility is delegated from the Board of Regents, as licensee, through to the University President and the Provost to the designated station management, subject to an advisory role for the KUNM Radio Board, as discussed below. Management, staffing, and budgeting of the station shall be carried out through normal University administrative channels under applicable University policies.

~~A-The~~ Radio Board ~~shall~~may make recommendations to station management on programming issues and other ~~important~~ station policies ~~and practices~~. The Board of Regents ~~shall~~has adopted bylaws governing the composition and duties of the Radio Board. ~~The bylaws of the KUNM Radio Board are maintained by the Provost's office and the University Counsel.~~

Due to the potential impact of major programming changes on the academic mission of the University and on the station's responsiveness to the community, station management must consult with the Radio Board before making such changes, except in emergency situations. After the Radio Board has issued its recommendations regarding programming changes, station management determines which changes will be made. The Radio Board may appeal the decision to the Provost, who shall make the final decision as to whether a proposed program change shall or shall not be adopted. In making such decisions, station management and the Provost shall be guided by and act consistently with this policy.

Volunteer participation in the operation of the radio station shall be encouraged and shall be subject to volunteer policies and procedures established by station management and the Radio Board and approved by the Provost, as well as the UNM Visitor Code of Conduct and other applicable University policies.

References

- Bylaws of the KUNM-FM Radio Board
- RPM 2.8 ("Visitors to the University")
- Pathfinder ("Visitor Code of Conduct")

~~The full Regents' Policy on KUNM and the bylaws is maintained by the Provost's office and the University Counsel.~~

References

- Regents' Policy on Bylaws of the KUNM Radio Board (complete text), (with date?). An amendment to the "Bylaws of the KUNM Radio Board" was approved by the Board of Regents on August 12, 2003.

Comment [PD1]: Note: This draft combines elements of the "full Regents' Policy," which will cease to exist after this draft is approved by the BOR. KUNM's General Manager and the offices of the President and the Provost participated in this change.