

Regents' Policy Manual - Section 2.16: ~~University Counsel~~Legal Services for the University

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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

Amended: 03-09-2023

Applicability

~~This policy applies to the Office of University Counsel, 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 General Counsel shall be appointed by the President of the University, with the advice and confirmation of the Board of Regents, to direct a legal office for the University. The President may dismiss, set compensation, amend or not renew the contract of the General Counsel, but any such action must be confirmed by the Board of Regents, 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 the University. The General Counsel is responsible for advising the Board of Regents and the President on all legal issues relevant to their respective duties, and shall report to both the Board of Regents and the University President. In extraordinary circumstances where there is or may be a conflict of interest between the Board of Regents and the President, the General Counsel shall represent the Board of Regents and the President shall be authorized to hire outside counsel.~~

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~~University Counsel reports directly to the President of the University and may when appropriate provide advice on legal issues to the Board of Regents. The function of the University Counsel's Office 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 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).~~

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The General Counsel, in consultation with the President, is 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.

No component of the University may retain or employ outside counsel except with the prior approval of the President of the University, the Board of Regents, or their designee. 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. The retention, employment and supervision of such outside counsel shall be in accordance with guidelines promulgated by General Counsel and pursuant to a contract for legal services approved by the Board of Regents or the President of the University.

References

Appointment and Termination of Key Administrators, [RPM 3.3](#) ; Student Government, [RPM 4.1](#); Signature Authority for Contracts, [RPM 7.8](#).