



HLC Accreditation Evidence Document

Title: Regent Policy Manual

Office of Origin: Board of Regents

Description: The Regents Policy Manual as it was constituted in 2018. This manual provides a fundamental grounding to the total governance of the university insofar as it guides the actions and policies of the Board of Regents, and in this, charges various other bodies within the university with governance responsibilities, e.g. section 5.1 which defines the faculty's role in the university's academic mission. Other notable sections includes the institutional polices on "Diversity and Campus Climate" (section 2.4), and "Hiring, Promotion, and Transfer" (6.2).

Date: 2018

Regents' Policy Manual

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Regents' Policy Manual

Table of Contents

Preface.....	
Foreword.....	
Maintenance of the Regents' Policy Manual.....	
Section 1.1: Responsibilities of the Board of Regents.....	
Section 1.2: Structure of the Board of Regents.....	
Section 1.3: Public Notice of Regents' Meetings.....	
Section 1.4: Appointment of the President of the University.....	
Section 1.5: Appeals to the Board of Regents.....	
Section 1.6: Special Recognition and Awards.....	
Section 1.7: Advisors to the Board of Regents.....	
Section 1.8: Regent Code of Conduct and Conflicts of Interest Policy.....	
Section 2.1: Free Expression and Advocacy.....	
Section 2.2: Speakers from Off Campus.....	
Section 2.3: Equal Opportunity & Affirmative Action for Employees & Students.....	
Section 2.4: Diversity and Campus Climate.....	
Section 2.5: Sexual Harassment.....	
Section 2.6: Drug Free Environment.....	
Section 2.7: Use of the University's Name and Symbols.....	
Section 2.8: Visitors to the University.....	
Section 2.9: University Archives and Records.....	
Section 2.10: Architectural Style of Campus Buildings and Campus Master Plan.....	
Section 2.10.1: Historic Preservation.....	
Section 2.11: Naming University Facilities, Spaces, Endowments, and Programs.....	
Section 2.11.1: Building Plaques.....	
Section 2.12: Advertising, Sales, and Solicitations on Campus.....	
Section 2.13: Health Sciences Center and Services.....	
Section 2.14: Branch Colleges and Off-Campus Education Centers.....	
Section 2.15: Science and Technology Corporation at UNM.....	
Section 2.16: University Counsel.....	
Section 2.17: Public Access to University Records.....	
Section 2.18: Guiding Principles.....	
Section 3.1: Responsibilities of the President.....	
Section 3.2: Authority in an Emergency.....	
Section 3.3: Appointment and Termination of Key Administrators.....	
Section 3.4: Health Sciences Center and Services.....	
Section 3.5: UNM Health Sciences Center Committee.....	
Section 3.6: UNM Hospital Board of Trustees.....	
Section 3.7: Health Sciences Center Institutional Compliance Program.....	
Section 3.9: Benefits of the University President.....	
Regents' Policy 3.9 Exhibit A: Taxes Related to the Expenses of the University President's Spouse.....	
Section 4.1: Student Government.....	
Section 4.2: Student Code of Conduct.....	
Section 4.3: Student Grievances.....	

Regents' Policy Manual

Section 4.4: Student Records.....	
Section 4.5: Student Publications.....	
Section 4.6: Chartered Student Organizations.....	
Section 4.7: Tuition and Fees.....	
Section 4.8: Academic Dishonesty.....	
Section 4.9: Intercollegiate Athletics.....	
Section 5.1: The Faculty's Role in the University's Academic Mission.....	
Section 5.2: Academic Freedom and Tenure; Appointments and Promotions.....	
Section 5.3: Employment of UNM Graduates.....	
Section 5.4: Leaves of Absence.....	
Section 5.5: Outside Employment.....	
Section 5.6: Extra Compensation Paid by the University.....	
Section 5.7: Confidentiality of Faculty Records.....	
Section 5.8: Intellectual Property.....	
Section 5.9: Sponsored Research.....	
Section 5.10: Conflicts of Interest in Research.....	
Section 5.11: Classified Research.....	
Section 5.12: Overseas Research.....	
Section 5.13: Research Fraud.....	
Section 5.14: Human Beings as Subjects in Research.....	
Section 5.15: Use of Animals in Education and Research.....	
Section 5.16: Post-Tenure Review.....	
Section 5.17: Conflict of Interest Waiver Policy for Technology Transfer.....	
Section 5.18: Endowed Faculty Chairs.....	
Section 6.1: Performance Management.....	
Section 6.2: Hiring, Promotion and Transfer.....	
Section 6.3: Privileges and Benefits.....	
Section 6.4: Employee Code of Conduct and Conflicts of Interest Policy.....	
Section 6.5: Political Activity by Employees.....	
Section 6.6: Labor Management Relations.....	
Section 6.7: Disclosure of Information About Candidates for Employment.....	
Section 6.8: Disclosure of Information About Employees.....	
Section 6.9: Employment Contracts.....	
Section 6.10: Dispute Resolution and Employee Grievances.....	
Section 6.11: Dependent Educational Benefits.....	
Section 6.12: University of New Mexico Staff Council.....	
Section 7.1: Accounting and Reporting of Funds to the Governor.....	
Section 7.2: Internal Auditing and Compliance.....	
Section 7.3: Audit and Compliance Committee.....	
Section 7.4: Purchasing.....	
Section 7.5: Small Business Program.....	
Section 7.6: University Enterprise Business Activities.....	
Section 7.7: Travel Reimbursement and Per Diem.....	
Section 7.8: Signature Authority for Contracts.....	
Section 7.9: Property Management.....	
Section 7.10: Borrowing and Bonding Authority.....	

Regents' Policy Manual

Section 7.11: Selection of Architects for UNM Projects.....	
Section 7.12: Approval of Construction Projects.....	
Section 7.12.1: Selection of Contractors for UNM Construction Projects.....	
Section 7.13: Receipt and Investment of Gifts to the University.....	
Section 7.14: Risk Management and Insurance.....	
Section 7.15: Official Social Functions.....	
Section 7.16: Financial Exigency.....	
Section 7.17: University-Affiliated 501(c) Organizations.....	
Section 7.18: Joint Powers Agreements.....	
Section 7.19: Regents' Endowment Fund.....	
Section 7.20: Budgets and Fund Balances.....	
Section 7.21: Investment of Operational Funds and Bond Proceeds.....	
Section 8.1: Special Use of University Facilities.....	
Section 8.2: Law Enforcement on Campus.....	
Section 8.3: Parking and Vehicles on Campus.....	
Section 8.4: The New Mexico Union.....	
Section 8.5: Museums.....	
Section 8.6: KNME-TV.....	
Section 8.7: KUNM Radio.....	

Regents' Policy Manual

Preface

This Manual is published for The University of New Mexico Board of Regents by the University of New Mexico Policy Office. Users should read the preface for critical information on the authority and use of this Manual. A search function is available to search this Manual for specific terms. The Table of Contents lists individual policies.

Purpose and Scope of the Manual

This Manual sets forth policies adopted by the Board of Regents for the governance of the University of New Mexico. The Manual has been prepared as a guide for the Board of Regents in carrying out its constitutional responsibility for the control and management of the University of New Mexico and as a source of information for others concerning the fundamental policies of the University and the operational procedures of the Board. This Manual either sets forth verbatim or makes reference to all current policies of continuing applicability adopted by the Board of Regents. Reference is made to the location of those Regents' Policies too lengthy to be included verbatim in this Manual. The President of the University has adopted separate administrative policies and procedures for implementing Board of Regents' policies. They are contained in several other documents, such as the Faculty Handbook, the University Administrative Policy Manual, and the Pathfinder.

Effect on Existing Policies

This Manual repeals and supersedes the Board of Regents' Policy Manual, last revised in 1985, all appendices to that manual, and all previous Regents' policies on subjects covered in this Manual, except for policies not covered by this Manual, approved by the Regents previously and printed in the Faculty Handbook (see Policy 5.1 in this Manual for policies that remain in effect).

Effective Date

The policies contained in this Manual became effective on the date the Manual is adopted by the Board of Regents. The adoption date of each policy appears at the top of each page. The adoption date of policies added or amended in the future will also appear at the top of the new or revised pages.

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 the 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 (Laws 1889, ch. 138, § 1).

In keeping with this mandate, the University offers undergraduate and graduate instruction in Architecture and Planning, Arts and Sciences, Education, Engineering, Fine Arts, Management, Nursing, Pharmacy, professional degree programs in Law and Medicine, and graduate instruction 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 colleges in Valencia County, Gallup, and Los Alamos, operates graduate centers in Los Alamos and Santa Fe, and operates the Taos Education Center.

The University of New Mexico is the largest of the 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:

1. The University develops and offers 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.
3. 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.

Maintenance of the Regents' Policy Manual

Adopted Date: 09-12-1996

Applicability

This policy applies to all policies adopted by the Board of Regents.

Policy

Any Regents' policy, including the policies contained in this Regents' Policy Manual, may be modified by a majority vote of the Board of Regents at any of its meetings. It is the intention of the Regents that proposed new policies and proposed revisions to existing policies will receive adequate publicity and discussion prior to their adoption.

Periodically, the Board shall review all policies in the Regents' Policy Manual, and all policies adopted or revised since the previous review, and make any changes it deems appropriate.

Implementation

Members of the University community may propose new or revised Regents' policies by submitting them, in the format used in this Manual, to the President of the University. The President will submit proposed policies, together with any appropriate background information and administrative recommendations, to the Board for consideration. Proposed policies must be approved by the Regents before they may be put into effect. All new or revised policies adopted by the Regents shall be promptly published as additional or replacement pages of this Regents' Policy Manual.

Regents' Policy Manual

Section 1.1: Responsibilities of the Board of Regents

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

Ultimate Responsibility for the Governance of the University

The Board of Regents is responsible for the governance of the University of New Mexico. This responsibility may be exercised only by the Board as a unit; 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.

Duties and Functions of the Board

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

1. Appoint a President of the University who serves as 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 periodically review 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; create colleges, schools, and branches.
4. Approve the constitution or other governing document of faculty, staff, and student governing bodies and component or affiliated organizations, as determined to be appropriate by the President and the Board.
5. Approve all degrees awarded by the University.
6. Enter into, and review biennially, operating agreements with the Board of Advisors of each branch college.
7. 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.

Regents' Policy Manual

References

N.M. Constitution Art. XII, § 13; NMSA 1978, §§ 21-1-1 *et seq.* and 21-7-1 *et seq.*

Regents' Policy Manual

Section 1.2: Structure of the Board of Regents

Adopted Date: 09-12-1996

09-09-2003, 08-10-2004, 12-14-2004, 03-14-2005, 10-10-2006, 12-14-2010,

09-12-2014, 06-12-2015, 08-14-2015, 03-14-2016

Appointment of Members

The Board of Regents is composed of seven members who are appointed by the Governor of New Mexico, with the consent of the Senate, for staggered terms of six years except for the student regent who is appointed for a two-year term. The Governor and the Secretary of Education are designated as ex-officio, non-voting members, and the Presidents of the Faculty Senate, Staff Council, Associated Students of UNM, Graduate and Professional Student Association, Alumni Association, UNM Retiree Association, 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 President presides at all meetings of the Board and signs all instruments required to be executed by the Board. When the President of the Board of Regents is absent, the Board of Regents hereby appoints the Vice-President to serve as President 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 "Regent Code of Conduct and Conflicts of Interest Policy." (See, [RPM 1.8](#).)

Regents' Policy Manual

Orientation of New Members

When a 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 a compilation of current New Mexico statutes pertaining to the Regents. The President will arrange briefing sessions for newly appointed Regents.

Standing Committees

In order to facilitate the work of the Board of Regents, the President of the Board of Regents appoints members to standing committees each year and appoints chairs and vice-chairs of each committee. The President of the Board of Regents may appoint him or herself as a member of any standing committee. The 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 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 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 President of the Board of Regents may designate him or herself or another Regent as alternate members of a standing committee or board who may serve as voting members whenever any of the Regent members are not present.

Each standing committee shall have a designated vice-chair responsible for assisting 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 University President and the President of the Board of Regents. The University President may submit agenda 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 first reviewed 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

Regents' Policy Manual

members of the administration, faculty, staff, student body, and public on the topics within the committee's 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.

Consent Agenda Matters

Certain matters, or categories of matters, may be referred by the Board of Regents for discussion and recommendation 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 member of the Board of Regents shall have the right, upon request, to remove any 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 of the Board of Regents as chair, together with two other Regent members appointed by the President of the Board. The Operations Committee will meet informally, including by telephone conference, to discuss the agenda for upcoming Board of 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 requirements of the Open Meetings Act.

Ad Hoc Committees

From time to time the President of Board may appoint ad hoc committees consisting of two or three 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.

Regents' Policy Manual

Quorum for Meetings of the Board

Four of the seven 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 meetings; the President consults with the 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 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 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 action or for purposes of addressing the Board of Regents about an item, must submit a letter to that effect to the President of the Board of Regents via the University President not less than four working 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 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 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. Const, art. XII, § 13 ("Board of regents")

N.M. STAT. ANN. §§ 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)

Section 1.3: Public Notice of Regents' Meetings

Adopted Date: 09-12-1996

12-08-1998, 03-11-2002, 09-09-2003, 03-14-2005, 06-12-2012, 05-01-2013,

05-01-2014, 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 of Regular 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 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

Regents' Policy Manual

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.

Regents' Policy Manual

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

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.

Regents' Policy Manual

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 a 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 resolution.

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 of Board; Election of Officers; Bond of Secretary-Treasurer; Conditions")

Section 1.4: Appointment of the President of the University

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

Applicability

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

Definition

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

Policy

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

Implementation

Whenever the position of President becomes vacant, the Regents shall conduct a search for qualified candidates for the 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. 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 of the University.

All Regents, search committee members, or employees involved in the Presidential search process at the University shall keep confidential the identity of candidates for President and the details of the deliberations of those responsible for screening candidates, except as 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 days before the date of a meeting of the Board of Regents at which final action is taken on selection of the 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 finalists. The required notice may be provided

Regents' Policy Manual

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 days and not more than thirty 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 president pending completion of a search for a permanent president.

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

References

Inspection of Public Records Act, §14-2-1, NMSA 1978, as amended, Special Session 1998.

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 affected by a decision of the administration, faculty, student government, or 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 appeals from decisions of the Academic Freedom and Tenure Committee which the Board is required to hear. 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) days from the date the decision being appealed was rendered, unless expressly provided by University policy to the contrary. The petition must describe the decision being appealed and the basis for the appeal.

In considering whether to take 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 its final decision within 90 days from the date the appeal was filed unless a delay is 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.

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 Services and Dispute Resolution for Staff***](#)"), [***Student Grievance Procedure***](#).

Section 1.6: Special Recognition and Awards

Adopted Date: 09-12-1996
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 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.** The Regents' Meritorious Service Medal 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.

Regents' Policy Manual

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 will be made by the Regents.

3. **Regents' Recognition Medal.** The Regents' Recognition Medal 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.

Section 1.7: Advisors to the Board of Regents

Adopted Date: 09-12-1996
08-14-2007, 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 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 Associate 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

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.

Section 1.8: Regent Code of Conduct and Conflicts of Interest Policy

Adopted Date: 09-12-1996
07-15-2003, 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 ("Regents") are expected to perform their duties faithfully and efficiently and never to give rise to suspicion of improper conflict with interests 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 may affect their independent judgment in the impartial performance of their duties. They may not use their positions to enhance their direct or indirect financial interest or use 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. 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:
 - a. has an ownership interest (other than as owner of less than one percent (1%) of the stock of a publicly traded corporation); or
 - b. 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.

Regents' Policy Manual

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 the 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 the 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 the Code by a Regent will be grounds for removal of that Regent pursuant to Article XII, Section 13 of the Constitution of New Mexico.
5. Members of the Board of Regents are required by the Financial Disclosure Act, Section 10-16A-1, *et seq.*, NMSA 1978, to file a report with the New Mexico Secretary of State concerning the Regent's financial interests. A copy of such 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 distributed to each member of the Board of Regents. The report filed with the Vice President shall be supplemented to the extent necessary to set forth the Regent's financial interests as defined in Section 3 of this policy.

References

NMSA 1978 Governmental Conduct Act, § 10-16-1 *et seq.*; Procurement Code §§ 13-1-190, -193, -195; 21-1-17, -35; Financial Disclosure Act, § 10-16A-1, *et seq.*

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: Regents, faculty, students, staff, and visitors.

Policy

Freedom of academic inquiry and freedom of expression are indispensable elements of a university. The freedom 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 dissent, however, must be balanced with the rights of others, respect for others, the educational process, and 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. 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, as its Chief Executive Officer, is authorized by the Board of Regents to be the primary spokesperson for the University. The President of the Board of Regents 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 Constitution, First Amendment; New Mexico Const., art. II, § 17; 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](#).

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 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.

As an educational 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 invitation. 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. 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"); Off-Campus Speakers Policy published annually in the *Pathfinder*.

Section 2.3: Equal Opportunity & Affirmative Action for Employees & Students

Adopted Date: 09-12-1996

Applicability

This policy applies to recruitment, admission, extracurricular activities, housing, facilities, access to course offerings, counseling and testing, financial assistance, employment, health and insurance services, and athletic programs for students. This policy also applies to the recruitment, hiring, training, and promotion of University employees (faculty and staff), and to all other terms and conditions of employment.

Policy

Equal Employment Opportunity

University policy, state and federal law and regulations forbid unlawful discrimination on the basis of race, color, religion, national origin, physical or mental disability, age, sex, sexual preference, ancestry, or medical condition, in recruiting, hiring, training, promoting, and all other terms and conditions of employment. All personnel policies, such as compensation, benefits, transfers, layoffs, terminations, returns from layoff, University-sponsored training, education, tuition assistance, social, and recreation programs will be administered without regard to the characteristics or conditions listed above, except when one of these is a bona fide occupational qualification. The University strives to establish procedures which assure equal treatment and access to all programs, facilities and services.

Equal Educational Opportunity

The University of New Mexico is committed to providing equal educational opportunity and forbids unlawful discrimination on the basis of race, color, religion, national origin, physical or mental disability, age, sex, sexual preference, ancestry, or medical condition. Equal educational opportunity includes: admission, recruitment, extracurricular programs and activities, housing, health and insurance services and athletics. In keeping with this policy of equal educational opportunity, the University is committed to creating and maintaining an atmosphere free from all forms of harassment.

Affirmative Action

Further, the University of New Mexico commits itself to a program of affirmative action to increase access by, and participation of, traditionally underrepresented groups in the University's education programs and work force. It is the policy of the University in the case where a vacant position falls within a job group which is determined to have

Regents' Policy Manual

underutilization, that the hiring official give preference for selection to a finalist who is a member of the underutilized group, provided his/her qualifications and past performance are substantially equal to other finalists.

Reasonable Accommodation Policy

The University makes reasonable accommodations to the religious observances/national origin practices of a student, an employee or prospective employee, and to the known physical or mental limitations of a qualified student, employee, applicant or program user with a disability, unless such accommodations have the end result of fundamentally altering a program or service or placing an undue hardship on the operation of the University. Qualified students, employees or program users with disabilities should contact the Office of Equal Opportunity Programs or the Office of Disabled Student Services for information regarding accommodations.

Anti-Harassment Policy

It is the policy of the institution to prevent and eliminate forms of unlawful harassment in employment and educational settings. The University prohibits harassment of employees by supervisors or co-workers and harassment of students on the basis of race, color, religion, national origin, physical or mental disability, age, sex, sexual preference, ancestry, medical condition, or other protected status. The University makes special efforts to eliminate both overt and subtle forms of sexual harassment.

Implementation

The President will develop administrative policies and procedures to implement this policy. The President shall establish an affirmative action plan and procedures which will ensure increased access and participation in recruitment, hiring, training, promotion, and other employment-related activities. The President shall establish grievance procedures for resolving allegations of discriminatory treatment or harassment against employees and students. Retaliation against any individual for bringing a complaint or participating in an investigation or hearing is strictly forbidden.

References

Title VI and VII of the Civil Rights Act of 1964; Title IX of the Educational Amendments of 1972; New Mexico Human Rights Act, § 28-1-1 et seq., NMSA 1978; Americans with Disabilities Act; Executive Order 12,246 *Guidelines on Affirmative Action Programs from the Federal Equal Employment Opportunity Commission and the Office for Civil Rights*; [UAP 3220 \("Ombuds/Dispute Resolution Services for Staff"\)](#); [UAP 2720 \("Equal Opportunity, Non-Discrimination, and Affirmative Action"\)](#); [RPM 2.5 \("Sexual Harassment"\)](#).

Section 2.4: Diversity and Campus Climate

Adopted Date: 09-12-1996

Applicability

This policy applies to all members of the University community.

Policy

The University values the diversity of its students, faculty, staff and the other people with whom it interacts. The University is a forum for the expression, consideration and evaluation of ideas. The educational process on campus is clearly enriched and strengthened by the fact that these ideas arise and are evaluated from such different perspectives.

The University is committed to increasing participation in the University by populations historically underrepresented at UNM (Hispanics, Native Americans, African Americans, Asian Americans, students from rural areas and first-generation college students); recruiting and supporting a diverse faculty and staff; and fostering diverse intellectual approaches to teaching, research and creative activity.

The University is further committed to creating and maintaining a diverse community and a campus in which students, faculty and staff can learn and work together in an atmosphere that is productive and free from harassment, exploitation, intimidation, hate crimes, discrimination and retaliation. The University will act decisively and promptly to deal with those who engage in criminal acts and who violate applicable administrative policies and procedures, thereby demonstrating in the strongest terms that such actions will not be tolerated on this campus.

Implementation

The President shall develop any administrative policies and procedures necessary to implement this policy.

Regents' Policy Manual

Section 2.5: Sexual Harassment

Adopted Date: 09-12-1996

Applicability

This policy applies to all members of the University community.

Policy

The University is committed to creating and maintaining a community in which students, faculty, and administrative and academic staff can learn and work together in an atmosphere that enhances productivity and draws on the diversity of its members -- an atmosphere free from all forms of disrespectful conduct, harassment, exploitation or intimidation, including sexual. Sexual harassment subverts the mission of the University and threatens the careers of students, faculty and staff. It is a violation of federal law and will not be tolerated. The University makes special efforts to eliminate both overt and subtle forms of sexual harassment. In fulfilling its dual roles of educating and providing public service, the University can and must demonstrate leadership in educating all members of its community to what is appropriate behavior between the genders.

Implementation

The President shall adopt administrative policies and procedures for implementing this policy and for resolving complaints of sexual harassment. Retaliation against any individual for bringing a complaint or participating in an investigation or hearing is strictly forbidden.

References

Titles VI and VII of the Civil Rights Act of 1964; Title IX of the Educational Amendments of 1972; [UAP 2730 \("Sexual Harassment"\)](#); [UAP 3220 \("Ombuds Services and Dispute Resolution for Staff"\)](#).

Regents' Policy Manual

Section 2.6: Drug Free Environment

Adopted Date: 09-12-1996
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 drugs and the illegal or inappropriate use of 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 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 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 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. § 701 *et seq.*; Section 22 of the Drug-Free School and Communities Act Amendments of 1989, 20 U.S.C. 1145g, 3224a; [UAP 2140](#) ("Use and Possession of Alcohol on University Property"); "Policy on Illegal Drugs and Alcohol," [UNM Pathfinder](#).

Section 2.7: Use of the University's Name and Symbols

Adopted Date: 09-12-1996
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. Use of the University's name and other symbols must comply with the "University External Graphic Identification Standards," [UBPPM 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 may determine additional or different custodians for the seal.

References

"University External Graphic Identification Standards," [UBPPM 1010](#).

Section 2.8: Visitors to the University

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

Applicability

This policy applies to all persons on University campuses who are not members of the University community.

Policy

The University acknowledges and affirms the rights of visitors under the federal and state constitutions, including First Amendment and due process rights. However, conduct which 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 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 types of conduct which will lead to disciplinary action and the sanctions for such conduct.

References

[UAP 2220 \("Freedom of Expression and Dissent"\)](#); "Visitor Code of Conduct," [UNM Pathfinder](#).

Section 2.9: University Archives and Records

Adopted Date: 09-12-1996

Applicability

This policy applies to all employees 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. Such records may not be permanently removed from the University or destroyed without the 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.

References

Record Retention and Disposition Schedules on the [Records Management Center](#) website; State Records Act.

Section 2.10: Architectural Style of Campus Buildings and Campus Master Plan

Adopted Date: 09-12-1996
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 President Tight 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 by the University as campus architect in 1933 and designed thirty-six structures in the distinctive style which 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 continue to be designed in the Pueblo Revival 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

Regents' Policy Manual

- updates to the campus master plan for approval by the Board of Regents.

References

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.

Regents' Policy Manual

Section 2.10.1: Historic Preservation

Adopted Date: 11-09-1999

Applicability

This policy applies to all buildings, landscapes and places 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 one of the first institutions in the Southwest to adopt and promote the Pueblo Revival style as an important regional architectural style. The campus contains some of the earliest non-residential interpretations of the Pueblo Revival style. Many buildings also have historic significance because of the architects who designed them. John Gaw Meem, a highly respected New Mexico architect who helped to develop the southwestern adobe style, was responsible for thirty-six campus buildings.

Policy

It is the policy of the University that all buildings, landscapes and places 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 provide 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 \("Historic Preservation"\)](#)

Section 2.11: Naming University Facilities, Spaces, Endowments, and Programs

**Adopted Date: 09-12-1996
11-13-2001, 06-14-2005**

Applicability

This policy applies to the naming of facilities including buildings and structures, interior spaces, landscapes, roads, collections, programs, endowed chairs and professorships, schools and colleges on the various campuses of the University.

Policy

The University of New Mexico welcomes the opportunity to honor those who have rendered extraordinary service or support to UNM. Facilities, spaces, endowments or programs may be named for individuals or entities whose accomplishments or generosity advance the academic 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 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.

Criteria for Selection of Honorees

Naming a facility, space, endowment or program 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 have given extraordinary service to the institution in a teaching, research, service or administrative field with such exceptional 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

Regents' Policy Manual

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 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 naming facilities, spaces, endowments and programs has 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 \("Honorary Naming Recognition"\)](#). 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.

1. Naming facilities and spaces that are part of the outside environment of the University must be approved by the Board of Regents.

Regents' Policy Manual

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 must be approved by the Board of Regents.
6. The naming of academic or non-academic programmatic entities (such as departments, schools, colleges, institutes and centers) must be approved by the Board of Regents.

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 delegated by the Board of Regents to the President of the University.

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,

Regents' Policy Manual

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

[UAP 1020 \("Honorary Naming Recognition"\)](#)

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 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.
- 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 project is under his/her jurisdiction
- Provost/Executive Vice President for Academic Affairs on the contract approval date, if project involves an academic or student services building
- Executive Vice President for Health Sciences on the contract approval date, if project involves a Health Sciences Center building
- Members of the Clinical Operations Board on the contract approval date, if determined appropriate by the President for a project that involves a Health Sciences Center building
- Name of Architect
- Name of General Contractor
- Year building completed
- Other individuals and/or public officials who the 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.

Regents' Policy Manual

References

[Regents' Policy 2.11 \("Naming University Facilities, Spaces, Endowments, and Programs"\)](#); [UAP 1020 \("Honorary Naming Recognition"\)](#); Section 13-8-1, NMSA 1978 (Public buildings; acknowledgment of taxpayers when elected officials acknowledged).

Section 2.12: Advertising, Sales, and Solicitations on Campus

Adopted Date: 09-12-1996
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 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 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.

References

[UAP 2150](#) ("Sponsorship by Alcohol Beverage Companies"); [UAP 2160](#) ("Outdoor Vendors"); [UAP 3730](#) ("Solicitation"); "Main Campus Rule for Outdoor Events, Sound, and Posting," [UNM Pathfinder](#).

Section 2:13: Health Sciences Center and Services

Adopted Date: 09-12-1996

This policy is now replaced by [RPM 3.4](#).

The following policies have also been deleted:

2.13.1 - Health Sciences Center Quality of Care **(Deleted 12/14/10)**

2.13.2 - Health Sciences Center Medical Staff **(Deleted 12/14/10)**

2.13.3 - Health Sciences Center Compliance Policy **(Replaced by [RPM 3.7](#))**

2.13.4 - University HIPAA Compliance Policy **(Replaced by [RPM 3.7](#))**

Section 2.14: Branch Colleges and Off-Campus Education Centers

Adopted Date: 09-12-1996

Applicability

This policy applies to all branch colleges and off-campus education centers of the University.

Policy

Pursuant to the Branch Community Colleges Act, § 21-14-1, et seq., NMSA 1978, and the Off-Campus Instruction Act, § 21-14A-1, et seq., the University has agreed to serve as the parent institution for branch community colleges and off-campus education centers in response to requests from several New Mexico communities. The objective of the branch colleges and education centers is to serve the citizens of New Mexico more fully and to provide the highest quality of education throughout the state for students in different locations pursuing post-secondary education.

Pursuant to the applicable statute, an Advisory Board to the Board of Regents shall be formed for each branch college or education center. The establishment of a branch community college or off-campus education center must be approved by the Commission on Higher Education.

The branch colleges and education centers shall respond specifically to the unique needs and multicultural background of the citizens in their respective communities by offering community education programs; career education, including certificate and associate degree programs; and/or transfer programs that prepare students for upper division entry into colleges and universities, as approved. The branch colleges utilize resources in their communities, primarily a local property tax levy, and therefore also function as an integral part of the community. The branch colleges and education centers shall commit themselves to protect the quality and integrity of all academic curricula, which are subject to approval by the UNM Faculty Senate pursuant to the Faculty Constitution.

The branch colleges are authorized to operate under a different admissions policy than the main campus. However, course and degree offerings and transferability shall be subject to criteria and requirements to be established by the administration and the faculty.

The UNM Faculty Handbook is generally applicable to faculty in the branches, with exceptions noted in the Handbook.

Regents' Policy Manual

Implementation

The Board of Regents shall enter into an operating agreement with the Advisory Board of each branch college or education center. These operating agreements shall be reviewed biennially.

References

Branch Community Colleges Act, § 21-14-1, et seq., NMSA 1978; Off-Campus Instruction Act, § 21-14A-1, et seq., NMSA 1978; Operating Agreements with each branch or education center (copies maintained in Director's office at each location, and in offices of the Provost and University Counsel).

Responsibilities of the Board of Regents, Item 6, [RPM 1.1](#).
Signature Authority for Contracts, Item 4, [RPM 7.8](#).

Section 2.15: Science and Technology Corporation at UNM

Adopted Date: 09-12-1996

Applicability

This policy applies to the commercialization and transfer of all technology developed by faculty and staff of the University.

Policy

Pursuant to the University Research Park Act, § 21-28-1, et seq., NMSA 1978 (the Act), the Board of Regents has established the Science and Technology Corporation at UNM (STC), formerly UNM Technology Development Corporation, a New Mexico non-profit corporation. The sole purpose of the STC is to support the mission of the University by promoting, developing and administering research parks, technology commercialization and transfer, and any other activities permitted under the Act. The STC is intended to promote the economic well-being of the State of New Mexico, as well as the mission of the University, by bringing special expertise to the commercialization of University-owned intellectual property and management and development of the University's Research Park.

The University is the only member of the STC and any net resources generated shall inure to the benefit of the University, subject to the University's Intellectual Property Policy. All intellectual property generated by University faculty and staff subject to disclosure under UNM's Intellectual Property Policy shall be made available to the STC for possible assignment to that entity 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

University Research Park Act, § 21-28-1 et seq., NMSA 1978; STC Bylaws; Agreement between the Regents of UNM and STC.

Regents' Policy Manual

Section 2.16: University Counsel

Adopted Date: 09-12-1996

12-14-2004, 01-06-2007, 01-09-2007, 12-14-2010, 03-14-2016

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 President of the University 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. 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).

The University Counsel, with the approval of the President of the University, 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 commercial disputes, collection of amounts due, or trespass on University property. 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 services provided by outside counsel to the University and its components 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 President of the University or his 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

Regents' Policy Manual

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.

References

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

Section 2.17: Public Access to University Records

Adopted Date: 09-12-1996
05-28-2008

Applicability

This 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.

Policy

The policy of the University, as a public body, is to fully comply with all the provisions and requirements of IPRA. 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 "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 public records, 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 records within the meaning of the Family Educational Rights and Privacy Act of 1974 ("FERPA").

Implementation

The President shall adopt policies and procedures to ensure that the University complies fully with IPRA so that public records pertaining to the University will be available for public inspection to the fullest extent permitted by law. Pursuant to IPRA, NMSA 1978, § 14-2-7, the President shall designate at least one custodian of public

Regents' Policy Manual

records who shall have the duties and responsibilities specified in that section and who shall respond to requests to inspect public records in accordance with this policy.

References

Inspection of Public Records Act, NMSA 1978 § 14-2-1 et seq.; Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g; "Inspection of Public Records," [UBPPM Policy 2300](#).

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, 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, 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.

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 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.

Regents' Policy Manual

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 \(“Ombuds Services and Dispute Resolution for Staff”\)](#)

Reporting Misconduct

- [UAP 2200 \(“Reporting Suspected Misconduct and Whistleblower Protection from Retaliation”\)](#)

Regents' Policy Manual

- [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 \(“Sustainability”\)](#)

Regents' Policy Manual

Section 3.1: Responsibilities of the President

Adopted Date: 09-12-1996
12-14-2004, 03-14-2016

Applicability

This policy applies to the President of the University.

Policy

The President of the University is its Chief Executive Officer and reports directly to the Board of Regents. The President is responsible for implementing the policies adopted by the Board of Regents. The Board hereby delegates authority to the 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 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 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;
- 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;
- presenting to the Board of Regents for approval the organizational structure of the University.

This 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

Regents' Policy Manual

for the Regents to act. It is the responsibility of the President of the University, in consultation with the President of the Board, to seek Regents' approval when a proposed action is of such consequence that it could 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 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. The President may adopt appropriate administrative policies and procedures to implement policies adopted by the Regents.

The President shall adopt a procedure for developing and adopting new or revised administrative policies and procedures. This procedure shall be designed to ensure 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 by the President, or as otherwise specified.

References

See, Policy on Signature Authority for Contracts ([RPM 7.8](#)).

Section 3.2: Authority in an Emergency

Adopted Date: 09-12-1996

Applicability

This policy sets forth the President's authority in an emergency.

Policy

The President is authorized to declare a state of emergency at the University upon finding that the orderly processes of the University have broken down or are seriously threatened. In making such a finding, the President shall consider whether the situation is so disruptive as to require immediate, extraordinary measures to safeguard persons or property or to maintain the University's educational function. As soon as reasonably possible, the President shall inform available Regents of the declaration of emergency. When the President determines that the threat has passed, the President shall inform the Regents and declare the state of emergency to be at an end.

During a state of emergency, the President, in the exercise of reasonable judgment under the circumstances, is authorized to take whatever actions are necessary to safeguard persons or property or to maintain the University's educational function, including suspending University activities for all or part of one or more days. Such actions shall remain in effect during the state of emergency, unless sooner cancelled by the President.

Presidential orders made during a state of emergency need not be consistent with established University policy or procedures. During a state of emergency, the violation of a Presidential order or the commission of any act of misconduct by any person will be considered an offense of the gravest nature, subject to sanctions appropriate to the gravity of the offense. During a state of emergency, failure to identify oneself by name and status as a student, faculty member, staff employee, or visitor after being requested to do so by a properly identified official and after being advised of the sanctions for failure to do so, may result in the imposition of disciplinary sanctions.

Section 3.3: Appointment and Termination of Key Administrators

Adopted Date: 09-12-1996
12-14-2004, 12-14-2010, 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 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 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 Chancellor for Health Sciences, the President has authority to dismiss him or her 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 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

Employment Contracts, [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

Regents' Policy Manual

in this policy. Dismissal or contract non-renewal shall be in accordance with University policies and procedures.

Section 3.4: Health Sciences Center and Services

Adopted Date: 12-14-2010

03-14-2016

(replaces [RPM 2.13](#))

Applicability

This policy applies to the 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 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 a fully integrated, academic health center and health care delivery system and will be collectively administered as the “UNM Health System.”

Component Units of UNM Health Sciences Center

The HSC consists of the School of Medicine, the College of Nursing, the College of Pharmacy; the Health Sciences Center Library & Informatics Center; the UNM Cancer Center, 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., (“UNM SRMC”) 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 Children’s Hospital (the “Children’s Hospital”), the University of New Mexico Adult Psychiatric Center formerly known as the Mental Health Center (“Adult Psychiatric Center”), the UNM Children’s Psychiatric Hospital (“CPH”), the Carrie Tingley Hospital (“CTH”) and the 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 facilities and clinics thereof shall be referred to collectively as the “UNM Hospital.” The HSC will also include such other and further 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.

UNM Health Sciences Center Executive Vice President and Chancellor

Regents' Policy Manual

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 responsibility for all 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

Regents' Policy Manual

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](#), [Faculty Handbook](#), or the [University Administrative Policies and Procedures Manual](#).

References

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](#) "Health Sciences Center Board of Directors"; [RPM 3.6](#) "UNM Hospital Board of Trustees"; [RPM 3.7](#) "Institutional Compliance Program."

Section 3.5: UNM Health Sciences Center Committee

Adopted Date: 12-14-2010

02-14-2012, 02-11-2013, 09-10-2013, 06-12-2015, 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 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 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 Regents hereby delegate to the HSC Committee the responsibility to oversee the affairs of the HSC and the UNM Health System. The Regents retain 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. Subject to the foregoing, the Regents hereby delegate to the HSC Committee as follows:

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 Regulations, 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

Regents' Policy Manual

("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.
5. 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 the manner in which the University's policies are administered as they affect the HSC and HSC faculty.
6. The HSC's strategies 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 (describing financial settlements), claims and/or lawsuits involving the HSC 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) and the development of a loss control program with respect thereto.

2.2. Matters as to which the HSC Committee shall review and make recommendations to the Regents for final approval:

1. 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 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.

Regents' Policy Manual

8. The HSC faculty tenure and promotion process 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 of Directors of UNMMG and UNM SRMC, and such other and future subsidiary 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 requests and proposed legislation.

References

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](#) “Institutional Compliance Program”

Regents' Policy Manual

Section 3.6: UNM Hospital Board of Trustees

Adopted Date: 12-14-2010

03-14-2016

(replaces portions of [RPM 2.13](#))

Applicability

This policy applies to the oversight and governance of the clinical, operational and financial affairs of the UNM Hospital.

Policy

Under that certain Lease Agreement for Operation and Lease of County Healthcare Facilities between the Regents and the Board of County Commissioners of the County of Bernalillo (the “County” or the “County Commissioners”), dated as of July 1, 1999, and approved by the New Mexico Board of Finance on August 12, 1999, as amended by that certain First Amendment to Lease Agreement for Operation and Lease of County Healthcare Facilities dated as of November 18, 2004 (as amended, the “Lease”), the Regents are responsible for operation and maintenance of UNMH and the Mental Health Center. The Lease is effective as of October 8, 1999, the effective date of the Agreement Regarding Consent to Lease Agreement entered into between the Regents and the Indian Health Service which was amended by that certain First Amended Agreement Regarding Consent to Lease Agreement dated as of November 18, 2004 (as amended, the “Consent”). The Lease provides for appointment of a combined nine#member governing board, which shall be known as the “UNM Hospital’s Board of Trustees” (hereinafter, the “UNMH BOT”) for the non-research, non-educational operations of the UNM Hospital, with such authority and powers as are delegated to the UNMH BOT by Regents’ policy and consistent with applicable federal and state laws and regulations and accreditation standards. The current delegation of authority and powers by the Regents to the UNMH BOT is set forth in [Exhibit A](#) to this policy (corresponding to Exhibit F to the Lease).

The Regents will have authority to appoint seven of the UNMH BOT members, and the County Commissioners will have authority to appoint two of the UNMH BOT members.

At least one Regent#appointed member of the UNMH BOT will be a Pueblo Indian, as required by the contract between the County and the federal government for provision of care to Native Americans. Voting Board members will not include either County Commissioners or Regent members.

Relationship to the Board of Regents and to the UNM Health Sciences Center Committee

The Regents may, but are not obligated to, by and through the HSC Committee, designate a member of the Regents to attend meetings of the UNMH BOT and/or

Regents' Policy Manual

committee meetings of delegated committees of the UNMH BOT, for liaison purposes, but not as a voting member of the UNMH BOT.

Representatives of the UNMH BOT, as designated by the Chairperson of the UNMH BOT, will make periodic reports to the HSC Committee, at least semi-annually, on matters within the UNMH BOT's delegated responsibility and will report for ratification, all matters required to be ratified and approved by the governing body under applicable laws, regulations, or accreditation standards and Regents' policies.

Actions by the UNMH BOT pursuant to this delegation are subject to approval or ratification by the HSC Committee and the Board of Regents as required by applicable federal and state laws and regulations, accreditation standards, and provisions of the Lease. As provided in Section V of the Lease, consistent with the Regents' constitutional and statutory responsibilities, the Regents will retain the right to consider, determine, and act upon any matter relating to the UNM Hospital in a manner consistent with this Policy. However, neither the HSC Committee nor the Regents will modify nor decline to ratify actions by the UNMH BOT, within the scope of the authority and powers delegated by the Regents to the UNMH BOT, except after consultation, with one or more representatives of the UNMH BOT designated by the Chairperson of the UNMH BOT.

References

Hospital Funding Act, N.M.STAT.ANN. §§4-48B-7 and -12 (1978); statutes applicable to Regents' responsibility for the operation of Carrie Tingley Hospital, N.M.STAT.ANN. §§ 23#2#1 et seq (1978), and the Children's Psychiatric Hospital N.M.STAT.ANN. § 23#8#1 (1978); 1999 Lease Agreement between Regents and County Commissioners of Bernalillo County as amended by the 2004 First Amendment to Lease Agreement; and the 1999 Agreement Regarding Consent to Lease Agreement between the Regents and the Indian Health Service, and the All#Indian Pueblo Council as amended by the 2004 First Amendment to the 1999 Agreement Regarding Consent to Lease Agreement. (Supersedes: 1996 Resolution Concerning Health Sciences Center; 1998 Supplemental Resolution Regarding the University of New Mexico Hospital Board of Trustees.) (Copies maintained by Office of the Chancellor for Health Sciences and the Office of University Counsel.); [RPM 3.4](#) "Health Sciences Center and Services" [RPM 3.5](#) "Health Sciences Center Committee."

EXHIBIT A

AMENDED AND RESTATED DELEGATION OF AUTHORITY AND POWERS BY REGENTS TO THE UNIVERSITY OF NEW MEXICO HOSPITAL BOARD OF TRUSTEES

Regents' Policy Manual

Delegation

The authority and powers listed below are delegated by the Regents of the University of New Mexico (the “Regents”) to the University of New Mexico Hospital Board of Trustees, (the “UNMH BOT”), pursuant to Section V of that certain Lease Agreement for Operation and Lease of County Healthcare Facilities dated as of July 1, 1999, as amended by that certain First Amendment to Lease Agreement for Operation and Lease of County Healthcare Facilities dated as of November 18, 2004 (as amended, the “Lease”), effective as of January 1, 2011 (the “Delegation Effective Date”). This delegation shall continue in effect unless revised as provided in Section V of the Lease. This delegation amends, restates, and supersedes any and all previous delegations and/or conflicting or inconsistent provisions in Regents' policies existing on the Delegation Effective Date, except for Regents' policies revising this delegation in accordance with the provisions of Section V of the Lease.^[1] As provided in Section V of the Lease, consistent with the Regents' constitutional and statutory responsibilities, the Regents will retain the right to consider, determine, and act upon any matter relating to the UNM Hospital and, subject thereto, the Regents hereby delegate the following authority and responsibility to the UNMH BOT it being the intention of the Regents to designate, for licensure, accreditation, and governance purposes, the UNMH BOT as the “governing body” for the UNM Hospital:

1. Oversight and management of the non-research, non-educational operations of the UNM Hospital in a proper and responsible manner so as to enable the UNM Hospital to provide or arrange for provision of high quality healthcare services to patients of the UNM Hospital and to support the teaching and clinical research missions of the HSC; provided, however, that nothing contained in this delegation shall be construed to be a delegation of authority to the UNMH BOT of any matter covered and addressed by the University of New Mexico Labor Management Relations Resolution adopted by the Regents on May 9, 2006 (the “Labor Resolution”).
2. Review and recommend for approval to the UNM Health Sciences Center Committee (“HSC Committee”) in accordance with applicable Regent or University policy, the UNM Hospital's operating and capital budgets.
3. Review and approve, or in appropriate circumstances recommend for approval in accordance with applicable Regent or University policy, the following:
 - a. the procurement by the UNM Hospital of equipment (whether by purchase, lease, or other forms of acquisition[s]);
 - b. execution by the UNM Hospital of contracts for services with third parties; or
 - c. lease by the UNM Hospital of real estate.

In this connection, the HSC Committee shall establish by resolution, the level of approval authority for the UNMH BOT with respect to Vendor Contracts, leases of real property, Trade Transactions, Third Party Payor Contracts and/or Strategic Transactions within the parameters of what are Approvable Transactions as set forth in [RPM 3.4](#).

Regents' Policy Manual

4. Review and approval, in coordination with the HSC Committee, of the UNM Hospital's operating plan and strategic plan.
5. Review and approval of policies of the UNM Hospital that require review and approval by the governing body under applicable laws, regulations or accreditation standards; subject to ratification by the HSC Committee and the Board of Regents, other than policies that are covered by the Labor Resolution.
6. Review and approval, in accordance with applicable Regent or University policy and/or applicable accreditation standards, the Medical Staff Bylaws and the HSC Medical Staff Rules and Regulations and amendments thereto.
7. Assurance that the Medical Staff has reasonable policies and procedures in place regarding credentialing of physicians and ancillary providers who practice at the UNM Hospital.
8. Receipt of and action upon recommendations of the Medical Staff related to appointment and reappointment of members of the Medical Staff and the granting of privileges to physicians and ancillary providers who practice at the UNM Hospital or at other patient care facilities as assigned by the HSC. In this connection, all action by the UNMH BOT related to the appointment and reappointment of members of the Medical Staff shall be fully effective at the time of such action, even if the affected medical staff member may have the ability to appeal the same to the Regents under Regents' Policy [1.5](#). With respect to "Professional Review Actions" as defined in the Medical Staff Bylaws and related manuals and in applicable federal and state laws, rules, regulations, and accreditation standards, the affected member or members of the Medical Staff shall have such appellate rights as are specified in the Medical Staff Bylaws and related manuals.
9. Receipt of and action upon, as appropriate, periodic reports and recommendations of the Medical Staff and administrators of the UNM Hospital related to quality assurance for patient care delivered at the UNM Hospital.
10. Coordination with and oversight of any advisory/advocacy boards existing or created for UNM Hospital for other than research and education purposes, and establishment of reporting mechanisms between those advisory/advocacy boards and the UNMH BOT.
11. Review and recommendation as to the bylaws of advisory/advocacy boards of UNM Hospital and submission of the bylaws of those advisory/advocacy boards to the Regents for review and approval in accordance with applicable Regents' policy.
12. Subject to [RPM 7.8](#) (with respect to financial settlements) oversight of claims and/or lawsuits involving the UNM Hospital and, in coordination with the HSC Committee, the development of a loss control program with respect thereto.
13. Oversight of, and action upon, issues involving compliance by the UNM Hospital and the employees thereof with applicable federal and state health care regulatory requirements including, without limitation, billing issues, anti-kickback statute issues, Stark law issues, and other regulatory requirements and with the HSC Institutional Compliance Program as contemplated in [RPM 3.7](#).
14. Oversight of, and action upon, issues involving compliance by the UNM Hospital and the employees thereof with applicable federal and state health care regulatory requirements including, without limitation, compliance with HIPAA, HITECH and the

Regents' Policy Manual

regulations and with the University's HIPAA compliance program as contemplated in [RPM 3.7](#).

[1] Capitalized terms not otherwise defined in this [Exhibit A](#) shall have the meanings ascribed to such terms in Regents' Policy [3.4](#).

Section 3.7: Health Sciences Center Institutional Compliance Program

Adopted Date: 12-14-2010

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 component units, clinics, centers, programs, and subsidiary corporations described in [RPM 3.4](#). 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.

Institutional Compliance Program

The HSC will attempt 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 clinical, research and educational efforts at the HSC. These functions include, without limitation, clinical and clinical trials compliance, human research protection, animal research, biosafety, conflict of interest in research, human subjects protection, use of animals in education and research, export control compliance, research integrity, and fiscal compliance related to billing and federal grants, FERPA, and other educational compliance activities, as described in Section 5 of Regents policies and corresponding policies set forth in the Faculty Handbook (collectively, the “HSC Institutional Compliance Programs and Requirements”).

HIPAA and HITECH

Under the Health Insurance Portability and Accountability Act of 1996 (“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 (collectively, 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 plans for the benefit of their respective employees and their

Regents' Policy Manual

dependents and certain other self-insured medical, dental, prescription drug, and vision health benefit plans (collectively, the “UNM/UNMH 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 an organized health care arrangement and covered entity within the University, the UNM/UNMH Self-Insured Health Plans are considered “health care components” within the meaning of HIPAA and the 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.

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 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 “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 designates the “health care components” of the University.

References

University Research Park and Economic Development Act, N.M. Stat. ann. § 21-28-1 et seq. (1978, as amended); 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., 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](#).

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**

Regents' Policy Manual

The University of New Mexico ("UNM"), as a hybrid covered entity under 42 C.F.R. 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:

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;
3. Telemedicine, telehealth and/or teleradiology programs (including, without limitation, Project ECHO) on all UNM campuses;
4. Counseling Assistance & Referral Services;
5. Center for Family & Adolescent Research;
6. Center for Exercise;
7. Psychology Clinic;
8. Speech and Hearing Sciences;
9. Employee Health Promotion Program;
10. Any and all Lobo Clinics;
11. Student Health Center, 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;
13. Safety and Risk Services Department;
14. Internal Audit Department;
15. UNM Medical Plan (as defined in RPM 3.4), including, without limitation, the following:
 - a. UNM Medical Plan (for health benefits)
 - b. Delta Dental (for dental benefits)
 - c. Flexible Healthcare Spending Benefit (for flexible spending accounts)
 - d. Prescription Drugs
16. Human Resources Department in carrying out and discharging Plan administration duties in respect of the UNM Medical Plan;
17. Information Technologies Department when accessing or providing mission support services in respect of the UNM Health Sciences Center, the UNM Medical Plan, and/or any of the departments, centers, or programs 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

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 Agreement between the University President and the Regents. In the event of a conflict between the Employment Agreement and the provisions of this policy the Employment Agreement governs.

Term Life Insurance

The University will purchase a term life insurance policy on the life of the University President. The Employment 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.

Regents' Policy Manual

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.

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

Regents' Policy Manual

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.

Attachments

[Exhibit A](#). - Taxes Related to the Expenses of the University President's Spouse

[Exhibit B](#). - Documentation Form for Spousal Expenses

Regents' Policy 3.9 Exhibit A: Taxes Related to the Expenses of the University President's Spouse

The Internal Revenue Service (IRS) requires a spouse to have a bona fide business purpose, business activity, and significant involvement with these business activities, in order for the spouse's expenses to be non-taxable. Below are a few examples of the events that the spouse of a University President ("Spouse") may attend.

Fundraising Events

The Spouse may participate in a bona fide fundraising event; however, the Spouse must demonstrate that there is a specific and significant involvement reason for the fundraising event. It is not sufficient for the Spouse to merely state that attendance was required or presence was necessary.

An event that is not entirely a fundraising event, such as a Bowl Game or athletic event, may be treated as a bona fide fundraising event if significant business activities occur, such as entertaining current or prospective donors, or hosting University guests and other dignitaries. Additionally, the University may hold Bowl Games or athletic events at which the spouse is expected to participate in hosting.

The Spouse will provide documentation reflecting the following information:

- Names of donors at fundraising event;
- Specific actions that the Spouse performed for the fundraising event purpose, e.g., presentations or spoke with specific donors; and
- Length of time at the fundraising event.

Conferences, Seminars, and Conventions

The Spouse may attend conferences with the University President; however, mere presence or networking at conferences with other colleagues or partners will not justify a bona fide business purpose. Some conferences may offer educational programs for spouses of the University President, attending such educational programs would be treated as a bona fide business activity and the Spouse should provide sufficient documentation of registration and attendance.

When no such educational programs are offered to the Spouse, the Spouse must provide sufficient documentation of engaging in substantial business activities at the conference. Sufficient documentation may include a description of the business activity and an estimate of time spent on such activities during the conference.

Community Events

The Spouse should provide the following documentation or records for community events:

Regents' Policy Manual

- Description of community event;
- Specific business activities engaged at community event for promotion of the University; and
- Length of time at community event.

Recruitment Events

The Spouse's participation in a dinner or other event where the purpose is the recruitment of one or more potential University employees is a legitimate business activity for which related expenses may be reimbursed, provided that the "significantly involved" standard is met. An event may be a bona fide "recruitment" event if recruitment is not the event's primary purpose, so long as significant recruitment activities are conducted at the event.

It is not sufficient to simply attend the event. Rather, the Spouse should provide written records showing:

- The names of the persons being recruited;
- A description of the manner in which the Spouse participated in the recruitment of the persons; and
- The length of time of the event and the approximate amount of time that the Spouse spent at the event on specific recruitment discussions. At least 50% of the Spouse's time should be devoted to such discussions.

Award Presentations

The University President often receives awards and is required to travel to out-of-town locations where the award is presented. In these situations, the IRS presumption is that there is not a significant business purpose for the Spouse to travel to the presentation with the President; therefore, any travel expenses of the Spouse related to the University President's receipt of an award would be taxable and included in the University President's gross income.

Section 4.1: Student Government

Adopted Date: 09-12-1996
12-12-1996, 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 authorize 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 campus, the Graduate and Professional Student Association ([GPSA](#)), representing graduate and professional students of the main campus, the University of New Mexico-Valencia 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](#).

Section 4.2: Student Code of Conduct

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

Applicability

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

Policy

The University will take disciplinary action against students for conduct which adversely affects the University's educational function, disrupts community living on campus, interferes with the rights of others to pursue their education, conduct their University duties and responsibilities, or participate in University activities, when the offensive conduct occurs on University premises or at University-sponsored events, or when an offense which occurs off campus is such that 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.](#)

Section 4.3: Student Grievances

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

Applicability

This policy applies to all 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 members of the faculty or staff of the University. The 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

"Student Grievance Procedure" and "Graduate Student Grievance Procedure," [UNM Pathfinder](#).

Section 4.4: Student Records

Adopted Date: 09-12-1996
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 records which are incorrect or violate students' rights. FERPA also requires the University to inform students of their rights under 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](#) ("Inspection of Public Records"); "Student Records Policy," [UNM Pathfinder](#).

Section 4.5: Student Publications

Adopted Date: 09-12-1996
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

U.S. Constitution, First Amendment; N.M. Constitution, Art. II, § 17; "Student Publications Board," [Faculty Handbook A.70.2](#).

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 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 its programs or purposes by the University. Chartering is the approved means of gaining official recognition. 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

See, Chartered Student Organizations Policy published annually in the [Pathfinder](#).

Regents' Policy Manual

Section 4.7: Tuition and Fees

**Adopted Date: 09-12-1996
11-14-1996, 03-13-2000, 12-12-2014, 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 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:

Regents' Policy Manual

- 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 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.

References

[UAP 8210 \("Tuition and Fees"\)](#)

[UAP 1310 \("Student Fee Review Board"\)](#)

Section 4.8: Academic Dishonesty

Adopted Date: 09-12-1996
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.

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

"Dishonesty in Academic Matters," [Faculty Handbook D100](#).

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 personnel shall be required by the terms of their employment contracts to manage their programs in compliance with all applicable laws and regulations and shall be subject to discipline for failure to comply. Coaches and other personnel shall receive regular training in relevant laws and regulations.

References

Title IX of Civil Rights Act of 1964; U.S. Department of Health, Education and Welfare regulations of 1979; NCAA regulations; WAC regulations.

Section 5.1: The Faculty's Role in the University's Academic Mission

Adopted Date: 09-12-1996

Applicability

This policy applies to 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 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, 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.

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; 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 Policy Manual.

Implementation

The Faculty Constitution adopted by the Faculty and approved by the Board (last amended in 1985) contains the 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. The Faculty Constitution and policies and procedures adopted by the faculty and approved by the Board shall be printed in the Faculty Handbook and shall indicate the dates of approval by the Board.

Reference

Faculty Handbook, [1990 ed.], page A-9.

Regents' Policy Manual

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 President or Provost, without approval by the Regents.

POLICY NAME	FACULTY HANDBOOK PAGE NO.
Rights and Responsibilities at UNM, Section 6, (applicable to faculty only)	A-5-6
Academic Load	B 18
Dates of Campus Duty	B 21
Employment and Advanced Degrees	B 22
Contracts	B 23-24
Minimum Teaching Requirements	B 27-28
Visiting Scholars	B 28-29
Emeritus Status	C 1
Publications Opportunities	D 4-6
Reprints of Scholarly Publications	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):

POLICY NAME	OLD RPM PAGE NO.
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 (BCMC)	D 8
Research Objectives	G 1

Section 5.2: Academic Freedom and Tenure; Appointments and Promotions

Adopted Date: 09-12-1996

Applicability

This section applies to all Faculty of the University.

Policy

The University's Policy on Academic Freedom and Tenure, last amended in 1985, and on Appointments and Promotions, last amended in 1979, are set forth in full in the [**Faculty Handbook**](#).

Section 5.3: Employment of UNM Graduates

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

Applicability

This policy applies to regular members of the University faculty.

Policy

As a general policy, no persons who have received degrees from the University of New Mexico shall hereafter be employed as regular members of the faculty in positions which may lead to permanent tenure unless subsequent to their last degree received at the University of New Mexico, they have taken at least one academic year of advanced work at another reputable institution or have established themselves professionally elsewhere. Such work or professional experience must be in their teaching field.

At the discretion of the Provost/Executive Vice President for Academic Affairs, or for Health Sciences faculty the Chancellor for Health Sciences, an exception may be made to this general policy.

Reference

"Employment of UNM Graduates," [Faculty Handbook C20](#).

Section 5.4: Leaves of Absence

Adopted Date: 09-12-1996

Applicability

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

Policy

The following types of leaves of absence for faculty members are authorized: sabbatical leave, leave without pay, leave for service abroad, military leave, faculty absence from assigned duties, sick leave, maternity leave, professional leave, and leave of absence incident to political activity.

Implementation

The full text of policies on leave of absence, previously adopted by the faculty and approved by the Board, is printed in the *Faculty Handbook*.

Reference

[Faculty Handbook](#) [1990 ed.], pages C-3 to C-7.

Emeritus Status, [RPM 6.3](#).

Section 5.5: Outside Employment

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 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 week during the contract period.
- Outside professional activities will not significantly conflict with classes, office hours, or other assigned duties and commitments.
- Except in cases specifically approved in writing by the President authorizing official University involvement, the faculty member in undertaking such employment shall act as an individual and not as an agent of the University and shall not use the name of the University or official University stationery in connection with such work.
- Great care should be taken to avoid a conflict of interest or appearance of a conflict of interest situation in carrying out any type of consultant or research activity.
- 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.
- 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.

Regents' Policy Manual

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

Reference

[Faculty Handbook](#) [1990 ed.] pages B-25 -- B-26.

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 in connection with University-related activities provided that:

1. Advance approval in writing is given by the appropriate department chairperson and dean;
2. The work done for extra compensation does not in the opinion of the approving authority
 - a. Conflict in time with regular University duties and assignments
 - b. Constitute a "conflict of interest" situation for the faculty member; and
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."

Reference

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

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 of the University of New Mexico, other than that necessary for and kept by the Office of Equal Opportunity Programs, may be gathered, retained 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 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.

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*.

Reference

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

Section 5.8: Intellectual Property

Adopted Date: 09-12-1996
11-09-1999, 09-14-2010

Applicability

This policy applies to all faculty, staff and students who create intellectual property which can be protected 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.

Policy

In the course of conducting 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 the treatment of intellectual property in ways beneficial to the creators (in part by sharing royalties with creators), as well as to the University and to the public, by the University retaining ownership of intellectual property and pursuing commercialization thereof. These efforts can only be successful if the University and the creators assist each other in identifying, evaluating, protecting and exploiting such property. These efforts also contribute to the recognition that the creation of intellectual property is a significant academic achievement.

Accordingly, it is the policy of the University to recognize these achievements by providing advice 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 University's commitment to teaching and research is primary. 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.

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.

Reference

Regents' Policy Manual

Detailed "[Intellectual Property Policy](#)" adopted by Faculty Senate 4-27-2010.

Section 5.9: Sponsored Research

Adopted Date: 09-12-1996

Applicability

This policy applies to all individuals at the University who engage in sponsored research.

Policy

It is the policy of the University to encourage faculty members to participate in research sponsored by outside agencies when such research is consistent with the basic aims of the University in regard to education of students, the extension of knowledge and the broadening of man's horizon in the sciences, arts and humanities.

Implementation

The Board, in adopting the original Regents' Policy Manual in 1981, approved detailed policies and procedures. The full text is printed in the Faculty Handbook.

Reference

Faculty Handbook [1990 ed.], pages D-9 and D-10.

Section 5.10: Conflicts of Interest in Research

Adopted Date: 09-12-1996
07-11-2000

Applicability

This policy applies to all faculty, staff, students and visitors who conduct research at or on behalf of UNM.

Policy

The purpose of this policy is to protect the integrity, trust and respect of UNM, its academic community and its research activities. The policy is intended to enable compliance with applicable laws and other regulatory requirements and to protect research investigators who may be exposed to conflict of interest situations. It is designed to inform investigators of their disclosure responsibilities, provide an efficient method for making disclosures, and facilitate effective identification and management of conflicts of interest.

Members of the University of New Mexico community are engaged in many contractual, consulting and advisory relationships with other universities, government agencies and private sector entities. UNM encourages these relationships for their contributions to research, education, technological advancement and professional development. UNM members must be cautious, however, to prevent unresolved conflicts of interest in these relationships that might undermine the credibility of their work or damage their reputation. Additionally, full-time faculty members and researchers must be mindful of their obligation to devote their primary professional efforts and allegiance to UNM. Other activities should not interfere or significantly conflict with this responsibility.

Conflicts of interest may occur when an investigator's research responsibilities compete with his or her private interests, such as financial interests, raising questions of objectivity and improper gain. Conflicts of interest are inevitable in modern research universities and do not imply any impropriety on the part of the investigator. A conflict of interest may exist despite the highest standards of conduct and candor. Most conflicts can be successfully resolved without impeding research activities. Disclosing the required information at the earliest possible time will afford the best protection of an investigator's interests.

Implementation

On April 11, 2000, the Board approved a detailed Conflicts of Interest in Research Policy, which was previously approved by the Faculty Senate and which supersedes the Policy and Procedures on Conflicts of Interest in Sponsored Research adopted by the Board in 1992. The President and the Faculty Senate are authorized to make minor technical and implementing modifications to the detailed Conflicts of Interest in Research Policy. The detailed Conflicts of Interest in Research Policy shall be published

Regents' Policy Manual

in the next edition of the Faculty Handbook and posted on the web page of the Office of Research Services.

Reference

NSF Investigator Financial Disclosure Policy, Grants Policy Manual §510; HHS Objectivity in Research regulation, 42 CFR Part 50, 45 CFR Part 40; UNM Conflict of Interest Waiver Policy for Technology Transfer, [RPM 5.17](#). This policy amends the detailed policy approved by the Board in 1992, which amended the Faculty Handbook [1990 ed.] D-10 through D-12.

Section 5.11: Classified Research

Adopted Date: 09-12-1996

Applicability

This policy applies to the conduct of research at UNM.

Policy

It is recognized that, in certain areas of research, the association of faculty members with off-campus facilities has provided access to expensive and sophisticated types of equipment not available at the University and has consequently contributed toward the training and development of students. However, in order to preserve as open a University society as possible, faculty members should attempt to obtain support for unclassified research.

In preservation of academic freedom, the right of every faculty member to solicit, conduct or participate in privately and governmentally sponsored research of his/her choice is recognized, whether such research is classified or not, so long as it is within the limits of existing University of New Mexico policies. Sponsored research at the University of New Mexico is justified only when it contributes toward the professional development of the faculty and also provides opportunities for the development of students. Classified research is no exception to the validity of these two criteria.

Implementation

The Board, in adopting the original Regents' Policy Manual in 1981, incorporated policies and procedures adopted by the faculty in 1973 governing classified research, including restrictions on the use of classified data by students for course credit, theses or dissertations. The full text is printed in the [Faculty Handbook](#).

Reference

[Faculty Handbook](#) [1990 ed.], page D-1.

Section 5.12: Overseas Research

Adopted Date: 09-12-1996

Applicability

This policy applies to faculty members engaged in overseas research.

Policy

The University abides by the policy established by Education and World Affairs in connection with overseas research done by University Faculty members.

Implementation

The Board, in adopting the original Regents' Policy Manual, incorporated the topic sentences of the EWA Guidelines which are printed in the [Faculty Handbook](#). The full statement is on file in the Office of University Secretary.

Reference

[Faculty Handbook](#) [1990 ed.], page D-4.

Section 5.13: Research Fraud

Adopted Date: 09-12-1996
10-10-1996

Applicability

This policy applies to anyone at the University of New Mexico involved in sponsored or unsponsored research.

Policy

Integrity, trust, and respect are important elements in an academic research environment. Investigators typically conduct research and explain findings and theories with painstaking diligence, precision, and responsibility. However, a growing number of cases involving research fraud threatens to both erode the public trust and cast doubt on the credibility of all researchers.

Because the University of New Mexico as well as the general public and government are affected by this issue, the University has decided to take steps to deal with research fraud if it arises and to ensure the credibility and objectivity of research activities. These steps are, in broad terms, to:

1. Ensure that ethical standards for research at UNM are clearly understood and applied.
2. Promptly inquire into allegations of fraud and, where appropriate, initiate formal investigations and advise sponsors of action taken.
3. Ensure that each investigation is properly documented to support findings and carefully conducted to protect any person whose reputation may be placed at risk during the process.

The policy and procedures regarding research fraud are intended to protect the integrity of the University's research enterprise and not hinder the search for truth or interfere with academic freedom.

Implementation

Detailed procedures implementing this Policy were adopted by the Board of Regents in the form of The UNM Research Fraud Policy on October 10, 1996, following approval by the Faculty Senate on September 10, 1996. The 1996 UNM Research Fraud Policy will be published in the *Faculty Handbook*. Copies are available in the offices of the Associate Provost for Research, the Office of Research Services, and the Office of the University Secretary.

Section 5.14: Human Beings as Subjects in Research

Adopted Date: 09-12-1996

Applicability

This policy applies to all research related to the University whether conducted on or off campus, whether done by faculty or students, and whether or not supported by extramural funds.

Policy

Research involving human beings as subjects is authorized at the University, subject to specific limitations and procedures. A human subject is any individual who may be at risk as a consequence of participation as a subject in research, development, demonstration or other activities.

1. In considering the participation of humans as subjects, the guiding principle is that no one should be exposed to risk to health or well-being without being given all reasonable protection and without being adequately informed.
2. In general, the purpose of the study, the procedures to be followed, and the possible risks involved must be explained to the subject. The investigator must be satisfied that the explanation has been understood, and consent must be obtained without duress or deception. Such an explanation may be postponed or even omitted where there are no risks to the subject, and a full account of the purposes and procedure in advance might bias the results.
3. It is the responsibility of the individual investigator to have adequate knowledge of the possible consequences of his research, or of research done under his direction.
4. Whenever possible, any hazards to health or well-being of each procedure must first be investigated with animals.
5. Whenever medication or physical intervention is used, or whenever the subject is exposed to unusual environmental conditions, proper protection and supervision must be provided.
6. The individual's personal privacy and the confidentiality of information received from her/him must be protected.
7. An individual's time should not be invaded to the extent that the participation creates conflict with other obligations.
8. Remuneration may be offered for the time involved in a study, provided the remuneration is not so large as to constitute an improper inducement to participate.
9. Any individual may request termination of his/her participation at any time and this request will be honored promptly and without prejudice.
10. Unless there are reliable indications to the contrary, all University of New Mexico faculty members are presumed to behave responsibly, and all experimental subjects should be willing to contribute to the advancement of knowledge, provided their personal rights are respected.

Regents' Policy Manual

Implementation

The Board, in adopting the original Regents' Policy Manual in 1981, incorporated detailed policies and procedures which had previously been approved in 1966. The full text is printed in the [Faculty Handbook](#).

Research involving human beings as subjects is also subject to applicable federal laws and regulations.

Reference

[Faculty Handbook](#), [1990 ed.], pages D-1 through D-4.

Section 5.15: Use of Animals in Education and Research

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

Applicability

This policy applies to anyone at the University who uses animals in research or education programs.

Policy

The University of New Mexico has long recognized both a scientific and an ethical responsibility for the humane care and use of all animals utilized in our educational and research activities. It is also recognized that all University personnel who care for or use animals in educational or research activities must assume responsibility for the animal's general welfare. The intent of these educational and research activities is to provide experience and data that will advance knowledge of immediate or potential benefit to humans and animals. The University faculty, students and administration shall continue to develop and use scientifically valid adjunct or alternative methods which can refine, reduce, or replace the use of animals. Some situations exist which still require the use of animals. The University of New Mexico supports the continued and judicious use of animals in our educational and research programs, in accordance with applicable laws and regulations.

Reference

"Policy Concerning Use of Animals in Education and Research," [Faculty Handbook E100](#).

Section 5.16: Post-Tenure Review

Adopted Date: 09-12-1996
05-16-1997

Applicability

This policy applies to all tenured faculty members at the University.

Policy

Section 1. General Principles. A tenured professor who performs well should be rewarded, and one who performs inadequately should seek or accept help and improve or be subject to dismissal. The purpose of the University of New Mexico's post-tenure review is to determine levels of performance efficiently, equitably, and in conformity with tenure rights expressed in the [Policy on Academic Freedom and Tenure](#) and guaranteed by the Contract Clause of the U.S. Constitution.

Section 2. Data Collection. Biographical updates, student evaluations of teaching (supplemented by periodic but not necessarily annual peer evaluations of teaching), and (with necessary exceptions, as in the Medical School) evaluations for salary recommendations shall be required annually of all faculty, including tenured professors. Some departments and divisions may also wish to require information more detailed than in the current biographical update form. The biographical update shall include space for objectives for the coming year.

Section 3. Performance Criteria. Deans shall require each department or division to file a statement of criteria and procedures for annual evaluation of the performance of tenured faculty members. The criteria and procedures shall be consistent with the [Faculty Handbook](#); reflect the standards of excellence and appropriate balance of teaching, research or other creative activity, and service prevailing in the discipline and the department or division; and have the approval of the department or division faculty and the dean. At a minimum, the procedures shall include an annual written evaluation, as described below. The "Bases for Appointment and Promotion" and suggested "Sources of Information" in the [Appointment and Promotion Policy](#) describe good teaching and good research at some length, including the importance of one's original research in imparting new ideas in the classroom and inspiring students to engage in original research. They also stress the need for service in the department, the University, and one's discipline, particularly by senior members of the faculty. (Reviews from outside the University, suggested in the "Sources of Information," shall not normally be included in annual and more formal post-tenure reviews described in Secs. 4 and 6 below.)

Section 4. Annual Reviews. Each department shall conduct an annual review of each tenured faculty member's teaching, research or creative work, and service. This review, which may be combined with salary review and may be performed by the chair or the chair and a committee of tenured faculty, shall be in writing (normally 50 to 100 words for most faculty, more for those with special achievements or identified deficiencies) and

Regents' Policy Manual

contain a description and critique of performance during the past year and performance goals for the coming year. It shall be discussed with the faculty member if there are deficiencies. Two copies of the annual review, signed by the chair, shall be given to the faculty member, one to be signed as acknowledgement of receipt and returned to the chair. A faculty member who disagrees with the review may add a comment or rebuttal. The review and any such statement shall be placed in the faculty member's personnel file. The faculty member, in addition, may appeal the chair's evaluation to the dean. At any point in these or subsequent proceedings, the faculty member shall have access to aggregate information concerning the teaching evaluations, publications, grants, etc., of the department as a whole for purposes of comparison.

Administrators who hold tenured faculty rank shall also be reviewed on the performance of their faculty duties (teaching, research, service). The manner in which the chair and other administrators are reviewed shall be decided by an agreement between the dean and tenured faculty in the unit, in a manner consistent with the intent of this document. Administrators who have no assigned faculty duties within the department will not be reviewed under this policy.

Section 5. Reports to Deans. Each department shall annually provide the dean with summaries of the reviews of all faculty members (normally no more than 50 words for most faculty, more for those with special achievements or identified deficiencies) and the full text of any comment or rebuttal. The summaries shall include the special achievements or identified deficiencies of individual faculty members. Merit, as determined in annual salary reviews, shall be the primary criterion for raises. In the case of special achievement, the summary shall state the rewards to be provided. The dean or a college committee shall participate in the merit award for special achievement. In the case of deficiency, the summary shall suggest remedies, and the chair and the dean shall monitor improvements. If the dean disagrees with the chair's evaluation, he or she shall so inform the chair and the faculty member.

Section 6. More Complete Reviews. If in the judgment of the chair the annual review for any faculty member shows a serious deficiency that has continued for two consecutive years, the chair shall inform the faculty member. One of two possible courses of action shall follow: 1) The faculty member may request that the chair submit his or her findings to the other tenured faculty members for consideration in a more complete review during the following year. OR 2) If the faculty member does not request the review, the chair may initiate such a review with the concurrence of a majority of the tenured faculty in the department. The more complete review shall be similar to the mid-probationary review described in the [Handbook](#), with the aim of identifying strengths and weaknesses. This review shall be undertaken by the chair with a committee of at least three tenured faculty members chosen by the tenured faculty. If they find that the faculty member's performance is not seriously deficient, the member shall be so informed and a statement of the decision placed in the file. If serious deficiency is found, a specific remedial program shall be developed in consultation with the faculty member, including procedures, criteria for evaluating progress, and a reasonable timetable. The results of the program shall be reported by the chair to the dean. If the dean concludes, after consulting the college promotion and tenure committee, that serious deficiencies persist, he or she shall so inform the Provost or the Vice President for Health Sciences.

Regents' Policy Manual

Section 7. Enhancement Programs. Whether or not a tenured faculty member accepts a recommendation to participate in a teaching or research enhancement program, and whether or not the member performs well in the program, he or she shall be judged, after a reasonable period of time, on subsequent classroom and research performance.

Section 8. Individual Request for Review. Any faculty member who feels that two or more consecutive annual reviews have inaccurately conveyed his or her professional accomplishments or have contained other substantial deficiencies shall have the option of initiating the more complete review described above.

Section 9. Frequency of Review. The more complete review shall not be initiated for any faculty member more frequently than once every five years.

Section 10. Review by the Committee on Academic Freedom and Tenure. If a tenured faculty member's professional deficiencies are considered by the Provost or the Vice President for Health Sciences to be very serious and to have been uncorrected at the conclusion of the agreed time period, and, further, if there is evidence that the faculty member's performance has deteriorated since the award of tenure and that his or her academic performance is now typically unsatisfactory, the President of the University shall initiate the process specified in the [Policy on Academic Freedom and Tenure](#) for removing a faculty member for cause. ["If the faculty member's academic competence is questioned, the proof before the Committee on Academic Freedom and Tenure shall be insufficient unless it includes testimony of teachers and other scholars, either from the University or from other institutions, and it shows that: (1) the faculty member's academic performance has deteriorated since he received tenure; and (2) his academic performance is now typically unsatisfactory." Sec. 12(b)(viii). ". . . [The University Administration has the burden of proving its case." Sec. 13(a).]

Section 11. Limitation on Applicability. This policy does not apply to proposed terminations of tenured faculty for alleged misconduct or violation of University policy or law which is provided for in the existing [Policy on Academic Freedom and Tenure](#).

Section 5.17: Conflict of Interest Waiver Policy for Technology Transfer

Adopted Date: 10-12-1999

Applicability

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

Policy

The 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 President's determination shall be made in consultation with the UNM Conflict of Interest Committee, as established pursuant to Regents' [Policy 5.10](#) (Conflicts of Interest in Research).

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](#), § 21-28-25 NMSA 1978; Conflicts of Interest in Sponsored Research, [RPM 5.10](#); Employee and Regent Code of Conduct and Conflicts of Interest, [RPM 6.4](#).Applicability

Section 5.18: Endowed Faculty Chairs

Adopted Date: 06-14-2005
01-09-2015

Applicability

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

Policy

The quality of the 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 chair 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 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.

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.

Regents' Policy Manual

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](#) ("Naming University Facilities, Spaces, Endowments, and Programs"); [RPM 7.13](#) ("Receipt and Investment of Gifts to the University"); and [Faculty Handbook Policy C170](#) ("Endowed Chairs and Named Professorships").

Section 6.1: Performance Management

Adopted Date: 09-12-1996

Applicability

This policy applies to University staff employees except for student employees.

Policy

Employees play a valuable and critical role in helping the University fulfill its mission. Supervisors have a responsibility to train and support each employee in understanding job requirements and to assist employees in improving performance. Employees should be treated with dignity and respect. In turn, providing quality programs and services requires cooperation by employees and adherence to established policies, procedures, regulations, practices, and high standards of job performance. In an effort to maximize the contribution of every employee, the University shall inform employees of job requirements and expectations and shall take appropriate corrective or disciplinary action in an attempt to return the employee to positive productive performance.

Implementation

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

References

Performance Management Policy, [UBPPM Policy 3215](#).

Section 6.2: 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 of staff employees shall be based on training, experience, and past performance, in accordance with the University's equal employment opportunity and affirmative action policy. Subject to the University's policy on underutilization: employees of the University shall be given preference for promotion or transfer over outside applicants if their qualifications, ability, and past performance 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 Equal Opportunity and Affirmative Action for Employees and Students, [2.3](#) (contains the University's policy on underutilization).

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

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

In addition to salary compensation, the University shall provide various privileges and benefits to its employees. These may include, but are not limited to, various kinds of leave, insurance, holidays, retirement, and education benefits.

The Regents shall approve the provision of new or expanded benefits if significant budgetary or policy implications are involved.

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 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.

Section 6.4: Employee Code of Conduct and Conflicts of Interest Policy

**Adopted Date: 09-12-1996
07-15-2003, 09-09-2003, 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 other volunteers serving in an 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 suspicion of improper conflict with 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 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. Transactions in which the University President has any financial interest must be approved by the Board of Regents.

At the beginning of each fiscal year the University President, the Executive Vice Presidents, and all other Vice Presidents must file a Financial Disclosure Document in accordance with [UBPPM 3720](#). Any employee who violates this policy or related administrative policies shall be subject to disciplinary action, up to and including dismissal.

Regents' Policy Manual

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.*; Procurement Code §§13-1-190, -193, -195; § 21-1-17 , § 21-1-35; Research Park Act, §§ 21-28-25; Regent Code of Conduct and Conflicts of Interest, [RPM 1.8](#); See, Policy on Outside Employment, [RPM 5.5](#) (faculty); UBPPM Policies [3720](#).

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, employees of the University may not serve as members of the New Mexico Legislature.

Implementation

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

References

[UBPPM Policy 3735](#); NMSA 1978, §§ 2-1-3 and 2-1-4.

[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.

Section 6.6: Labor Management Relations

Adopted Date: 09-12-1996
06-08-1999, 09-12-2000

Applicability

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

Policy

The University of New Mexico Policy on Labor Management Relations states, in part, as follows:

"Any permanent, full-time or part-time staff employee of the University is free to join and assist any labor organization 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 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 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' Policy Manual

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](#).

Section 6.7: Disclosure of Information About Candidates for Employment

Adopted Date: 09-12-1996
10-13-1998, 05-28-2008

Applicability

This policy applies to 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 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 candidate are public records and are subject to public inspection in accordance with the provisions of the New Mexico Inspection of Public Records Act ("IPRA"). Certain matters that may pertain to a candidate 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 treat candidates' social security numbers as exempt from public disclosure.

Implementation

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

References

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

Section 6.8: Disclosure of Information About Employees

Adopted Date: 09-12-1996
05-28-2008

Applicability

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

Policy

Staff employees and faculty are public employees, and certain information about their employment by the University is subject to disclosure in accordance with the New Mexico Inspection of Public Records Act ("IPRA"). Examples of information that is subject to disclosure or inspection under IPRA include the name, job title, organization, dates of employment, salary, and job application, resume, or curriculum vitae of each employee. Examples of information that is not subject to disclosure or inspection under IPRA include letters of reference concerning employment, and letters or memorandums that are matters of opinion in personnel files. The University will withhold from inspection under IPRA employees' personal information, including social security numbers.

Implementation

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

References

"Personnel Information Disclosure," [UBPPM Policy 3710](#); "Public Access to University Records," [RPM 2.17](#).

Section 6.9: Employment Contracts

Adopted Date: 09-12-1996

Applicability

This policy applies to certain administrative employees of the University.

Policy

Certain administrative positions within the University are characterized by a level of responsibility such that the University shall reserve the discretion to renew or not renew the periodic employment contracts of these administrators when their contracts expire. The President is authorized to designate these positions from time to time.

Implementation

The President shall adopt an administrative policy governing the terms and conditions of employment of these administrators and recognizing the discretion of the University to renew or not renew their employment contracts upon the contracts' expiration. The policy shall provide that failure to renew the contracts of administrators who are also faculty members shall not affect the rights and privileges of these administrators as faculty members. The policy shall also apply to contracts of athletic coaches.

References

[UAP 3240 \("Contract Employees"\)](#)

[RPM 3.3 \("Appointment of Key Administrators"\)](#)

Section 6.10: Dispute Resolution and Employee Grievances

Adopted Date: 09-12-1996

Applicability

This policy applies to all staff employees.

Definition

A "grievance" is a complaint by an employee that the employee has been adversely affected by a violation of UNM policies and practices regarding: (1) the terms and conditions of employment; (2) sexual harassment; (3) discrimination.

Policy

All staff employees shall have access to grievance and dispute resolution procedures.

Implementation

The President shall adopt administrative policies and procedures to implement this policy. Such procedures shall provide adequate mechanisms for resolving workplace disputes. Early resolution of disputes through mediation and other techniques shall be emphasized. All supervisors shall be trained in dispute resolution and other management skills.

References

[UAP 3220 \("Ombuds Services and Dispute Resolution for Staff"\)](#).

Section 6.11: Dependent Educational Benefits

Adopted Date: 09-12-1996

Applicability

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

Policy

The University wishes to improve employer-paid benefits for faculty and staff to enhance recruitment and retention. As one means of accomplishing this goal, the Regents authorize the creation of an educational benefits program in which the spouse and/or dependent children of full-time permanent employees may receive a waiver of tuition for up to eight consecutive semesters, not including summer session.

Implementation

The President shall adopt administrative policies and procedures to implement this policy which will address eligibility requirements, the number of tuition waivers that will be granted, the process for granting the waivers, and other features of the program.

References

[UBPPM Policy 3785](#).

Privileges and Benefits, [RPM 6.3](#).

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 employees employed at least half-time.

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 staff as defined above, and to serve 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.

UNM staff may participate, as individuals, in the Staff Council 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, Staff Council [UBPPM Policy 1150](#)

Section 7.1: Accounting and Reporting of Funds to the Governor

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 annually and at other times as the Governor requires, 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 the annual audited financial statement to the Department of Finance and Administration.

References

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

Section 7.2: Internal Auditing and Compliance

**Adopted Date: 09-12-1996
08-10-2004, 07-01-2007, 05-28-2008, 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 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 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.

Regents' Policy Manual

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.

Regents' Policy Manual

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.

Regents' Policy Manual

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 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, NMAC 2.2.2.10. Internal Audit will assist the Office of the Vice President for Research Services

Regents' Policy Manual

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

Audit Act, §12-6-6, NMSA 1978; 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 publications from the Institute of Internal Auditors.

Section 7.3: Audit and Compliance Committee

Adopted Date: 09-12-1996
08-10-2004, 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.

Regents' Policy Manual

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.

Regents' Policy Manual

Discussions regarding the hiring, performance evaluation, compensation, and termination of the Director of Internal Audit require endorsement of the Audit and Compliance Committee.

References

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

Regents' Policy Manual

Section 7.4: Purchasing

Adopted Date: 09-12-1996
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.

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 contracts for the purchase of goods or services costing \$1,000,000 or more per contract.

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 shall have the sole authority to establish the institutional procedures for obligating the University for the procurement of supplies, materials, equipment and contractual services.

Regents' Policy Manual

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

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.

Section 7.5: Small Business Program

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 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 shall develop a Small, Disadvantaged and Women-Owned Business Program, 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](#).

Section 7.6: University Enterprise Business Activities

Adopted Date: 09-12-1996
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 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 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 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 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](#).

Regents' Policy Manual

Section 7.7: Travel Reimbursement and Per Diem

Adopted Date: 09-12-1996

06-12-1997, 09-11-1997, 08-12-2003, 10-11-2011, 01-01-2012

Applicability

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

Policy

Travel on official University business by members of the Board of Regents, faculty and staff is integral to the University's mission. The University shall reimburse the reasonable and allowable costs of this travel. 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

Regents' Policy Manual

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

Per Diem and Mileage Act, NMSA 1978; [U.S. Office of Management and Budget Circular A-21](#); Travel Reimbursement Policies and Procedure, [UBPPM Policy 4030](#); "Cost Accounting Standards," [UBPPM Policy 2400](#).

Section 7.8: Signature Authority for Contracts

Adopted Date: 09-12-1996

03-10-1997, 12-06-2007, 08-12-2008, 12-14-2010, 04-08-2014, 03-14-2016

Applicability

This policy applies to all members of the Board of Regents, 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 President and the University;
2. Contracts between the Chancellor for Health Sciences and the University;
3. Bond resolution, notification and certification documents, including certification of bond sale; 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 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 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 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 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 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.

Regents' Policy Manual

References

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

Section 7.9: Property Management

Adopted Date: 09-12-1996
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, Regents must approve exercising the option.)
3. The Finance and Facilities Committee or the Health Sciences Board of Directors, as appropriate, must approve the disposition of surplus property, in accordance with NMSA 1978, § 13-6-1 et seq. Such dispositions are not approved by the full Board.

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, § 13-6-1, NMSA 1978.

[UAP 7710](#) ("Property Management and Control).

[RPM 7.13](#) ("Development, Receipt, and Investment of Gifts to the University).

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 determine 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); §§ 21-7-3 to -25 (Building and Improvement Bonds); Signature Authority for Contracts, [RPM 7.8](#)

Section 7.11: Selection of Architects for UNM Projects

Adopted Date: 09-12-1996
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 from all areas of the state without regard to race, color, religion, national origin, sex, age, physical or mental handicap, sexual preference, ancestry, 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

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

Section 7.12: Approval of Construction Projects

Adopted Date: 09-12-1996
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 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 NSF, whichever is greater; or if the type or purpose of the space changes by 10% or more.

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

New Mexico Procurement Code, § 13-1-28, et seq., NMSA 1978; § 13-1-21, et seq. (resident preference); § 13-4-1 (public works contracts); § 21-1-21 (capital expenditures).

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.

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 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 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 List of Approved Sureties (Circular 570);
- 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 without regard to race, color, religion,

Regents' Policy Manual

national origin, gender, age, physical or mental handicap, sexual preference, ancestry 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.

References

New Mexico Procurement Code, sec. 13-1-28 et seq., NMSA 1978

Section 7.13: Receipt and Investment of Gifts to the University

**Adopted Date: 09-12-1996
12-08-1998, 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 (§ 6-5A-1, NMSA 1978), the Board of Regents has approved 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.

The Board of Regents' approval shall be required prior to acceptance of: (1) any gift of real property; and (2) any gift of tangible personal property 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 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.

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

Regents' Policy Manual

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

§6-5A-1, NMSA 1978 (Requirements for Receiving Funds from [Affiliated] Organizations); § 21-1-38 (Policies for Investing Endowment Funds)

Consolidated Investment Fund Investment Policy

[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 University Counsel's Office

Section 7.14: Risk Management and Insurance

Adopted Date: 09-12-1996
12-14-2010, 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 component 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 Health Sciences Board of Directors and Exhibit A Section 12 of [RPM 3.6](#) for the UNM Hospital 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.

Recognizing that the University'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 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) workers' compensation and unemployment compensation as required by applicable law, (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; (d) such other and further insurance coverage as may be necessary and appropriate under the circumstances of a particular situation.

Regents' Policy Manual

2. Insurance for Employees and Students

The University will provide opportunities for its students and employees to purchase medical insurance.

The 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 faculty and staff employees, and certain retirees, group health insurance coverage which the University co-pays in accordance with state law. University employees may also 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 Self-Insurance Plan

The University maintains a reserve fund for its self-insured health, prescription drug, and dental benefits covering active 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 medical and non-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 50% and 100%.
- The general reserve represents any funds that exceed the combined IBNR 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,

Regents' Policy Manual

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 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 President of the University.

References

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

Section 7.15: Official Social Functions

Adopted Date: 09-12-1996

Applicability

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

Policy

The University of New Mexico serves as an educational, social and cultural center for the state. The University, its officers, faculty and staff are often called upon to sponsor, support or participate in various official social functions. 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 principle should be that expenditures are for the good of the University and are consistent with public expectations, both in the region and state.

Delegation of Authority

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

References

Policy on Allowable and Unallowable Expenditures, [UBPPM Policy 4000](#).

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 President, who shall convene a special committee to advise the 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

See, Policy on Academic Freedom and Tenure, Section 7, published in the [Faculty Handbook](#), regarding the rights of tenured faculty members under financial exigency.

Regents' Policy Manual

Section 7.17: University-Affiliated 501(c) Organizations

Adopted Date: 09-12-1996
09-13-2016

Applicability

This policy applies to nonprofit organizations that are affiliated with the University and exist solely for the benefit and support of the University, even if not created by the University. These organizations are exempt under § 501(c) of the Internal Revenue Code.

Policy

The University recognizes the value and importance of affiliated organizations for the support and benefit of the University and its programs. The Board of Regents shall approve the articles of incorporation and bylaws, including any amendments, of any University affiliated organization. Pursuant to NMSA 1978, § 6-5A-1, the University shall enter into a written agreement with each affiliated organization approved by the Board of Regents specifying, among other requirements, the organization's purposes and relationship with the University.

The articles of incorporation and bylaws of affiliated organizations are maintained in the Office of the University Counsel.

References

- NMSA 1978, § 6-5A-1 (“Definitions; requirements for governmental entities that receive funds or property from certain organizations”)
- NMSA 1978, § 21-28-1 et seq. (“University Research Park and Economic Development Act”)

NAME OF ENTITY¹	PURPOSE OF ENTITY²	FUNDRAISING ORGANIZATION	RESEARCH PARK CORPORATION³
Carrie Tingley Hospital Foundation, Inc.	Serve children with disabilities	X	
Innovate ABQ, Inc.	Charitable, scientific, and educational: organized and operated exclusively for the benefit and support		X

Regents' Policy Manual

	of and to perform the functions of or to carry out the purposes of the Regents of UNM	
Lobo Development Corporation	The acquisition, development, disposition, and rental of real estate for the benefit of UNM	X
Lobo Energy, Inc.	Support UNM for the purposes of generally providing contractual services, including financing, operating, improving, and expanding the University's utilities services and infrastructure	X
NMC, Inc.	Formed by the three New Mexico universities to engage universities and industry in scientific research in the nation's interest, and to increase the role of Los Alamos National Laboratory in science, education, and economic development	X
STC.UNM, Inc.	Support technology transfer and catalyze economic development at UNM	X

Regents' Policy Manual

The Harwood Museum Alliance, Inc.	Membership organization for the Harwood Museum	X	
The Robert O. Anderson School and Graduate School of Management Foundation, Inc.	Promote continuing education to the business community, including masters programs and professional workshops	X	
The University of New Mexico Alumni Association, Inc.	Provide services and support to UNM alumni and support to the University	X	
The University of New Mexico Foundation, Inc.	Raise funds for UNM	X	
U. N. M. Lobo Club, Inc.	Raise funds necessary to provide financial support for student-athlete scholarships, facilities, programs that support student-athlete success, and operational support to create an athletics program of excellence	X	
UNM Medical Group, Inc.	Facilitate and enhance the clinical, educational, and research functions of the faculty UNM's School of Medicine		X
UNM Sandoval Regional Medical Center, Inc.	Healthcare		X

Regents' Policy Manual

[1] This list contains the legal names under which the organizations were registered with the New Mexico Secretary of State.

[2] The purposes are based on information submitted by the organizations when they registered with the State.

[3] These corporations were formed under the University Research Park and Economic Development Act.

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 government agency involved, the Regents may authorize the President or his or her designee to enter into a joint powers agreement to exercise jointly any power common to the University and the government agency. In the alternative, and at the discretion of the Board, the Regents may approve the actual joint powers agreement.

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

Section 11-1-3 NMSA 1978 Comp.

Section 7.19: Regents' Endowment Fund

Adopted Date: 09-12-1996
08-16-2005

Applicability

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

Policy

The Regents' Endowment Fund has been created as a quasi-endowment of the University. It shall be managed and used as follows:

1. The Regents' Endowment Fund shall be invested as part of the University's endowment funds and portfolio and shall be managed in accordance with 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 Fund.
3. All reductions of the Regents' Endowment Fund principal balance must be approved by the Board of Regents and shall generally be limited to 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: (1) enhance the recruitment and retention of outstanding faculty, staff and students; (2) contribute to the merit-based scholarship program of the University, including the Regents' Scholars Program; (3) support the development of real estate; (4) 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 shall provide information to the Regents in June of each year regarding the Regents' Endowment Fund's principal balance 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 transfer Two Million Dollars (\$2,000,000) from the UNM/Foundation Consolidated Investment Fund to the Financial Services Center Investment Management Program of the Anderson Schools of Management. The funds will be invested as part of an ASM faculty-guided educational program. This transfer is 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 Financial Services Center Investment Management Program, as reviewed and revised by the Board of Regents. The

Regents' Policy Manual

funds remain part of the Regents' Endowment 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).

Section 7.20: Budgets and Fund Balances

Adopted Date: 12-13-2005

Applicability

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

At the end of each fiscal year departments responsible for Current Unrestricted funds 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 will submit a comprehensive report on fund balances 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

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 & General fund balances 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.

Regents' Policy Manual

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

[RPM 1.1](#), "Responsibilities of the Board of Regents."

Section 7.21: Investment of Operational Funds and Bond Proceeds

Adopted Date: 12-13-2005
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 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

Regents' Policy Manual

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
- Mortgage--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 (COF1)
- 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

Regents' Policy Manual

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 Administrative Chief Financial Officer is responsible for the day-to-day investment activities concerning UNM Hospital 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 6-8-5.

References

NMSA 1978, §§ 6-8 and 6-10; Uniform Prudent Investor Act, NMSA 45-7 (601-612); 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," [UBPPM 3720](#) "Conflicts of Interest," [UBPPM 7610](#) "Investment Management."

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 use of University facilities. 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

Off-campus Speakers Policy, [Pathfinder](#).

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 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 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 -- Traffic Regulations and Police Officers).

Section 8.3: Parking and Vehicles on Campus

Adopted Date: 09-12-1996
04-09-2003

Applicability

This policy applies to all motorized and nonmotorized vehicles on University property. Nonmotorized vehicles include, but are not limited to, bicycles, skateboards, skates, rollerblades, and unicycles. The policy does not apply to the use of nonmotorized vehicles 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 President shall adopt parking and vehicular rules 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 vehicles shall be used on the ground only and may not be used on walls, benches, fountains, or other structures. The 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 Services. 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, § 29-5-1.1, and § 37-8A-3.A(3); UNM Parking & Traffic Regulations.

Section 8.4: The New Mexico Union

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 Union serves as a unifying force in the life of the University, presenting opportunities for the exchange of ideas and opinions between faculty and students in a congenial, informal atmosphere.

The 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](#).

Section 8.5: Museums

Adopted Date: 09-12-1996

Applicability

This policy applies to all University museums.

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. 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.

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. 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 University Counsel's Office.

Implementation

The President shall provide for appropriate management of KNME-TV, subject to the Joint Powers Agreement and applicable federal law.

Regents' Policy Manual

Section 8.7: KUNM Radio

Adopted Date: 09-12-1996
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 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 station shall operate as a University radio station, with management responsibility delegated from the Board of Regents, as licensee, to the President and the Provost. Management, staffing and budgeting of the station shall be carried out through normal University administrative channels under applicable University policies.

A Radio Board shall make recommendations to station management on programming issues and other important station policies and practices. The Board of Regents shall adopt bylaws governing the composition and duties of the Radio Board.

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.

The full Regents' Policy on KUNM and the bylaws is maintained by the Provost's office and the University Counsel.

References

Regents' Policy on KUNM (complete text). An amendment to the "Bylaws of the KUNM Radio Board" was approved by the Board of Regents on August 12, 2003.