Western New Mexico University
Board of Regent’s Policy Manual

APPROVED AND ADOPTED, by the Board of Regents of Western New Mexico University
this revised edition effective

September 24, 2012

Attest:

Kelly Clark
Secretary/Treasurer, WNMU Board of Regents
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INTRODUCTION

PURPOSE OF THE MANUAL

This MANUAL has been designed and developed to serve two main purposes: 1) as a guide for the Board of Regents in carrying out its constitutional responsibility for the control and management of the University, and 2) as a source of information for others concerning the basic policies of the University. Campus groups of administrators, faculty members, students, and staff will continue to contribute materially to the development of these policies.

This Manual and the policies in this Manual are not a contract, either express or implied, between 1) the Board of Regents of WNMU and students, faculty and staff; or 2) WNMU and its students, faculty and staff. This Manual and the policies in this Manual may be modified, changed, altered, revised or discontinued by a majority vote of a quorum of the Board of Regents at any of its meetings, subject to the policy on formulation of policies, and as required for the effective managements of WNMU.

CODIFICATION OF EXISTING POLICIES

This edition of the MANUAL is primarily a codification of existing policies approved by the Regents.

EFFECTIVE DATE

Any policy in this MANUAL becomes effective on the date of its adoption by the WNMU Board of Regents.

SCOPE OF THE MANUAL

In general the policies of the Regents are listed and explained briefly in the main body of the MANUAL.

The REGENTS’ POLICY MANUAL as adopted and as amended from time to time, is the basic document governing the University community. Power not expressly, or by necessary implication, delegated by this MANUAL is reserved to the Regents.

MODIFICATIONS TO MANUAL

This MANUAL and the policies in this Manual may be modified, changed, altered, revised or discontinued by a majority vote of the Board of Regents at any of its meetings subject to the policy on formulation of policies. It is the intention of the Regents that proposed modifications will receive adequate publicity and discussion prior to their adoption. Any proposals for amendment originating within the University will first be submitted to the President and then to the Board of Regents, which will take final action after giving due consideration to the opinions of the Faculty Senate, the Staff Senate, and the Administration.
GLOSSARY

(These items are for the convenience of the reader and do not have the effect of policy.)

ACADEMIC DISCIPLINE
A field of study, such as “history or physics.”

ACADEMIC FREEDOM
Used in college and university circles to mean the right of a faculty to do research, teach, write, and speak, both on and off campus, free from institutional censorship or discipline. This freedom carries with it responsibilities correlative with rights.

ACADEMIC LOAD
The official work-load responsibility of any faculty member, measured in units as defined later in this glossary. It may include classroom teaching, conducting seminars and laboratories, committee assignments, conducting scholarly activities to include sponsored and non-sponsored research, directing thesis, sponsored and unsponsored research, University sanctioned grants and contracts, advising students, supervising students placed in field experiences, or carrying out assigned administrative responsibilities.

ADMINISTRATION
When capitalized, this word usually refers to those persons comprising the central administration of the University, including the President and Vice-Presidents. Occasionally, “Administration” may be used to include additional administrative officers such as the Human Resources Officer, the Registrar, and the Librarian.

ADVANCED DEGREE
Any academic degree above the baccalaureate degree. For example, a master’s degree, a doctor of philosophy degree, or a doctor of education degree.

ADVISORY SEARCH COMMITTEE
A committee appointed to assist in the search for and to help screen candidates for a faculty, staff, or administrative position to be filled. Such a committee provides input from which the final selection will be made.

AFFIRMATIVE ACTION
The process of employment for federal government contractors and subcontractors which provides for equal employment opportunity for all employees and applicants for employment without regard to race, color, religion, sex or national origin, pursuant to Executive Order 11246; disability, pursuant to the Rehabilitation Act of 1973, as amended; and veterans status, pursuant to the Vietnam Era Veterans’ Readjustment Act of 1974, as amended. Federal government contractors and subcontractors are to take affirmative action to employ, advance in employment and otherwise treat qualified applicants and employees without discrimination based on race, color, religion, sex, national origin, disability, and status as a special disabled veteran, veteran of the Vietnam era, recently separated veteran or other protected veteran.

ALUMNI ASSOCIATION
The Western New Mexico University Alumni Association, an independent body.
AMERICAN ASSOCIATION OF STATE COLLEGES AND UNIVERSITIES (AASCU)
An organization operated for educational, scientific, and literary purposes; specifically to (1) improve higher education within its member institutions through cooperative planning, through a more unified program of action among its members, and (2) provide other needed and worthwhile educational service to the state colleges and universities it represents.

AUDITING
INTERNAL AUDITING – A continuous process of examination and verification of accounts and procedures carried on internally at the University.

EXTERNAL AUDITING – An examination and verification of University books of account carried out annually by the state auditor, personnel of the state auditor’s office designated by him or her, or by independent auditors.

BOARD OF REGENTS
The five-member body charged by the New Mexico Constitution with the management and control of the University. (This body sometimes referred to as the “The Regents” or “The Board”.)

CODE OF CONDUCT
This code stipulates the kinds of conduct required of all University employees in matters involving business transactions, possible conflict of interest situations, and acceptance of gratuities.

COURSES
Academic offerings in various fields of study usually described and measured in terms of semester hours of credit.

CURRICULUM
Most commonly used to mean a group of courses leading to a certificate, diploma, or degree offered by an educational institution.

DEPARTMENT OF FINANCE AND ADMINISTRATION
Often referred to as the DFA, this is a department in the executive branch of state government in New Mexico concerned with the expenditure of public monies.

FACULTY
The academic body of the University made up of all persons holding faculty contracts.

FACULTY SENATE
An elected representative body of the Faculty charged with carrying out certain responsibilities on behalf of the Faculty.

FREEDOM OF INQUIRY
The freedom of a faculty, of a faculty member or student to investigate and report on any topic without censorship or penalty.

HIGHER EDUCATION DEPARTMENT
The Higher Education Department, formerly known as the Commission on Higher Education, collaborates with the state’s public colleges and universities to ensure that New Mexico’s students have access to high-quality education and success once enrolled. The Higher Education department is a Cabinet level Department within the Executive Branch of the New Mexico
government.

HONORARY DEGREE
A highly prestigious recognition given by the University to carefully selected persons of distinction.

LEAVE OF ABSENCE
A period of absence without pay of University employees from assigned duties, approved in accordance with leave policy.

OUTSIDE EMPLOYMENT
Professional employment for compensation which is not disbursed by the University. (See Chapter IV)

OVERLOAD (COMPENSATION)
Money paid by the University to its faculty over and above their contracted salaries in return for extra services rendered by them.

PRESIDENT
When capitalized, the President of the University.

PROFESSIONAL TITLES
Professor, Associate Professor, Assistant Professor, Instructor, full-time persons in these ranks, unless on temporary status, hold tenure or are on a tenure-track contract unless their contracts specifically state the contrary. A lecturer is a full-or part-time teacher whose appointment does not lead to tenure.

PROGRAM REVIEW
The process of defining, collecting, and analyzing information about an existing program to arrive at a judgment about the continuation, modification, enhancement, or termination of the program.

PROMOTION IN ACADEMIC RANK
The upward movement in academic rank and title by faculty members; for example, a promotion from the rank of Assistant Professor of English to Associate Professor of English.

PUBLIC SERVICE
Service rendered with or without extra compensation by University employees to individuals, groups, or agencies outside the University.

QUORUM
The number of members of a body required to be duly assembled in order for the body legally to transact its business. (At the University, such bodies would include among others the Board of Regents, the General Faculty, the Faculty Senate, the Staff Senate, the Student Senate, etc.)

THE REGENTS OF WESTERN New Mexico UNIVERSITY
The corporate title of the University.

RESEARCH
SPONSORED RESEARCH – Organized investigation in a field of study paid by a person or agency outside the University. (Research supported by the State or Federal Governments is included in this category of research.)
UNSPONSORED RESEARCH - Scholarly investigation in a field of study done by faculty members and/or students on their own time and at their own expense. Such research may or may not make use of University facilities and equipment.

SCHOLARSHIP, RESEARCH, AND CREATIVE ACTIVITIES
The chief non-teaching activities of a faculty member, including writing on scholarly topics, carrying on scholarly investigation, and creating works of art.

SEMESTER
An instructional period of approximately 16 weeks including a period of one week for examinations or other appropriate culminating activities, usually beginning in late August (Fall Semester) or mid-January. (Spring Semester).

SEMESTER HOUR
The credit that is allowed for one 50-minute period per week throughout a semester or its equivalent in a lecture class. (A course listed for three hours of credit would meet for three periods per week throughout a semester, or, as in the case of summer sessions, a course that would require a comparable time/credit ratio.)

SOLICITATION OF EMPLOYEES
As used in this MANUAL and its appendices this term includes electioneering of any kind, as well as the usual forms of soliciting.

STAFF
Those persons employed at the University holding positions other than teaching and who do not have faculty rank.

STAFF SENATE
The elected representative body of the staff composed of 11 Senators and one Staff Senate President who serve as a source of input for issues and decisions of the University as they relate to the general welfare and conditions of employment of non-bargaining unit staff. Bargaining unit staff employees are not represented by the Staff Senate.

STUDENT SENATE
The elected representative body of the student government of the University which transacts business on behalf of the student body.

STUDENT CREDIT HOURS
Used in determining teaching loads of faculty members, student credit hours are determined by multiplying the number of semester hours of credit listed for a course by the number of students enrolled in a course. For example, a three-semester hour’s course in which 30 students are enrolled would produce 90 student-credit hours.

STUDENTS
Persons enrolled in courses, seminars, or other academic programs offered by the University.

TEACHING
A term used broadly to include preparing and giving lectures and demonstrations leading discussion, preparing and administering examinations, grading papers, advising students, assigning grades for student performance, and other duties directly related to the instruction of students.
TENURE (ACADEMIC)
Academic status, which when awarded to full-time faculty member, assures the faculty member that he or she may be terminated from employment as a teacher at the University only for adequate cause or as otherwise stated in applicable University policies.

TERRITORIAL LEGISLATURE
The Legislature of the Territory of New Mexico in existence before New Mexico was admitted as a state in 1912.

UNIVERSITY
When capitalized, “the University” means Western New Mexico University, (also referred to as WNMU) including all its parts shown on the Organization Chart. When not capitalized, it refers to such institution generally.

WESTERN NEW MEXICO UNIVERSITY FOUNDATION
A public, non-profit corporation chartered by the New Mexico State Corporation Commission and established for the sole purpose of providing financial support to the University.
CHAPTER I

General Policies and Principles

I.1. History of the University

Western New Mexico University was founded in 1893 as a Normal School in Silver City. The Territorial Legislature recognized the need for teachers to train the children of miners and prospectors who were moving into the area. On February 11, 1893, the lawmakers created the Normal School. In 1923, the institution became New Mexico State Teachers College. In 1949, regents voted to change its name to New Mexico Western College, a move they felt would better reflect its regional location. In 1963, the school became Western New Mexico University. WNMU serves the people of the state of New Mexico and its surrounding areas as a comprehensive, regional, rural, public coeducational university and caters to a student body diverse in age, culture, language and ethnic background. Programs offered include teacher education, nursing, criminal justice, business, occupational therapy, art, natural sciences, social work and applied technology.


Western New Mexico University (WNMU) serves the multi-cultural populations of New Mexico, other states and other nations as a comprehensive university with an additional community college role. While research and public service are important undertakings of the institution, teaching and learning are preeminent at WNMU. We are a University that believes in the promise of every student, and together we work to create an educational community of diverse backgrounds, perspectives and talents that instills the values and develops the knowledge and skills necessary to prepare our students for the challenges of a changing world.

I.3. Review and Approval of the Mission

This Manual contains a more detailed statement of the mission of the University, all of which is hereby incorporated by reference and made a part of this Manual as set out in full herein.

Review and approval of the developing and changing mission contained herein is an important role of the Board of Regents in shaping the master planning for the future of the University. The University’s mission shall be reviewed by the Board of Regents when the Board deems such review necessary and appropriate.

I.4. Role of the Regents

The legal basis for the ultimate authority of the WNMU Board of Regents in carrying out the objectives stated above is quite clearly expressed in the New Mexico State Constitution. Certain statutes on higher education enacted by the Legislature over the years stipulate that additional responsibility and accountability for control and management of each “state educational institution” in New Mexico is vested in a board of regents for that institution. Legal opinions about this “control management” charge, however, support the customary practice of regents nationwide to delegate certain powers to certain individuals and groups at the institution in order to facilitate operation and to ensure a sound basis for certain decisions, particularly those in the academic area.
I.5. Shared Responsibility

The purpose of this statement is to help clarify relationships between the Regents and the Administration, Faculty, and Students of the University.

Management and control of the University are vested in the Regents. Inevitably, the responsibilities of the Regents must be delegated, and so is much of their authority to govern the affairs of the institution subject to overall policy which they establish.

1. As limited by the applicable law, these policies, and other actions of the Regents, the Board recognizes and approves:

a. the authority and responsibility of the University President and Administration in all matters relating to the operation of the University;

b. the authority and responsibility of the Faculty, in cooperation with Administration, to set educational policies, to screen faculty personnel, and in general, to deal with all matters relating to teaching and research; and

c. the rights and responsibility of the Students of the University to provide for their own self-government with authority in the affairs of the student community.

There presently exist adequate procedures for determining most matters affecting University operation. In order that the University may function properly under the authority of those in direct charge of its activities, the Regents ordinarily will not interfere with actions of the Administration, the Faculty, Staff, or Student Government. The Regents cannot, however, ignore the responsibilities of management and control vested in them by the Constitution and laws of the State of New Mexico. Thus, they reserve unto themselves the right to consider and determine, if deemed necessary, any matter relating to the University.

I.6. Commitment to General Principles

The Board holds that the following principles are fundamental to the functioning of a university in a free society and that they are fully applicable to Western New Mexico University.

1. The purposes of the University are to improve the quality of life and enhance the dignity of humankind. The means used to achieve these purposes are teaching/learning, research, and public service. The Regents and the vast majority of the students, faculty, staff, alumni, and citizens share the same goals for the University — that it be an exciting and progressive center of education, free from any influence which might deter effective teaching and learning or deter an unfettered search for the truth.

2. Freedom of inquiry and freedom of expression are indispensable elements of a great 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 freedom of all members
to dissent, however, it must not interfere with the right of others or with the educational process.

3. Broad avenues of communication are essential to the orderly functioning of the University. The Regents invite advice and suggestions about how this institution might carry out its mission more effectively. This invitation is extended to individuals and groups, both on and off campus.

4. In order to assure its autonomy and integrity, the University shall not be an instrument of partisan political action. Expression of political opinions and viewpoints will be those of the individual and not of the University.

5. Academic Freedom: The following statements on academic freedom are taken from the 1940 Statement of Principles on Academic Freedom and Tenure With 1970 Interpretive Comments, as developed by representatives of the American Association of University Professors and the Association of Colleges during 1969.

(a) Teachers are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.

(b) Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject.

(c) College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution.

6. Universities traditionally have been sanctuaries for diversity of thought, free exchange of ideas, and the search for truth. The Regents fully support the application of these principles at this University, though recognizing that rights carry with them corresponding responsibilities. The Regents also emphasize that this campus will not be a sanctuary for those who use unlawful or violent means to pursue their aims.
General Policies

1.7. Code of Conduct

1. Business Ethics. Employees of the University shall maintain the highest standards of business ethics in transactions with the University, the State, Federal, and local governments, and with the public.

2. Outside Activities. Employees of the University are expected to perform their duties faithfully and efficiently and never to give rise to suspicion of improper conflict with interests of the University.

3. Gratuities. Employees of the University shall not accept any favor or gratuity from any person, firm, or corporation which is engaged in or attempting to engage in business transactions with the University which might affect or be suspected of affecting the employees’ judgment in the impartial performance of their duties.

1.8. CONDUCT LEADING TO DISCIPLINARY ACTION

WNMU expects that faculty, staff and students will conduct themselves in a manner that respects the communities of which they are members, creates an atmosphere conducive to learning and working and reflects positively on the faculty, staff and students themselves and WNMU.

It is important, therefore, to clarify the types of conduct that are considered to affect adversely the University’s educational function, disrupt community living on campus, or to interfere with the right of others to the pursuit of their education or to conduct the University duties and responsibilities. In an effort to accomplish this, but without intending the list to be all-inclusive, the following is set forth:

a. Any member of the University community -- student or member of the faculty or staff -- who engages in or attempts to commit or engage in any of the following conduct shall be subject to appropriate disciplinary procedures and sanctions:

1. Obstruction or disruption, by any means, of teaching, research, administration, disciplinary procedures, or other University or University-authorized functions, events, or activities.

2. Unauthorized or prohibited entry into or onto, or unauthorized or prohibited occupation or use of, any University facility, building, vehicle, or other University property.

3. Physical abuse, the threat of physical abuse, or intimidation or other conduct which threatens or endangers the health or safety of any person on campus or at any University-authorized function or event.

4. Theft of, damage to, or defacement of property of University or the property of any person on campus.
5. Denial of, or interference with any person’s lawful right of access to, use of, or exit from any University facility or with any other lawful right of any person on campus.

6. The destruction of, or damage to, property of the University or of others on campus.

7. Use or possession on the campus of firearms, ammunition, or other dangerous weapons, substances, or materials, or of bombs, explosives, or incendiary devices, except as authorized.

8. Forgery or alteration or destruction of University documents or property.

9. Submission of false information, whether verbally or in writing, to the University.

10. Knowingly making false accusations against any member of the University community in a complaint or grievance filed under any University policy.

11. The repeated use of obscene or abusive language in a classroom or public meeting where such language is beyond the bounds of generally accepted good taste and which, if in a class, is not significantly related to the teaching of the subject; the use of obscene or abusive language against another member of the University, faculty, staff, or students.

12. Disorderly, lewd, or indecent conduct occurring on campus or at a University-recognized or University-sponsored activity off campus.

13. Any act that demonstrates the probability that the person constitutes a physical danger to himself or herself or others on campus.

14. Willfully refusing or failing to leave the property of, or any building or other facility owned, operated, or controlled by the Board of Regents upon being requested to do so by an authorized representative of the University, if the person is committing, threatening to commit, or inciting others to commit, any act which would disrupt, impair, interfere with or obstruct the lawful mission, processes, procedures, or functions of the University.

15. Consumption of alcoholic beverages on campus except as specifically authorized as outlined in policy.

16. Any other acts or omissions which affect adversely the University’s public image, its educational function, disrupt community living on campus, interfere with the rights of others to the pursuit of their education, or affect adversely the processes of the University.

17. Violation of other University policies.

18. Aids or conspires with others in committing or inciting others to commit any act set forth in paragraphs A.1 through A.17 above.
b. Sanctions

1. Any student who engages in any of the conduct set forth in 8.a.(1) through 8.a.(18) shall be subject to disciplinary action, as set forth in the Student Handbook, including restitution.

2. Any member of the staff who engages in any of the conduct set forth in 8.a.(1) through 8.a.(18) shall be subject to disciplinary action, as set forth in the Staff Handbook, including restitution, or the Collective Bargaining Agreement, if applicable.

3. Any member of the faculty who engages in any of the conduct set forth in 8.a.(1) through 8.a.(18) shall be subject to disciplinary action, including warning, censure, disciplinary probation, suspension or dismissal from employment and restitution, if applicable. A severe sanction, such as dismissal from employment, may be appropriate for a first offense or a subsequent offense. The disciplinary process can begin with any of these measures and any of these measures can be skipped.

4. The following terms, when applied to faculty, shall have the following meaning:
   a. “Warning” means a notice, oral or written, that continuation or repetition of conduct set forth in 8.a.(1) through 8.a.(18), within a stated reasonable period of time, may be cause for more severe disciplinary action.
   b. “Censure” means a written reprimand for engaging in conduct set forth in 8.a.(1) through 8.a.(18) and notice the future violations may be cause for more severe disciplinary action.
   c. “Disciplinary Probation” means that a faculty member may be placed on probation for period not exceeding one (1) year for engaging in conduct set forth in 8.a(1) through 8.a(18). The faculty member placed on probation shall be notified in writing that repetition of the act or other acts prohibited by this policy will lead to more severe disciplinary action. A notice shall be placed in the faculty member’s personnel file that the faculty member was placed on probation.
   d. “Suspension” means suspension from employment with or without pay. A notice shall be placed in the faculty member’s personnel file that the faculty member was suspended.
   e. “Dismissal” means termination of employment, including cancellation of a contract at any time during the semester for cause.

5. “Restitution” as applied to faculty, staff and students means the requirement to reimburse the legal owner for loss due to defacement, damage or misappropriation of property. Reimbursement shall generally be to the full extent of the loss incurred.

6. If any of the acts set forth in 8.a.(1) through 8.a.(18) are engaged in by a person who is not a student or member of the faculty or staff, such person may be denied admission, readmission, or employment by the University, in compliance with due process.
c. **Appeals:** Appeals from any sanction imposed on an employee shall follow the channels and procedures established for other grievances as set forth in the Student Handbook, Staff Handbook, Faculty Handbook and Collective Bargaining Agreement.

1.9. **Employment and Discharge of Persons Advocating Sabotage, Sedition, or Treason**

No person shall be knowingly employed by the University who either directly or indirectly carries on, advocates, teaches, justifies, aids or abets a program of sabotage, force and violence, sedition, or treason against the government of the United States or of the State of New Mexico.

When it becomes reasonably apparent to his or her appointing power that any employee has committed any of the acts herein above described it shall be the duty of such employer to refer the data and information available to him or her to the district attorney of the judicial district wherein such employee resides, and it shall thereupon become the mandatory duty of the district attorney to institute a proceeding in the district court to determine whether the employee has violated the law (Sec. 10-1-12 NMSA 1978). If such court determines that this law has been violated, such employee shall be immediately discharged.

1.10. **CRISIS MANAGEMENT PLAN.**

As noted above, the Regents and the vast majority of students, faculty, staff, alumni, and citizens share the same goal for the University -- that it be a stable and peaceful center of teaching, research, discussion, learning, and service, free from coercion and unlawful use of force. In situations where the stability and peace of the institution are threatened, extraordinary measures are required. The Regents are determined to use all lawful means to assure the continuity and the integrity of the educational process at the University.

a. As used in this Policy:

   “President” means the President (or acting President) of the University or any person or persons designated to act on his/her behalf for purposes of these rules.

   “Official” means any person authorized by the President to act on behalf of the University.

   “Student” means a person who is a student at the University in an undergraduate, graduate, or professional program on campus, whether for credit or noncredit, full- or part-time.

   “Visitor” means any person on campus who is not a student or member of the faculty or staff.

   “Person” means any student, member of the faculty, staff or visitor.

b. The President is authorized to declare a State of Emergency at the University upon finding that the orderly processes of the University are seriously threatened. Under certain circumstances, the President may choose to implement certain actions under the Crisis Management Plan. In making such a finding, the President shall consider whether disruptive activities are such as to require immediate, extraordinary measures to safeguard persons or property or to maintain the University’s educational function.
As soon as reasonably possible after the Declaration of Emergency, the President shall inform available Regents of his/her action. The Regents shall have a plan to inform all board members of such action. When the President determines that the serious threat has passed, he/she shall, after consultation with available regents, declare the State of Emergency to be at an end.

c. During a State of Emergency, the President, in the exercise of reasonable judgment in the circumstances, is authorized to take whatever actions he/she finds necessary in order to safeguard persons or property or to maintain the University’s educational function. Such actions shall remain in effect during the State of Emergency unless sooner canceled by the President. During a State of Emergency, the President may, if in his/her judgment the circumstances warrant it, suspend University activities for a day or a portion thereof.

During a State of Emergency, the violation by any person of a presidential order or ruling under this Policy, or the commission during such State of Emergency of any act or acts of misconduct of the kind set forth in section 8.a.(1) through 8.a.(18) of the Regents’ Policy on Conduct Leading to Disciplinary Action will be considered an offense of the gravest nature and sanction appropriate to the gravity of such offense or offenses shall be imposed.

d. During a State of Emergency, Campus Police will have responsibility and authority to maintain order on campus.

I.11. DRUG FREE WORK PLACE POLICY
(Adopted May 12, 1989; Revised 1999; May 10, 2001)

The Board of Regents of Western New Mexico University adopts this policy to implement the Drug Free Workplace Act of 1988, as amended.

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited on the premises of Western New Mexico University, including but not limited to its campuses, grounds, facilities, workplaces, vehicles, or at any activity held on University premises. If any employee of the University violates this policy, that employee will be immediately referred to the Director of Human Resources.

DEFINITIONS:

Controlled Substance means a controlled substance in schedules I through V of the Controlled Substances Act (21 U.S.C. § 812) and as further defined by regulation at 21 C.F.R. 1308.11 through 1308.15.

Director of Human Resources means the Director of Human Resources of Western New Mexico University or his/her authorized representative.

Employee, for purposes of this policy, means employees on the payroll of Western New Mexico University directly engaged in the performance of work under the federal grant or contract, including student employees, temporary personnel and consultants who are directly engaged in the performance of work under the grant or contract and who are on Western New Mexico University’s payroll.
Western New Mexico University hereafter referred to as “the University,” means the University campuses, its off-campus centers, and its associated activities and facilities.

RESPONSIBILITY:

The President of the University is responsible for the administration of the Drug-Free Workplace policy and program. The Director of Human Resources is designated by the President to administer this program for employees. The Director of Contracts and Grants is designated by the President to certify this program for University grants and contracts.

The President’s Executive Council is designated by the President to oversee the development and implementation of the Drug-Free Workplace policy and program. The Director of Human Resources and the Director of Contracts and Grants are delegated to assist the Council in this process.

PROGRAMS:

The University establishes the following Drug-Free Workplace program.

1. The purpose of the program is to inform the University’s employees about:
   a. the dangers of drug abuse at the University as a workplace;
   b. the Board of Regents’ policy for maintaining a drug-free University environment;
   c. the information on available drug counseling, rehabilitation, or employee assistance programs;
   d. the appropriate disciplinary action and penalties that may be imposed for a drug abuse violation.

2. The program requires the Director of Human Resources to provide each employee with a copy of the policy.

3. The program requires each employee, as a condition of employment to:
   a. abide by the Board of Regents’ Drug-Free Workplace Policy;
   b. notify the Director of Human Resources of any criminal drug statute conviction for a violation occurring on the University premises no later than five calendar days after conviction;
   c. sign a certification of awareness of the University Drug-Free Workplace policy and program.

4. The program requires the Provost and Vice President for Academic Affairs to:
   a. sign a certification of the University Drug-Free Workplace policy and program for all grant and contract proposals and agreements;
b. notify the appropriate federal contracting agency within ten calendar days after receiving notice from an employee of a conviction of any criminal drug statute or of receiving actual notice of the conviction.

5. The Program requires the Director of Human Resources to take one of the following actions after receiving notice of any criminal drug statute conviction:

a. appropriate disciplinary action according to established personnel policy and procedure up to and including dismissal; and/or

b. requiring the employee to participate in an approved drug-abuse assistance or rehabilitation program.

6. The program requires the University to make a good faith effort to continue to maintain a drug-free workplace through implementation of this policy and program.

7. Independent contractors, when engaged in work for the University where its employees perform work on property owned by the University will abide by this policy. To enforce this policy the following statement will be added to University contracts with independent contractors who have employees working on campus: “Contractor agrees that as to Contractor’s employees that work on University property, Contractor will abide by the University’s Drug Free Work Place policy found in the University’s Regents’ Policy Manual.”

8. This policy does not prohibit WNMU employees or contractors or affiliates who are health care practitioners possessing a current federal DEA registration number and licensed/registered by the NM Regulation and Licensing Department in accordance with provisions of laws in the state of New Mexico from administering or prescribing medications as set forth under state and federal laws.

1.12. RELEASE OF INFORMATION PURSUANT TO THE INSPECTION OF PUBLIC RECORDS ACT

(Adopted October 21, 1988; Revised 1999)

It shall be the policy of the Board of Regents and Administration of Western New Mexico University (WNMU) to comply with the New Mexico Inspection of Public Records Act, NMSA 14-2-1 et seq.

Under the Inspection of Public Records Act, every person has the right to inspect public records of the state, subject to certain exceptions. These exceptions include, for example:

1. Letters of reference concerning employment;
2. Licensing or permits;
3. Letters or memorandums that are matters of opinion in personnel files or students’ cumulative files;
4. Trade secrets;
5. Items that are protected from disclosure by the attorney-client privilege;
6. Items that are protected from disclosure by other state and federal laws; and
7. Items that are considered non-public as otherwise provided by law.
No person who is employed by the University or does business with the University has a legitimate expectation of privacy or confidentiality with regard to public records concerning that person, except as specifically provided for in the Inspection of Public Records Act.

The President of WNMU shall designate a person as the custodian of public records, who shall have the duties as set forth in section 14-2-7 of the Inspection of Public Records Act.

I.13. AFFIRMATIVE ACTION POLICY
(Approved August 12, 1996; Revised 1999)

The Regents of Western New Mexico University pledge full support and commitment to the University’s Affirmative Action Plan, which provides for equal employment opportunity for all employees and applicants for employment without regard to race, color, religion, sex, or national origin, pursuant to Executive Order 11246; disability, pursuant to the Rehabilitation Act of 1973, as amended; and veterans status, pursuant to the Vietnam Era Veterans’ Readjustment Act of 1974, as amended.

The University will not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, physical or mental disability, or status as a special disabled veteran, veteran of the Vietnam era, recently separated veteran or other protected veteran in regard to any position for which the employee or applicant is qualified.

The University will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, color, religion, sex or national origin. Such action shall include, but is not limited to, the following: employment, upgrading, demotion, transfer, recruitment, recruitment advertising, layoffs, rates of pay or other forms of compensation, selection for training and termination of employment.

The University will take affirmative action to employ, advance in employment and otherwise treat qualified individuals with disabilities without discrimination based on their physical or mental disability in all employment practices including, but not limited to, the following: recruitment, hiring, promotion, demotion, transfer, rates of pay or other forms of compensation, job assignments, training, leaves of absence, fringe benefits, layoffs, and termination of employment.

The University will take affirmative action to employ, advance in employment and otherwise treat qualified individuals without discrimination based on their status as a special disabled veteran, veteran of the Vietnam era, recently separated veteran or other protected veteran in all employment practices including, but not limited to, the following: recruitment, hiring, promotion, demotion, transfer, rates of pay or other forms of compensation, job assignments, training, leaves of absence, fringe benefits, layoffs, and termination of employment.

The University will make reasonable accommodation for the religious practices and observances of employees and applicants for employment, in conformance with applicable law.

The University will also make reasonable accommodations for all qualified individuals with disabilities and disabled veterans, both applicants and employees, in conformance with applicable law.

The University has appointed an Officer for Affirmative Action and Equal Employment Opportunity Programs: Telephone number 575-538-6513. The mailing address for the AA/EEO Officer is: Western New Mexico University, P.O. Box 680, Silver City, New Mexico 88062.
The AA/EEO Officer reports directly to the President of the University on AA/EEO matters and is responsible for monitoring and reviewing the personnel actions and procedures to ensure that the Affirmative Action Programs and Equal Employment Opportunity policies and objectives are followed.

The University urges applicants for employment and employees who believe that they have been discriminated against, harassed or retaliated against for reporting unlawful discriminatory conduct or harassment to file a complaint with the Affirmative Action/Equal Employment Opportunity Officer: 1000 West College Avenue/P.O. Box 680, Silver City, NM 88061; Telephone Number 575-538-6513. The University has policies and procedures in place for reporting, investigating and resolving complaints by employees and applicants for employment of unlawful discrimination, harassment and retaliation.

Retaliation against applicants or employees who report unlawful discriminatory conduct, file a complaint, or cooperate in an investigation or resolution of a complaint of discrimination is prohibited.

All University employees need to be aware that discrimination, harassment and retaliation for reporting unlawful discriminatory conduct are prohibited. Employees who engage in such conduct will be subject to disciplinary action, up to and including termination of employment, in accordance with University policies.

I.14. POLICY ON DISCRIMINATION AND HARASSMENT

Western New Mexico University is committed to equal employment opportunity for its employees and equal educational opportunity for its students. In keeping with its mission and in conformance with applicable federal, state and local laws, WNMU has adopted policies prohibiting discrimination and harassment.

It is the policy of WNMU to prohibit discrimination and harassment against applicants for employment and employees on the basis of race, color, religion, national origin, sex, age, ancestry, physical or mental disability, serious medical condition, spousal affiliation, sexual orientation, gender identity, veterans status, or any other basis prohibited by applicable law, except where a bona fide occupational qualification exists.

Any employee who feels that he or she has been discriminated against or harassed or believes that another employee or applicant for employment has been discriminated against or harassed should report the incident to the Affirmative Action/Equal Employment Opportunity Officer, the Director of Disability Services, a Department Chair, a Director or a Dean.

It is the policy of WNMU to prohibit discrimination and harassment against applicants for admission and students on the basis of race, color, religion, national origin, sex, age, ancestry, physical or mental disability, serious medical condition, spousal affiliation, sexual orientation, gender identity, veterans status or any other basis prohibited by applicable law.

Any student who feels that he or she has been discriminated against or harassed should report the incident to the Affirmative Action/Equal Employment Opportunity Officer, the Director of Disability Services, a Department Chair, a Student Advisor, a Director, or a Dean.

WNMU will not tolerate and the law prohibits retaliation against applicants for employment, employees, applicants for admission and students who make complaints of discrimination or harassment or participate in an investigation of a complaint of discrimination or harassment. Complaints of retaliation should be reported in the same manner as complaints of discrimination and harassment.
The University has policies and procedures in place for the prompt and equitable resolution of complaints of discrimination or harassment. Any person found to have engaged in discrimination, harassment or retaliation is subject to disciplinary action or other appropriate action.

The Affirmative Action/Equal Employment Opportunity Officer is responsible for coordinating WNMU’s efforts to comply with and carry out its responsibilities under state and federal laws prohibiting discrimination and harassment, including Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, Title II of the Americans With Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973.

The telephone number for the AA/EEO Officer is 575-538-6513. The mailing address for the AA/EEO Officer is: Western New Mexico University, P.O. Box 680, Silver City, New Mexico 88062.

I.15. SEXUAL HARASSMENT POLICY STATEMENT
(approved in Student HB 1/26/96; Revised 1999; May 2001)

Western New Mexico University is committed to equal employment opportunity for its employees and equal educational opportunity for its students. In furtherance of this commitment and in accordance with federal and state law, Western New Mexico University prohibits discrimination on the basis of sex. Sexual harassment is a form of discrimination on the basis of sex. Sexual harassment is prohibited and will not be tolerated.

I. Definitions.

A. Sexual harassment. Sexual Harassment is defined as unwelcome verbal or physical conduct of a sexual nature. Sexual harassment can include unwelcome sexual advances, requests for sexual favors and other verbal, non-verbal or physical conduct of a sexual nature.

Conduct of a sexual nature is unwelcome when the employee or student toward whom it is directed does not request or invite the conduct and views it as offensive and undesirable.

B. Hostile work environment harassment means unwelcome sexual conduct that is so severe or pervasive that it has the effect of unreasonably interfering with work performance or creating an intimidating, hostile or offensive working environment.

With respect to students, hostile environment harassment means unwelcome sexual conduct that is so severe or pervasive that it affects a student’s ability to participate in or benefit from an education program or activity or creates an intimidating, threatening or abusive educational environment.

C. Examples of Conduct of a Sexual Nature. Conduct of a sexual nature may include, but is not limited to:

1. Verbal or physical sexual advances;
2. Touching of a sexual nature; and 

II. Applicability of This Policy.

A. This policy applies to all faculty, staff, students, administrators and visitors to the WNMU campus. Sexual harassment can involve any member of the WNMU community, including:
• faculty member and student;
• teaching assistant and student;
• supervisor and employee;
• faculty member and faculty member;
• student and student;
• staff member and student;
• student and guest speaker, visiting student or vendor;
• staff member and guest speaker, visiting student or vendor.

B. Off Campus Programs and Activities. Students and employees who feel that they have been sexually harassed while participating in an off-campus program or activity must report the incident as set forth in Section III below, Reporting Incidents of Sexual Harassment.

III. Reporting Incidents of Sexual Harassment

A. A student who feels that she or he is being subjected to sexual harassment or feels that another employee or student is being subjected to sexual harassment should notify the Affirmative Action/Equal Employment Opportunity Officer (“AA/EEO Officer”), a Department Chair, a Student Advisor, a Director, or a Dean.

B. An employee who feels that she or he is being subjected to sexual harassment or feels that another employee or student is being subjected to sexual harassment should notify his or her immediate supervisor, the Affirmative Action/Equal Employment Opportunity Officer (“AA/EEO Officer”), a Director, or a Dean.

C. Any supervisor, Department Chair, Student Advisor, Director or Dean who is notified of a complaint of sexual harassment must notify the AA/EEO Officer of the complaint as soon as is reasonably possible.

D. The AA/EEO Officer has been designated responsibility for coordinating WNMU’s efforts to comply with and carry out its responsibilities under applicable laws prohibiting discrimination and harassment, including Title IX of the Educational Amendments of 1972, Title VII of the Civil Rights Act of 1964, Title I and Title II of the Americans With Disabilities Act and Section 504 of the Rehabilitation Act.

The telephone number of the AA/EEO Officer is: 575-538-6513. The mailing address for the AA/EEO Officer is: Western New Mexico University, P.O. Box 680, Silver City, New Mexico 88062.

IV. Time Frame for Reporting Sexual Harassment.

In order to allow for a prompt and timely investigation, the complaint should be made as soon as possible, but no later than 90 days following the latest alleged incident of sexual harassment. This time frame may be waived by the AA/EEO Officer for good cause, such as when the delay in reporting was the result of classes not being in session.

V. Retaliation is Prohibited.

Retaliation against an employee or student who makes a complaint of sexual harassment, reports that another employee or student is being sexually harassed or who cooperates in an investigation of a complaint of sexual harassment is prohibited. If you believe you have been retaliated against or that
someone else has been retaliated against for reporting sexual harassment, you should follow the same reporting requirements for reporting incidents of sexual harassment set forth in Section III above, Reporting Incidents of Sexual Harassment.

VI. Investigating Complaints of Sexual Harassment

WNMU has developed procedures for the prompt and equitable resolution of complaints of discrimination, harassment and retaliation, including complaints of sexual harassment.

Appropriate disciplinary action will be taken against any employee or student who is found to have engaged in sexual harassment.

WNMU will also take appropriate action, to the extent possible, against non-employees, such as vendors, customers and guest lecturers, who are found to have engaged in discrimination or harassment or retaliation against a student or employee.

I.16. LANGUAGE POLICY
(Approved February 7, 1997)
(Revised September 10, 2004)

Western New Mexico University strives to create a campus climate which values diversity among students, faculty, staff and administration. WNMU recognizes the importance of building a campus culture based on understanding and mutual respect for the many cultural differences that exist within the campus population, including differences in language.

WNMU is dedicated to encouraging a multicultural, multilingual environment. It is the policy of the University that any employee, student, or staff member may speak any language, or combination of languages, except when the speaking of a particular language is a business necessity. Interactions among faculty, staff, or students not directly related to the conduct of University business do not fall within the business necessity exception. Should it be determined that any University employee attempted to infringe on the rights of others to speak any language, or combination of languages, appropriate disciplinary action will be taken.

I.17. DRUG AND ALCOHOL POLICY

Western New Mexico University believes that reducing drug and alcohol abuse improves the safety, health and productivity of faculty, staff and students. The object of this Drug and Alcohol Policy is to provide a safe and healthy workplace for all faculty and staff and learning environment for students and comply with federal law, where applicable.

Definitions

“Illegal use of drugs” includes the use of controlled substances or drugs, the possession or distribution of which is unlawful under federal, state or local law. The term includes the use or possession of prescription drugs which have not been lawfully obtained and the misuse of prescription or over-the-counter medication. The term does not include the use of a drug taken, as prescribed, under the supervision of a licensed health care professional, or other uses authorized by the Controlled Substances Act or other provisions of federal, state or local law.

“Illegal drugs” include any drug or controlled substance the sale, consumption of possession of which is unlawful.
“University property” as used in this policy means any University campus, University building, University owned vehicle, or University approved vehicle used to transport students to and from University activities.

“University programs” as used in this policy means any University sponsored or approved activity, event, or function, on or off University property, where students are under the jurisdiction of the University, or during any period of time University employees are supervising students on behalf of the University or are otherwise engaged in University business.

Prohibited Conduct

This list is not exhaustive. It is meant to give faculty, staff, and students a general idea of the types of conduct prohibited while on or off University property, while participating in University programs or conducting University business:

1) reporting to work or class impaired by or under the influence of alcohol, illegal drugs or the illegal use of drugs;
2) the unlawful manufacture, distribution, dispensation, possession or use of alcohol or illegal drugs;
3) improper use of prescription medication;
4) illegal use of drugs;
5) possessing, storing or otherwise having drug paraphernalia in the workplace or in the classroom, including in desks and lockers;
6) possessing, storing, drinking or otherwise having alcohol in the workplace or in the classroom, including in desks and lockers, except as authorized in the policy entitled Use of Alcohol on University Property;
7) violation of federal, state or local laws relating to alcohol or drug possession or use;
8) failure to participate in an investigation related to the University’s Drug and Alcohol Policy.

Alcohol may be used by faculty, staff, and students who are 21 years of age or older on University property only as set forth in the policy entitled “Use of Alcohol on University Property” found in this Manual.

Violation of this policy will result in appropriate disciplinary action, up to and including termination of a faculty or staff member’s employment or expulsion of a student from Western New Mexico University.

I.18. USE OF ALCOHOL ON UNIVERSITY PROPERTY

General

The use of alcohol is prohibited on University property, except as authorized herein. For the purposes of this policy, the use of alcohol refers to the service and/or consumption of alcohol including, but not limited to, alcoholic beverages. This policy governs the use of alcohol on University property. It applies to students, student organizations, faculty, staff, University departments, and other entities and visitors. This policy applies to property owned, leased, or operated by the University, and to all events sponsored by the University or its sub-units. It does not apply to property owned by the University and leased to others, unless it would otherwise apply.
Western New Mexico University recognizes that alcohol abuse is a persistent social and health problem of major proportions in society. The University also recognizes that diversity of opinion and freedom of choice are the foundations of institutions of higher education, and that the use of alcoholic beverages by those of legal age is a matter of personal choice. Individuals who choose to use alcohol on University property must comply with state law and University policies and procedures, and conduct themselves responsibly, mindful of the rights of others.

Use of Alcohol

Use of alcohol on University property is prohibited, except as follows:

1. Alcohol may be used at receptions or other social functions sponsored and/or approved by the University President in advance, in writing. The following restrictions apply:
   a. Alcohol may be used in those locations on the campus for which a governmental liquor license has been issued.
   b. If the reception or social function is to take place at a location on campus for which a governmental liquor license has not been issued, a special dispenser’s permit must first be obtained.

2. Alcohol may be used at the University President’s house by its residents and their invited guests at private parties.

3. Nothing herein prohibits the use of alcohol(s) for legitimate classroom, laboratory, teaching, research or medical purposes at WNMU.

State Law

State law governs many aspects of the consumption and serving of alcohol. All individuals who use alcohol on University property must comply with the applicable legal requirements.

Purchase of Alcohol

The purchase of alcohol with state funds must in compliance with all applicable state laws and University policies.

Promotional Materials

Alcohol shall not be mentioned in any advertisements for an event and shall not be used to encourage participation. Promotional materials for any University event shall not mention the amount of alcohol (such as number of kegs) available.

I.19. WEAPONS POLICY

It is the intention of Western New Mexico University to provide a safe and harmonious setting where students, faculty and staff can work without fear or threat of bodily harm.

The sale, possession, transfer, or use of any weapon(s) on University premises or during University programs, except in officer training programs conducted under the auspices of the United States Armed Forces, state or local government law enforcement agencies or by officers thereof or as
otherwise permitted by law, is prohibited. Any student or employee who violates this policy is subject to disciplinary action.

1. “Weapons,” as used in this policy, include, but are not limited to, firearms, knives, other than pocket knives not exceeding 4” in length when folded and kitchen utility knives not exceeding 7” in total length, clubs, explosives, spiked wrist bands, chains, brass knuckles, or other items that may cause or be used for the purpose of causing intimidation, injury, or death.

2. “University Premises” as used in this policy means any University campus, University building, University property, University-owned vehicle or University-approved vehicle used to transport students to and from University activities.

3. “University Programs” as used in this policy means any University-sponsored or approved activity, event, or function, on or off University premises at which University-related or University-sanctioned activities are held or University business is performed.

All persons with weapon(s) shall enter campus at the closet point to the Campus Police Department and deposit all prohibited materials at that office for the duration of their stay. This policy shall be enforced in conformance with applicable state and federal laws.

Any student or employee who has knowledge that another person has a weapon on campus in violation of this policy has a duty to report the situation to the Campus Police. The failure to report a violation of the Weapons Policy is serious misconduct and is grounds for disciplinary action. Any student or employee who assists any person in violating this policy will be subject to disciplinary action.

I.20. Holidays

1. The following annual holidays are authorized for all employees of the University:

   New Years Day   (January 1)
   Martin Luther King Day (Third Monday of Jan.)
   Good Friday   (Friday before Easter)
   Memorial Day   (Last Monday of May)
   Independence Day   (July 4)
   Labor Day   (First Monday in Sep.)
   Thanksgiving Day   (Fourth Thursday in Nov.)
   Day after Thanksgiving   (Fourth Friday in Nov.)
   Christmas Eve   (December 24)
   Christmas Day   (December 25)

   When a holiday falls on a Saturday or Sunday, the University will designate annually a day in lieu of the Saturday or Sunday holiday.

2. Other holidays may be announced at the discretion of the University President.

I.21 Patent and Copyright Policy

The President, in consultation with the Vice-President for Academic Affairs, shall develop a patent and copyright policy for 1) inventions and other works that are created by faculty,
staff, students and other members of the University community; and 2) guidelines for the use of such works by others.

See Exhibit A

I.22. Solicitation Policy.

The President, in consultation with the Vice-Presidents, shall develop a Solicitation Policy which places restrictions on solicitation of employees within the buildings and facilities at WNMU to ensure that WNMU employees have the opportunity to perform their duties free from intrusions.

Sales of products or merchandise or the provision of services will generally not be permitted on WNMU campuses when such sales or the provision of such services are in direct competition with an existing provider with whom WNMU has a contract.

See Exhibit B
CHAPTER II
The Board of Regents


The Board of Regents of Western New Mexico University is constitutionally and legally responsible for the control and management of this institution. This responsibility and authority may be exercised only by the Board as a unit. Its individual members are without power to act separately in connection with University business, except when one of the Board’s officers is specifically authorized to act in behalf of the Board. Whether referred to as “the Board” or as the “the Regents” throughout this MANUAL, the meaning is the same. In carrying out their responsibility, the Board may and quite often does delegate limited powers to certain individuals and groups within the University, but such delegation of specific power and authority on a limited basis does not relieve the Board from its ultimate responsibility for the entire institution. Similarly, the Board may withdraw or modify delegated authority, but not on a retroactive basis.

II.2. Duties and Functions  (Revised May 10, 2001)

Under its broad responsibility for the management and control of the University, the Board has many specific duties and functions too numerous to list here. Its power to control, manage, and govern the institution necessarily includes exercise of wide discretion—including discretion in what actions it takes directly and in what authority it delegates to other persons or bodies within the University.

Listed below are those duties and functions considered by the Board to be among the most important:

1. Select and appoint a President of the University who serves as the University’s Chief Executive Officer.

2. Adopt policies for the effective management of the University.

3. Evaluate the mission of the University when the Board deems such review necessary and appropriate.

4. Delegate authority and responsibility deemed by the Board as appropriate and necessary for the most effective operation of the University, with full understanding that such delegation implies the right of the Board to withdraw or modify the delegation when it is considered wise to do so.

5. Approve or authorize others to approve all contracts between the University and other parties, including those contracts for services rendered, equipment and materials to be purchased, construction of buildings, and care and preservation of all University property.

6. Approve, by budgeting, the expenditures of all monies.

7. Approve requests for sabbatical leaves in accordance with existing policies.
8. Approve constitutions, by-laws, handbooks and other governing documents of student, faculty and staff governance bodies.

9. Lease, rent, purchase, and sell land on behalf of the University.

10. Approve all degrees to be awarded by the University including both earned and honorary degrees.

11. Borrow money, as provided by law, for the purpose of erecting, altering, improving, furnishing or equipping buildings, for acquisition of land for use by the University, or for other authorized purposes.

12. Bear legal responsibility and authority for all aspects of the University’s operations.

13. Take any other actions required by law to be decided by the Board.

II.3. Composition

The Board is composed of five Regents who are appointed by the Governor of the State and confirmed by the Senate. One of the members of the Board of Regents is required to be a member of the student body of WNMU. The terms of appointment of the non-student members of the Board of Regents are staggered terms of six years. The student Regent serves a two-year term. The Governor and State Superintendent of Public Instruction are designated as ex-officio, non-voting members, and the Chair of the Faculty and Staff Senates and the Student Body President are ex-officio non-voting members.

II.4. Organization

No later than the second regular meeting of each calendar year the Board elects one of its members as Chair, another as Vice-Chair, and a third as Secretary/Treasurer. The Chair is the Chief Executive Officer of the Board and presides at all its meetings. When he or she is absent, the Vice Chair shall be deemed the Chair Pro-Tem and shall preside at the meeting. When both the Chair and Vice Chair are unavailable for a meeting, the Board shall elect a Chair Pro-Tem for that meeting.

The statutes provide that the Secretary/Treasurer makes disbursements of funds, on the order of the Board, such disbursements to be countersigned by the Chair of the Board. These functions are delegated by the Board to the President of the University and persons designated by the President.

Each year, after the election of new officers of the Board of Regents, the following authorizations are approved by the Board, such authorizations being effective until rescinded or until the next election of the Board officers.

a. The newly elected officers of the Board are authorized to sign checks, drafts, and other documents on the Regents’ behalf;

b. The Chair is authorized to execute (buy, sell, assign or endorse for transfer) certificates representing stocks, bonds or other securities now registered or hereafter registered in the name of the University;
c. The President of the University and the University Vice-President for Business Affairs are authorized to continue to sign contracts, grants, and other agreements that are necessary for the daily operation of the University. The President of the University is further authorized to delegate power to certain other administrative officers connected with various entities at the University to execute designated contractual documents related to their respective departments.

II.5. Committees

The committees of the Board are the Audit Committee, the Budget and Finance Committee, the Building, Facility, and Space Naming Committee, and the Honorary Degree Committee. Members of these committees shall be appointed by the chair of the Board. The chair of the Board is an ex-officio member. Ad Hoc committees may be formed by the chair as needed for specific purposes and will be disbanded when their task has been completed.

II.6. BUILDING, FACILITY, AND SPACE NAMING COMMITTEE
(Adopted May 8, 1987; Revised 1999; August 2001; and December 12, 2002)

From time to time the Board may appoint a Building Facility and Space Naming Committee comprised of no more than seven members, whose duty it shall be to recommend to the Board the naming of a University building, group of buildings or major facilities after the names of persons meeting the criteria listed below. The Chair of this Committee shall always be a member of the Board of Regents of WNMU.

1. In the consideration of naming an existing building or one to be constructed, group of buildings, or a major facility, such honor shall be awarded only to that person or those persons who have made substantial contributions to Western New Mexico University.

2. It shall be the policy of the Board not to name any building, group of buildings, or major facility after any person who is presently employed by the University or serving as a Regent.

3. A building, group of buildings, or major facility may be named after a member of the University community who has been retired from active service for at least two years or who has been deceased for at least two years.

4. Requests for naming a building, group of buildings, or major facility, may originate from any source. Requests shall be submitted to the President of the University. Such requests must then be referred by the President to the Regents’ Building, Facility and Space Naming Committee for consideration and recommendation. The Committee’s recommendation and the recommendation of the President shall be forwarded to the Board of Regents for final action.

5. Request for naming facilities that are part of the interior space of the University such as library/reading rooms, laboratories, seminar rooms, galleries, recreational courts, lounges, academic and service centers, shall be made in writing to the President of the University. The President, after consultation with the Regents’ Building, Facility, and Space Naming Committee, shall decide each case on its merits. The President may consult with the Regents if he/she wishes on a case by case basis.
II.6.A. PLAQUES ON BUILDINGS

The names appearing on building plaques will constitute those persons serving in office at the time that new buildings are completed or renovations on existing buildings are completed.

II.7. BUDGET AND FINANCE COMMITTEE (Adopted September 1, 1989)

The Board of Regents Committee on Budget and Finance shall consist of two Board Members appointed annually for the purpose of advising the Board on all matters pertaining to the formulation, implementation, supervision, audit, and compliance of the University’s capital and operating budgets.

II.8. AUDIT COMMITTEE (Adopted January 26, 1996; Revised 1999)

The Audit Committee is to be made up of two members of the Board of Regents, appointed by the Chair of the Board, and the University’s Vice-President for Business Affairs. The following responsibilities lay with the Audit Committee:

• The Audit Committee members will help guide, mentor, monitor, and meet with the University’s Vice-President for Business Affairs. These meetings may take the form of, but are not limited to, phone calls, conference calls, and meetings prior to the regular advertised Board of Regents’ open meeting.

• The Audit Committee will participate in the structuring of the internal audit function, including but not limited to such areas as: the University’s audit plan, monitoring of policies and procedures, special projects and other duties as assigned to the Vice-President for Business Affairs.

• The Audit Committee will have the option in the extent of participation in recruiting the external audit firm for the University. The final recommendation for the external auditor will need to be obtained from the Audit Committee who will have the recommendation ratified by the Board of Regents. The Purchasing Department will receive the approved recommendation and the department will then forward the information to the State Auditor’s Office.

• During the University’s year-end external audit, the external auditor will be expected to report, as needed, to the Audit Committee. An “exit meeting” will also be scheduled by the external audit firm to report on the final audit opinion and any findings and/or material weaknesses found.

II.9. HONORARY DEGREE POLICY - (Revised May 10, 2001; December 13, 2002; March 18, 2004)

Criteria for Selection

The Honorary degrees of Doctorate of Laws, Doctorate of Humane Letters, and Doctorate of Arts shall be awarded to individuals who have made contributions of exceptional substance to Western New Mexico University or who have significantly enriched the educational, cultural, scientific, or intellectual life of the region, state, or nation.
An honorary degree may be awarded either through Procedure A or Procedure B set forth below.

Procedure A

1) Nominations can come from any source, on or off campus, with a deadline of November 1 for the fall presentation or April 1 for the spring or summer presentation.

2) The Office of the President will serve as the clearinghouse.

3) A comprehensive vita will be prepared for each potential candidate.

4) Accomplishments of potential honorary degree recipients will be reviewed by an Honorary Degree Committee composed of:
   A. One or two Regents (one of whom will serve as Chair).
   B. One faculty member elected from each of five departments designated by the Vice-President of Academic Affairs for an academic year so that departments are rotated annually on this committee.
   C. The Chairperson of the Board may appoint up to one additional student and one Western alumnus to the committee.

5) All deliberations of The Honorary Degree Committee will be confidential.

6) Recommendations of the Committee will be made to the President who will take the Committee’s and her/his recommendations to the Board of Regents for final decision.

Procedure B

Any Regent may nominate an individual for an award of an honorary degree during an open session of any meeting of the Board of Regents, provided appropriate notice is stated in the agenda.

Nominations made directly by a Regent during an open session of any meeting of the Board need not go through the Honorary Degree Committee process prior to final action by the Board and a comprehensive vita need not be prepared prior to final action by the Board.

A majority of a quorum of the Board may vote in open session to:

1. Approve the award of an honorary degree;

2. Send the matter to the Honorary Degree Committee for further review after preparation of a comprehensive vita; or

3. Deny an award of an honorary degree.
General Provisions

All action by the Board of Regents will be at the open session of the Board. Upon final action by the Board awarding an honorary degree, a biographical sketch will be developed and will become an integral part of the presentation ceremony. Honorary Degrees may be presented only at Commencement or other official or formal convocations of the University.


(Approved May 10, 2012)

WHEREAS, the Board of Regents of Western New Mexico University (the “Board”) met in regular session at the Student Memorial Building on the WNMU campus on May 10, 2012 at 1:30 p.m. as required by law; and

WHEREAS, Section 10-15-1(B) of the Open Meetings Act (NMSA 1978, Sections 10-15-1 to 10-15-4) states that, except as may be otherwise provided in the Constitution or the provisions of the Open Meetings Act, all meetings of a quorum of members of any board, council, commission, administrative adjudicatory body or other policymaking body of any state or local public agency held for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of such body, are declared to be public meetings open to the public at all times; and

WHEREAS, any meetings subject to the Open Meetings Act at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs shall be held only after reasonable notice to the public; and

WHEREAS, Section 10-15-1(D) of the Open Meetings Act requires the Board to determine annually what constitutes reasonable notice of its public meetings; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF REGENTS OF WESTERN NEW MEXICO UNIVERSITY:

A. Time and Place of Meetings.

1. All meetings shall be held as indicated in the meeting notice, unless the meeting is changed pursuant the provisions of the Open Meetings Act.

B. Notice to the Public Concerning Meetings

2. Regular Meetings - Unless otherwise specified, regular meetings shall be held each quarter at a WNMU campus, one in January, February or March; one in April, May, or June; one in July, August or September; and one in October, November or December. The notice of regular meetings shall be given five (5) calendar days in advance of the meeting date by the Office of the President. The notice of regular meetings shall specify the date, time and place of the meeting and shall provide information on how members of the public may obtain a copy of the agenda. The agenda shall be available to the public at least 24 hours before any regular meeting.
3. For the purposes of regular meetings described in paragraph 2 of this resolution, notice requirements are met if the notice is placed in a newspaper of general circulation in Grant County, posted on the bulletin board located in the administration building (Castorena Hall) or Thomas B. McDonald Student Memorial Building, furnished to any person requesting such notice and published on the University’s web-site. Copies of the written notice shall also be mailed to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation, which have made a written request for notice of public meetings.

4. Special Meetings - Special meetings may be called by the Chair or a majority of the members of the Board upon three (3) calendar days notice. The notice shall include the date, time, and place of the special meeting and shall provide information on how members of the public may obtain a copy of the agenda. The agenda shall be available to the public at least 24 hours before any special meeting.

5. For the purposes of special meetings described in paragraph 4 of this resolution, notice requirements are met if the notice of the date, time and place of the special meeting is provided by telephone to a newspaper of general circulation in Grant County, posted on the bulletin board located in the administration building (Castorena Hall), furnished to any person requesting such notice, and published on the University’s web-site. Telephone notice shall also be given to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings.

6. Emergency Meetings - Emergency meetings may be called only under unforeseen circumstances which demand immediate action to protect the health, safety and property of citizens or to protect the public body from substantial financial loss. The Board shall avoid emergency meetings whenever possible. Emergency meetings may be called by the Chairman or a majority of the members of the Board upon twenty-four hours notice, unless threat of personal injury or property damage requires less notice. The notice for all emergency meetings shall include the date, time, place, and agenda for the meeting.

7. For the purposes of emergency meetings described in paragraph 6 of this resolution, notice requirements are met if notice of the date, time, place and agenda of the emergency meeting is provided by telephone to a newspaper of general circulation in Grant County and posted on the bulletin board located in the administration building (Castorena Hall). Telephone notice shall also be given to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings.

8. In addition to the information specified above, all notices shall include the following language:

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Office of the President at 1000 College Avenue, Silver City, New Mexico, 575-538-6238, at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Office of the President at 1000 College Avenue, Silver City,
New Mexico, 575-538-6238, if a summary or other type of accessible format is needed.

9. The Chair or a majority of a quorum of the Board may close a meeting to the public only if the subject matter of such discussion or action is exempted from the open meeting requirement under Section 10-15-1(H) of the Open Meetings Act.

(a) If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the Board taken during the open meeting. The authority for the closed meeting and the subjects to be discussed shall be stated with reasonable specificity in the motion to close and the vote of each individual member on the motion to close shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in the closed meeting.

(b) If the decision to hold a closed meeting is made when the Board is not in an open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances, stating the specific provision of law authorizing the closed meeting and the subjects to be discussed with reasonable specificity, is given to the members and to the general public.

(c) Following completion of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state whether the matters discussed in the closed meeting were limited only to those specified in the motion or notice for closure.

(d) Except as provided in Section 10-15-1 (H) of the Open Meetings Act, any action taken as a result of discussions in a closed meeting shall be made by vote of the Board in an open public meeting.

10. Telephonic Participation in Board Meetings by Regents. One or more Regents may participate in any meeting, including regular, special or emergency meetings, by means of a conference telephone or other similar communications equipment when it is otherwise difficult or impossible for the Regent(s) to attend the meeting in person, provided each Regent participating by conference telephone or similar communications equipment can be identified when speaking, all participants are able to hear each other at the same time and members of the public attending the meeting are able to hear any Regent who speaks during the meeting.

11. The Board will review and determine, at least annually, what notice for a public meeting is reasonable.

II.11. Agenda for Meetings

The President of WNMU is responsible for preparation of a draft agenda for Board of Regents meetings. The President of WNMU, after consultation with the Board Chair and the other Regents, shall have the Office of the President produce copies of the agenda for the Regents and the President of WNMU. The Executive Assistant to the President/Board will make the agenda available to those requesting it at least 24 hours prior to a regular or special meeting of the Board.
Persons or groups that want to place an item on the agenda of a Board of Regents meeting are required to submit a letter to that effect to the Chair of the Board, through the President of WNMU, not less than ten (10) calendar days prior to a regular.

In addition, the person or group shall submit the following information with the letter:

a. the item the person or group wants to place on the agenda;
b. a summary of the intended statement;
c. the specific action requested from the Board of Regents;
d. the name of the person(s) designated to speak;
e. the approximate length of the presentation.

Final decisions to grant or deny requests by members of the public to place an item on the agenda will be rendered by the Chair of the Board, after consultation with the President of WNMU.

The Chair of the Board or any Regent may request or allow other persons present at a meeting to address the Board, both on topics already on the agenda and on topics introduced initially at the meeting or in the Regents’ Information Session. However, no assurance can be given that the Board will provide any person or group such an opportunity.

The written agenda will normally be followed. Except for emergency matters, the Board shall take action only on items appearing on the agenda.

II.12. Minutes of Meetings

Minutes of all open meetings will be kept and are open to public inspection. The minutes will include as a minimum the date, time and place of the meeting, the names of members present and absent, the substance of all proposals considered, and record of any decisions and votes taken which show how each member voted. Draft minutes will be prepared by the Office of the President within ten (10) working days of the meeting. Minutes will become official only after approval at the next meeting at which a quorum of the members of the Board are present.

II.13. Regents Information Session

The Regents Information Session, which was formulated to enhance the relations of the University and the public, will consist of a 15-minute period of time following completion of the Board’s formal agenda at regular meetings. During this period, individuals may address the Board concerning matters not covered in the agenda, concerning Western New Mexico University and of interest to the Board, excluding grievances and personnel matters for which procedural guidelines have been established. This session will consist of a 15-minute total period of time and each individual presentation will be limited to three minutes. No assurance can be given that every person who would like to address the Board will be able to do so, given the time available. The Board will have the prerogative of responding to items presented.

II.14. Conflict of Interest Policy  (Adopted March 1, 1991)

No Regent shall have any direct or indirect financial interest in any contract for building or improving any of WNMU or for the furnishing of supplies or services to WNMU, except as
permitted pursuant to the University Research Park Act or unless it complies with provisions of the Governmental Conduct Act and the Procurement Code.

Any conflict of interest or probable conflict of interest on the part of any Regent shall be disclosed to the other members of the Board and made a matter of record, either by an annual procedure or when the interest becomes a matter of Board action. Any Regent having a conflict of interest on any matter shall not vote or use his/her personal influence on the matter and shall not be counted in the quorum for the meeting. The minutes of the meeting shall reflect that disclosure was made and the abstention, for voting and quorum purposes.

The foregoing requirements shall not be construed to prevent the Regent from briefly stating his/her position on the matter nor asking appropriate questions of other Board members since his/her knowledge may be of assistance.

All Regents must file a Financial Disclosure Statement with the Ethics Administration of the NM Secretary of State.

II.15. Board of Regents Scholarships

With funds provided by the State for this purpose, scholarships are awarded in the name of the Board of Regents in conformance with applicable law.

II.16. Formulation of Policies (Approved 12-13-90)

Policies may be adopted after consideration at a meeting of the Board. The formal adoption of policies shall be recorded and noted in the minutes of the Board.

Policies are subject to amendment only by a majority vote of a quorum of the Board.

If a quorum of the Board votes to do so, the requirements of a policy may be waived at any meeting in order to permit a specific action.

II.17. Periodic Re-evaluation of Policies

The Board of Regents deems it highly important for University policies to be re-evaluated periodically. The purposes of such re-evaluation are at least two-fold: first, to remind both new and continuing members of the University community (including the Regents themselves) about policies currently in effect; and to afford the Regents convenient opportunities to modify policy when deemed desirable.

The Board shall set aside a part of one or more meetings, when deemed appropriate by the Board, for the purpose of discussion and/or re-evaluation of University policies.

II.18. Compensation

Regents are not remunerated for their services. Each member of the Board of Regents shall be reimbursed for travel and other expenses incurred in the discharge of official duties as provided in the Per Diem and Mileage Act (NMSA 1978 Sections 10-8-1 through 10-8-8) and in accordance with University policies.
II.19. Orientation of New Regents

When a new Regent is appointed to the Board, he or she will be briefed by the President of the University. The President will explain the overall organization of the University and provide appropriate information.
CHAPTER III
The President

III.1. The Office of the President

The President of the University is the Chief Executive Officer and is recognized by the Regents as the ranking officer of the University.

III.2. Appointment

The President of the University is appointed by and reports directly to the Board of Regents.

When the position of President becomes or is about to become vacant, the Regents conduct a search for qualified candidates for the Presidency. The Board is guided in this effort by ethical and affirmative action principles and procedures and may be aided by an advisory search committee which it appoints and/or outside consultation services. The Board has the sole responsibility for appointing a President of the University.

Presidential Search Committee Code of Ethics

As a member of the WNMU Presidential Search Committee, I agree to protect the integrity of every prospect and candidate and of the search process. Therefore, my signature attests to my agreement to adhere to the following principles:

• I certify that I will not be a candidate for the position. Any appearance of real or potential conflict of interest between me (or any member of my family) and a prospective candidate will be disclosed promptly and completely to the Chair of the Search Committee.

• Because it is the intention of the Board of Regents to obtain broad representation and diversity in the membership of the Committee, I will place the total interests of the University as a whole ahead of all other considerations. My primary focus will be the Committee’s charge to attract, review, screen and refer the best qualified candidates to meet the Board of Regents goals. I understand that the Search Committee must work together to achieve this goal and I will strive to help the group resolve differences of opinion in a constructive and professional manner.

• Only the Chair of the Search Committee, who is also the Chair of the Board of Regents, or his designee, is authorized to speak to the media or the Presidential Search Firm, Academic Search, Inc., on behalf of the Committee regarding the search.

• Specifically, I will adhere to the following code of responsibility, accuracy, confidentiality, and integrity:

  a. I pledge to respect the absolute confidentiality of all prospective candidates. I will not reveal to anyone, the names of, or any information about, any candidate before or after the Committee completes its work. I understand that the names of finalists will be made public by the Board of Regents as required by state law.

  b. I will avoid permitting personal interest to distort or misrepresent the facts in all written communications and/or discussions.

  c. I will be fair and unbiased and I will guard against inaccuracies, carelessness, and distortion made through either undue emphasis or omission of information.
d. I will diligently review all relevant materials prior to group discussions.

e. I understand I serve at the pleasure of the Board of Regents.

Name ___________________________ Date ___________________________

III.3. Relationship Between the President and the Board of Regents

The functions of the Board are regarded as essentially lay in nature rather than professional. Its primary responsibility is to establish policy for the University and then hold the President of the University responsible for seeing that approved policy is implemented throughout the institution.

The Board of Regents is well aware of the critical relationship and necessary interdependence between policy-making and administration at the University and has by its resolutions and actions established what it deems to be a proper balance between these two functions.

III.4. Responsibilities

All decisions and actions of the President must be in accordance with general policies approved by the Board of Regents and are subject to the right of the Board to intervene. This right is rarely exercised, however, for both philosophical and practical reasons. The magnitude and complexity of the operation of the University make it neither wise nor feasible for the Regents to intervene in decisions of management, except in the most unusual circumstances.

Under the general authority granted to the President of the University by the Regents by these policies, the President has duties and responsibilities including but not limited to:

1. the administration of Board policies regulating institutional mission, goals and objectives, instructional program, research, public service, financial affairs, student affairs and physical facilities;

2. the direction of current and long-range planning relating to his or her institutional responsibilities;

3. the development and maintenance of an appropriate administrative organization and governance structure to facilitate the most efficient and effective utilization of institutional resources in the achievement of the institution’s mission and goals;

4. the development and maintenance of a personnel system concerned with the recruitment, selection, assignment, supervision, evaluation, promotion, and retention or tenure of all personnel employed by the institution;

5. the planning and development of the means for securing and maintaining the resources necessary for the achievement of the institution’s mission at the highest possible level of quality, including the presentation to appropriate funding agencies of the needs of the institution;
6. the preparation and presentation of the annual operating and capital budgets and the institutional allocation and supervision of all appropriated and other funds;

7. the development and maintenance of the facilities, materials, equipment, and services necessary for the support of institutional functions;

8. the communication of the policies and views of the Board to the institutional community and other constituencies and, conversely, communication of the views of the University’s constituencies on appropriate issues to the Board;

9. the presentation of information to the Board about the current and prospective condition of the institution, including its goals, accomplishments, and potential problems;

10. the representation of the University to relevant external constituencies;

11. the development and maintenance of academic programs to achieve the institution’s missions and goals;

12. the termination of his or her association with the institution in a professional manner that does not unnecessarily discredit or damage public confidence in the Board or the institution; and

13. re-delegating authority as deemed necessary.

III.5. Terms and Conditions of Employment

A. The appointment status, academic rank, tenure status, term of office, compensation, prerequisites of office duties, extent of services, working facilities, expenses, vacations, and other appropriate conditions of employment, shall be set forth in an Employment Agreement, which shall be dated and signed by the President and the Chair of the Board of Regents.

B. Termination of the President for Just Cause. The following procedures shall be used in the event that a majority of the members of the Board determine that there may be reason to terminate the President for just cause. The term “just cause” shall mean a breach or violation by the President of any of the terms or provisions of this Employment Agreement, and shall also encompass its normally understood meaning in employment contracts, including as examples, dishonesty, willful misconduct, the refusal or unwillingness to perform the duties and responsibilities of the office of the President in good faith or to the best of one’s ability, insubordination, prolonged absence from duty without the consent of the Regents, any conduct that involves moral turpitude or that would tend to bring serious public disrepute upon the University or any violation of New Mexico or federal law or violation of University policy.

1. Confidentiality. The University and the President agree that serious harm could be caused to the University by public hearings related to the termination of the President for just cause. As a result, the parties agree that any meetings or hearings regarding the President’s termination for just cause shall be held in closed sessions of the Board, and agree to maintain the confidentiality of these proceedings to the extent possible under the law. The President expressly waives any statutory right he may have to an open hearing regarding her termination for just cause.
2. **Pre-Termination Process.**

   a. If a majority of the Board believes that there may be reason to terminate the President for just cause, the Chairman of the Board shall provide written notice to the President of the bases for such termination. At his option, the Chairman may place the President on paid administrative leave immediately upon delivery of the written notice.

   b. A closed meeting of the Board shall be held no less than seven (7) days and no more than fourteen (14) days from delivery of the written notice for the purpose of providing an opportunity for the President to respond to the bases for termination and for the Board to deliberate regarding the termination. The President may be accompanied at this meeting by a representative of the President’s choice to provide advice to the President. However, such representative may not participate in the meeting.

   c. At the President’s option, the President may respond to the bases for termination in writing, such document to be delivered to the Chairman of the Board no later than seven (7) days from delivery of the written notice.

   d. If, after the Board considers the President’s response to the bases for termination, the Board determines that there is no basis to terminate the President for cause, no further action need be taken by the Board, or the Board may initiate the procedure to terminate the President’s employment at the request of the Board. If the Board determines that there is a basis to terminate the President for cause, such vote of the Board must be taken at an open, public meeting of the Board.

3. **Post-Termination Process.**

   e. The President may appeal his termination for cause by providing written notice of appeal to the Chairman of the Board no later than ten (10) days after the vote of the Board terminating the President’s employment.

   f. No more than sixty (60) days after receipt of the President’s appeal, the Board shall hold a post-termination hearing in closed session. This deadline may be extended by agreement of the parties or by the Chairman of the Board if he determines that extenuating circumstances exist to require such an extension.

   g. The Chairman of the Board shall preside over the hearing. The Board shall be represented by University counsel, who shall present the bases for termination and evidence to support those bases. The President may be represented by counsel, may present and cross-examine witnesses, and may submit documents for the consideration of the Board. The Chairman shall establish procedural rules for the hearing as necessary. The Rules of Evidence shall not apply; however, the Chairman of the Board shall have the right to exclude any evidence that the Chairman determines is irrelevant or unnecessarily duplicative.

   h. At the conclusion of the hearing, the Board shall consider whether sufficient bases existed to terminate the President for cause. Such vote shall be taken at an open public meeting of the Board. If the Board determines that the termination for cause was justified, this decision shall be final and subject to no further administrative review or appeal. If the Board determines that termination of the President for cause was not
justified, the University shall pay to the President the severance described in his Employment Agreement, if any.

III.6. **Place in the University Organization**

THE PRESIDENT REPORTS DIRECTLY TO THE REGENTS. Other individuals and groups within the University, may approach the Board of Regents officially on University business only through the President or in accordance with the procedures contained in this MANUAL. The President may reorganize the structure of the University, subject to the approval of the Board.

III.7. **Absences**

The President shall establish an order of precedence within his or her Administration which will specify the order in which the University officers will assume temporary responsibility for his/her duties in his/her absence.

III.8. **Evaluation of the President** - (Revised May 10, 2001)

The Board of Regents may conduct an annual written evaluation of the President each year, using the responsibilities listed under item III. 4 and the criteria provided below. The Board wishes to emphasize that the evaluation process should be reviewed as a constructive tool to assist with the growth of the Chief Executive Officer and the University as a whole.

1. **Leadership**:
   a. Sensitivity and perceptiveness in working with people
   b. Recognition of staff accomplishments
   c. Interest and concern for helping those in need
   d. Project a clear vision of the university
   e. Inspire a desire for excellence
   f. Encourage and listen to divergent viewpoints
   g. Stimulate the staff to work effectively and cooperatively
   h. Decisiveness
   i. Ability to deal with State Legislature

2. **Staff Development**:
   a. Recruitment of competent staff
   b. Delegation of responsibility in a clear understandable fashion
   c. Provide opportunities for staff professional growth
d. Fair and equitable treatment of staff

3. Planning and Organization:
   a. Develops goals and objectives related to the organizational long-range plan that
      are realistic within the confines of the budget
   b. Develops the proper structure to meet the program needs of the organization
   c. Develops new programs for the university to be of service to its constituency
   d. Objectively evaluates the programs of the university

4. Knowledge of Fiscal Management and Budgeting:
   a. Considers the total university in building the budget
   b. Phases out unnecessary programs
   c. Does not exceed budget

5. Other Considerations:
   a. Good speaking and writing skills
   b. Drive and energy
   c. Dependability
   d. Integrity
   e. Positive attitude
   f. Involvement in the community
   g. Ability to deal with the media in a positive manner

III.9 President’s Spouse or Domestic Partner Travel

The President’s Spouse or Domestic Partner is often an important contributor to the life and
reputation of the University. In that regard, it is in the interest of the University for the
President’s Spouse or Domestic Partner to travel with the President on some occasions.

The President’s Spouse or Domestic Partner may be reimbursed for travel expenses pursuant to
the University’s Travel Policy for those trips authorized by the Chair of the Board or his or her
designee. For the purposes of the Travel Policy, the President’s Spouse or Domestic Partner shall
be considered a non-salaried public officer whose “supervisor” is the Chair of the Board, or his or
her designee.
CHAPTER IV

The Faculty

IV.1. Role

The Board of Regents fully appreciates the role of the Faculty in carrying out the stated objectives of teaching/learning, research, and public service. The Board therefore delegates to the Faculty, in cooperation with the Administration and subject to review by the Board, responsibility for policies and actions of a specifically academic character such as curricular changes in existing degree programs, degree and graduation requirements, candidates for degrees, and matters pertaining to the immediate academic governance of all undergraduate and graduate units. Included in the areas in which formal approval by the Board is required, following review and action by the Faculty, Administration, and other sources, are: formulation and revision of institutional aims, creation or abolition of degree programs or of majors; candidates for degrees; requirements for admission of students; granting tenure; policies for appointment, promotion in rank, and dismissal of faculty members; policies governing leaves for faculty members, and faculty welfare issues as those related directly to fiscal and institutional issues.

The Regents cannot ignore the responsibility for management and control vested in them by the Constitution and laws of the State of New Mexico. Thus, they reserve unto themselves the right to consider and determine, if deemed necessary, any matter relating to the University. However, the Regents will ordinarily not interfere with actions of the Administration, the Faculty or Student Government.

IV.2. Appointment

Each year the Board of Regents authorizes the President and his or her designees to negotiate contracts with new and continuing faculty members and administrators, for services to be rendered. Authorization to negotiate contracts is given with clear understanding that all procedures leading to proposed contractual agreements will be in accord with applicable law and the policies of the Regents.

IV.3. Duties and Responsibilities of the Faculty

All faculty members are expected to be directly involved in the main objectives of the institution: teaching/learning, research, and public service. The extent to which any faculty member is involved in sponsored research or any appreciable amount of public service as a part of his/her assigned duties depends upon what additional and specially earmarked funds are made available to the University to support these activities.

Faculty members are also encouraged to engage in some form of scholarly research or creative activity over and above their teaching responsibilities. With prior administrative approval, such research or creative activity, along with sponsored research and public service supported by outside agencies, may be counted as part of a faculty member’s total academic load, thereby reducing the required teaching load in order to allow time for these other activities.
The principal duties and responsibilities of WNMU faculty members are listed below:

1. **TEACHING** - (in classrooms, seminars and laboratories) The teaching function includes (a) keeping up with the latest developments in the subject field being taught; (b) designing new courses and revising old ones; (c) preparing lectures and demonstrations; (d) giving lectures and demonstrations and leading discussions; (e) designing, giving, and evaluating results of tests and examinations and other written assignments; (f) keeping office hours for consultation with students and others; and (g) evaluating student performances and assigning grades to be entered on permanent records.

2. **UNSPONSORED RESEARCH** - Research not supported by outside agencies.

3. **SPONSORED RESEARCH AND PUBLIC SERVICE**. As indicated above, these activities are carried on when special funds are made available to support them.

4. **FACULTY COMMITTEE WORK/FACULTY SENATE SERVICE**

5. **ACADEMIC ADVISING**

6. **OTHER CAMPUS AND COMMUNITY RESPONSIBILITIES** - Statutes applicable to the University state that the Board of Regents shall have full and complete power and control over the University, but may delegate authority or functions to others within the University, as deemed appropriate, for the efficient functioning of the University.
   
   Subject to law, these policies and other actions by the Regents, the Regents delegate this power to the Faculty which, as by custom and practice, have been given general responsibility for the teaching function, which includes designing degree programs, choosing and developing courses, and selecting textbooks.

**IV.4. Academic Load**

The term “academic load” encompasses all officially recognized University duties carried out by an individual member of the Faculty at any given time. Teaching in regularly scheduled classes is basic, of course, but overall load may also include scholarly or sponsored research, creative work, committee assignments, student advisement, direction of thesis, and administrative or supervisory duties. Policies regarding academic load for faculty will be developed by the Vice President of Academic Affairs, in consultation with the faculty and the President.

**IV.5. Policy on Class Size** (Adopted November 16, 1990; Revised 1999)

Consistent with its stated mission, the University shall conduct classes of a numerical size and nature to meet the needs of the student body in its rural service area. Policies regarding class size will be developed by the Vice President of Academic Affairs, in consultation with the faculty and the President.

**IV.6. Promotion in Rank**

It is the policy of the University to promote faculty members to higher academic ranks when they qualify, in accordance with policies for promotion in the Faculty Handbook.
IV.7. **Tenure**
Tenure is granted to faculty members in accordance with policies within the Faculty Handbook.

IV.8. **Dates of Campus Duty**

Except for authorized holidays, vacations, or other recesses listed in the academic calendar or otherwise announced, it is the obligation of each faculty member to perform all assigned duties and commitments within the period designated by the beginning and ending dates of service in a particular contract period. There is no minimum number of hours of service to the University required of faculty members, but fulfilling their obligations to the University generally results in a work week of at least forty clock hours for each faculty member. Each faculty member is expected to be available for campus duty during the period specified by the individual contract.

IV.9. **Employment and Advanced Degrees**

1. Faculty Members - No faculty member may be awarded an advanced degree by the University in the same discipline or program in which he or she is employed. Faculty members are encouraged, however, to take courses outside their own disciplines, whether or not toward a degree. (See Faculty Handbook for further details.)

2. Graduate Students - A graduate student working toward an advanced degree at WNMU may, in accordance with applicable policy, be appointed as a teaching assistant in the area of his or her major or, with appropriate approval, in an area other than the major.

IV.10. **Graduate Student Academic Staff**

The terms and conditions of every appointment to a graduate or teaching assistantship will be stated in writing, and a copy of the appointment document will be supplied to the graduate or teaching assistant.

IV.11. **Retirement**

Opportunity is provided for retirement under the provisions of the New Mexico Educational Retirement Act regulations.

IV.12. Western New Mexico University
Incentive Retirement Plan
(Adopted March 1, 1990)

I. **Policy Statement:**

The Board of Regents of Western New Mexico University (“WNMU”) hereby determines that it is in the best interests of the WNMU to adopt a plan whereby tenured faculty members may negotiate for and take advantage of an appreciable and substantial monetary benefit in consideration for voluntary selection of early retirement and foregoing continuous tenure appointment at the conclusion of a special academic year.
A. The goals of such a program, which the Board of Regents deem to be of benefit to WNMU and its faculty, are:

1. to provide flexibility for tenured faculty members to consider new and alternative career opportunities.

2. to provide flexibility and avoid potential problems in staffing and associated costs for the academic programs of WNMU.

B. Now, therefore, the WNMU Administration is hereby authorized to publish the following as the WNMU Incentive Retirement Plan:

The voluntary WNMU Incentive Retirement Plan is a benefit program of WNMU which is available only to eligible tenured faculty as hereafter provided. This benefit program shall exist separate and apart from all other employee benefit programs provided by the Board of Regents Policies.

II. Eligibility:

A. Faculty members requesting benefits under the program must:

1. Reach age 60 to 69 on or before July 1 of the calendar year preceding the proposed date of incentive retirement.

2. Be employed under appointment with tenure, with ten or more years of continuous service at WNMU. Periods of approved leave or sabbatical shall not constitute an interruption of continuous service.

III. Process for Requesting Benefits:

A. To request benefits under the program, a faculty member must:

1. Provide a written request to his or her Departmental Chair. All requests shall be reviewed by the Vice President of Academic Affairs.

2. Final approval authority shall rest with the President, and the President shall possess the discretion to delay a request for incentive retirement if such action is deemed to be in the best interest of WNMU.

IV. Time Limits:

A. Eligible faculty members will have an opportunity to indicate their intention to participate in the WNMU Incentive Retirement Plan by submitting written request by October 15 of the academic year the faculty member intends to retire.

V. Incentive Retirement Plan:

A. Participants will receive a financial incentive in exchange for surrender of tenure and complete termination of employment, as specified in a written Incentive Retirement Contract, described below. Specific dollar settlement incentive amounts will be based on a percentage of the participant’s final base pay, calculated as of the year of participant’s election to participate in the WNMU Incentive Retirement Plan.
B. The amount of the incentive retirement payment shall be calculated as provided below:

<table>
<thead>
<tr>
<th>Age</th>
<th>Percentage</th>
<th>Normal Incentive Payout Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>60</td>
<td>100%</td>
<td>5 years (20% of base pay per year)</td>
</tr>
<tr>
<td>61</td>
<td>100%</td>
<td>4 years (25% of base pay per year)</td>
</tr>
<tr>
<td>62</td>
<td>100%</td>
<td>3 years (33.33% of base pay per year)</td>
</tr>
<tr>
<td>63</td>
<td>87.5%</td>
<td>3 years (29.16% of base pay per year)</td>
</tr>
<tr>
<td>64</td>
<td>75%</td>
<td>3 years (25% of base pay per year)</td>
</tr>
<tr>
<td>65</td>
<td>62.5%</td>
<td>2 years (31.25% of base pay per year)</td>
</tr>
<tr>
<td>66</td>
<td>50%</td>
<td>2 years (25% of base pay per year)</td>
</tr>
<tr>
<td>67</td>
<td>37.5%</td>
<td>1 payment</td>
</tr>
<tr>
<td>68</td>
<td>25%</td>
<td>1 payment</td>
</tr>
<tr>
<td>69</td>
<td>12.5%</td>
<td>1 payment</td>
</tr>
</tbody>
</table>

*On or before July 1 of each year preceding the academic year in which individual elects to participate in the program. No benefit shall be payable to an individual requesting to participate who has reached age 70 on or before July 1 of the year preceding the request.

C. Payment:

Payments under the WNMU Incentive Retirement Plan for participants will either (i) be made in a lump sum within thirty days of termination, or (ii) be made in equal monthly installments for the period specified above on normal faculty paydays, beginning thirty days from the effective date of termination; however, a modified written payment schedule that conforms to Section IX.A.6 of this WNMU Incentive Retirement Plan may be negotiated between the participant and WNMU.

D. Other Benefits:

A member eligible for full ERA retirement benefits at the time he or she becomes an early incentive retiree will no longer have deducted contributions for ERA from their incentive salary payments. WNMU shall assist in processing ERA retirement at the time of incentive retirement and termination.

In addition to the incentive retirement payment provided for above, a faculty member eligible for early incentive retirement shall be permitted to retain coverage and to participate in WNMU’s insurance programs under the same terms and conditions as are extended to all regularly retired faculty members.
VI. Negotiated Agreement:

Faculty members who are otherwise eligible for the program except for age may negotiate an individual agreement for incentive retirement when in the sole and exclusive discretion of the WNMU President, it is determined that such an arrangement is in the best interest of the individual and WNMU. The amount of incentive settlement, benefits, and payment schedule can be negotiated in such cases, but in no instance shall the incentive retirement payment exceed 100% of the prior year’s base pay.

VII. Delayed Participation:

A. Circumstances may exist under which it is not possible, practical, or in the best interest of WNMU for employment to be terminated in the next academic year. While the decision concerning incentive retirement settlement must be made in the established time frame, termination of employment may be delayed for up to one year in the discretion of the President.

B. In exceptional cases, the President may extend the termination of employment up to one additional year when such an extension is imperative to retain the scope and quality of the academic program involved. The President shall make a written determination justifying the circumstances warranting such additional delay.

C. The individual shall, in either case, be retained either full-time or part-time on a “Special Appointment” with a stated expiration date.

D. In cases in which termination is delayed by WNMU, the participant will receive the percentage incentive payment which would have been applicable had there been no delay, beginning thirty days from the effective date of termination upon the terms specified in the Incentive Retirement Contract. In cases in which delay of termination is requested by the participant, the incentive payment will be based on the age of the participant at the time of actual termination.

VIII. Other Benefits and Privileges:

A. Faculty members who elect to participate in the WNMU Incentive Retirement Plan shall be eligible to receive, in addition to the benefits of the program, all other applicable WNMU benefits and privileges continuing after retirement as are received by retired faculty who have not participated in the WNMU Incentive Retirement Plan.

IX. Form of Agreement:

A. Each Incentive Retirement Plan agreement will be reduced to writing in an Incentive Retirement Contract form which shall include the following.

1. Participant’s birth date.

2. Number of years on “Continuous Appointment” at WNMU.

3. Effective date of Incentive Retirement Contract.

4. Date of request for benefits and effective date of termination of Employment.
5. Statement of voluntary retirement, resignation, and waiver of tenure rights and claims which complies with the Older Workers Benefit Protection Act.

6. Amount of Incentive Retirement payment (or the terms of an objective, nondiscretionary formula for calculating the amount of Incentive Retirement payment) and payment schedule.

7. Other benefits or privileges to which the faculty member is entitled and condition for receipt of such benefits.

8. Terms of delayed participation if applicable.


10. Other applicable or negotiated terms and conditions of the Incentive Retirement Contract

B. An Incentive Retirement Contract becomes an irrevocable agreement upon acceptance by the Administration and approval of the President and after the expiration of seven (7) days from the date signed by the participant. An Incentive Retirement Contract supersedes any and all rights a participant may have under the terms of his or her contract, WNMU policy or any law or regulation, including tenure rights, and each individual who enters into an Incentive Retirement Contract waives any rights not specifically retained herein and agrees to release WNMU from any and all claims or liability other than for performance of the Incentive Retirement Contract, so long as such waiver and release comply with the Older Workers Benefit Protection Act.

C. Any amendment to an Incentive Retirement Contract shall comply with Section 409A of the Internal Revenue Code, as amended (“Section 409A”). Any agreement to accelerate or postpone payment under this WNMU Incentive Retirement Plan shall be consistent with Section 409A and the regulations promulgated thereunder.

D. Each individual who requests incentive retirement is encouraged to seek legal counsel for consultation with regard to the Incentive Retirement Contract.

E. Each individual who requests incentive retirement is encouraged to seek independent tax advice and shall have the opportunity to consult with his or her tax advisor. WNMU will not and does not provide any tax advice in connection with any Incentive Retirement Contract or this WNMU Incentive Retirement Plan.

X. Death of Participant:

A. In the event of the death of a participant, his or her beneficiaries shall receive the Incentive Retirement payments as provided under the terms of the Incentive Retirement Contract.

XI. Non-coercion:

A. No individual shall be coerced into participating in the WNMU Incentive Retirement Plan or have his or her employment terminated for the purpose of preventing him or her from becoming eligible to participate.
A. This Plan shall be interpreted and implemented in a non-discriminatory manner in accordance with the WNMU Affirmative Action Plan, the Age Discrimination in Employment Act (ADEA) and the Older Workers Benefit Protection Act, 29 USC & 621 et seq.

XII. Amendment of Plan.

Nothing in this WNMU Incentive Retirement Plan shall be construed to create a property right, legitimate expectation or entitlement of any faculty member to participate in the benefits of this WNMU Incentive Retirement Plan.

The Board of Regents shall review this Plan, when the Board deems appropriate, and reserves the right to amend, modify or terminate this program at any time subject to six months notification to eligible faculty members; all such amendments shall comply with section 409A. Such action shall not affect the benefits payable to faculty members who have executed Incentive Retirement Contracts as of the effective date of such change.

IV.13. Contracts

Each faculty member employed by the University, except those with temporary part-time status, is offered a written contract each year. When this contract is signed by the faculty member and the President or his/her designee, it is binding on both parties for the period of time indicated, unless terminated in accordance with provisions in the contract and applicable policies.

All contracts issued and establishing a relationship between a faculty member and the University shall make reference to and be considered to include all conditions of employment covered in the Regents Policy Manual and the Faculty Handbook.

IV.14. Faculty Contracts for Administrators

Administrators who report directly to the President or to the Provost/Vice-President for Academic Affairs are issued faculty or staff contracts, as appropriate, on initial appointment and thereafter for each fiscal or academic year. Upon initial appointment these administrators may be given tenure and rank by the President with consultation with the appropriate academic department. When administrators serve only under authority of and with the approval of the President, their appointments are not governed by any consideration of tenure and a codicil to this effect shall be included in their contracts. If administrators hold faculty rank and tenure, they have retreat rights to return to the faculty if the President or the Provost/Vice-President decides not to continue them in an administrative position.

a. ADMINISTRATORS TO BE ISSUED FACULTY CONTRACTS

The Vice-President for Academic Affairs and the academic department heads are ex-officio members of the faculty and are issued faculty contracts. In addition, a member of the faculty who is assigned to an administrative position and who reports directly to the President or to the Vice-President for Academic Affairs, will retain faculty rank and tenure and will continue to receive a faculty contract unless the faculty appointment is relinquished. It is expected, on occasion, that such administrators will continue some teaching duties, with an appropriate portion of salary to be paid by the academic department concerned. Faculty Handbook policies apply to each employee whose
appointment is confirmed by means of faculty contract.

b. ADMINISTRATORS TO BE ISSUED STAFF CONTRACTS OR FACULTY CONTRACTS, DEPENDING UPON DESCRIPTION OF THE POSITION

Administrative positions in the academic area are sometimes offered to those who may or may not have established a tie to a regular academic department.

Teaching duties required by the position are usually minimal or less than half-time. Such positions are confirmed by staff contracts and are governed by the Staff Handbook. If a regular academic department offers faculty rank, that part-time rank is shown as a secondary title on the staff contract. If an employee who is primarily a staff member, also holds faculty rank in an instructional department, ONLY those aspects of the employee’s appointment dealing with faculty status are governed by the Faculty Handbook.

Should such an appointee wish to assume a significant teaching commitment in a department, subject to the recommendation by the academic unit and approval by the senior administrator to whom the staff member reports, the possibility of a tenure track appointment and eventual tenure in the academic unit may be considered. At least half-time teaching would be required, and the usual Faculty Handbook criteria would be applied in judging qualifications. In this case, the appointment would require a faculty of the academic unit concerned. Such an appointment would be offered initially, and in even rarer cases, a tenured position at a senior rank would be offered, following the precedent of department heads or other senior academic administrators.

IV.15. Salary Increments

Salary increments shall not be given during the existing faculty contract. When faculty complete a terminal degree during a given contract period, the subsequent year’s contract may reflect an increased salary. Salary increments may be granted after evaluation of the credits or degree earned to determine if they relate to increased competence and value to the University. Such evaluation will be made and recommendations tendered to the President.

IV.16. Leave

Several different types of leave for full-time faculty members are authorized, including: sabbatical leave, military leave, sick leave, and maternity leave.

IV.17. Outside Professional Activities

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

1. Since the faculty member’s primary responsibility is to the University, all outside activity is considered secondary. Outside activities will be deemed excessive when, in the judgment of the head of department and the Vice-President for Academic Affairs, they are of an extent which interferes with the discharge of the faculty member’s full obligation to the University. An individual faculty member will usually consider himself or herself the best evaluator of how he or she is husbanding professional
energies. Nevertheless, the member is enjoined to consult with the head of the department whenever there might be any doubt as to whether the sum total of external obligations incurred could detract from the member’s ability to give adequate and continuing attention to primary University obligations. In any case, consultative assignments or other externally reimbursed professional activity shall not take the faculty member away from his/her teaching duties more than an average of one day per month during an academic year.

2. Outside professional activities shall not significantly conflict with classes, office hours, or other assigned duties and commitments. When outside activity does not involve absence from assigned duties and commitments, the faculty member is nevertheless responsible for keeping the head of department fully informed in writing about the nature and extent of any current outside professional commitments.

3. 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 nor official University stationary in connection with such work nor shall the faculty member solicit such employment through use of his or her University position.

4. The amount of earnings from outside activities is not a concern of the University. However, in order to avoid possible charges against the University of unfair competition, a faculty member should charge fees at least as great as would be charged by firms or individuals doing similar work, except when advice or services are given free in the public interest.

5. In undertaking outside employment, the faculty member shall not make use of the University facilities or personnel.

6. Great care should be taken to avoid a conflict of interest or appearance of conflict situation in carrying out any type of consultant or research activity.

7. When exceptions to this policy are necessary in the interest of the University, they must have the advance written approval of the Vice-President for Academic Affairs.

IV.18. Extra Compensation Paid by the University

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

1. recommendation for approval is given by the appropriate head of the department and approval by the appropriate budget officer;

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.
3. the work for extra compensation, when added to any outside professional activities, does not take the faculty member away from his/her teaching duties more than an average of one day per month during an academic year.

IV.19. Visiting Scholars

As a matter of academic tradition and courtesy, the University welcomes on its campus scholars from other universities who, because of sabbatical or research opportunities, wish to spend a period of time on campus and to have official affiliation take the form of lectureships or visiting professorships. Appointment procedures follow regular administrative channels.

IV.20. Termination of Employment

The provisions for both voluntary and involuntary termination of employment of faculty members are contained in the Faculty Handbook.

IV.21. Emeritus Status

Emeritus status may be granted as a mark of special recognition to retiring or retired faculty or administrators with the approval of the Board of Regents.
CHAPTER V

Staff Employees

V.1. Definitions

The term “Staff” refers to those persons employed by the University and holding positions other than teaching and who do not have a faculty rank. For definitions of the various staff classifications, please see the Staff Handbook.

V.2 Policies applying to Staff Only

Other policies relating to staff may be found in Chapter 1 of this Manual, the WNMU Staff Handbook and in the Collective Bargaining Agreement.

The Collective Bargaining Agreement applies only to those employees in the bargaining unit. As stated in Article 5 of the Collective Bargaining Agreement (Agreement), “If any University policy, regulation or directive is in specific conflict with any provision of the Agreement, the Agreement provision will control.”

For more general information, several of the key policies governing the employment, promotion, corrective discipline, transfer, and termination of employment of staff members are described briefly immediately below.

V.3. Qualifications for Hiring, Promotion, and Transfer

All hiring, promotion, and transfer of staff shall be based on training, experience, and past performance.

Current employees shall be given preference in selection for promotion or transfer over outside applicants provided their qualifications, ability, and past performance are substantially equal as determined by the University. Seniority shall be given substantial weight when two or more employees possess qualifications which are substantially equal, as determined by the University.

Recognizing the need to help support the economy of the State of New Mexico and reduce the exodus of citizens who find it necessary to leave the state to seek employment elsewhere, the University endorses the employment of New Mexico residents.

V.4. Staff Contracts for Administrators

Administrators who report directly to the President or to the Vice-President for Academic Affairs are issued faculty or staff contracts, as appropriate, on initial appointment and thereafter for each fiscal or academic year. When administrators serve only under authority of and with the approval of the President, their appointments are not governed by any consideration of tenure and a codicil to this effect shall be included in their contracts.

a. ADMINISTRATORS TO BE ISSUED STAFF CONTRACTS

Most administrators are appointed and confirmed by means of staff contract, and the Staff Handbook governs all such employment.
b. ADMINISTRATORS TO BE ISSUED STAFF CONTRACTS OR FACULTY CONTRACTS, DEPENDING UPON DESCRIPTION OF THE POSITION

Administrative positions in the academic area are sometimes offered to those who may or may not have established a tie to a regular academic department.

Teaching duties required by the position are usually minimal or less than half-time. Such positions are confirmed by staff contracts and are governed by the Staff Handbook. If a regular academic department offers faculty rank, that part-time rank is shown as a secondary title on the staff contract. If an employee who is primarily a staff member, also holds faculty rank in an instructional department, ONLY those aspects of the employee’s appointment dealing with faculty status are governed by the Faculty Handbook.

c. Faculty Contracts for Administrators are addressed in the Faculty section of the Manual, IV.14.

V.5. Management Rights

Management and control of the University are vested in the Regents. Inevitably some of the responsibilities of the Regents must be delegated, and so is much of their authority to govern the affairs of the institution subject to overall policies which they establish. As limited by the applicable law, these policies, and other actions of the Regents, the Board recognizes and approves the authority and responsibility of the University President and Administration in all matters relating to the operation of the University, including:

a. to hire, promote, transfer, assign, and retain employees in positions within the University;
b. to suspend, demote, discharge, or take other disciplinary action against employees for proper cause;
c. to lay off employees from duties because of lack of work or for other legitimate reasons;
d. to maintain the efficiency of the operations entrusted to the administration;
e. to determine the methods, means, and personnel by which such University operations are to be conducted; and
f. to take whatever action may be necessary to carry out the functions and mission of the University.

For those employees who are subject to the Collective Bargaining Agreement, Article 9 of the Collective Bargaining Agreement sets forth Management Rights.

V.6. Progressive Discipline

Progressive discipline, as a method of dealing with unsatisfactory performance or misconduct of employees, is designed to provide the employee with an opportunity to become aware of and to correct the misconduct or substandard performance and restore the employee as a productive member of the work force.

Any supervisor may take progressive discipline with an employee under his or her authority, consistent with departmental policies which may require higher level approval. Depending on the particular circumstances and/or severity of an employee’s misconduct or performance, any step or steps in the progressive disciplinary process may be skipped.
Termination of Employment

Staff employees may be terminated from University employment for any of the following reasons:

- Resignation
- Discharge
- Release
- Retirement
- Layoff
- Death

Details about each of these categories are given in the Staff Handbook.

Written employment contracts of coaches in intercollegiate athletics or professional staff members, which expressly cover more than a one-year period, shall not be terminated short of the period specified without the express consent of the Board of Regents.

Grievance Procedure

Staff employees not subject to the Collective Bargaining Agreement have access to grievance procedures as described in the Staff Handbook.

Staff employees subject to the Collective Bargaining Agreement have access to the grievance procedures as described in the Collective Bargaining Agreement.

Privileges and Benefits

Various kinds of privileges and benefits available to full time staff employees are described in the Staff Handbook and in the Collective Bargaining Agreement, for those employees who are subject to the Collective Bargaining Agreement.

Sabbatical Leave for Staff (Adopted May 11, 1984)

Western New Mexico University, realizing that it is in the best interest of the institution to upgrade the abilities, competencies and skills of its administrative staff, provides this opportunity for remunerated leave to its administrators.

This program is established to allow time for appropriate research, study, writing, and attendant travel; activity which is expected to benefit the university.

Eligibility: Persons applying for leave under this program will have been employed by the university in an administrative capacity (including other administrators who carry faculty rank) at the level of director or above for at least three years prior to the beginning of the leave period.

Time: Leaves must be so arranged that the office affected may function adequately in the administrator’s absence. Applications must be presented to the President of the University at least three months in advance of the beginning of the leave period.

The leave period may be from two months to nine months (an academic year) and will be negotiated upon the needs of the proposed study or project and the needs of the institution.
Salary: Full salary will be paid during the leave period for leaves of four months or less duration; for leaves longer than four months, two-thirds salary will be paid.

Review: Each proposal will be reviewed by the supervising vice president who, in turn, will recommend acceptance (with or without modification) to the President of the University. Final approval lies with the Board of Regents. Initially one leave will be projected within any university fiscal year and, in the case of multiple applications, merit of the proposal and ultimate value of the proposed activities to the institution will be the evaluator criteria.

Returning obligations: Any awardee is expected to remain in the employ of the university for at least one calendar year following the completion of the leave period. Failure to do so may obligate the person to refund fully the salary paid during the leave.

A report of leave activities shall be presented to the President and the Board of Regents. New insights, skills or abilities gained shall be shared, as appropriate, with colleagues.
CHAPTER VI

The Student Body

VI.1. General

The Board of Regents recognizes and approves the right and responsibility delegated to the students of the University to provide for their own self-government with authority in the affairs of students in accordance with applicable law, these policies (as amended and superseded from time to time), and other actions of the Board of Regents.

The Board of Regents ordinarily will not have actions which interfere with the rights and responsibilities delegated to the students, but the Board is required by Constitution and the laws of New Mexico to reserve, and the Board hereby does reserve, the power to prospectively modify the authority and responsibility delegated by the Board.

VI.2. Admission

The Board of Regents is, by law, responsible for setting and ensuring the enforcement of requirements for the admission of students to the University (See Sec.21-1-1 and 21-7-10, NMSA 1978). The Regents have delegated, to the Faculty, authority and responsibility to review and make recommendations in this regard.

Admission requirements must, at all times, be in accordance with applicable law, but they are not to be regarded as a contract between the student and the University. The University reserves the right to change any provisions or requirements at any time within the student’s term of residence.

In conformance with federal and state law, it is the policy of WNMU that no applicant for admission or student shall be discriminated against or harassed on the basis of race, color, religion, national origin, sex, age, ancestry, physical or mental disability, serious medical condition, spousal affiliation, sexual orientation, gender identity, veterans status or any other basis prohibited by applicable law. This policy applies to all aspects of the educational process, including admissions, recruitment, extracurricular activities, financial assistance, housing, counseling, guidance, course offerings and housing.

Current requirements for admission to the University of all categories of undergraduate students, including beginning freshmen, may be found in the current Western New Mexico University Catalogue. Current requirements for admission to the University for graduate students may also be found in the current WNMU Catalogue.

Additional requirements which govern admission to specific graduate and undergraduate programs may be obtained from the academic units in which these programs are offered.

VI.3. Rights and Responsibilities

All students enrolled at the University have the same rights and responsibilities as those of any other persons. It should be made clear, however, that all students, as well as faculty members and other employees of the University are subject to the guidelines and stipulations about conduct, found in the University Catalogue.
The Associated Students have the right to draft their own Constitution for Student Government, which must be approved by the Board of Regents. Amendments to such Constitution will also require final approval by the Board of Regents before becoming effective.

Most matters of misconduct are handled informally by the Vice President of Student Affairs, who has been given authority by the Board of Regents to deal with disciplinary matters. The Vice President of Student Affairs may, impose the following disciplinary measures as defined in the student Code of Conduct: censure, warning, disciplinary probation, suspension, expulsion and/or restitution. The Vice President of Student Affairs may suspend a student without a hearing for up to five (5) days when he or she is convinced that the student’s continued presence on campus endangers persons or property or threatens disruption of the academic process.

VI.4 Grievances

Students having grievances against other students, faculty members, or other employees of the University are to be provided the opportunity to file and pursue their grievances through well-defined channels.

VI.5. Student Identification

Students shall be assigned identification numbers, in compliance with applicable law.

VI.6. Access to Student Records (Revised May 10, 2001)

The University’s Policy on Student Education Records shall be kept under review by the university Administration to ensure that it meets applicable federal and state laws and is consistent with the University’s constitutional mandate.

Topics to be covered in this policy will include:
1. limitations on access to student records;
2. student’s right of access to his/her own records;
3. informing students of their rights;
4. location of student records;
5. records excluded from the definition “educational” or student records;
6. review policies and procedures; and
7. release policies and procedures for University employees and agents.

VI.7. Attendance at Classes

Students are normally expected to attend all meeting of classes in which they are enrolled for credit.

VI.8. Student Organizations

All student organizations are required to have an advisor selected from the University faculty or staff. Advisors are assigned to organizations that derive at least partial funding from an academic unit or from the general University budget. Student organizations using entirely self-generated funds and/or student government funds select advisors of their choice from the University faculty and staff.
All organizational events must receive prior approval of the advisor before any event may be held, organizational advisors are to be present at all events scheduled by the group including, but not restricted to, meetings, work sessions, rehearsals, activities, or performances.

When any student organization in the agency account has been inactive for two consecutive fiscal years, that organization’s account will be closed out and any balance will be transferred into the Grants and Aids account for student scholarships. The Fiscal Services Director will make every effort to locate existing clubs of a corresponding nature before such transfer of funds is made.
CHAPTER VII
INSTRUCTIONAL PROGRAMS

VII.1. ESTABLISHING NEW PROGRAMS OF STUDY
(Adopted July 10, 1992)
(Revised 1994, 1999)

The Board of Regents of Western New Mexico University supports and encourages the faculty, staff and administration to be constantly alert to societal changes that may result in the need for new programs of study. Such potential new programs must be researched in great detail in order that all aspects of implementing such a program are well understood and consistent with the University’s Mission.

The President, in consultation with the Vice-President for Academic Affairs, shall develop a policy for establishing new programs of study, consistent with any requirements imposed by the Higher Education Department and the following guidelines.

1. A Curriculum and Instruction Committee shall be formed, that will be responsible for reviewing and making recommendations concerning new programs of study.

2. The Curriculum and Instruction Committee will make its recommendations concerning new programs of study to the Vice President for Academic Affairs.

3. The Vice President for Academic Affairs will study all materials submitted and consider the recommendation of the Curriculum and Instruction Committee. He/She will then make a recommendation to the President regarding the program.

4. To be considered by the Board of Regents for the next academic year the recommendation must be received in the President’s Office on or before February 1.

5. The President will review the recommendations from the Curriculum and Instruction Committee and the Vice President for Academic Affairs and will transmit a final recommendation to the Board of Regents for final action. The President will also inform the Board of Regents of the recommendation made by the Curriculum and Instruction Committee.

VII.2. PROGRAM EVALUATION
(Adopted July 10, 1992)
(Revised 1994, 1999, 2011)

The Western New Mexico University Board of Regents supports institutional autonomy in matters of internal management. Extended to program review, this autonomy means that WNMU assumes primary responsibility for developing a procedure for the review of its programs within the framework specified in this policy.

The WNMU program review process should support comprehensive approach, in which all academic programs are evaluated on a regular basis. Campus-wide program evaluation shall be conducted to provide faculty, staff, administration and the Board of Regents with information about how well each program functions in relation to its objectives and the needs of the students, the University, region and state. An evaluation may provide justification for actions of the following kinds:

(1) Confirmation of the validity of the program.
(2) Reconsideration and possible redefinition of the program’s goals, purposes and objectives.
(3) Review and alteration of program content and structure.
(4) Reconsideration of priorities and allocation of resources and personnel for the program to include dissolution of the program.

Each program of the University shall be evaluated at least once every five years or more frequently as mandated by appropriate agencies. National, regional or discipline-specific accreditation reviews may substitute for institutional program reviews at the discretion of the Vice President for Academic Affairs. In addition, the VPAA may require review of a program whenever a serious concern is identified regardless of the five-year cycle date.

Although formal review may occur only once every five years, data collection should be ongoing in order to monitor and evaluate each program’s effectiveness on a continuous basis.

The program review process is divided into four stages: (1) the self-study by the department/discipline; (2) an internal university evaluation by the Graduate Council and/or the Curriculum and Instruction Committee, (3) an internal review by the Vice President for Academic Affairs; and (4) review by the Board of Regents.

The final Self-Study Report must include an overview of the department and discipline; responses to the program review criteria; and assessment of strengths, areas of concern, recommendations for action, and five-year goals for the program; basic program data for each criterion; and other pertinent financial or programmatic data.

The program review utilizes seven criteria to evaluate academic programs with the exception of programs in the School of Applied Technology and shall provide descriptive as well as factual information about the program and its department. Measures and patterns of evidence to satisfy the criterion below and to guide the self study process will be developed by the Office of Academic Affairs in conjunction with the Academic Council. The seven criteria are:

(a) program centrality — establishes the degree to which a program is congruent with the mission of the institution.

(b) the program curriculum and its structure — demonstrates cumulative development of knowledge within the discipline.

(c) the resources provided to the program — includes department level financial support services and the human resources of faculty and staff; assesses resources in terms of adequacy and quality.

(d) the productivity and efficiency of the program — such standards are closely linked to the discipline, methods and levels of instruction, elective courses offered, and service courses provided for general education. Different standards will be appropriate for different programs.

(e) the quality and effectiveness of the program in reaching its objectives — while quality of resources allocated to the program may be addressed under this criterion, outcomes measures such as quality and placement of graduates, student performance as indicated by competitions and assessments, appropriate faculty contributions to their disciplines, and external evaluations by consultants have an essential role to play.
(f) societal demand and need for the program — appropriate measures here will include current student demand for the program, employer demand and career opportunities, societal need for the program, and related measures.

(g) duplication for the program within the state of New Mexico — appropriately addressed when new programs or extensions of existing programs are being proposed.

In the School of Applied Technology, successful industry certification will serve in lieu of the criteria (a), (b), and (e). The information required for these portions of a program review is contained in the application for certification. Applied Tech will address the remaining portions of the program review as specified in the program review outline.

The self-study or program review report should be reviewed/discussed with all department faculty before it is submitted to the Graduate Council and/or Curriculum and Instruction Committee and the VPAA.

The President will review the recommendations of all parties and will make his/her recommendation to the Board of Regents. She/he will also inform the Board of Regents of the recommendations of the Curriculum and Instruction Committee or the Graduate Council.

As necessary, the procedures for program review will be reviewed and modified by the VPAA in conjunction with the Curriculum and Instruction Committee and the Graduate Council. Notification of any such changes will be provided to the Board of Regents.

VII. 3. TEACHER EDUCATION
(Adopted July 10, 1992)
(Revised February 6, 1992)

Teacher preparation has long been a vital element of programming at Western New Mexico University. From the days as a normal school and teacher’s college the institution has grown into a comprehensive regional university which continues to pay tribute to its historical roots in teacher education.

Improvement of teacher education is a continuing challenge and one that must be sustained into the future. Current innovations in the teacher education program are enhancing the performance of teachers we graduate while preparing the way for future improvements.

Western New Mexico University is committed to developing initiatives that carry out the pursuits of academic excellence in teacher education, strategies that reform and enhance the teaching profession, and reaffirming the traditional role of Western New Mexico University in the preparation of teachers for the state and region.

Through its teacher education program the University is committed to attracting large numbers of talented students, both majority and minority, into the field; emphasizing bilingual education as a strength; developing more innovative curricula; strengthening relationships with local and regional school districts; enhancing our role as the Center for Rural Teaching; developing new strategies to involve the entire university in teacher preparation as well as enhancing the institutional climate for teaching and learning; strengthening the use of the new technologies; creating new mechanisms for ensuring the quality of our graduates in teacher education; developing new ways of training teachers to work with disadvantaged youth; placing greater curricular emphasis upon teaching in multicultural settings and providing professional leadership to influence state policies affecting the field of teacher education.
To promote the continuous efficient, forward progress of students through the educational system of New Mexico, the Regents of Western New Mexico University endorse practices and matrices which facilitate the intrastate transfer of credit and support the development and implementation of a statewide articulation plan. WNMU will comply with any articulation requirements adopted by the NM Higher Education Department.
Chapter VIII
BUSINESS POLICIES

VIII.1. MUSEUM COPYRIGHT POLICY PERMISSION AND REPRODUCTION OF PHOTOGRAPHS OF MUSEUM OBJECTS/EXHIBITS  (Adopted February 12, 1993)

The WNMU Museum contains a significant collection of historical artifacts from New Mexico, including a large collection of Mimbres pottery. The President, in consultation with the Director of the Museum, shall develop a policy for protecting the copyright of the Museum’s objects and exhibits, subject to the following guidelines:

1. A credit line must appear with each image as follows: Courtesy of Western New Mexico University Museum. If the collection name or photographer name are furnished with the reproduction they must be included in the credit line.

2. Authors of publications in which reproduction of Museum related images appear must provide, without charge, two copies of the publication to the Museum. The makers of films and videos in which images of Museum objects appear must provide, without charge, two copies of these publications for the Museum.

3. Negatives of photographs produced by the Museum will be retained by the WNMU Museum and will be kept in the Museum’s files.

4. The Museum shall reserve the right to limit the number of copies and to restrict the use of reproduction of rare or valuable items.

5. The Museum shall not grant an exclusive privilege to a user and shall reserve the right to make the image(s) available to others.

VIII.2. PAYROLL DEDUCTION STATEMENT  
(Approved December 18, 1998; Revised May 10, 2001)

The Board of Regents of Western New Mexico University authorizes the University to participate in the Irrevocable Payroll Deduction Agreement to withhold income contributions of stated amounts in the agreement and to remit the withholding to the Educational Retirement Board.