

10-2 Board of Regents Manual: Part Two: University Governance by the Board

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1. General Responsibilities of Governance. The University is governed through a system of procedures and structures designed to provide for participation by, and/or consultation with, the entire University community in the development of institutional policies and procedures. It is the responsibility of the Board of Regents to adopt policy for the University. The president of the University has responsibility to implement policy thus adopted through appropriate officers of the University administration and through appropriate representative bodies of the various constituencies that comprise the University community. The president also has responsibility to recommend policies to the Board after consultation with the representatives of those constituencies affected by the policy. The development of policy is a responsibility shared by the administration of the University and the representatives of affected constituencies. The Board and the various constituencies comprising the University community may also initiate the development of policies. The purpose of the consultative process is to ensure participation by the internal constituencies of the University in the formation of policies and procedures that affect the academic, administrative, social and public service functions of the University as it seeks to fulfill its mission. [See AGP&P, 15-2.]

2. The President of the University.

- A. Employment of the President by the Board.** The Board employs the president of the University.
- B. Delegation of Authority by the Board to the President.** The president of the University is the chief executive officer of the University to whom the Board delegates the authority and responsibility for managing, supervising and controlling the University, except for such matters as the Board reserves to itself. The president and all other holders of University positions are subject to the rules and regulations issued by the Board and to operating budgets approved by the Board. The president or persons designated by the president are responsible for naming persons to fill positions at the University. The rules and regulations for managing, supervising and controlling the University include the *Regents Manual*, the *Faculty Handbook*, the *Professional Employees Handbook*, the *Support Employees Handbook* and such other rules and regulations as the Board may adopt or approve. The president may reorganize the structure of the University subject only to the right of the Board to review the reorganization if the Board deems it appropriate.

C. **Reporting by the President.** The president alone reports directly to the Board. Other individuals and groups within the University, except those responsible for internal auditing, may approach the Board officially on University business only through the president.

D. **Duties and Powers.** The role of the president of the University is one of creative leadership and therefore not to be described by a detailed list of specific duties. As the chief executive officer of the institution, the president is responsible to the Board for the functioning of the University administration and has the authority and responsibility necessary to direct the administration in carrying out the responsibility and authority delegated to the administration by these policies. All decisions and actions of the president are subject to the right of the Board to intervene. This right is rarely exercised. The magnitude and complexity of the operation of the University make it neither wise nor feasible for the regents to intervene in decisions and actions of the president and those to whom the president delegates responsibilities, except in the most unusual circumstances. Under the general authority granted to the president of the University by the Board, the president has duties and responsibilities including but not limited to:

- (1) Discharging primary responsibility for all the factors contributing to the quality of academic (teaching, research and public service) and support programs of the campus.
- (2) Maintaining general supervision of all relationships between students and the various levels of campus administration. Such supervision includes but is not limited to admissions, registration and records, academic progress and advising, counseling, housing, scholarships and financial aid, student activities and services, placement, international students and the evaluation and certification of academic credit from other institutions.
- (3) Directing financial management of the campus and its component parts in conformity with University management policies and practices. This function includes but is not limited to the preparation of budgets and legislative requests, assistance in legislative presentations, maintenance of financial records and accounts for activities of the campus, the receipt and expenditure of all campus funds, preparation of required financial reports and signing of contracts.
- (4) Directing personnel administration including employment and termination, wage determination, assigning and reassigning administrative duties and conditions of employment for faculty and other employees of the campus.
- (5) Directing operation and maintenance of the physical plant, purchase of supplies and equipment and the maintenance of appropriate inventories and records of real and personal property under the jurisdiction of the campus.

- (6) Overseeing fund raising, intercollegiate athletics, auxiliary enterprises and alumni activities.
- (7) Directing management of investments in accordance with the policies and procedures established by the Board.
- (8) Serving as the primary spokesperson for the University to news media, constituent groups, government agencies, etc.
- (9) Re-delegating authority as deemed necessary.

E. **Removal of the President of the University.** The relationship between the president of the University and the University is governed by the contract between them, and the president may be removed only as stated in the contract.

F. **Acting or Interim President.** In the event that a president of the University is unable to fulfill the duties of the office, the Board will appoint an acting president until the president is able to resume the duties. If the president is removed from office, resigns or retires, the Board will appoint an interim president to serve until a new president is selected.

3. **Advisory Search Committee for President of the University.** It is customary and generally expected under affirmative action policies for an advisory search committee to be appointed to aid the Board in identifying and attracting the most promising candidates to fill the position of president of the University.
4. **Board Approval of Handbooks.** The *Faculty Handbook*, the *Professional Employees Handbook*, the *Support Employees Handbook* and the delegations of the Board's authority contained in those handbooks shall be approved by the Board.
5. **Appointment and Promotion of Faculty.** [See *Faculty Handbook*, Part One (IV).] Final authority for all matters relating to faculty status is delegated by the Board to the president of the University, subject to review by the Board. A faculty member who is denied tenure, probationary retention, promotion or leave by the University president may obtain a hearing before the Board to appeal the president's decision. The hearing shall be based on the record made in the faculty evaluation process and no new evidence shall be taken. The University follows the provisions entitled "Faculty Selection and Evaluation" in the *Faculty Handbook*, as that handbook may from time to time be amended. Annually the Board authorizes the president of the University to negotiate contracts with new and continuing faculty.

6. Faculty Participation in University Governance.

- A. **Faculty Senate.** The Faculty Senate is the primary vehicle for faculty participation in University governance. The Board has adopted a policy on governance which subscribes to the principles outlined in the 1986 "Statement on Government of Colleges and Universities" jointly formulated by the Association of American Professors, the Association of American Colleges and the Association of Governing Boards of Universities and Colleges.
- B. **University Budgeting and Planning Committee.** Faculty involvement in planning and budget matters primarily manifests itself through participation in the University Budget and Planning Committee. With respect to faculty participation in budget matters, the Board subscribes to the principles outlined in the 1972 statement of the American Association of University Professors entitled "The Role of the Faculty in Budgetary and Salary Matters."
- C. **Evaluation of Administrators.** [See *Faculty Handbook*, Part Two (I, II, III).] Faculty participation in the evaluation (and retention) of academic administrators is accomplished through their representation on a committee for the evaluation of administrators. With respect to the selection and evaluation of administrators, the Board subscribes to the principles outlined in the 1981 "Statement of Faculty Participation in the Selection and Retention of Administrators" of the American Association of University Professors.

7. **Faculty Leave with Pay.** Any kind of faculty leave with pay other than holidays and vacations must be in accordance with policies and procedures established by the Board. [See NMSA 1978, § 21-1-23 (1971).] The Board approves policies and procedures for faculty leave with pay after receiving recommendations from the president of the University.

8. **Reviews by the Board of Grievance Decisions and Other Decisions Taken within the University.** A grievance is an allegation by a faculty member that there has been a violation or improper application of the *Faculty Handbook* or an allegation of improper, arbitrary or discriminatory application of law or of the University's rules or policies such as, for example, the University's policies and practices relating to terms and conditions of employment as stated in a contract. Formal grievance procedures are set forth in the *Faculty Handbook*. The Board delegates final authority to decide grievances to the president of the University, subject to the Board's review. Where the handbooks or other rules or regulations of the University allow appeal of a decision to the Board, review or ratification by the Board of decisions or actions taken by others within the University or a hearing before the Board, the Board's rules of procedure for the appeal, review, ratification or hearing are as follows, except as otherwise provided by law or this Manual.

- A. The Board's rules of procedure for appeals shall comply with the University's Open Meetings policy.

- B. The Board shall decide based on the written records of any previous hearings or evaluations regarding the action under review and on oral argument by the parties or their representatives to the Board. No witnesses may testify before the Board and no written evidence may be submitted. The Board may allow submission of written memoranda from the parties. The Board is not required to follow court procedure. If legal counsel is utilized by the Board in the course of the review or ratification, the Board shall be represented and advised by the University counsel unless such representation is ethically impermissible.
 - C. The Board may decide to affirm, reverse or modify the decision under review.
 - D. The decision of the Board shall be forwarded to the president of the University within fifteen (15) days of the completion of the hearing. The president of the Board shall forward the Board's decision to the parties.
 - E. Upon the request of either party, the president of the Board, prior to or after convening the Board to review the grievance, has the authority to request that appropriate individuals discontinue or postpone any action threatening irreparable harm pending final disposition of a review.
 - F. Written notice of the time and place of the hearing, a copy of these procedures, the records of all previous hearings and other records and documents deemed relevant by the president of the Board shall be provided to each party and to the other regents by the University president's office at least seventy-two (72) hours before the hearing.
- 9. Student Admissions, Fees and Scholarships.** The Legislature has expressly directed the Board to take the following actions after reviewing recommendations from the president of the University:
- A. Prescribes the terms and conditions on which students shall be admitted. [See NMSA 1978, § 21-1-1 (1997) and § 21-3-7 (1899), made applicable by § 21-3-30 (1927).]
 - B. Prescribes matriculation fees and tuition fees; grants free scholarships to New Mexico residents by waiving the matriculation fee or tuition and fees, or both and establishes athletic scholarships by waiving tuition and fees subject to statutory limits on the number of athletic scholarships and on the percentage of those that may be granted to out-of-state residents. [See NMSA 1978, §§ 21-1-2 (2000) through 21-1-4.1 (1991) and 21-1-6 (1993), made applicable by § 21-3-30 (1927).]
- 10. Student Self-Government.** The Board delegates to the students of the University the responsibility for their self-government, which shall be in accordance with applicable law and such rules and regulations as the Board issues.

- 11. Professional Services.** Upon recommendation of the president of the University, the Board approves the selection of legal counsel, architect and external auditor for the University and the consultant to the University on employee benefits.
- 12. Campus Police.** The Board has parking and traffic control on University property and may employ and assign duties of campus police officers. [See NMSA 1978, §§ 29-5-1 (1975) through 29-5-2 (1975).] The Board delegates these functions to the president of the University. Ordinarily, city and county ordinances do not apply to University property in the absence of joint powers agreements or other contractual arrangements. However, state criminal laws apply on University property.
- 13. Honorary Degrees and Medals.** Honorary degrees and medals are awarded upon approval by the Board after receiving recommendations from the appropriate University committees and groups.

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