

5-1 Constitutional Enabling Provisions

5-1-1 Purpose • 5-1-2 Article XII, Section 11 • 5-1-3 Article XII, Section 13

1. **Purpose.** The purpose of this document is to set forth verbatim those provisions of the constitution of New Mexico relating to the establishment and governance of Eastern New Mexico University.
2. **Article XII, Section 11.** The full text of Article XII, Section 11 "State educational institutions" of the constitution of New Mexico is:

"The university of New Mexico, at Albuquerque; the New Mexico State university, near Las Cruces, formerly known as New Mexico college of agriculture and mechanic Arts; the New Mexico highlands university, at Las Vegas, formerly known as New Mexico normal university; the western New Mexico university, at Silver city, formerly known as New Mexico western college and New Mexico normal school; the eastern New Mexico university, at Portales, formerly known as eastern New Mexico normal school; the New Mexico institute of mining and technology, at Socorro, formerly known as New Mexico school of mines; the New Mexico military institute, at Roswell, formerly known as New Mexico military institute; the New Mexico school for the visually handicapped, at Alamogordo, formerly known as New Mexico institute for the blind; the New Mexico school for the deaf, at Santa Fe, formerly known as New Mexico asylum for the deaf and dumb; the northern New Mexico state school, at El Rito, formerly known as Spanish-American school; are hereby confirmed as state educational institutions. All lands, together with the natural products thereof and the money proceeds of any of the lands and products, held in trust for the institutions, respectively, under their former names, and all properties heretofore granted to, or owned by, or which may hereafter be granted or conveyed to, the institutions respectively, under their former names, shall, in like manner as heretofore, be held in trust for, or owned by or be considered granted to, the institutions individually under their names as hereinabove adopted and confirmed. The appropriations made and which may hereafter be made to the state by the United States for agriculture and mechanical colleges and experiment stations in connection therewith shall be paid to the New Mexico state university, formerly known as New Mexico college of agriculture and mechanic arts. (As repealed and reenacted November 8, 1960; as amended November 3, 1964.)"

3. **Article XII, Section 13.** Portions of Article XII, Section 13 "Board of regents for educational institutions" of the constitution of New Mexico include:

"The legislature shall provide for the control and management of each of said institutions, except the university of New Mexico, by a board of regents for each institution, consisting of five members, four of whom shall be qualified electors of the state of New Mexico, one of whom shall be a member of the student body of the institution and no more than three of whom at the time of their appointment shall be members of the same political party; provided, however, that the student body member provision in this section shall not apply to the New Mexico school for the deaf, the New Mexico military institute, the northern

New Mexico state school or the New Mexico school for the visually handicapped, and for each of those four institutions all five members of the board of regents shall be qualified electors of the state of New Mexico. The Governor shall nominate and by and with the consent of the senate shall appoint the members of each board of regents for each of said institutions. The terms of said nonstudent members shall be for six years, provided that of the five first appointed the terms of two shall be for two years, the terms for two shall be for four years, and the term of one shall be for six years. Following the approval by the voters of this amendment and upon the first vacancy of a position held by a nonstudent member on each eligible institution's board of regents, the governor shall nominate and by and with the consent of the senate shall appoint a student member to serve a two-year term. The governor shall select, with the advice and consent of the senate, a student member from a list provided by the president of the institution. In making the list, the president of the institution shall give due consideration to the recommendations of the student body president of the institution."

"Members of the board shall not be removed except for incompetence, neglect of duty or malfeasance in office. Provided, however, no removal shall be made without notice of hearing and an opportunity to be heard having first been given such member. The supreme court of the state of New Mexico is hereby given exclusive original jurisdiction over proceedings to remove members of the board under such rules as it may promulgate, and its decision in connection with such matters shall be final. (As amended September 20, 1949, effective January 1, 1950, November 4, 1986, and November 8, 1994.)"

Amended version approved by University Policy Council September 19, 2005.
Approved by Board of Regents on November 17, 2005.