

Regents Policy:

**1.10 NMSU System Policies and Administrative Rules and Procedures**

- A. Policy Statements: Pursuant to the authority granted under the New Mexico Constitution and related statutes, the NMSU Board of Regents governs New Mexico State University and the New Mexico Department of Agriculture (collectively the “NMSU System”) through the adoption of policies. These policies provide direction relating to the mission and goals for the NMSU System, as well as delegate or reserve authority. The purpose of this policy is to establish a framework for the adoption of NMSU System policies and to authorize the development of enforceable administrative rules and procedures as may be necessary to achieve the goals and directives established by the Board of Regents.
1. Policy statements, once approved by the Board of Regents, shall be maintained in a document titled “Regents Policy Manual” (RPM) (formerly titled, the “NMSU Policy Manual”) which may take the form of an online website. All changes to the Regent’ Policy Manual, except as otherwise provided below, are effective only upon approval by the Board of Regents in open meeting. The Board of Regents policies shall apply to the entire NMSU system unless otherwise stated in the policy.
  2. The chancellor is authorized to adopt administrative rules and procedures as may be appropriate and necessary to implement the policies adopted by the Board of Regents, and to ensure efficient and effective organizational/transactional control. Those rules and procedures which have been formally adopted and approved by the Chancellor shall be maintained in a document entitled “Administrative Rules and Procedures” (ARP) which may take the form of an online website. The ARP shall apply throughout the NMSU system unless otherwise stated. The university shall include in the ARP a process that provides adequate opportunity for university stakeholders to provide comment regarding proposals to amend, repeal, or propose new policies or ARP provisions.
  3. Any proposal which involves the academic mission and matters of shared governance, as defined in Policy 1.05.70, shall be reviewed and approved by the Faculty Senate before submission to the chancellor for final approval. Any such proposal not approved by Faculty Senate shall become effective only upon approval from the Board of Regents.
  4. Provisions contained in the Regents Policy Manual and Administrative Rules and Procedures shall not create any type of contract, implied or otherwise, between the regents and its employees or any other individual or entity. Policies and the ARP may be amended or revoked at any time in accordance with this policy.
  5. A policy approved by the Board of Regents will become effective on the date of approval, or on such other date as reflected in the approved policy. In those instances where there is a compelling need for an immediate policy change, the chancellor may adopt and implement provisional policy, provided that the provisional policy is presented to the Board of Regents in open meeting as soon as practicable.
  6. Implementation of this policy requires the separation of general policy statements from the university’s operating rules and procedures which have until now been combined in the “NMSU Policy Manual.” In order to accomplish that separation, and for the period of transition, the current Policy Manual may be replicated in its entirety and this replica, in combination with those few Procedural Guidelines already promulgated outside the NMSU Policy Manual, shall be deemed to constitute the initial set of Administrative Rules and Procedures. The provisions in this initial, transitional ARP shall be deemed to be the governing rules and procedures of the NMSU system until such time as each provision is individually reviewed and conformed to the ARP format. At such time as a complete recompilation is achieved, this paragraph may be removed from the RPM without further approval.

- B. Policy Administrator: This policy is administered by the Office of the Chancellor.
- C. Scope and Effective Date: This policy will apply throughout the NMSU System, effective upon approval by the Board of Regents.

**REVISION HISTORY:**

Amendments recommended by Administrative Council 07.13.10; approved by Board of Regents 07.20.10.

Amendment recommended by Administrative Council 06.11.13; approved by Board of Regents 06.20.13.

Amendment recommended by University Administrative Council 10.13.15; approved by Board of Regents 10.21.15.

**CROSS REFERENCES:**

Policy 1.05.70, Shared Governance and the Role of Faculty Senate

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## Administrative Rule/Procedures:

### **1.10      RULE 1.10: Protocols for Adoption and Amendment of Regents Policies and Administrative Rules and Procedures of NMSU**

#### **PART 1:    INTRODUCTION**

The Administrative Rules and Procedures of NMSU are adopted pursuant to the authority granted in Regents Policy 1.10. This Rule establishes the protocols by which policies, rules and procedures which govern the operation of the NMSU system will be developed, reviewed and officially adopted. As used in the ARP, the term “rule” shall also refer to and include procedures. The Regents Policy Manual (RPM) and the Administrative Rules and Procedures of NMSU (ARP) may be viewed or downloaded from <http://manual.nmsu.edu/policies-and-procedures>.

The regulatory activities of the NMDA, undertaken in accordance with the State Rules Act, NMSA 1978, § 14-4-1 et seq., are outside the scope of this Rule.

Departmental or unit directives which relate only to internal unit operations are not subject to the development, review and approval requirements of Rule 1.10, and shall not govern the activities of any individual, department or unit external to that unit. Internal unit rules and procedures shall not violate nor be inconsistent with any provision of the RPM or the ARP.

#### **PART 2:    AUTHORITY TO INITIATE POLICY OR RULE PROPOSALS**

Any individual or NMSU entity may propose a new or revised policy or rule for consideration. This “Proposal Sponsor” is responsible for shepherding the proposal through the procedural steps as described in Part 6 of this Rule.

#### **PART 3:    POLICY OR RULE ADMINISTRATOR**

Each policy and each rule proposal must specify one NMSU department or unit to serve as the primary policy or rule administrator. The policy or rule administrator will be the unit most involved in implementation of the policy or rule, and typically will have the greatest subject matter expertise.

#### **PART 4:    SCOPE OF APPLICATION OF POLICY OR RULE**

Each policy and rule proposal shall specify the scope of its application. While most policies and rules will apply NMSU system-wide, some may have a more limited scope (e.g. community colleges only, NMSU-Las Cruces campus only).

#### **PART 5:    ROLE OF OFFICE OF UNIVERSITY GENERAL COUNSEL**

UGC will advise and assist Proposal Sponsors with initial proposal development and monitoring proposals through review and comment periods and the approval process. UGC is responsible for updating and maintaining the official RPM and the ARP, including making these records available on the NMSU website and documenting the revision

history for each policy and rule. UGC shall make the forms and templates referenced by this Rule available on the General Counsel website and linked to this rule. UGC may provide comment on any proposal at any stage in the policy development, review and comment period, and formal approval process.

#### **PART 6: DEVELOPMENT, REVIEW AND APPROVAL PROCESS**

Proposals for new or amended policies or rules shall be subject to the following:

- A. Proposal Development. To initiate a proposal for a new or amended policy or rule, the Proposal Sponsor will utilize either the [Policy Proposal Template](#) or the [Rule Proposal Template](#), together with the [Review Track Form](#) (available on the UGC website). Throughout the approval process, the Review Track Form, together with the proposal and any and all comments by reviewers shall constitute the "Proposal Packet".
- B. Preliminary Review. The Proposal Sponsor shall submit the proposal and the Review Track Form to UGC and to the Policy/Rule Administrator for initial review. Both the Policy or Rule Administrator and UGC shall provide preliminary advice and feedback to the Proposal Sponsor. At such time as this Preliminary Review is complete and the Proposal Sponsor has made any agreed upon modifications to the proposal, these preliminary reviewers shall sign the Review Track Form which shall indicate only that their review is complete. Either the UGC or the Policy/Rule Administrator may attach a comment memo to the Review Track Form either in support of or in opposition to the proposal.
- C. Review Assignments. Once the preliminary reviews are complete, UGC shall transmit the Proposal Packet to the Office of the Chancellor and the proposal will be placed on the agenda for the next meeting of the Assignment Advisory Group (AAG). The AAG shall be comprised of the Executive Vice President and Provost, the Chair and Vice Chair of the Faculty Senate, and the Chancellor. Decisions of the AAG shall be made by majority vote; with the chancellor's vote controlling in the event of a tie. The AAG shall make review assignments as follows:
  1. The AAG will assign the proposal to either the Academic Track or the Administrative Track for review and comment as outlined in Sections D, E and F below. Proposals within the legislative jurisdiction of the Faculty Senate under Regents Policy 1.05.70, as well as other proposals where the AAG may determine that the Faculty Senate legislative process is appropriate, shall be assigned to the Academic Track for review. All other proposals will be assigned to the Administrative Track. The assigned review track will be noted on the Review Track Form. Nothing in this rule regulates or alters the Faculty Senate process for review and adoption of Faculty Senate Propositions.
  2. The AAG will determine which other NMSU entities must be notified and afforded the opportunity to review and make recommendations concerning the proposal, and will indicate those determination on the Review Track Form. Any NMSU entity may elect to provide comment on any proposal during the review and comment period.
  3. Proposals for minor changes with minimal impact on NMSU operations and those which require urgent adoption may be immediately approved on a provisional basis and assigned for immediate review by only the UAC.
  4. The Proposal Packet shall be returned to the UGC. UGC will prepare a [Routing Form](#) to conform to the AAG's review and comment assignments, and will transmit the Routing Form and a copy of the signed Review Track Form to the Proposal Sponsor.
- D. Academic Track Proposals. In addition to the other approval procedures described in this Rule, proposals assigned to the Academic Track are subject to the following procedures and restrictions:
  1. The Proposal Sponsor is responsible for identifying at least one willing faculty senator sponsor (FS Sponsor) who will be responsible for obtaining Faculty Senate approval and for coordinating the review and comment

process described in Section F. below.

2. Academic Track proposals shall not be submitted to the reviewing entities for consideration, nor shall the review and comment period be deemed to commence, until after the Faculty Senate Sponsor agrees that the proposal is ready to proceed.
  3. Faculty Senate Propositions may be brought into the Rule 1.10 approval process before, during or after enactment in the Faculty Senate.
  4. Unless the Chancellor otherwise authorizes, an Academic Track proposal may not be submitted to the UAC for a second read or vote until approved by the Faculty Senate.
  5. Academic track proposals shall be submitted to UAC for second read in the form approved by Faculty Senate. If the UAC recommends veto or recommends amendment to a Faculty Senate approved proposal, then the Faculty Senate Chair and Vice Chair will decide whether to forward the proposition to the Chancellor for a decision without change, or to withdraw the proposal for reconsideration by the Faculty Senate.
- E. Administrative Track Proposals. Policy and rule proposals assigned to the Administrative Track do not require formal faculty senate legislation, but may be referred by the AAG to the Faculty Senate for review and comment.
- F. Review and Comment Period. Both Academic Track and Administrative Track policy and rule Proposals will be subject to a review and comment period, which shall be conducted as follows:
1. The Proposal Sponsor shall transmit a copy of the Routing Form and the Proposal Packet to the leadership of the appropriate reviewing groups indicated on the Routing Form. The Proposal Sponsor or designee will arrange to present the proposal to any of the reviewing groups as may be requested. The reviews may be conducted in any order and the Routing Form may be signed in counterparts.
  2. The proposal may be submitted to UAC for an informational “first read” at any point during the review and comment period. UAC will take no formal position on the proposal at this stage.
  3. Each reviewing group will indicate its support for or opposition to the proposal on the Routing Form, and may also elect to attach a memorandum in support or opposition. Within 6 weeks after the Proposal Sponsor’s request for review, each reviewing organization will return the signed Routing Form and any memorandum to the Proposal Sponsor. Upon request of a Reviewing Group, the review and comment period may be extended by the Proposal Sponsor, or by the Chancellor upon adequate justification, and shall be automatically extended for an additional week when the 6 weeks includes Spring Break, the Winter Holiday or the Thanksgiving Week.
  4. Once all reviews are complete, or at the conclusion of the review and comment period, whichever occurs first, the Proposal Sponsor shall remit the Proposal Packet to UGC. In the event the proposal was modified by the Sponsor during the review and comment process, a copy of the proposal as it was presented shall be attached to the Routing Form(s) indicating which version was approved by each reviewing unit. In situations where an Administrative Track Proposal is modified in response to comments during the review and comment process, the Proposal Sponsor shall seek guidance from UGC to determine whether such changes are sufficiently significant to require re-review by the reviewing groups which did not have the opportunity to comment upon the final version. If the Policy Sponsor and UGC disagree about the need for re-review, the Chancellor may be consulted on this issue. If re-review is required, UGC will prepare a Supplemental Routing Form to indicate the necessary additional reviews. Once all reviews are complete, or the time period for review has expired, UGC shall submit the proposal to the Office of the Chancellor for inclusion on the agenda of the next UAC meeting.

- G. UAC Recommendation. All policy and rule proposals will be submitted for review and recommendation by the UAC. If the proposal was presented to UAC for first read during the review and comment period, then the proposal will receive a second reading and an advisory vote at the first UAC meeting following the review and comment period. Otherwise, absent a vote waiving the first reading, the proposal will stand for a first read and will appear on the agenda of the following meeting of the UAC for second reading and a vote on whether to recommend approval to the Chancellor.
- H. Chancellor Approval or Veto. Upon consideration of the recommendations of the UAC and other reviewing entities, the Chancellor may approve or veto the proposal. The Chancellor will indicate that decision on the Routing Form, and the decision will be announced at the next UAC meeting. Policy 1.05.70 will govern in any situation in which an Academic Track rule or policy proposal, formally approved as a Faculty Senate Proposition, is vetoed or otherwise not acted upon by the Chancellor.

Following the Chancellor's decision, the Proposal Packet shall be returned to UGC. The UGC shall submit a copy of the signed Routing Form reflecting the Chancellor's decision and a copy of the proposal to the Proposal Sponsor. The Proposal Packet shall be retained by UGC for record retention purposes.

In the case of new or revised rules approved by the Chancellor, the UGC will make the approved changes and additions to the ARP. UGC will also submit a summary of ARP revisions as an informational item for placement on the Board of Regents regular meeting agenda.

In the case of Regents Policy proposals, UGC will submit the proposal for placement on the Board's next regular meeting agenda.

Rule Administrator:	Office of University General Counsel
Scope:	NMSU System
Effective Date:	12.07.15
Revision History:	10.21.15: BOR approved a replica of Policy 1.10 to become the initial Rule 1.10. 12.07.15: UAC recommended approval; Chancellor approved.