

**NORTHERN NEW MEXICO COLLEGE**



**BOARD OF REGENTS  
MEETING**

**APRIL 27, 2020**

# NORTHERN New Mexico College



## NOTICE

The Board of Regents of Northern New Mexico College will hold a regular meeting on **Monday, April 27, 2020, at 1:00PM, Via Zoom.**

Join Zoom Meeting

<https://nmmc.zoom.us/j/96094895612?pwd=Ry90VHZtVlhZR2taZFZFU212TmJPdz09>

Meeting ID: 960 9489 5612

Password: 051784

One tap mobile

+13462487799,,96094895612# US (Houston)

+16699006833,,96094895612# US (San Jose)

Dial by your location

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US

+1 301 715 8592 US

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

Meeting ID: 960 9489 5612

Find your local number: <https://nmmc.zoom.us/j/96094895612>

## AMENDED FINAL AGENDA

### **ADDING ITEM III.A.4. AND REVISING ITEM III.B and VI.A.3 PUBLISHED AT LEAST 72 HOURS IN ADVANCE OF THE MEETING**

## FINAL AGENDA

- I. CALL TO ORDER**
- II. APPROVAL OF AGENDA**
- III. COMMENTS FROM THE BOARD**
  - A. Board of Regents Subcommittee Reports
    - 1. Audit/Finance/Facilities Committee – Informational
    - 2. Academic/Student Affairs Committee - Informational
    - 3. Executive Committee – Informational
    - 4. HERC - Informational
  - B. Student Leadership Scholarships – Action Required
- IV. APPROVAL OF MINUTES**
- V. PRESIDENT'S REPORT AND ANNOUNCEMENTS**
  - A. Creation of Northern New Mexico College Eagle Corporation – Action Required
  - B. Appointment of Board Members to Eagle Corporation – Action Required
  - C. Investment in Northern New Mexico College Eagle Corporation – Action Required

**VI. STAFF REPORTS**

- A. Vice President for Finance & Administration
  - 1. Fiscal Watch Reports – Action Required
  - 2. Budget Adjustment Reports (BARs) – Action Required
  - 3. Update on FY 2021 Budget Submission – Informational
- B. Provost & Vice President for Academic Affairs
  - 1. Revisions to the Community College Branch Faculty Handbook -Action Required

**VII. PUBLIC INPUT**

**VIII. EXECUTIVE SESSION**

- (1) Limited personnel matters related to the hiring, promotion, demotion, dismissal, assignment, resignation, or investigation or consideration of complaints or charges against an employer;
  - a. Annual Presidential Evaluation
- (2) Bargaining strategy preliminary to collective bargaining
  - a. No Items
- (3) Threatened or pending litigation subject to the attorney-client privilege in which the College may be a participant; and
  - a. No Items
- (4) Real estate acquisition or disposal.
  - a. No Items

**IX. ADJOURNMENT**

*In accordance with the Americans with Disabilities Act (ADA), physically challenged individuals who require special accommodations should contact the President's Office at 505-747-2140 at least one week prior to the meeting or as soon as possible.*

Office of the President

**NORTHERN New Mexico College**



## **MEMORANDUM**

**To:** Board of Regents,  
Northern New Mexico College

**From:** Richard J. Bailey, Jr., President

**Date:** April 27, 2020

**Re:** Northern New Mexico College Student Leadership Scholarship

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### *Issue*

The item for consideration is the creation of a special scholarship that will be provided to the sitting Student Regent and Student Senate President starting with the fall semester of 2020.

### *Overview*

We considered three possible forms of the Student Leadership Scholarship:

1. Full tuition and fees
2. Full tuition
3. \$1,000 per semester

### *Recommendation*

Staff recommends that the Board of Regents adopt option 2. This will be a scholarship equivalent to full tuition (the student will still be required to pay associated fees). Option 2 is equivalent to the largest scholarship given each semester by the institution (the Pueblo Tuition Scholarship) and will provide a strong incentive to make future service to the Board of Regents and the Student Senate attractive options. The scholarships will be made available to the Student Regent and Student Senate President during every term in which the individuals serve in their positions.

Office of the President

# NORTHERN New Mexico College



## MEMORANDUM

**To:** Board of Regents,  
Northern New Mexico College

**From:** Richard J. Bailey, Jr., Ph.D.  
President

**Date:** April 27, 2020

**Re:** Board of Regents Meeting Minutes

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### *Issue*

Northern New Mexico College (NNMC) provides, on a monthly basis, Board of Regents Minutes from the previous month for approval.

### *Recommendation*

Staff recommends that the Board of Regents approve the attached Board of Regents Minutes for March 17, 2020 and March 23, 2020 as submitted or if applicable, as amended.

**NORTHERN NEW MEXICO COLLEGE  
BOARD OF REGENTS SPECIAL MEETING  
MARCH 17, 2020**

**I. CALL TO ORDER**

A Special Meeting of the Board of Regents of northern New Mexico College was held on Tuesday, March 17, 2020, Via Zoom in the Board Room of Northern New Mexico College, Espanola Campus. Regents Present: Michael A. Martin (Via Conference Call), Erica Velarde (Via Zoom), Porter Swentzell (Via Zoom), Damian Martinez (Via Zoom). Regent Tomas Rodriguez was not in attendance. Regent Martinez suggested a Roll Call be taken to ensure everyone's microphones are working. President Bailey stated this would be done at the beginning of the meeting. Board President Bailey called the meeting to order at 9:05AM and Roll Call was taken.

Northern New Mexico College Staff Present: President Richard J. Bailey, Jr., Ph.D.; Ricky Bejarano, Vice President for Finance & Administration (Via Zoom); Vince Lithgow, Comptroller, Ivan Lopez Hurtado, Ph.D., Provost & Vice President for Academic Affairs (Via Zoom); Vince Lithgow, Comptroller; Evette Abeyta, Budget Director; Sally Martinez, Executive Assistant to the Provost & Vice President for Academic Affairs (Via Zoom); John Ussery, El Rito Campus Director (Via Zoom), Don Appiarius, Assistant Provost (Via zoom, Sandy Krolick, Director, Communications and Marketing (Via Zoom); David Lindblom, Assistant Professor, FDMA/Creative Director of Canal Seis(Via Zoom); Carmella Sanchez (Via Zoom); Jennifer Garcia (was in and out of meeting and did not respond to Roll Call); Stephanie Montoya, Staff Writer/Reporter (Via Zoom); Carmella Sanchez, Director, Institutional Research; and Amy Pena, Executive Office Director.

Faculty Present: Joan Hodge, Nursing & Health Sciences, Ellen Trabka, Nursing & Health Sciences.

Others Present: Rio Grande Sun Reporter.

**II. APPROVAL OF AGENDA**

Board President Martin entertained a motion to approve the Agenda.

**Regent Martinez moved to approve the Agenda. Regent Velarde – Second. A Roll Call vote was taken. Board President Martin – yes, Regent Velarde – yes, Regent Swentzell – yes, Regent Martinez – yes. Motion passed unanimously.**

**III. ACADEMIC CALENDAR TEMPORARY DELEGATION OF AUTHORITY**

President Bailey asked President Martin to make a quick comment about this item on the Agenda. President Bailey stated he would like to thank Regent Martinez as they discussed this earlier. This is not unlike a war powers resolution, this is basically a temporary delegation of authority over the academic calendar to the President for the purpose of responding to the pandemic crisis. The first order of business with this approval would be to extend spring break until Sunday, April 5<sup>th</sup> and classes resuming on April 6. This aligns the College up with the public education partners so that students, faculty and staff have public school children at home now, are able to care for them. It also lines us up nicely for upward bound, dual credit and every other way the College is partnering with public education. It also gives faculty and staff the time to make the transition to an online or virtual classroom format. The College did get approval from Higher Learning

Commission to move into online format. President Bailey would like to give credit to Dr. Lopez and others who prepared this document to HLC, they gave the College this authority. This authority would be until July 31, 2020. If extended, HLC would need to give an additional extension from HLC. Regent Velarde asked the date - June 1st or July 1st. President Bailey stated July 31, 2020. HLC has given the College approval to go online through July 31st. Anything beyond that, the College would need an HLC extension. The temporary delegation to the President for the Academic Calendar would be until January of 2021. The President and Administration still have the requirement to notify the Board of Regents any academic calendar changes. The authority would then revert back to the Board of Regents. President Bailey opened it up to questions. Regent Martinez asked if it allows President Bailey to move graduation, pinning ceremonies, etc., put those online like the Air Force did for their basic graduation. Will this allow enough room for this. President Bailey stated it does. Currently, the College had scheduled Commencement for May 16th and this was graduation week so the Nurses Pinning Ceremony, High School Equivalency, etc. was going to be that week. This would allow the President to maneuver and modify this schedule. With the Board of Regents approval, the first order of business would be to extend spring break to April 5. This would push the semester until the end of May. That means Commencement and everything else would have to move. This was discussed with the unions and the union would not oppose that move. They understand this is a crisis situation and have been behind the College every step of the way.

Regent Martinez stated he knows President Bailey commented about extended the semester and now a days many colleges have mini-semesters and if there is any way to convert any of these classes to this format so we would not necessarily have to extend the semester. President Bailey stated the short answer is no. President Bailey asked if classes could make this up, could they start to meet more often in order not to extend the semester. The challenge is, if individual classes start to do this there is a potential to interfere with regular classes. A lot of the classes will be a Zoom format and they will meet at the regularly scheduled time with a virtual classroom presence. If schedules are changed, they would interfere with other scheduled classes. Dr. Lopez stated President Bailey is correct. Where the College may consider shorter classes is for the summer schedule. By pushing two weeks, the spring semester, the College may need to do something similar with the summer which is already a short-term schedule. This may get even shorter. For the summer there may be a mini-summer. This would give more time to plan the schedule better and the faculty would be trained with the technologies. Right now, to know the magnitude of this effort, we are moving to the online environment, 295 courses to the online format. The summer there is less classes so they may see that for the summer and hopefully this crisis does not extend to the fall. If this is the case, this may be the case, what Regent Martinez is suggesting that might be the case, we go with mini-semesters. The College was trying to do this. One of the Complete College America strategies is to have many more courses in an eight-week schedule. We were already planning implementing this but not for the spring, it would be way more disruptive than what we are experiencing.

Regent Martinez asked if there is any way in the current setup that we can maintain the semester ending the semester when it is going to end. The public schools are not extending their school years. Is there any way to end the semester when it is supposed to end? President Bailey stated he thinks it is difficult to be honest, he doesn't know. The College looked at it and is there a way to make up the two weeks by jamming things. With 295 courses and there are courses because of common course numbering and everything else done with the state, we can't cut parts of the course and still call it complete. Right now, it looks like this is going to extend the academic calendar for two weeks and we are going to have to roll with it. There may be case by case exceptions. He does not want to pledge a move everything and still finish by May 16th, it is hard to see. Regent Martinez asked if any of our friends at HED are looking into that issue. Regent Swentzell stated on another

viewpoint of this issue, within the catalog there is a certain number of contact hours that must be maintained. If you don't meet those contact hours, you can't say you gave a student credit hours or a lab, also for the out of class hours that must be fulfilled. IAIA is dealing with the same thing. A lot of it comes down to the contact hours, making sure there are enough so it counts towards a 3-credit class while not interfering with another class. This is why it is different from a K-12 system in terms of contact hours with a 3-credit class.

Regent Martinez thanked Regent Swentzell it does explain it absent some intervention from HLC or one of the people who certify the various colleges. We are probably stuck with a two-week longer semester. President Bailey stated and he told this to Regent Martinez, Northern's staff and faculty have been nothing short of spectacular and the way the chairs, faculty, IT, Distance Ed, Business Office, every person at this school has bent over backwards and gone beyond the call of duty to make this work. We do not have all the answers yet and handling this thing as it happens in real time. We are ahead of the game in talking to other institutions and we got started on this earlier and credit to people who got together earlier to form a task force to deal with this. With all the brainstorming done, there are still going to be things that need to be addressed in the moment and we will be ready for this. Faculty and Staff have been remarkable as we have endured this crisis response so far.

Regent Martin asked if there were any other questions and entertained a motion to approve.

**Regent Swentzell Moved to approve the Resolution. Second - Regent Martinez. A Roll Call Vote was taken. Board President Martin - yes, Regent Velarde - yes, Regent Swentzell - yes, Regent Martinez - yes. Motion passed unanimously.**

Regent Martinez thanked President Bailey and everybody at the College for the hard work they have done. They never cease to amaze him.

President Bailey thanked the Board of Regents and stated we will be doing the same format for the Monday regularly scheduled Board of Regents Meeting. The College will give the Board of Regents an updated crisis response at that time.

#### **IV. ADJOURNMENT**

Board President Martin entertained a motion to adjourn.

**Regent Velarde moved to adjourn. Second - Regent Swentzell. A Roll Call Vote was taken. Board President Martin – yes, Regent Velarde – yes, Regent Swentzell – yes, Regent Martinez – yes. Motion passed unanimously.**

The Board of Regents adjourned at 9:22AM.

APPROVED:

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Michael A. Martin, Board President

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Erica Velarde, Vice President



**NORTHERN NEW MEXICO COLLEGE  
BOARD OF REGENTS REGULAR MEETING  
MARCH 23, 2020**

**I. CALL TO ORDER**

A Regular Meeting of the Board of Regents of northern New Mexico College was held on Monday, March 23, 2020, Via Zoom in the Board Room of Northern New Mexico College, Espanola Campus. Regents Present: Michael A. Martin (In Person), Erica Velarde (Via Zoom), Porter Swentzell (Via Zoom), Damian Martinez (Via Zoom). Board President Martin called the meeting to order at 1:01PM. A Roll Call Vote was taken of the Board of Regents. Board President Martin – present, Regent Swentzell – present, Regent Martinez – present, Regent Velarde – present. Regent Tomas Rodriguez was not in attendance. Regent Velarde asked that all attending the meeting Via Zoom, please mute their microphones.

Northern New Mexico College Staff Present: President Richard J. Bailey, Jr., Ph.D.; Ricky Bejarano, Vice President for Finance & Administration (Via Zoom); Vince Lithgow, Comptroller, Ivan Lopez Hurtado, Ph.D., Provost & Vice President for Academic Affairs (Via Zoom); Juan Gallegos, IT; Evette Abeyta, Budget Director; John Ussery, El Rito Campus Director (Via Zoom); Sandy Krolick, Director, Communications and Marketing (Via Zoom); Stephanie Montoya, Staff Writer/Reporter (Via Zoom); Cheryl James, Compliance Officer/Chief Procurement Officer; and Amy Peña, Executive Office Director.

Faculty Present: Anna X. Gutierrez Sisneros; Mateo Frazier; Elle Trabka; Patricia Trujillo

Others Present: Rio Grande Sun Reporter. Geno Zamora, Ortiz & Zamora, Representatives from Modrall Law Firm.

**II. APPROVAL OF AGENDA**

Board President Martin entertained a motion to approve the Agenda.

**Regent Martinez moved to approve the Agenda. Second Regent Velarde. A Roll Call Vote was taken. Board President Martin – yes, Regent Martinez – yes, Regent Swentzell – yes, Regent Velarde – yes. Motion passed unanimously.**

**III. COMMENTS FROM THE BOARD**

A. Board of Regents Subcommittee Reports

1. Audit/Finance/Facilities Committee

Regent Velarde stated the College is on track with Fiscal Watch and BARs are not horrible as in the past and we are on track to clean it up still. Regent Martinez stated he had nothing to add.

## 2. Academic/Student Affairs Committee

Regent Swentzell stated everything will be discussed later in the meeting. The key things are action items later on in the meeting.

## 3. Executive Committee

Regent Martinez stated last week there was a meeting with counsel and the Board of Regents will go over the proposals regarding looking into an agreement with Modrall Sperling to look into some issues so we can move forward with UpStart with a modified view. Mr. Zamora and Modrall will go through this with the Board of Regents.

### B. Student Regent Scholarship

Board President Martin stated asked what the pleasure of the Board was for this item. Regent Martinez stated he did not see anything in his packet for this and he doesn't see anything on the numbers. Regent Martin stated there was nothing in the packet about it. Regent Martinez asked what numbers we are looking as far as the scholarship the student regent would receive. President Bailey stated at the Boards pleasure we may make a formal presentation at the next meeting. Depending on the size of the scholarship. The College needs more information to the Board of Regents because the College does not yet know what the opportunity scholarship is going to look like yet. We do not know the exact requirements of it are. If it is only a 2-year program scholarship which is what it is expected to be right now, the College could have Juniors or Senior who could apply for this. On the low end, there could be an option to take the scholarships that the College is planning to put in the budget this year. Last year, as the Board of Regents recalls, we set aside \$100,000 was set aside and 100 scholarships were created, we could set one aside for the Student Regent or we could go up to a scholarship of tuition and fees based on the opportunity scholarship. The College will have a couple of options available for the Board at the next meeting. Regent Velarde stated we also discussed last time that perhaps this would be called something else. Sometimes this can inhibit the Student Regent from getting other assistance. Also, the Board of Regents discussed it being called last dollar or going directly to the student regent. This wouldn't inhibit their ability to get any other assistance. President Bailey stated it would be called a stipend or something, they have to look at the different factors. They will work with the Office of Financial Aid to get some clarity on this and present the options to the Board of Regents. Regent Martinez asked if we could revise it and move forward approving it pending a final decision on how it will be structured. Board President Martin stated this would work for him. Regent Velarde stated this would work for him. Regent Rodriguez joined the meeting at this time.

**Regent Martinez moved to approve a student regent scholarship or stipend pending final structure at a later date. Second – Regent Velarde. Board President Martin - yes, Regent Martinez - yes, Regent Velarde - yes, Regent Swentzell - yes, Regent Rodriguez - yes. Motion passed unanimously.**

- C. Overview of the State's University Research University Research Park and Economic Development Act relating to technologies developed through the College and consideration of retaining Modrall Sperling Law Firm to identify economic development options for the College

President Bailey stated Regent Martinez mentioned this a few minutes ago, this is after discussions with legal counsel, Geno Zamora, we are exploring ways for the College to enter into partnerships with external entities and business partnerships with external entities. The College is not in a position to do this now and has not done it in the past. Off of recommendation from counsel, we have invited Modrall Sperling Law Firm to join us today and thanked Modrall Sperling. We would like to look into an exploration of the creation of some type of holding company or something so that that entity related to the College could become a part owner and partner in this venture. President Bailey asked Modrall to say a few words to introduce themselves to the Board. The Board of Regents would ultimately be the client for the work.

Modrall Sperling stated they are composed of 70 lawyers, they have a statewide and regent practice, engage in litigation and legal work. Arthur Melendres and Zach are together and they had a good conversation with Mr. Zamora. When he said there was a possibility working with him and with the College, they were anxious to do this. Following up on this, they are here as an introductory step to let the Board of Regents about them. Mr. Melendres does a lot of municipal finance work and Zach does a lot of transactional work and they both do work for school districts and universities so they are very familiar with rules and regulations regarding Board of Regents. Mr. Melendres will share the firm bio with the Board of Regents. Mr. Melendres understands that an opportunity has presented itself to the College and it would be an opportunity to enter into a contract or engagement with a company that could provide consolidated data for the College's benefit. In order to do this, there are a number of issues, some of them relate to contractual ability, some relate to liability and so he wanted to share with the Board of Regents that he specifically with Zach's help have worked on a project with the Central New Mexico Community College that is like what has been presented to them. They are currently engaged on working on a project for the University of New Mexico. He is not at liberty to go into details at this time. He would like to assure the Board of Regents they know how to form a university research park economic development act, they know how the parameters and how to set up a corporation with a limited liability company that allows a university and its regents to enter into economic development activities. Section 21-28-5 of the New Mexico Statutes is the Research Park Act gives specific authority to the Board of Regents to form a corporation or a limited liability company to engage in economic development activities that support the teaching, research and service mission of the university. It is very broad but gives the regents this authority. In no way does this take away from the power and responsibility of the Board of Regents and that is because the Board of Regents would be intimately involved in forming the entity and describing who would serve on the Board of Directors of the Research Park Entity including appointing themselves if they choose to do this. With all this said, he wanted to stand for questions. They have done this work before, they have worked collaboratively with Mr. Zamora and his firm and if given the opportunity they could provide valuable service to the university. They are prepared, not today, but depending on the response, to provide a proposal and an engagement letter and all of that would be subject to Mr. Zamora's review to make sure they were in the parameters of the law to do this type of work. Zach stated an advantage of forming the research park has a lot to do with the law, IPRA, it gives you a little insulation, he wouldn't form it simply for this reason. It is a vehicle that allows you to create something that will be involved in a contracting enterprise whoever outside you choose to contract with.

Regent Martinez stated since the money they are spending is public money and understanding sometimes you have to break some eggs to make an omelet and asked how much per hour is one of these eggs going to cost. Mr. Melendres stated this is subject to negotiation, their hourly rate is \$400 per hour and Zach's is the same, he will say they work crisply, they know this is public money and they will work efficiently. The goal is not remake the wheel because they have some experience in this area but to work efficiently because ultimately the goal is to benefit the College

and the students it serves and community. He gives this number because they can work from there. Regent Martinez stated this is fine so we have a guesstimation and it might be complicated and there might be associates or other people working with them. He is not trying to pigeonhole them into an exact number. Mr. Melendres stated associates are at \$250 an hour and paralegals at \$100 per hour. They will weigh it all out and let the Board of Regents scrutinize it carefully and decide if they want to move forward. Regent Martinez thanked the attorneys. Board President Martin asked if there were any other questions from the Board. Board President Martin stated he would entertain a motion to approve.

**Regent Martinez moved to approve. Second – Regent Swentzell. Roll Call was taken. Board President Martin - yes, Regent Martinez - yes, Regent Swentzell - yes, Regent Velarde - yes, Regent Rodriguez - yes. Motion passed unanimously.**

Mr. Melendres thanked the Board of Regents and they will be close by and thanked the Board of Regents for letting them appear by conference call. President Bailey asked Geno Zamora to connect the attorneys with President Bailey and Ricky Bejarano.

#### **IV. APPROVAL OF MINUTES**

Board President Martin asked if there were any changes or corrections to the minutes. No changes were requested and Board President Martin entertained a motion to approve the minutes.

**Regent Swentzell moved to approve the minutes of the February 28, 2020 meeting as presented. Second – Regent Martinez. Roll Call Vote was taken. Board President Martin – yes, Regent – Martinez – yes, Regent Swentzell – yes, Regent Velarde – yes, Regent Rodriguez – yes. Motion passed unanimously.**

#### **V. PRESIDENT’S REPORT AND ANNOUNCEMENTS**

President Bailey stated he has a couple of things and needs some decisions from the Board of Regents. President Bailey read an email sent to the Board of Regents by Meghan Trujillo along with questions from students. Questions include: Is there going to be a Spring Symposium? Is there going to be a Commencement? President Bailey stated all of this has been postponed but there will still be a live commencement. We will have them on stage and celebrate them as a community. We just don't know when that will be. President Bailey stated the faculty, staff, students have been truly remarkable as we have navigated this crisis. The challenges are coming hourly and the complexities of the challenges are like something we have never faced. There is a level of unity and teamwork that hasn't been seen before. It is truly remarkable and a testament to the team here.

##### **A. Community Recreation Center Location Discussion**

President Bailey stated there is a project underway, there are several members of the community, Representative Susan Herrera, County, City, all went to Hobbs to see their Community Center and then another in Lovington and then the next weekend went to Durango and Farmington to see all the community centers. On November 5<sup>th</sup> there was a bond election passed for the County that generated \$6M for a community recreation and activity center. In discussions with the city, county and legislators, one of the possible locations could be the College campus. President Bailey is not asking for permission to make it a deal but is asking for the blessing of the Board of Regents to continue dialogues with a potential of locating this on the College campus. He has had discussions

in Committee. Regent Velarde brought up a question about square footage. We have to address this with the State Board and Capital Outlay. Regent Martinez brought up the question of operation and operational costs. President Bailey is asking for a decision by the Board of Regents in good faith to continue a dialogue with community partners and the potential, with details, the potential for locating the Center on the College's Espanola Campus.

Board President Martin asked if the Board of Regents if there were any questions. With no questions, Board President Martin entertained a motion to approve.

**Regent Martinez moved that the Board of Regents allow President Bailey to go forth and conquer. Second – Regent Velarde. Roll Call vote taken. Board President Martin - yes, Regent Martinez - yes, Regent Swentzell - yes, Regent Rodriguez - yes. Motion passed unanimously.**

#### B. Up\$Start – Action Required

President Bailey stated this item was actually covered by III.C. so he apologizes, it was an oversight. The College will discuss a couple of things with Modrall. They are going to look at the establishment of the holding company, the Board of Regents will have full jurisdiction and also looking at with Up\$start or other future entities what kind of relationship would the College have. This would be the decision of the Board of Regents. Once the College has conversations with legal counsel they will come back to the Board of Regents with an update.

### VI. STAFF REPORTS

#### A. Vice President for Finance & Administration

##### 1. Fiscal Watch Reports

Mr. Bejarano presented the Fiscal Watch Reports for the Board of Regents. The Statement of Net Position (Balance Sheet) - \$7,894,946 – net equity in the College. At the end of February - \$15M, some of it is for capital outlay and repairs. Accounts Payables are very, very low – we pay as we go. We are no longer in a position to hold payments or bills. Accrued liabilities, payroll related diminish quickly.

Mr. Bejarano reviewed the Summary of Operating and Plant Funds. The most important column is the percentage column. At this time of year, we should be at 58% both revenue and expenditure side. We have collected more than anticipated on the revenue side, about 64%. We are equally good on the expenditure side we are at 55% and are 3% below output that we should have at this current time.

Mr. Bejarano reviewed last year versus this year we are about even. Statement of Cash Flows – this indicates where cash is coming from and where it is going. The College has done well in collecting tuition and fees, grants, contracts. The biggest outflow on an ongoing basis is employee salaries. The College is now doing a lot of purchasing anticipating year end deadlines going up. The only other thing regarding financials is the College is in a good position to weather whatever storm is coming. We do believe there is a storm coming. With the Coronavirus and Oil issues, there may be shavings from the budget and cash wise we are in a good position to absorb them for a while.

Board President Martin asked if tuition needs to be raised. Mr. Bejarano stated the last time we raised tuition we were at a loss. President Bailey stated VP Bejarano is humble. We do not know the gravity of the storm. Before the Coronavirus hit, we had not intentions of asking for tuition to be raised and the reason is because everyone has buckled down and been incredibly conservative. He was excited about the possibility that NNMC was the only school that has not raised tuition in three years. This is the last resort. We do not want to put more on the backs of our students who are already challenged. The only thing that can be said now, is that the College is not planning on it. We are going try to see what we can do with the means that are given. There will be a potential special session of the legislature. We have instructed staff, directors, chairs to consider the likelihood of not having new money. We have instructed everyone to consider the likelihood of not having new money. The new money that was given to us in HB2 is not there now. We are holding off on discussion with union partner and as Mr. Bejarano said we are looking at worst case scenario we are looking at some sort of budget shave because of this, similar to 2017. Let's hope we do not get there. We will hope for the best and prepare for any likelihood. This is the last resort. Board President Martin asked if there were any other questions. Mr. Bejarano stated the College has done about as well as it could do to prepare for this. He thinks the College has done as well as it could do. President Bailey stated if these two crises had happened three years ago, we would be in a much different position now. We would have been in a position now where we would be having serious existential talks. Because of what the College has done in the last couple of years, we are in a far better fiscal position to weather this storm.

Board President Martin stated he would entertain a motion to approve the Fiscal Watch Reports.

Regent Swentzell moved to approve the Fiscal Watch Report for the period ending February 29, 2020. Second – Regent Velarde. Roll call vote. Board President Martin - yes, Regent Martinez - yes, Regent Swentzell - yes, Regent Velarde - yes. Note: Regent Rodriguez was not on the call at this time.

## 2. Budget Adjustment Reports (BARs)

Mr. Bejarano stated because we budget at the line item level and we get money from one place where it hasn't been used to another place where it is needed currently. These are on page 30 and they are essentially immaterial and the Board of Regents needs to approve them. Board President Martin asked Regent Velarde if her Committee reviewed these already. Regent Velarde stated they did. Board President Martin stated if there are no questions he would entertain a motion to approve.

Regent Velarde to move approve the BARs as presented. Second – Regent Martinez. Roll call vote was taken. Board President Martin - yes, Regent Martinez, Regent Swentzell - yes, Regent Velarde - yes, Regent Rodriguez - yes. Regent Rodriguez returned to the meeting at this time.

## 3. MOU with Local 412 Plumbers and Pipefitters

Vice President Bejarano turned the MOU over to President Bailey for Presentation. President Bailey stated on page 33 (attached) for consideration and approval is an MOU with the Local 412 (Plumbers and Pipe-fitters Union). The actual MOU is on pages 34 and 35. The reason for Board approval is that this has been a true partnership with this Union. They have shared curriculum with the College, they are going to be providing a lot of the instruction for the program. The College will have oversight, will hire an instructor and a Chair for the Technical Trades. In exchange, we will lower the tuition rate for those students from the Union to \$32.50 per credit hours at 8 credits per academic year. This is basically what the MOU establishes. With approval of this MOU there

is the potential to enroll all of the students in the joint apprenticeship and training center (220 students) which could mean a 20% increase in enrollment for the College and the symbolic partnership is groundbreaking. The \$750,000 from ECMC Foundation, the reason they gave us this money is they had never heard of a college and union partnering, neither had the HLC. They are very excited about this potential and the MOU really establishes the foundational relationship between the entities.

Dr. Lopez stated there is one piece that is important to know. Through this partnership, the students are going to be using the union facilities, we will not incur costs in facility usage, we will not use our facilities and every student will count in the funding formula. They are going to be real students in the sense that when they complete the certificate or associate degree, these numbers count for Northern and the funding formula is based on people graduating. This is a win, win scenario. Board President Martin asked Regent Swentzell if his committee has reviewed this. Regent Swentzell stated his committee has reviewed this. President Bailey stated legal counsel has reviewed this as well.

**Regent Swentzell moved to approve the Memorandum of Understanding to collaborate with UA Local 412 to establish trades associates and certificate programs at Northern. Second – Regent Martinez. Roll call vote was taken. Board President Martin - yes, Regent Martinez - yes, Regents Swentzell - yes, Regent Velarde - yes, Regent Rodriguez - yes. Motion passed unanimously.**

#### 4. RN to BSN Online Tuition and Fees – Action Required

President Bailey stated on page 36 for consideration is a change to tuition for the RN to BSN. Dr. Lopez and Ellen Trabka are on the call if there are questions. Right now, as it stands our in-state tuition for the RN to BSN program is \$198.50, out of state students pay \$567.44 per credit hour. With approval, this would change the tuition to \$254.00 for both in state and out of state tuition starting in the fall of 2020. This does a couple of things, the RN to BSN program would exist online and it now makes it incredibly attractive for in state and out of state students. We determined early on if there is one group of students out there who needed the flexibility of an online program they are working nurses because of how crazy their schedules are as practicing nurses. This would lower the out of state tuition and slightly increase the in-state tuition and make it a flat rate of \$254 per credit hour. This is in line of what many colleges and universities are doing throughout the country. With the Board approval, this would remain the most affordable RN to BSN in the state of New Mexico and probably the entire region. The other thing is this is an opportunity to generate outside revenue to support the College. Because of the caliber of the faculty we have and the quality of the program we have, this could be an attractive option to a larger audience and the College will look at marketing to other regions. Board President Martin asked Ellen Trabka if she had anything to add. Ms. Trabka stated the point should be made that it is essential to attract out of state students. They are hoping to market that aspect of the program, the holistic approach. We can get endorsed as a holistic nursing program. There is a lot of competition nationwide for RN to BSN students and we are hoping to market this aspect of the program but we need to have an affordable tuition for out of state students. Board President Martin asked if the 5 students remaining, is their tuition going to be frozen. President Bailey stated they would be grandfathered into the current rate - \$198.00 per credit hour until they graduate. Ms. Trabka stated this would only relate to the upper level courses. Dr. Lopez stated this is correct – 11 courses. Other courses will remain at the current level for in state or out of state. Those courses

are typically taken at another institution. These are the courses in the Nursing Program and the courses will be online. Many of the courses will be moved to an online environment. What we are offering right now, as we speak, is that the 11 courses in the RN to BSN, these are going to be fully online. The other ones, we are not there yet, but as we speak, we are moving them to an online format.

**Regent Martinez moved to approve the tuition change for the RN to BSN Nursing Program at the College. Regent Velarde – Second. Roll Call vote was taken. Board President Martin - yes, Regent Martinez - yes, Regent Swentzell - yes, Regent Velarde - yes., Regent Rodriguez - yes. Motion passed unanimously.**

5. ERB Investment – Action Required

President Bailey stated there are 5 current and former employees between 1992 and 2005 for one reason or another were kept as temporary employees past where state mandate that you either have to let them go or hire them on as full-time employees. As they are getting ready to retire, one of the things that came to light was because of that extension in the time they were temporary employees, they were not allowed to contribute to ERB, nor did the College contribute to ERB. The College's Human Resources Director worked with the ERB state Board on these five employees, looked at their accounts and calculated the cost to make up the difference not only for the College would have paid but what the employees would have paid back then and then figured the time value of the money, to account for compounded interest and to make all five of those current and past employees whole with their ERB accounts. The total figure is \$35,614.53. The decision for the Board's consideration is to approve the authorizing of that amount from the College's fund balance to complete the ERB accounts for those employees. Board President Martin asked if there were any questions and if not, he would entertain a motion to approve the recommendation.

**Regent Martinez moved to approve the recommendation as presented by President Bailey concerning the authorization of an expenditure accounts for employees that were affected by this miscalculation. Second – Regent Swentzell. Roll call vote was taken. Board President Martin - yes, Regent Martinez - yes, Regent Swentzell - yes, Regent Velarde - yes, Regent Rodriguez - yes. Motion passed unanimously.**

B. Provost & Vice President for Academic Affairs

1. Branch Community College Faculty Handbook

Dr. Lopez stated as discussed at the last Regents meeting, now Northern has a community college branch which mission is going to bring back the technical trades. So far, we have plumbing and electricians to start in August. Therefore, the College found it appropriate to create a different handbook for the Branch Community College because the missions of these entities are different in the way they approach students. Therefore, the conditions of employment for the different faculty cannot be the same. A Faculty Handbook was proposed and reviewed by Ortiz & Zamora. On page 41, there is a summary of the main changes between this document and the current Faculty Handbook used for the four-year institution. In general, the processes and practices are the same because it will make it easier for administration to deal with faculty issues but there are some important changes. The main ones, Dr. Lopez will describe, the teaching load for the Community College is 15 credits per semester instead of 12 and the rationale is because they do not have the same scholarly activity that is expected for the four-year institution. Another important change is for the Community College, there is not going to be a ranking system in the way we have it for the four-year institution. Every individual is going to be hired as an instructor. These are the main changes between one handbook and the other. This document was presented to the Academic



and Student Affairs Committee and then last Friday was also presented to the Audit/Finance/Facilities Committee Meeting. In that meeting Regent Martinez asked the College for clarification in certain definitions so it has to be very clear that the President of the Community College and the Provost are exactly the same individuals of the four-year institution. Right now, the language is not very clear on that respect. Dr. Lopez is asking the Regents to approve the Faculty Handbook with the caveat that Ortiz & Zamora legal team with NNMC Administration and the Academic and Student Affairs Committee will work to address this definition in the handbook and present to the Regents at the at the next meeting. Board President Martin asked if there are any questions for Dr. Lopez and entertained a Motion.

**Regent Swentzell moved to approve the proposed Faculty Handbook for the Community College Branch with the caveat that Ortiz & Zamora will work on the language that addresses Regent Martinez recommendation. Second - Regent Velarde. Roll Call vote was taken. Board President Martin - yes, Regent Martinez - yes, Regent Swentzell - yes, Regent Velarde - yes, Regent Rodriguez - yes. Motion passed unanimously.**

## 2. Recommendation to Grant Tenure to Two Faculty Members

Board President Martin stated we are on to grant tenure, one of the Board's favorite thing to do. Dr. Sisneros and Mr. Frazier cannot be at the meeting in person but are on the call and he is glad they are with the Board of Regents. Dr. Lopez stated on page 94 in the packet will be the memos and qualifications of these two individuals. It is Dr. Lopez and President Bailey's recommendation that these two individuals, Anna Gutierrez and Mateo Frazier are granted tenure. These two individuals have demonstrated excellence in the four areas faculty members are evaluated – teaching, scholarly activity, college service, and advisement. The package basically discusses a summary of the achievement of these individuals. What is seen is just a summary of everything they have been able to achieve in their years with Northern. Dr. Lopez stated Northern and our students are in a way better position in terms of their success because of these two individuals. They were recommended by their own departments and by the tenure council. Dr. Lopez would like to give one minute to Dr. Gutierrez Sisneros and Mr. Frazier to speak.

Dr. Gutierrez Sisneros thanked Dr. Lopez for his words and the committee and her department that included her 3-inch binder. She is happy to work for Northern. She started here in 2009 and was a student in 1985 and took a class called Conexiones. With this group we got to go to Mexico. She really appreciates the study abroad program. Thank you for the recommendations.

Mr. Mateo Frazier thanked everyone for taking the time today and thank you everyone for the recommendation. It has been an interesting time for him and what it has provided him professionally and what he has been able to contribute. It has been interesting in the most positive way. There have been a lot of challenges and a lot of good successes and thank you for your consideration.

President Bailey stated regarding these two amazing people. They are clearly formal leaders within the organization and are both informal leaders within the organizations. As you know, a higher education is a complex organization and sometimes it takes creativity and innovative spirit to move the needle on things. Both have proven time and time again to bent over backwards to support this college and our students. Both lead with their hearts as much as they lead with their minds. As a President, we could not ask for more. We are not only fortunate but blessed to have these two people with us. It is an honor to work alongside them and give them this recommendation. Regent Velarde thanked both of them for time and dedication and their service. She really loved the "oh si," that was totally Northern New Mexico there. Regent Martinez stated he has personally met

Professor Frazier in El Rito when the drone program, great guy, but 4.9 out of a 5 Professor Frazier, we could do better, he is just joking. To both it is unfortunate they can't all be at the meeting but next time he would like to formally congratulate them in person.

**Regent Martinez moved to grant tenure to both Dr. Gutierrez Sisneros and Professor Frazier. Second – Regent Swentzell. Roll call vote was taken. Board President Martin - yes, Regent Martinez - yes, Regent Swentzell - yes, Regent Velarde - yes, Regent Rodriguez - yes. Motion passed unanimously.**

## **VII. PUBLIC INPUT**

None.

## **VIII. EXECUTIVE SESSION**

President Bailey stated what the Board of Regents will do is keep Zoom live for anyone who wants to stay on. There is a special call in number that we have for the Regents to call in. The Board will go into the next room, do the Executive Session and Regent Martinez will receive the number via text. Regent Martinez asked if it is one of the numbers on the Agenda. President Bailey stated it had to be a private number to him. Regent Martinez stated he sees, he is special that way, right. President Bailey stated yes.

**Regent Swentzell moved to go into Executive Session. Second - Regent Velarde. Roll call vote was taken. Board President Martin - yes, Regent Martinez - yes, Regent Swentzell - yes, Regent Velarde - yes, Regent Rodriguez - yes. The Board of Regents entered into Executive Session at 2:12PM.**

Regent Velarde asked that the number be sent via text to her as well. Ms. Pena stated she would email the number to Regent Velarde and Regent Rodriguez.

**Regent Martinez moved to return from executive session and stated only those items listed to be discussed in Executive Session were discussed and no actions taken. Second – Regent Swentzell. Roll call vote was taken. Board President Martin – yes, Regent Martinez – yes, Regent Swentzell yes, Regent Velarde – yes, Regent Rodriguez – yes. Motion passed unanimously. The Board of Regents returned from Executive Session at 2:42PM.**

## **VI. ADJOURNMENT**

Board President Martin entertained a motion to adjourn.

**Regent Martinez moved to adjourn. Before doing so he would like to thank President Bailey all the staff and employees of NNMC for coming together and knocking it out of the park during this time. Second Regent Velarde. Regent Velarde thanked everyone for everything. Regent Swentzell dittoed the thanking and pointed out he appreciates President Bailey's YouTube Videos. He thinks it is great to have this message shared and it is sometimes hard**

**to build the communication levels. It was a great move. Regent Rodriguez thanked everyone for what they are doing and President Bailey. Thank you, Regents, for getting this meeting together and keep on working hard. Roll call vote was taken. Board President Martin – yes, Regent Martinez – yes, Regent Swentzell, Regent Velarde – yes, Regent Rodriguez – yes. Motion passed unanimously.**

The Board of Regents adjourned at 2:44PM.

APPROVED:

\_\_\_\_\_  
Michael A. Martin, Board President

\_\_\_\_\_  
Erica Velarde, Vice President



## **MEMORANDUM**

**To:** Board of Regents,  
Northern New Mexico College

**From:** Richard J. Bailey, Jr., President

**Date:** April 27, 2020

**Re:** Northern New Mexico College Eagle Corporation

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### *Issue*

Under the guidance of the state's University Research Park Academy and Economic Development Act, Northern New Mexico College is authorized to form an entity to allow it to enter into partnerships with for-profit and non-profit entities, which can provide opportunities for the College to diversify its revenue sources and ultimately make the college less dependent on state funding.

### *Overview*

In order to realize the full potential of the opportunity of the University Research Park Academy and Economic Development Act, the Board of Regents will need to consider three equally important decisions:

1. Establishment of the Northern New Mexico College Eagle Corporation (NNMCEC, or Eagle Corporation).
2. Appointment of the Board Members for the NNMCEC.
3. Initial Investment of \$300,000 in the NNMCEC from the College's Fund Balance

Attached to this memo are two documents for your review. The first is the Articles of Incorporation for the entity, and the second contains the Corporation's Bylaws. The first decision for consideration will be to create the corporation and in doing so adopt the Articles and Bylaws.

The second consideration is the appointment of Board of Directors members for the corporation. This will also complete the Articles of Incorporation which articulates the inaugural board members.

Finally, if the first two considerations are acted upon, the third decision for consideration is an initial investment in the Eagle Corporation from College Fund Balance, to allow the corporation to enter into financial arrangements and consider investments.

*Recommendation*

Staff recommends that the Board of Regents establish the Northern New Mexico College Eagle Corporation and accept its Articles of Incorporation and Bylaws. It also recommends the Board of Regents appoint the initial five Board of Directors members for the Eagle Corporation. We recommend the inaugural five Board of Directors members as Rick Bailey, Julianna Barbee, Ricky Bejarano, Kathy Keith, and a fifth member chosen from the college's Board of Regents. Lastly, we recommend that the Board of Regents approve an initial investment in the Eagle Corporation of \$300,000 from the college's fund balance, which will allow the corporation to consider investments and partnerships to provide potential future revenue for the college and the college's foundation.

**ARTICLES OF INCORPORATION**

**DRAFT**

**OF**

**NORTHERN NEW MEXICO COLLEGE EAGLE CORPORATION**

The undersigned, for the purpose of forming a corporation under the New Mexico Business Corporation Act and the University Research Park and Economic Development Act, hereby certifies:

**ARTICLE I**

The name of the corporation shall be: Northern New Mexico College Eagle Corporation.

**ARTICLE II**

The period of duration of the corporation shall be perpetual.

**ARTICLE III**

The purposes for which the corporation is organized are as follows:  
All purposes permitted under the University Research Park and Economic Development Act NMSA Sections 21-28-1 through 21-28-25, as amended;

**ARTICLE IV**

The corporation shall have authority to issue up to One Thousand (1,000) shares of no-par value common stock. Shares of stock of the corporation shall be held only by Northern New Mexico College.

**ARTICLE V**

The address of the corporation's initial registered office is 921 N. Paseo de Oñate, Española, NM 87532, and the name of the corporation's initial registered agent at such address is Richard J. Bailey Jr.

## ARTICLE VI

The corporation shall be governed by, and all of its functions, powers and duties shall be exercised by, a board of directors appointed by the regents consisting of such number as may be provided by the bylaws. Members of the board of directors may include the president of the college, the regents, officers and employees of the college and other persons selected by the regents.

The Board of Directors, except as limited by the New Mexico Business Corporation Act, the University Research Park and Economic Development Act, and these Articles of Incorporation, shall have the right to make, adopt, alter, amend and repeal Bylaws, fixing and altering the number of its directors and providing for the management of its property, and the regulation and governance of its business and affairs.

The initial Board of Directors shall consist of five members. The names and addresses of the persons who have consented to serve as directors until the first annual meeting of shareholders or until their successors are elected and qualified are:

<b>NAME</b>	<b>ADDRESS</b>
Richard J. Bailey	P.O. Box 711 El Rito NM 87530
Ricky Bejarano	
Julianna Barbee	
Kathy Keith	
Board of Regents Member (to be Determined)	

## ARTICLE VII

The name and address of the incorporator is: Richard J. Bailey Jr. whose address is 921 N Paseo de Oñate, Española, New Mexico 87532.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this \_\_\_\_ day of April, 2020

\_\_\_\_\_  
Richard J. Bailey Jr.

**STATEMENT OF ACCEPTANCE OF APPOINTMENT  
BY DESIGNATED INITIAL REGISTERED AGENT**

I, Richard J. Bailey, Jr., hereby acknowledge the acceptance of my appointment as Initial Registered Agent of Northern New Mexico Community College, Inc., the corporation that is named in the annexed Articles of Incorporation.

\_\_\_\_\_  
Richard J. Bailey Jr.

STATE OF NEW MEXICO  
COUNTY OF RIO ARRIBA

This instrument was acknowledged before me on April \_\_\_\_, 2020, by Richard J. Bailey, Jr.

(Seal)

\_\_\_\_\_  
Notary Public

My commission expires:\_\_\_\_\_



**BYLAWS OF**  
**NORTHERN NEW MEXICO COLLEGE CORPORATION**

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**ARTICLE I**  
**CORPORATE OFFICE**

The principal office of the corporation in the State of New Mexico shall be located in the City of Española. The corporation may have such other offices, either within or without the State of New Mexico as the business of the corporation may require from time to time.

**ARTICLE II**  
**SHAREHOLDERS' MEETINGS**

Section 1. **Annual Meeting.** The annual meeting of shareholders for the appointment of directors and the transaction of such other business as may properly come before it shall be held at the registered office of the corporation or at such other place within or without the State of New Mexico as shall be set forth in the notice of meeting. The meeting shall be held within five (5) months of the close of the fiscal year of the corporation. Failure to hold the annual meeting at the designated time shall not work a forfeiture or dissolution of the corporation. If the appointment of directors is not held on the day designated for any annual meeting, or any adjournment thereof, the Board of Directors shall cause the election to be held at a special meeting of the shareholders as soon thereafter as may be convenient.

Section 2. **Special Meeting.** Special meetings of shareholders other than those regulated by statute, may be called at any time by the president, the chairman of the Board of Directors if a chairman is elected, the Board of Directors, any vice president acting as president pursuant to these Bylaws, and/or the holders of not less than twenty-five percent (25%) of all the outstanding shares entitled to vote at such special meeting. Special meetings shall be held at the registered office of the corporation or at such place within or without the State of New Mexico as shall be set forth in the notice of meeting.

Section 3. **Notice of Meeting.** Written notice stating the place, day and hour of the meeting and, in case of a special meeting, the purpose or purposes for which the meeting is called, shall be delivered not less than ten (10) nor more than fifty (50) intervening calendar days before the date of the meeting, either personally, whether in writing or orally, by electronic correspondence, by facsimile, or by mail, at the direction of the president, the secretary or the officer or persons calling the meeting, to each shareholder of record entitled to vote at the meeting. If sent by electronic correspondence or facsimile, the notice shall be deemed delivered upon receipt by the sender of confirmation of successful delivery. If mailed, the notice shall be deemed to be delivered when deposited in the United States mail addressed to the shareholder at his/her address as it appears on the stock transfer books of the corporation, with postage thereon prepaid. Attendance of a shareholder in person or by proxy at a meeting constitutes a waiver of notice of the meeting, except where a shareholder attends a meeting for the express purpose of objecting to the transaction of any business because a meeting is not lawfully called or convened.

A waiver of notice signed by all shareholders entitled to vote at the meeting may designate any time or place, either within or without the State of New Mexico, as the time and place or the holding of such meeting.

**Section 4. Meeting of All Shareholders.** If all of the shareholders entitled to vote shall meet at a time and place, either within or without the State of New Mexico, and consent to the holding of a meeting, such meeting shall be valid without call or notice, and at such meeting any corporate action may be taken.

**Section 5. Closing of Transfer Books or Fixing of Record Date.** For the purpose of determining shareholders entitled to notice of, or to vote at, any meeting of shareholders or any adjournment thereof, or entitled to receive payment of any dividend, or in order to make a determination of shareholders for any other proper purpose, the Board of Directors of the corporation may provide that the stock transfer books shall be closed for a stated period not to exceed fifty (50) days. If the stock transfer books are closed for the purpose of determining shareholders entitled to notice of, or to vote at a meeting of the shareholders, the books shall be closed for at least ten (10) days immediately preceding the meeting. In lieu of closing the stock transfer books, the Board of Directors may fix in advance a date as the record date for any such determination of shareholders, the date to be not more than fifty (50) days and, in case of a meeting of shareholders, not less than ten (10) days prior to the date on which the particular action, requiring such determination of shareholders is to be taken. If the stock transfer books are not closed and no record date is fixed for the determination of shareholders entitled to notice of, or to vote at, a meeting of shareholders, or shareholders entitled to receive payment of a dividend, the date on which notice of the meeting is mailed or the date on which the resolution of the Board of Directors declaring the dividend is adopted, as the case may be, shall be the record date for the determination of shareholders. When a determination of shareholders entitled to vote at any meeting of shareholders has been made as provided in this section, the determination shall apply to any adjournment thereof.

**Section 6. Voting List.** The officer or agent having charge of the stock transfer books for shares of the corporation shall make, at least ten (10) days before each meeting of shareholders, a complete list of the shareholders entitled to vote at the meeting or any adjournment thereof, arranged in alphabetical order, with the address of, and the number of shares held by, each, which list, for a period of ten (10) days prior to the meeting, shall be kept on file at the registered office of the corporation and shall be subject to inspection by any shareholder at any time during usual business hours. The list shall also be produced and kept open at the time and place of meeting and shall be subject to the inspection of any shareholder during the whole time of the meeting. The original stock transfer books shall be prima facie evidence as to who are the shareholders entitled to examine the lists or transfer books or to vote at any meeting of shareholders. Failure to comply with the requirements of this section does not affect the validity of any action taken at the meeting. An officer or agent having charge of the stock transfer books who fails to prepare the list of shareholders, or keep it on file for a period of ten (10) days, or produce and keep it open for

inspection at the meeting, as provided in this section is liable to any shareholder suffering damage on account of the failure, to the extent of the damage.

**Section 7. Quorum of Shareholders.** A majority of the shares entitled to vote, represented in person or by proxy, shall constitute a quorum at a meeting of the shareholders. A quorum, once attained at a meeting, shall be deemed to continue until adjournment notwithstanding the voluntary withdrawal of enough shares to leave less than a quorum. If a quorum is present, the affirmative vote of the majority of shareholders represented at the meeting and entitled to vote on the subject matter shall be the act of the shareholders, unless a vote of a greater number is required by law, these Bylaws or Articles of Incorporation. If, however, such quorum shall not be present or represented at any meeting of the shareholders, shareholders entitled to vote thereat, present in person or represented by proxy shall have the power to adjourn the meeting to a future date at which a quorum shall be present or represented. At such adjourned meeting, any business may be transacted which might have been transacted at the meeting as originally called.

**Section 8. Voting of Shares.** Each outstanding share, regardless of class, shall be entitled to one (1) vote on each matter submitted to a vote at a meeting of shareholders.

**Section 10. Proxies.** Every proxy must be written, dated, and signed by the shareholder or by his/her duly authorized attorney-in-fact. No proxy shall be valid after eleven (11) months from the date of its execution, unless otherwise specifically provided in the proxy. Unless as otherwise provided in the proxy or by law, every proxy shall be revocable at the pleasure of the shareholder executing it.

**Section 11. Written Consent.** Any action required to be taken at a meeting of the shareholders may be taken without a meeting, and the vote of shareholders may be dispensed with, if a consent in writing, setting forth the action so taken, shall be signed by all of the shareholders entitled to vote with respect to the corporate action being taken.

### **ARTICLE III DIRECTORS**

**Section 1. General Powers.** The business and affairs of the corporation shall be managed by the Board of Directors.

**Section 2. Number, Tenure and Qualifications.** The number of directors of the corporation shall be established by resolution of the Board of Directors. The number of directors may be increased or decreased from time to time in the same manner, Directors shall be appointed by the Board of Regents of Northern New Mexico College. The term of office of each director shall be until the next annual meeting of the shareholders, and each director shall hold office for the term for which he/she is elected and until his/her successor has been elected and qualified, unless replaced by the Board of Regents prior to that time. Directors need not be residents of the State of New Mexico or shareholders of the corporation.

Section 4. **Duties and Powers.** The Board of Directors shall have control and management of the business and affairs of the corporation. The directors shall, in all cases, act as a Board, regularly convened, and, in the transaction of business, the act of a majority of directors, other than Advisory Directors, present at a meeting except as otherwise provided by law, these Bylaws or the Articles of Incorporation shall be the act of the Board, provided a quorum is present. The directors may adopt such rules and regulations for the conduct of their meetings and the management of the corporation as they may deem proper, not inconsistent with law or these Bylaws.

Section 5. **Interests in Other Companies.** Whenever the corporation is the holder of an interest in another entity, including without limitation shares of any other corporation and membership interests in any limited liability company, any right or power of the corporation as such interest holder (including the attendance, acting and voting at shareholders' or members' meetings and execution of waivers, consents, proxies or other instruments) may be exercised on behalf of the corporation by any person as the Board of Directors may authorize.

Section 6. **Regular Meetings.** A regular meeting of the Board of Directors, for the purpose of electing or appointing officers and for the transaction of any other business which may come before the meeting, shall be held without other notice than this bylaw, immediately after, and at the same place, as the annual meeting of shareholders. The Board of Directors may provide, by resolution, the time and place, either within or without the State of New Mexico, for the holding of additional regular meetings without other notice than such resolution.

Section 7. **Special Meetings.** Special meetings of the Board of Directors may be called by or at the request of the president at any time. The president or secretary shall, upon a written request of at least one-third (1/3) the number of directors, call a special meeting to be held not more than seven (7) days after the receipt of such request. The president may fix any place, either within or without the State of New Mexico as a place for holding any special meeting of the Board of Directors.

Section 8. **Meetings by Telephone Conference Calls.** Directors or any members of any committee designated by the directors may participate in a meeting of the Board of Directors or such committee by means of telephone conference or similar communications equipment by means of which all persons participating in the meeting can hear each other, and participation in such a meeting by the aforesaid means shall constitute presence in person at such meeting.

Section 9. **Notice of Meeting.** Notice of any special meeting shall be given personally, whether in writing or orally, by facsimile, by electronic correspondence, or by mail, not less than two (2) complete intervening calendar days before the day on which the meeting is to be held. If sent by facsimile or electronic mail, the notice shall be deemed delivered upon receipt by the sender of confirmation of successful delivery. If sent by mail, the notice shall be deemed delivered three (3) calendar days after it is deposited with the proper address thereon in the United States mail, or upon receipt by the addressee, whichever is sooner. Any director may waive notice of any meeting. The attendance of a director at any meeting shall constitute a waiver of notice of such meeting,

except where a director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the Board of Directors need be specified in the notice or waiver of notice of such meeting.

Section 10. **Voting by Directors.** Each director shall be entitled to one (1) vote on each matter submitted to a vote at a meeting of the Board of Directors; notwithstanding the foregoing, Advisory Directors shall not be entitled to vote on matters submitted to a vote at a meeting of the Board of Directors. In the event of a tie vote of the directors, the vote of the Chairman of the Board (as hereinafter defined) shall determine the majority. The vote of a temporary chairman elected solely for the purposes of a meeting at which the Chairman of the Board is not present shall not determine the majority in the event of a tie vote. In the event of a tie vote of the directors during a meeting at which the Chairman of the Board is not present, action on the issue shall be deferred until a sufficient number directors or the Chairman of the Board are present to break the tie.

Section 11. **Quorum.** A majority of the number of directors entitled to vote shall constitute a quorum for the transaction of business at any regular or special meeting. A quorum, once attained at a meeting, shall be deemed to continue until adjournment notwithstanding a voluntary withdrawal of enough directors to leave less than a quorum. The act of the majority of the directors present at a meeting at which a quorum is present, unless otherwise provided by law, these Bylaws or the Articles of Incorporation, shall be the act of the Board of Directors. If less than a majority of the directors are present at any meeting, a majority of the directors present may adjourn the meeting from time to time without further notice.

Section 12. **Manifestation of Dissent.** A director who is present at a meeting of the Board of Directors at which action on any corporate matter is taken shall be presumed to have assented to the action taken unless his/her dissent shall be entered in the minutes of the meeting or unless he/she shall file his/her written dissent to such action with the person acting as the secretary of the meeting before the adjournment thereof or shall forward such dissent by registered mail to the secretary of the corporation immediately after the adjournment of the meeting. Such right to dissent shall not apply to a director who voted in favor of such action.

Section 13. **Vacancies.** Any vacancy occurring in the Board of Directors may be filled by appointment by the Board of Regents of Northern New Mexico College. A director appointed to fill a vacancy shall be appointed for the unexpired term of his/her predecessor in office. Any directorship to be filled by reason of an increase in the number of directors shall be filled by the Board of Regents for a term of office continuing only until the next election of directors by the shareholders.

Section 14. **Removal of Directors.** One or more directors, or the entire Board of Directors, may be removed, with or without cause, by a vote of the Board of Regents of Northern New Mexico College.

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Section 15. **Compensation.** By resolution of the Board of Directors, directors may receive a fixed sum plus expenses of attendance, if any, for attendance at any regular or special meeting of the Board of Directors; provided, that nothing herein contained shall be construed to preclude any director from serving the corporation in any other capacity and receiving compensation therefor.

Section 16. **Resignation.** Any director may resign his/her office at any time, such resignation to be made in writing and to take effect immediately without acceptance.

Section 17. **Committees.** The Board of Directors, by resolution adopted by a majority of the full Board of Directors, may designate from among its members an executive committee and one (1) or more other committees each of which, to the extent provided in the resolution, shall have and may exercise all the authority of the Board of Directors, but no such committee shall have the authority of the Board of Directors in reference to amending the Articles of Incorporation, adopting a plan of merger or consolidation, recommending to the shareholders the sale, lease, exchange or other disposition of all or substantially all the property and assets of its business, recommending to the shareholders a voluntary dissolution of the corporation or a revocation thereof, or amending the Bylaws of the corporation. The designation of any such committee and the delegation thereto of authority shall not operate to relieve the Board of Directors, or any member thereof, of any responsibility imposed by law.

Section 18. **Written Consent.** Any action required by the Business Corporation Act to be taken at a meeting of the directors of the corporation, or any action which may be taken at a meeting of the directors or of a committee, may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the directors, or all of the members of the committee, as the case may be. The consent shall have the same effect as a unanimous vote.

#### ARTICLE IV OFFICERS

Section 1. **Officers and Qualifications.** The officers of this corporation shall consist of a president, one or more vice presidents, (the number thereof to be determined by the Board of Directors from time to time), a secretary, and a treasurer, each of whom shall be appointed to the Board of Directors in the manner prescribed by these Bylaws. Other officers and assistant officers and agents deemed necessary may be elected or appointed by the Board of Directors or chosen in the manner prescribed by these Bylaws. Any two (2) or more offices may be held by the same person. All officers and agents of the corporation, as between themselves and the corporation, shall have the authority and shall perform the duties in the management of the corporation as provided in these Bylaws, or as determined by the resolution of the Board of Directors not inconsistent with these Bylaws.

Section 2. **Election and Term.** All officers of the corporation shall be elected annually by the Board of Directors at its regular meeting held immediately after the annual meeting of shareholders. If the election of officers is not held at such meeting, such election shall be held as

soon thereafter as may be convenient. Each officer shall hold office until his/her successor has been duly elected and qualified, or until removed as hereinafter provided.

Section 3. **Vacancies.** A vacancy in any office because of death, resignation, removal, disqualification or otherwise, may be filled by the Board Regents of Northern New Mexico College for the unexpired portion of the term. New offices may be created and filled at any meeting of the Board of Directors.

Section 4. **Removal.** Any officer or agent may be removed by the Board of Directors whenever in its judgment the best interest of the corporation will be served thereby, but such removal shall be without prejudice to the contract rights, if any, of the person removed. Election or appointment of an officer or agent shall not of itself create contract rights.

Section 5. **Compensation of Officers.** The officers shall receive such salary or compensation as may be fixed by the Board of Directors. No officers shall be prevented from receiving compensation by reason of the fact that he/she is also a director of the corporation.

Section 6. **Duties of Officers.** The duties and powers of the officers of the corporation shall be as follows and shall hereafter be set by resolution of the Board of Directors:

#### **Chairman of the Board of Directors**

The Board of Directors shall have the right and power to elect a Chairman from among the members of the Board of Directors. If a Chairman of the Board of Directors is elected, he/she shall preside at all meetings of the Board of Directors in place of the president of the corporation, and he/she may also cast his/her vote on all issues brought before the Board.

#### **President**

(a) The president shall be the chief executive officer of the corporation and shall in general supervise and control all of the business and affairs of the corporation. Provided, however, that if the Board of Directors shall designate the chairman as the chief executive officer, then the chairman shall have the duties and powers of the president, and the president shall possess the same only in the absence of the chairman, or in the event of his/her inability or refusal to act.

(b) He/She shall preside at all meetings of the shareholders and shall preside at all meetings of the directors unless a chairman of the Board of Directors is elected, in which case he/she shall preside only in the absence of the Chairman of the Board of Directors.

(c) He/She shall present at each annual meeting of the shareholders and directors a report of the condition of the business of the corporation.

(d) He/She shall cause to be called regular and special meetings of the shareholders and directors in accordance with the requirements of the law and these Bylaws.

(e) He/She shall appoint, discharge and fix the compensation of all employees and agents of the corporation other than the duly elected officers, subject to any qualifications with respect thereto made by the Board of Directors.

(f) He/She shall sign and execute all contracts in the name of the corporation, and all certificates for shares of the corporation, all deeds, mortgages, bonds, contracts, notes, drafts, or other orders for the payment of money, or other instruments which the Board of Directors have authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Board of Directors or by these Bylaws to some other officer or agent of the corporation, or shall be required by law to be otherwise signed or executed.

(g) He/She shall cause all books, reports, statements, and certificates to be properly kept and filed as required by law.

(h) He/She shall enforce these Bylaws and perform all the duties incident to his/her office and which are required by law, and, generally, perform all duties incident to the office of president and such other duties as may be prescribed by the Board of Directors from time to time.

#### **Vice President**

In the absence of the president (and chairman, if the chairman is the chief executive officer of the corporation) or in the event of his/her inability or refusal to act, the vice president (or if there be more than one vice president, the vice presidents, in order of seniority) shall perform the duties of the president, and when so acting, shall have all the powers and be subject to all the responsibilities of the office of president. The vice president shall also perform such other duties and have such other powers as from time to time may be assigned to him/her by the Board of Directors or president.

#### **Secretary**

(a) The secretary shall keep the minutes of the meetings of the Board of Directors and of the shareholders in the appropriate books.

(b) He/She shall attend to the giving of notice of special meetings of the Board of Directors and of all the meetings of the shareholders of the corporation.

(c) He/She shall be the custodian of the records of the corporation.

(d) He/She shall keep at the principal office of the corporation a book or record containing the names, alphabetically arranged, of all persons who are shareholders of the corporation, showing their mailing addresses, the number of shares held by them respectively, and



the dates when they respectively became the owners of record thereof. He/She shall keep such book or record and the minutes of the proceedings of its shareholders open daily during the usual business hours, for inspection, within the limits prescribed by law, by any person duly authorized to inspect such records. At the request of the person entitled to an inspection thereof, he/she shall prepare and make available a current list of the officers and directors of the corporation and their mailing addresses.

(e) He/She shall attest the execution of instruments on behalf of the corporation by a proper officer thereof.

(f) He/She shall sign all certificates representing shares.

(g) He/She shall attend to all correspondence and present to the Board of Directors at its meetings all official communications received by him/her.

(h) He/She shall have general charge of the stock transfer books of the corporation.

(i) He/She shall in general perform all duties incident to the office of secretary and such other duties as from time to time may be assigned to him/her by the president or by the Board of Directors.

#### **Treasurer**

(a) The treasurer shall have the care and custody of and be responsible for all the funds and securities in the name of the corporation in such banks, trust companies or other depositories as shall be designated by the Board of Directors.

(b) Subject to banking resolutions adopted by the Board of Directors, he/she shall make, sign, and endorse in the name of the corporation all checks, drafts, notes, and other orders for the payment of money, and pay out and dispose of such under the direction of the president or the Board of Directors.

(c) He/She shall keep at the principal office of the corporation accurate books of account of all its business and transactions and shall at all reasonable hours exhibit books and accounts to any director upon application at the office of the corporation during business hours.

(d) He/She shall render a report of the condition of the finances of the corporation at each regular meeting of the Board of Directors and at such other times as shall be required of him/her, and he/she shall make a full financial report at the annual meeting of the shareholders.

(e) He/She shall further perform all duties incident to the office of treasurer of the corporation.

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(f) If required by the Board of Directors, he/she shall give such bond as it shall determine appropriate for the faithful performance of his/her duties.

### **Other Officers**

Other officers shall perform such duties and have such powers as may be assigned to them by the Board of Directors. Assistant secretaries and assistant treasurers, in general, shall perform such duties as shall be assigned to them by the secretary or the treasurer, respectively, or by the president or the Board of Directors.

## **ARTICLE V**

### **COMMITTEES**

**Section 1: Committee Formation and Appointment.** The Board may create committees as needed to assist in carrying on the business of the Corporation including, but not limited to a Finance & Audit Committee and Nominating Committee. The maximum number of members for each committee shall be less than the number of Board Members required to constitute a quorum of the Board. The President shall name the members of each committee from the Board or from outside of the Board. Each of such committees shall have such powers and authority as the Board may prescribe and shall develop policies and procedures for its own operation, except that regular and special meetings of any committee shall be called and held subject to the same requirements with respect to time, place and notice as are specified in these Bylaws for regular and special meetings of the Board of Directors. The designation and appointment of any such committee and delegation thereto of authority shall not operate to relieve the Board of Directors or any individual Director of any responsibility imposed by law.

**Section 2: Meetings and Function.** A majority of the members of any committee serving at the time of any meeting shall constitute a quorum for the transaction of business at such meeting. Except as expressly specified in these Bylaws, the action of the majority of those members present at a committee meeting at which a quorum is present shall constitute an act of the Committee. All meetings of committees shall be conducted in accordance with Article IV, Section 9.

## **ARTICLE VI**

### **INDEMNIFICATION**

**Section 1: Scope of Indemnification.** The Corporation shall indemnify each Director or Officer or former Director or Officer of the Board against reasonable expenses, costs, and attorney's fees actually and reasonably incurred by the Director or Officer in connection with the defense of any action, suit or proceeding, civil or criminal, in which the Director or Officer is made a party by reason of being or having been a Director or Officer. The indemnification shall include attorneys fees and costs and any amounts paid to satisfy a judgment or to compromise or settle a claim. The Director or Officer shall not be indemnified if adjudged to be liable on the basis that they have breached or failed to perform the duties of their office and the breach or failure to

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perform constitutes willful misconduct or recklessness. Advance indemnification may be allowed of a Director or Officer for reasonable expenses to be incurred in connection with the defense of the action, suit or proceeding provided that the Director or officer must reimburse the Corporation if it is subsequently determined that the Director or Officer was not entitled to indemnification. The Corporation shall purchase insurance insuring its obligations hereunder in the amounts authorized from time to time by the Board. The Corporation shall have the right, but shall not be obligated, to indemnify any employee, volunteer, or agents for the Corporation not otherwise covered by this Section 1 to the same extent as Directors and Officers are indemnified and shall also have the right, but not the obligation, to purchase insurance insuring its obligation hereunder in the amounts authorized from time to time by the Board.

**Section 2: Savings Clause; Limitation.** If any provision of these bylaws dealing with indemnification is invalidated by any court on any ground, then the Corporation shall nevertheless indemnify each party otherwise entitled to indemnification hereunder to the fullest extent permitted by law or any applicable provision of the Business Corporation Act, the University Research Park and Economic Development Act, or of these bylaws that shall not have been invalidated (but not to a greater extent than would be authorized by these bylaws without regard to any such invalidation).

## **ARTICLE VII**

### **CONTRACTS, LOANS, CHECKS AND DEPOSITS**

Section 1. **Contracts.** The Board of Directors may authorize any officer or officers, agent or agents, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the corporation, and such authority may be general or confined to specific instances.

Section 2. **Loans.** No loans shall be contracted on behalf of the corporation and no evidences of indebtedness shall be issued in its name unless authorized by a resolution of the Board of Directors. Such authority may be general or confined to specific instances.

Section 3. **Checks, Drafts, etc.** All checks, drafts or other orders for the payment of money, notes or other evidence of indebtedness issued in the name of the corporation, shall be signed by such officer or officers, agent or agents of the corporation and in such manner as shall from time to time be determined by resolution of the Board of Directors.

Section 4. **Deposits.** All funds of the corporation not otherwise employed shall be deposited from time to time to the credit of the corporation in such banks, trust companies or other depositories as the Board of Directors may select.

## **ARTICLE VIII**

### **SHARES**

Section 1. **Certificates.** The shares of the corporation shall be represented by certificates prepared by the Board of Directors and signed by the president or the vice president, and the

secretary or an assistant secretary. The certificates shall be numbered consecutively and in the order in which they are issued; they shall be bound in a book and shall be issued in consecutive order therefrom, and in the margin thereof or on a stock record page shall be entered the name of the person to whom the shares represented by each such certificate are issued, the number of such shares, and the date of issue. Each certificate shall state the registered holder's name, the number of shares represented thereby, the date of issue, the par value of such shares, or that they are without par value. All certificates surrendered to the corporation for transfer shall be cancelled and no new certificates shall be issued until the former certificate for a like number of shares shall have been surrendered and cancelled, except that in case of a lost, stolen or destroyed certificate, a new one may be issued therefor in accordance with Section 6 of this Article.

**Section 2. Restriction on Ownership.** Northern New Mexico College or its nominee shall be the only entity or individual entitled to own shares in the Corporation.

**Section 3. Subscriptions.** Subscriptions for shares shall be paid at such times and in such installments as the Board of Directors shall determine. If default shall be made in the payment of any installment as required by such resolution, the Board of Directors may declare the shares and all previous payments thereon forfeited for the use of the corporation, in the manner prescribed by law.

**Section 4. Legends.** Each certificate for shares of stock which are subject to any restriction on transfer pursuant to the Articles of Incorporation, the Bylaws, applicable securities laws or any agreement among any number of shareholders or among such holders in the corporation shall have conspicuously noted on the face or back of the certificate either the full text of the restriction or a statement of the existence of such restriction.

**Section 5. Transfer of Shares.** Transfer of shares will be registered on the books of the corporation maintained for that purpose upon presentation of share certificates appropriately endorsed. The corporation shall issue a new certificate for the shares surrendered to the person or persons entitled thereto. The person in whose name the shares stand on the books of the corporation shall be deemed the owner thereof for all purposes.

**Section 6. Returned Certificates.** All certificates for shares changed or returned to the corporation for transfer shall be marked by the secretary "Cancelled" with the date of cancellation, and the transaction shall be immediately recorded in the certificate book opposite the memorandum of their issue. The returned certificate may be inserted in the certificate book.

**Section 7. Lost, Stolen or Destroyed Certificates.** The corporation may issue a new certificate of stock in place of any previously issued certificate alleged to have been lost, stolen or destroyed, upon such terms and conditions as the Board of Directors may prescribe, including the presentation of reasonable evidence of such loss, theft or destruction and the giving of such indemnity as the Board of Directors may require for the protection of the corporation or any transfer agent or registrar.

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**ARTICLE IX**  
DIVIDENDS

The Board of Directors at any regular or special meeting may declare dividends payable out of the surplus of the corporation, subject to the restrictions and limitations imposed by law whenever in the exercise of its discretion it may deem such declaration advisable. Such dividends may be paid in cash, property, or shares of the corporation.

**ARTICLE X**  
FISCAL YEAR

The corporation shall have a fiscal year, which shall be determined by the Board of Directors. Such fiscal year shall end on the last day of any one calendar month, and shall begin the first day of the next succeeding calendar month.

**ARTICLE XI**  
WAIVER OF NOTICE

Whenever, under the provisions of these Bylaws or of any statute, any shareholder or director is entitled to notice of any regular or special meeting or of any action to be taken by the corporation, such meeting may be held or such action may be taken without the giving of such notice, provided every shareholder or director entitled to such notice in writing waives the requirements of these Bylaws in respect thereto.

**ARTICLE XII**  
AMENDMENTS

These Bylaws may be altered, amended, repealed or new Bylaws adopted by a majority of the entire Board of Directors at a regular or special meeting of the Board.

STATE OF NEW MEXICO )  
 )ss.  
COUNTY OF \_\_\_\_\_)

I hereby certify that the above and foregoing Bylaws of Northern New Mexico College Corporation, a New Mexico corporation, consisting of \_\_\_\_ ( ) pages, this page included, are the Bylaws of this corporation, adopted by the Board of Directors thereof by Unanimous Consent dated \_\_\_\_\_, 2020.

\_\_\_\_\_

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\_\_\_\_\_, President

\_\_\_\_\_, Secretary

Signed and sworn to before me on \_\_\_\_\_, 2020, by  
, as President, and \_\_\_\_\_, as Secretary.

(Seal)

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

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*Office of the President***NORTHERN New Mexico College****MEMORANDUM**

**To:** Board of Regents  
Northern New Mexico College

**From:** Ricky Bejarano, CPA, CGMA  
Vice President for Administration & Finance

**Date:** April 27, 2020

**Re:** Fiscal Watch Report

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Issue

On a monthly basis, Northern New Mexico College (NNMC) provides an institutional financial report for Board of Regent (BOR) review and approval.

Overview

The NNMC Business Office, on a monthly basis, prepares a Fiscal Watch Report for review and discussion at the monthly Audit, Finance and Facilities Committee (AF&F) meeting. The financial report provides an overview of the institution's financial condition for all unrestricted and restricted operational funds and grants throughout the College.

The fiscal watch reports are presented in the format prescribed by the New Mexico Higher Education Department (NMHED) with titles are located at the top of the page. An additional fiscal watch report is included to provide an updated budget status report for all Budget Adjustment Requests processed through the time of the monthly AF&F meeting.

In addition, the BOR is also provided individual reports for the following financial areas summarized in the monthly institution-wide fiscal watch report:

- Unrestricted funds (11)
- Auxiliary Programs (12)
- Institutional Grants (41)
- Student Aid (42)
- Plant Funds (91)
- Capital Projects (92)

Although the NMHED requires all higher education institutions to submit fiscal watch reports on a quarterly basis, NNMC produces fiscal watch reports on a monthly basis to insure that the BOR is regularly informed about the current financial condition of the institution.

Recommendation

Staff recommends that the Board of Regents approve the Fiscal Watch Report for the period ending March 31, 2020.

## Northern New Mexico College

## Statement of Net Position

(Unaudited and Unadjusted)

March 31, 2020

<b>Assets</b>		
Current Assets:		
Cash and Cash Equivalents		5,667,047
Short-Term Investments		-
AR - Student		346,475
AR - Other than student		248,021
Inventories		71,087
Prepaid Expenses		6,962
Loans Receivable, net		438,438
Total Current Assets		<u>6,778,029</u>
Non-Current Assets		
Restricted Cash and Cash Equivalents		-
Restricted Short Term Investments		-
Investments Held by Others		-
Other Long-Term Investments		-
Prepaid Expenses		-
Capital Assets, net		35,176,600
Total Non-Current Assets		<u>35,176,600</u>
<b>Total Assets</b>		<u><b>41,954,629</b></u>
<b>Deferred Outflows of Resources</b>		
Pension Related (6/30/19 balances)		9,904,397
<b>Total Deferred Outflows of Resources</b>		<u><b>9,904,397</b></u>
<b>Liabilities</b>		
Current Liabilities		
Accounts Payable		7,514
Other Accrued Liabilities		527,849
Deferred Income		1,988,436
LT Liabilities - Current Portion		-
Total Current Liabilities		<u>2,523,799</u>
Non-Current Liabilities		
Accrued Interest Payable		-
Accrued Benefit Reserves		-
Other LT Liabilities		113,776
OPED Liability		7,889,220
Net Pension Liability		34,773,819
Total Non-Current Liabilities		<u>42,776,815</u>
<b>Total Liabilities</b>		<u><b>45,300,614</b></u>
<b>Deferred Inflows of Resources</b>		
Pension Related (6/30/19 balances)		3,504,432
<b>Total Deferred Inflows of Resources</b>		<u><b>3,504,432</b></u>
<b>Net Position</b>		
Invested in Capital Assets, net of Related Debt		35,176,600
Restricted for:		
Nonexpendable:		
Endowments		-
Expendable:		
General Activities		111,021
Federal Student Loans		-
Term Endowments		590,000
Capital Projects		-
Debt Service		-
Related Entity Activities		1,329,623
Unrestricted		
Unrestricted without NFP		7,193,925
Net Fiduciary Position		-
Total Unrestricted (includes 6/30/18 NFP)		<u>7,193,925</u>
<b>Total Net Position</b>		<u><b>44,401,169</b></u>



**Northern New Mexico College**  
**Summary of Operating and Plant Funds**  
**(Unadjusted and Unaudited)**  
**Fiscal Year 2020**

Operating Funds	FY 2020 Original Budget	FY 2020 Adjusted Budget	FY 2020 Actuals as of March 31, 2020	Percentage Earned/Spent
<b>REVENUES</b>				
Tuition & Misc Fees	\$ 3,813,822	\$ 4,060,939	\$ 3,582,439	88.2%
Federal Appropriations	-	-	-	-
State Appropriations	12,692,700	12,692,700	9,857,200	77.7%
Local Appropriations	-	-	-	-
Gifts, Grants & Contracts	7,513,828	10,197,566	4,928,006	48.3%
Endowment/Land & Perm Inc	163,525	163,525	137,647	84.2%
Sales & Services	703,490	788,501	938,597	119.0%
Other	383,743	180,995	181,137	100.1%
<b>Total Revenue</b>	<b>25,271,108</b>	<b>28,084,226</b>	<b>19,625,027</b>	<b>69.9%</b>
<b>BEGINNING BALANCE</b>	<b>2,228,873</b>	<b>2,228,873</b>	<b>1,997,246</b>	<b>89.61%</b>
<b>TOTAL AVAILABLE</b>	<b>27,499,981</b>	<b>30,313,099</b>	<b>21,622,273</b>	<b>71.3%</b>
<b>EXPENDITURES</b>				
Instruction & General	17,105,901	19,620,084	11,007,704	56.1%
Student Social & Cultural	98,735	98,735	49,536	50.2%
Research	140,743	133,814	72,784	54.4%
Public Service	1,579,633	1,587,649	626,984	39.5%
Internal Services	177,576	177,576	133,182	75.0%
Student Aid	5,067,156	5,184,585	4,473,637	86.3%
Auxiliary Enterprises	957,028	957,028	448,105	46.8%
Intercollegiate Athletics	644,442	623,207	460,404	73.9%
Independent Operations (NMDA)	-	-	-	-
<b>Total Expenditures</b>	<b>25,771,214</b>	<b>28,382,679</b>	<b>17,272,335</b>	<b>60.9%</b>
<b>NET TRANSFERS OUT / (IN)</b>	<b>230,000</b>	<b>230,000</b>	<b>64,460</b>	<b>28.0%</b>
<b>TOTAL EXPENDITURES &amp; TRANSFERS</b>	<b>26,001,214</b>	<b>28,612,679</b>	<b>17,336,795</b>	<b>60.6%</b>
<b>ENDING FUND BALANCE</b>	<b>\$ 1,498,767</b>	<b>\$ 1,700,420</b>	<b>\$ 4,285,479</b>	

Plant Funds	FY 2020 Original Budget	FY 2020 Adjusted Budget	FY 2020 Actuals as of March 31, 2020	Percentage Earned/Spent
<b>REVENUES AND TRANSFERS</b>				
Required Student Fees				
Bond Proceeds				
Gifts, Grants and Contracts				
Interest Income				
State Appropriation	\$ 1,987,565	\$ 1,987,565	\$ 59,814	3.0%
Debt Service Transfers				
Other				
<b>Total Revenues and Transfers</b>	<b>1,987,565</b>	<b>1,987,565</b>	<b>59,814</b>	<b>3.0%</b>
<b>BEGINNING BALANCE</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>TOTAL AVAILABLE</b>	<b>1,987,565</b>	<b>1,987,565</b>	<b>59,814</b>	<b>3.0%</b>
<b>EXPENDITURES</b>				
Capital Projects	1,987,565	1,987,565	59,814	3.0%
Building Renewal	230,000	230,000	388,597	169.0%
Internal Service Renewal/Replacement				
Auxiliary Renewal/Replacement				
Debt Retirement				
<b>Total Expenditures</b>	<b>2,217,565</b>	<b>2,217,565</b>	<b>448,411</b>	<b>20.2%</b>
<b>NET TRANSFERS OUT / (IN)</b>	<b>(230,000)</b>	<b>(230,000)</b>	<b>(64,460)</b>	<b>28.0%</b>
<b>TOTAL EXPENDITURES &amp; TRANSFERS</b>	<b>1,987,565</b>	<b>1,987,565</b>	<b>383,952</b>	<b>19.3%</b>
<b>ENDING FUND BALANCE</b>	<b>\$ -</b>	<b>\$ -</b>	<b>(324,138)</b>	

**Northern New Mexico College**  
**Comparison of Operating and Plant Funds**  
**(Unadjusted and Unaudited)**  
**Fiscal Year's 2020 and 2019**

Operating Funds	FY 2020 Actuals as of March 31, 2020	FY 2019 Actuals as of March 31, 2019	Percentage Increase (Decrease)
<b>REVENUES</b>			
Tuition & Misc Fees	\$ 3,582,439	\$ 3,899,262	-8.1%
Federal Appropriations	-	-	
State Appropriations	9,857,200	8,089,700	21.8%
Local Appropriations	-	-	
Gifts, Grants & Contracts	4,928,006	5,809,319	-15.2%
Endowment/Land & Perm Inc	137,647	185,055	-25.6%
Sales & Services	938,597	489,316	91.8%
Other	181,137	121,053	49.6%
<b>Total Revenue</b>	<b>19,625,027</b>	<b>18,593,705</b>	<b>5.5%</b>
<b>BEGINNING BALANCE</b>	<b>1,791,221</b>	<b>1,791,221</b>	<b>0.0%</b>
<b>TOTAL AVAILABLE</b>	<b>21,416,249</b>	<b>20,384,926</b>	<b>5.1%</b>
<b>EXPENDITURES</b>			
Instruction & General	11,007,704	10,607,622	3.8%
Student Social & Cultural	49,536	63,082	-21.5%
Research	72,784	-	
Public Service	626,984	288,584	117.3%
Internal Services	133,182	127,304	4.6%
Student Aid	4,473,637	4,558,787	-1.9%
Auxiliary Enterprises	448,105	574,359	-22.0%
Intercollegiate Athletics	460,404	413,408	11.4%
Independent Operations (NMDA)	-	-	
<b>Total Expenditures</b>	<b>17,272,335</b>	<b>16,633,146</b>	<b>3.8%</b>
<b>NET TRANSFERS OUT / (IN)</b>	<b>64,460</b>	<b>202,940</b>	<b>-68.2%</b>
<b>TOTAL EXPENDITURES &amp; TRANSFERS</b>	<b>17,336,795</b>	<b>16,836,086</b>	<b>3.0%</b>
<b>ENDING FUND BALANCE</b>	<b>\$ 4,079,454</b>	<b>\$ 3,548,840</b>	<b>15.0%</b>

Plant Funds	FY 2020 Actuals as of March 31, 2020	FY 2019 Actuals as of March 31, 2019	Percentage Increase (Decrease)
<b>REVENUES AND TRANSFERS</b>			
Required Student Fees	\$ -	\$ -	0.0%
Bond Proceeds	-	-	0.0%
Gifts, Grants and Contracts	-	-	0.0%
Interest Income	-	-	0.0%
State Appropriation	59,814	402,925	-85.2%
Debt Service Transfers	-	-	0.0%
Other	-	-	0.0%
<b>Total Revenues and Transfers</b>	<b>59,814</b>	<b>402,925</b>	<b>-85.2%</b>
<b>BEGINNING BALANCE</b>	<b>-</b>	<b>-</b>	
<b>TOTAL AVAILABLE</b>	<b>59,814</b>	<b>402,925</b>	<b>-85.2%</b>
<b>EXPENDITURES</b>			
Capital Projects	59,814	402,925	-85.2%
Building Renewal	388,597	124,513	212.1%
Internal Service Renewal/Replacement	-	-	0.0%
Auxiliary Renewal/Replacement	-	-	0.0%
Debt Retirement	-	-	0.0%
<b>Total Expenditures</b>	<b>448,411</b>	<b>527,438</b>	<b>-15.0%</b>
<b>NET TRANSFERS OUT / (IN)</b>	<b>(64,460)</b>	<b>(202,940)</b>	<b>-68.2%</b>
<b>TOTAL EXPENDITURES AND TRANSFERS</b>	<b>383,952</b>	<b>324,498</b>	<b>18.3%</b>
<b>ENDING FUND BALANCE</b>	<b>\$ (324,138)</b>	<b>\$ 78,427</b>	<b>-513.3%</b>

*Some revenues are reported on a seasonal basis or by semester and therefore may affect the Increase/(Decrease) to Fund Balance*

# Northern New Mexico College

## Statement of Cash Flows

(Unaudited and Unadjusted)

March 31, 2020

Cash Flows from Operating Activities	
Receipts from student tuition and fees	\$ 3,235,964
Receipts from grants and contracts	4,679,986
Other receipts	-
Payments to or on behalf of employees	(1,000,847)
Payment to suppliers for goods and services	(13,128,460)
Receipts from Sales and Services	938,597
Payments for scholarships	(1,085,213)
Other Operating Revenue	181,137
Net cash (used) by operating activities	<u>(6,178,835)</u>
Cash Flows from Non-Capital Financing Activities	
State Appropriations	9,917,014
Gifts for other than Capital Purposes	-
Private Gifts for Endowment	-
Other Non-operating Expense	-
Net Cash provided (used) for non-capital financing activities	<u>9,917,014</u>
Cash Flows from Capital and Related Financing Activities	
Proceeds from Capital Debt	-
Capital Gifts, Grants and contracts	-
Purchase/Construction/Renovation of Capital Assets	-
Principal Received/Paid on Capital Debt and Leases	-
Interest and Fees Paid on Capital Debt and Leases	-
Building Fees Received from Students	-
Net Cash provided (used) for capital financing activities	<u>-</u>
Cash Flows from Investing Activities	
Investment Earnings	137,647
Net Cash provided by Investing Activities	<u>137,647</u>
Increase (Decrease) in Cash and Cash Equivalents	3,875,826
Cash and Cash Equivalents- beginning of year	1,791,221
Cash and Cash Equivalents- end of reporting period	<u>\$ 5,667,047</u>

*Office of the President***NORTHERN New Mexico College****MEMORANDUM**

**To:** Board of Regents,  
Northern New Mexico College

**From:** Ricky Bejarano, Vice President for Finance & Administration

**Date:** April 27, 2020

**Re:** Monthly Budget Adjustment Requests

*Issue*

On a monthly basis, Northern New Mexico College (NNMC) provides all Budget Adjustment Requests (BARs) for review and approval by the Board of Regents (BOR). Included in the packet are BARs for FY20 for the month of March and April 2020.

*Overview*

NNMC prepares BARs on an ongoing basis to ensure the transparent management and expenditure of all restricted and unrestricted financial resources of the college follow statutory requirements, state procurement and internal budgetary guidelines. In addition to the actual BARs and supporting line -item budget information, the NNMC Finance Department, also provides a year-to-date listing of all BARs processed by the institution in the normal course of business. The various types of budget adjustments presented to the BOR for review and approval include:

- Initial Budgets (0 restricted, 0 unrestricted)
- Budget Increases (0 restricted, 2 unrestricted)
- Budget Decreases (0 restricted, 0 unrestricted,
- Budget Transfers (0 restricted, 0 unrestricted)
- Total BARs Y-T-D = 65 (2 BARs require BOR approval)

The Vice President of Finance and Administration is responsible for the approval of all intra-department budget transfers and regular line item budget maintenance, resulting in a net zero impact to institutional operating budgets. BOR authorization is requested for all inter-department budget transfers and budget adjustments requiring an increase or decrease in current budget authorization levels.

The Audit, Finance and Facilities Committee is responsible for reviewing all Budget Adjustment Requests prior to the monthly BOR meetings for final action.

*Recommendation*

All internal FY20 BARs roll up to the Institutions final restricted and unrestricted BARs which will be submitted to the Higher Education Department on May 1<sup>st</sup>. Staff recommends that the Board of Regents approve the attached BARs as prepared internally through April 21, 2020.

## Northern New Mexico College

FY20 (2019-2020)

Tuesday, April 21, 2020

BAR No.	Fund Type	BAR Type	Approved	Fund	Org	Fund Title	FTE	Amount
19200000				11000	1077	Instruction & General	211.30	\$0
19200001	Unrestricted	Maintenance	8/19/2019	11742	3414	Anna Age Eighte	0.00	\$0
19200002	Restricted	Increase	10/21/2019	41101	2725	High School Equivalent Program	0.00	\$13,759
19200003	Restricted	Increase	10/21/2019	11303	2212	Indirect Cost Funds	0.00	\$90,411
19200004	Unrestricted	Increase	10/21/2019	11011	2431	Nursing Enhancement	0.00	\$12,500
19200005	Unrestricted	Maintenance	8/19/2019	91210	4521	Equipment Repair & Replacemen	0.00	\$0
19200006	Restricted	Increase	10/21/2019	41170	2212	Alliance for Minority Participatio	0.00	\$6,070
19200007	Restricted	Increase	10/21/2019	11303	1007	Indirect Cost Funds	0.00	\$4,722
19200008	Unrestricted	Increase	10/21/2019	11201	3041	Financial Aid Admin Cost Allowa	0.00	\$35,140
19200009	Unrestricted	Maintenance	8/19/2019	11000	4011	Instruction & General	0.00	\$0
19200010	Restricted	Maintenance	8/19/2019	41102	3052	College Assistance Migrant Progr	0.00	\$0
19200011	Restricted	Increase	10/21/2019	41465	2620	ECMC Foundation - POCoe	0.00	\$266,073
19200012	Unrestricted	Increase	10/21/2019	11012	2826	Department Discretionary	0.00	\$10,279
19200013	Unrestricted	Maintenance	8/19/2019	11000	2511	Instruction & General	0.00	\$0
19200014	Restricted	Increase	10/21/2019	41466	1005	RDC-Workforce/Education Traini	0.00	\$40,000
19200015	Restricted	Increase	10/21/2019	41211	2811	ABE State	0.00	\$34,677
19200016	Unrestricted	Increase	10/21/2019	11011	2432	Nursing Enhancement	0.00	\$500
19200017	Unrestricted	Maintenance	9/9/2019	11000	3032	Instruction & General	0.00	\$0
19200018	Restricted	Increase	10/21/2019	41463	3052	Davis New Mexico Scholars	0.00	\$24,500
19200019	Restricted	Increase	10/21/2019	41228	2511	NM Public Education Department	0.00	\$206,012
19200020	Restricted	Maintenance	9/26/2019	40121	1007	NM INBRE	0.00	\$0
19200021	Unrestricted	Maintenance	9/26/2019	11012	2355	Department Discretionary	0.00	\$0
19200022	Unrestricted	Maintenance	9/19/2019	83027	3211	Student Organizations	0.00	\$0
19200023	Restricted	Increase	10/21/2019	40121	2212	NM INBRE	0.00	\$188,261
19200024	Restricted	Increase	10/21/2019	11303	1020	Indirect Cost Funds	0.00	\$100,396
19200025	Restricted	Increase	10/21/2019	41467	2355	STEM Core Expansion	0.00	\$61,993

BAR No.	Fund Type	BAR Type	Approved	Fund	Org	Fund Title	FTE	Amount
19200026	Combined	Maintenance	10/3/2019	40121	1007	NM INBRE	0.00	\$0
19200027	Unrestricted	Maintenance	9/26/2019	11303	2571	Indirect Cost Funds	0.00	\$0
19200028	Unrestricted	Maintenance	11/13/2019	11742	3414	Anna Age Eighte	0.00	\$0
19200029	Unrestricted	Increase	11/25/2019	11011	2432	Nursing Enhancement	0.00	\$28,000
19200030	Combined	Maintenance	11/13/2019	41465	2620	ECMC Foundation - POCoe	0.00	\$0
19200031	Restricted	Increase	11/25/2019	11303	1007	Indirect Cost Funds	0.00	\$161,811
19200032	Restricted	Decrease	11/25/2019	40112	2355	NSF INCLUDES	0.00	(\$60,857)
19200033	Unrestricted	Maintenance	11/13/2019	11302	1005	President's Discretionary	0.00	\$0
19200034	Unrestricted	Increase	11/25/2019	11302	1005	President's Discretionary	0.00	\$2,955
19200035	Unrestricted	Increase	11/25/2019	11011	2431	Nursing Enhancement	0.00	\$8,750
19200036	Restricted	Increase	3/23/2020	11303	1007	Indirect Cost Funds	0.00	\$673,446
19200037	Unrestricted	Maintenance	1/6/2020	92539	2826	GO Bond 2016 Library Allocation	0.00	\$0
19200039	Restricted	Increase	1/31/2020	41103	3052	Upward Bound 2017	0.00	\$97,762
19200040	Restricted	Increase	1/31/2020	40111	2263	NSF BEST	0.00	\$100,361
19200041	Unrestricted	Maintenance	1/6/2020	11000	3022	Instruction & General	0.00	\$0
19200042	Combined	Maintenance	1/6/2020	11012	1040	Department Discretionary	0.00	\$0
19200043	Unrestricted	Maintenance	1/6/2020	11741	3031	Veterans Center	0.00	\$0
19200044	Unrestricted	Increase	1/31/2020	11012	1040	Department Discretionary	0.00	\$1,500
19200045	Unrestricted	Transfer	1/31/2020	11000	1022	Instruction & General	0.00	\$0
19200046	Unrestricted	Maintenance	1/10/2020	11000	3032	Instruction & General	0.00	\$0
19200047	Restricted	Increase	3/5/2020	40110	2268	SWNRCT Program USDA	0.00	\$196,207
19200048	Unrestricted	Maintenance	2/21/2020	11801	3501	Internal Services	0.00	\$0
19200049	Unrestricted	Maintenance	2/21/2020	11000	4014	Instruction & General	0.00	\$0
19200050	Unrestricted	Increase	3/4/2020	11011	2431	Nursing Enhancement	0.00	\$22,308
19200051	Unrestricted	Maintenance	2/21/2020	11742	3414	Anna Age Eighte	0.00	\$0
19200052	Restricted	Increase	3/5/2020	42123	3666	Grow Your Own Teacher Scholars	0.00	\$13,603
19200053	Combined	Increase	3/5/2020	11012	2355	Department Discretionary	0.00	\$33,000
19200054	Unrestricted	Maintenance	2/24/2020	11303	2212	Indirect Cost Funds	0.00	\$0
19200055	Combined	Increase	3/23/2020	92541	2826	GO Bond 2018 Library Allocation	0.00	\$28,729
19200056	Restricted	Maintenance	3/18/2020	40111	2263	NSF BEST	0.00	\$0

BAR No.	Fund Type	BAR Type	Approved	Fund	Org	Fund Title	FTE	Amount
19200057	Unrestricted	Maintenance	3/18/2020	11000	2052	Instruction & General	0.00	\$0
19200058	Unrestricted	Increase	3/23/2020	11011	2431	Nursing Enhancement	0.00	\$900
19200059	Restricted	Maintenance	3/18/2020	41465	2620	ECMC Foundation - POCoe	0.00	\$0
19200060	Restricted	Maintenance	3/18/2020	41148	2268	Carl Perkins-SPR Initiative	0.00	\$0
19200061	Unrestricted	Maintenance	4/21/2020	12004	4014	Facilities Rentals	0.00	\$0
19200062	Unrestricted	Increase		42211	3644	Nursing Loan for Service	0.00	\$189,755
19200063	Unrestricted	Maintenance	4/21/2020	12105	3123	Athletics Administration	0.00	\$0
19200064	Unrestricted	Increase		91110	4521	Building Repair & Replacement	0.00	\$245,892
19200065	Unrestricted	Maintenance	4/21/2020	12105	3123	Athletics Administration	0.00	\$0
<b>BAR Net Total</b>							<b>211.30</b>	<b>\$30,317,923</b>

## Northern New Mexico College

BAR Num 19200062

FY20 (2019-2020)

Tuesday, April 21, 2020

Fund Type: Unrestricted

BAR Type: Increase

Fun	Org	Category	Account	Description	FTE	Amount
President's Discretionary	President's Eagle Fund					
Revenue			11302-1004-58001-131	Other Revenue	0.00	\$45,365
Revenue			11900-3648-80273-191	Transfer In	0.00	\$8,184
Revenue			13000-2605-58004-604	Mil Levy Funding	0.00	\$20,000
Revenue			42110-3643-54202-191	State Grant & Contract Revenue	0.00	\$5,400
Revenue			42111-3646-54202-191	State Grant & Contract Revenue	0.00	\$65,435
Revenue			42211-3644-54202-191	State Grant & Contract Revenue	0.00	\$11,000
Revenue			42423-3666-55005-191	Private Gifts and Grants	0.00	\$31,537
Revenue			83027-3281-58001-151	Other Revenue	0.00	\$2,834
<b>Total Revenue</b>					<b>0.00</b>	<b>\$189,755</b>
Expense			11000-1022-61511-101	Salary Contingency Restricted	0.00	(\$8,184)
Expense			11000-3648-80173-611	Transfer Out	0.00	\$8,184
Expense			11302-1004-71131-131	Supplies and Expense	0.00	\$20,365
Expense			11302-1004-73104-131	Electronics-Computer up to 4999.99	0.00	\$10,000
Expense			11302-1040-71131-131	Supplies and Expense	0.00	\$1,500



**Fun President's Discretionary**  
**Org Communications**

Expense	11302-4202-71102-134	Advertising Expense	0.00	\$8,000
Expense	11302-4202-71131-134	Supplies and Expense	0.00	\$3,000
Expense	11302-4202-71148-134	Printing	0.00	\$2,500
Expense	11900-3648-71149-191	Scholarship Expense	0.00	\$8,184
Expense	13000-2605-71145-102	Purchased Services	0.00	\$20,000
Expense	42110-3643-71149-191	Scholarship Expense	0.00	\$5,400
Expense	42111-3646-71149-191	Scholarship Expense	0.00	\$65,435
Expense	42211-3644-71149-191	Scholarship Expense	0.00	\$11,000
Expense	42423-3666-71149-191	Scholarship Expense	0.00	\$31,537
Expense	83027-3281-71131-151	Supplies and Expense	0.00	\$2,834
<b>Total Expense</b>			<b>0.00</b>	<b>\$189,755</b>
<b>BAR Net Total Increase</b>			<b>0.00</b>	<b>\$189,755</b>

\_\_\_\_\_  
**Vice President for Finance and Administration**

\_\_\_\_\_  
**NNMC Board of Regents Representative**

## Northern New Mexico College

BAR Num 19200064

FY20 (2019-2020)

Tuesday, April 21, 2020

Fund Type: Unrestricted

BAR Type: Increase

Fun	NMSIG				
Org	NMSIG				
Category	Account	Description	FTE	Amount	
Revenue	42110-3643-54202-191	State Grant & Contract Revenue	0.00	\$1,350	
Revenue	42111-3646-54202-191	State Grant & Contract Revenue	0.00	\$4,674	
Revenue	91110-4521-80273-922	Transfer In	0.00	(\$15,536)	
Revenue	91210-4521-80273-921	Transfer In	0.00	\$255,404	
<b>Total Revenue</b>			<b>0.00</b>	<b>\$245,892</b>	
Expense	11000-1022-61511-131	Salary Contingency Restricted	0.00	(\$239,870)	
Expense	11000-4521-80173-611	Transfer Out	0.00	(\$15,536)	
Expense	11000-4521-80173-611	Transfer Out	0.00	\$255,404	
Expense	42110-3643-71713-191	SSIG-Fall	0.00	\$1,350	
Expense	42111-3643-71149-191	Scholarship Expense	0.00	\$4,674	
Expense	91110-4521-71145-922	Purchased Services	0.00	(\$21,271)	
Expense	91110-4521-77201-922	Building Renewal and Replacement	0.00	\$5,736	
Expense	91210-4521-71145-921	Purchased Services	0.00	\$10,314	
Expense	91210-4521-73103-921	Equipment 5000.00 and Over	0.00	\$245,091	

**Fun** Equipment Repair & Replacement  
**Org** Maintenance - Espanola

<b>Total Expense</b>	<b>0.00</b>	<b>\$245,892</b>
<b>BAR Net Total Increase</b>	<b>0.00</b>	<b>\$245,892</b>

\_\_\_\_\_

**Vice President for Finance and Administration**

\_\_\_\_\_

**NNMC Board of Regents Representative**



## **MEMORANDUM**

**To:** Board of Regents  
Northern New Mexico College

**From:** Ivan Lopez, Provost and VPAA

**Date:** April 27, 2020

**Re:** Changes to the Branch Community College Faculty Handbook Approval

---

### ***Issue***

At the March 23, 2020 meeting, the Board of Regents approved the Faculty Handbook for the Community College Branch with the caveat that some minor changes (definitions) were needed to be done per Regent Martinez's recommendation.

### ***Overview***

The attached Handbook includes all the revisions that the Ortiz & Zamora legal team proposed to address the concerns related to the definitions of the Board of Regents, President, Provost, Faculty Senate to avoid confusion with the 4-year parent institution.

### ***Recommendation***

I recommend the Board of Regents to approve the changes proposed to the Faculty Handbook for the Community College Branch.

# FACULTY HANDBOOK

FALL 2020

NORTHERN NEW MEXICO BRANCH COMMUNITY COLLEGE

Approved by the Northern New Mexico College Board of Regents, XXX

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DRAFT

**BRANCH COMMUNITY COLLEGE FACULTY HANDBOOK**

DRAFT

*The supervision of all faculty members, the management of all academic departments, instructional programs, and school facilities is the responsibility and obligation of the parent institution, Northern New Mexico College Board of Regents and its College Administration. Northern New Mexico College Board of Regents and its College Administration retain all rights not specifically limited by this Handbook.*

*All other policies and procedures are found on the Northern New Mexico College Website.*

## **PREFACE**

### **Branch Community College Faculty Philosophy**

The faculty performs a significant role in the Northern New Mexico Branch Community College (“Branch Community College”). It is the essential and continuing instrument through which the educational process occurs. Within its area of responsibility at the Branch Community College are the following functions:

1. Instruction and student advisement.
2. Consultation and advisement with the President, Provost, Chairs, and administrators of Northern New Mexico College (“College”), in their management of the Branch Community College, via the constituted committees of the branch institution.
3. Contribution of expertise and knowledge affecting issues, problems and goals of the institution.
4. Participation in the:
  - a. Determination of programs of instruction and related curricula.
  - b. Ongoing review of the institutional mission, philosophy, and goals.
  - c. Ongoing accreditation process.
  - d. Ongoing licensure of programs.
  - e. Establishment of admission standards.
  - f. Establishment of graduation requirements.

The faculty of the Branch Community College is responsible for, and committed to, the following:

1. Knowledge of subject matter and instructional skills.
2. The development and maintenance of relevant curricula, as well as methods of instruction.
3. Integrity for each individual faculty member in the performance of their instructional duties.



4. A high level of dedication and sense of responsibility toward faculty duties, the students, and the instructional objectives.

### **Branch Community College Faculty Handbook Revision Policy**

The procedure for revisions to the Branch Community College Faculty Handbook is as follows:

1. As the judiciary authority of the Branch Community College, the Board of Regents of Northern New Mexico College or its designee may make changes to the Faculty Handbook at any time when needed. Suggestions for changes may be initiated by the Faculty too.
2. Proposed changes initiated by the Faculty will be presented by the Branch Community College Faculty Senate President to the College Provost. The College Provost will ensure that the proposed changes to the handbook do not conflict with other Branch Community College policies. The College Provost may accept the revisions or send the proposal back to the Branch Community College Faculty Senate with comments for modification.
3. The President of the College or a designee will approve the revisions in writing and present them to the College Board of Regents for consideration and/or final approval after the 15 -day all-campus review and comment period. The Branch Community College District Board will be informed on any changes to the Faculty Handbook.
4. The proposed and approved changes will become effective when approved by the College Board of Regents or their designee when appropriate.
5. Once approved, the Branch Community College Faculty Handbook will be posted on the College website and/or any Branch Community College website in the online Policy and Procedures Manual, and announced via Broadcast to the entire Branch Community College campus community.

## **Part I. Branch Community College Governance and Organization**

### **I. A. The Board of Regents**

The primary responsibility of governance rests with the Board of Regents of Northern New Mexico College (“College Board of Regents”). Its basic duties include budget approval, policy approval, selection of the Branch Community College Director, approval of all programs including major revisions and deletions, and general oversight of the total operation of the Branch Community College institution. The College Board of Regents works through the Director who is responsible for the day-to-day administrative activities, which include making recommendations to the College Board of Regents and implementing its policy decisions.

### **I. B. The District Board**

The primary responsibility of the District Board is to approve a budget recommendation for the Branch Community College to the College Board of Regents.

### **I. C. The Branch Community College Director**

Unless otherwise specified herein, or unless a separate Director is appointed by the College Board of Regents, all references to Director shall mean the Northern New Mexico College President.

### **I. D. Branch Community College Faculty Governance**

The faculty shares responsibility for the governance of the Branch Community College institution with the Director and the administrative staff. This responsibility is defined as consultative-advisory in nature and has no judiciary authority. Under no circumstances can the authority of Faculty supersede the authority of the College Board of Regents. The more the subject concerns instructional matter and/or faculty welfare, the larger the faculty role. In general, however, the Faculty shall govern itself and participate in the governance of the institution in the following manner:

1. Instructional matters, including the establishment of curriculum and programs, the development of policies regarding the granting of degrees, certificates, and credits, and all matters impinging upon the development and delivery of instruction shall be referred to the faculty for study and consideration.

2. The "Constitution and By-Laws" spell out the authority of the faculty, the Faculty Senate and its committees.

### **I. E. Faculty Appointment to Institutional Committees**

The Director or designee shall determine which institutional committees will be established and the responsibilities of those committees.

## **Part II. The Branch Community College Faculty**

The Branch Community College employs qualified and competent faculty members to accomplish the mission, vision, and goals of the institution. The institution also considers competence, effectiveness, and professional capacity, including, as appropriate, professional licensure and certifications, undergraduate and graduate degrees, related work experiences in the field, professional honors and awards, academic and/or regional community service, continuous documented excellence in teaching. Other demonstrated competencies and achievements that contribute to effective teaching, student learning outcomes, and institutional advancement are considered. In all cases, while the faculty can assist in evaluating the qualifications of faculty candidates, the College Provost is ultimately responsible for justifying, documenting, and approving the qualifications of the Branch Community College's faculty.

### **II. A. Definition of Faculty**

Branch Community College faculty shall consist of all individuals who teach in the academic programs of the institution. Faculty appointments and privileges vary according to the nature, rights and responsibilities, the term of appointment, assignments, and administrative roles. Because of this variance, what follows is a series of definitions that clarify the meaning and application of the terms:

#### **1. Full-time Instructors**

Full-time instructors are faculty appointed on an annual basis and hired under a faculty contract under a probationary basis. They have no right to reappointment. Instructors are normally hired in Career and Technical Education Programs and certain Academic Programs. Appointments of instructors follow the recommendation of the Chair

and the approval of the College Provost. Appropriate certification, licensure, and/or professional achievements may justify the appointment.

**2. Part-time Instructors**

Part-time instructors are persons employed on a faculty contract with a portion (normally one-half) of the workload, are compensated on a pro-rated basis including fringe benefits, and are normally hired in Career and Technical Education Programs and certain Academic Programs. They have no right to reemployment. Appointments of part-time instructors follow the recommendation of the Chair and the approval of the College Provost. Appropriate certification, licensure, and/or professional achievements may justify the appointment.

**3. Adjunct Instructor**

An adjunct instructor is appointed on a term contract for instructional, temporary and part-time assignments. They are not assigned other responsibilities such as professional service or Branch Community College community service. They have no right to reappointment. Persons appointed at this level will vary in minimal academic qualifications described in Section II.C. All degrees shall be from accredited institutions (licensed program when applicable) or from internationally reputable and recognized institutions. Exceptions to these requirements may be made by the College Provost upon presentation of evidence of a record of experience or other credentials that indicate academic degree equivalence. Appointments of adjunct instructors follow the recommendation of the Chair and the approval of the College Provost. Appropriate certification, licensure, and/or professional achievements may justify the appointment.

**4. Faculty Chairpersons**

Faculty chairpersons are instructors who have a reduced teaching load with additional compensation. They are supervisors responsible for the management, personnel of an instructional department comprised of more than one degree or certificate program. Chairs are appointed by and report to the College Provost.

**5. The Provost**

The College Provost is the chief academic officer of the Northern New Mexico College and is responsible for all education and public service efforts of the Branch Community College's faculty. The College

Provost is a member of the general faculty of both the College and the Branch Community College.

## **II. C. Minimum Branch Community Collge Faculty Qualifications by Program**

To be qualified to teach in a respective field of study, the following minimum academic credentials are required. Instructors teaching in programs with specific accrediting requirements must meet the minimum criteria for faculty qualifications recommended by the accrediting agency. An employee who fails to maintain required licenses, certifications or minimum qualifications for the employee's position may be removed from the employee's position and may be terminated for cause at the sole discretion of the institution.

- 1. Associate of Science**  
To teach in this field of study, a minimum of a master's degree is required from an accredited institution in the teaching field or related field. Also acceptable is a bachelor's degree, certificate, or associate's degree with a license from the state of New Mexico in the relevant discipline.
- 2. Associate of Applied Science**  
To teach in this field of study, a master's degree is required in the relevant discipline from an accredited institution. Also acceptable is a bachelor's degree, certificate, or associate's degree with a license from the state of New Mexico in the relevant discipline.
- 3. Associate of Arts**  
To teach in this field of study, a master's degree is required in the relevant discipline from an accredited institution. Also acceptable is a bachelor's degree, certificate, or associate's degree with a license from the state of New Mexico in the relevant discipline.
- 4. Developmental Courses**  
To teach in this field of study, a minimum of a master's degree is required from an accredited institution in the teaching field or related field.

## **5. Exceptions**

Qualified faculty are identified in part by credentials, but there are limitations to considering only the degrees earned. Academic disciplines, degree programs, and curricula are not static. Because of changing academic, societal and workforce needs, colleges and universities are developing interdisciplinary and other nontraditional programs that require faculty to think beyond their own disciplines and traditional academic programs to determine what students should know and to design curricula accordingly. In those cases, as well as in practice-oriented disciplines, including courses in the Studio Arts or in Health, Physical Education Recreation (HPER) fields, tested and significant experience in the field may be used.

The Chairs with the approval of the College Provost may identify qualified faculty who do not hold the prescribed credentials but are considered experts in their field. A tested experience form will be completed in such cases and these faculty members may be considered for appointment.

The tested experience process will demonstrate that the potential faculty member shall a) have more than five years of supervised experience in the industry or field they will be teaching, or b) have a certification and/or licensure by a recognized certifying or licensing state, industry, or national agency in the field or industry they will be teaching, or c) have on the job training in the industry or be an expert in the field (including academia, different from teaching alone) that he/she will be teaching. Evidence could include a letter from a current or previous employer, record of research, scholarship, or achievement.

## **6. Seniority**

Seniority shall be defined as the total length of time of continuous full-time employment in an instructor position at the Branch Community College and/or Northern New Mexico College. Seniority credit shall commence with the full-time faculty member's most recent date of full-time employment. Adjunct instruction time does not count for seniority. Time spent on paid leave shall be counted for seniority purposes. Time spent on approved unpaid leave shall not constitute a break in continuous service but shall not be counted for seniority purposes. The Branch Community College will maintain a seniority list of all faculty members ranked in order of seniority within each contractual academic discipline. Seniority shall be forfeited in

circumstances, including, but not limited to resignation, termination, or retirement. Seniority is not lost in the situations below:

- a. A faculty member is part of a reduction in force and is subsequently rehired. In such a situation, the individual retains the seniority they had when terminated.
- b. A faculty member moves into an administrative position and back to a faculty position. In such a situation, the individual accrues seniority as if they have stayed in a faculty position.

## **II. E. Branch Community College Faculty Contracts**

### **1. Academic Calendar and Work Year**

The work year is normally defined by the academic calendar, which is approved by the Administration. The academic calendar for Fall shall begin with the convocation week and shall end with the date that final grades are due for the Spring semester. Faculty are required to attend the Fall and Spring convocation week events and the Fall and Spring Graduation ceremonies. The following holidays will be observed during the term of this Agreement:

- a. Labor Day
- b. Fall Break as defined in the Academic Calendar
- c. Veteran's Day
- d. Thanksgiving, the Wednesday prior, and the Friday following
- e. All days when the Branch Community College is closed for Winter Break as defined in the Academic Calendar
- f. Martin Luther King's Birthday
- g. Good Friday
- h. Spring Break as defined in the Academic Calendar.

### **2. Outside Employment**

The primary responsibility of faculty members is to render to the institution their most effective commitment to teaching, scholarship, and service. At the same time, consulting and other outside activities of a professional nature are encouraged by the institution where such activities give the faculty member experience and knowledge valuable to professional growth and development. These activities may help the faculty member make worthy contributions to knowledge, or contribute to instructional programs, or otherwise make a positive contribution to the institution, community, or profession (discipline).

No outside service or enterprise, professional, or other, should be undertaken that interferes with the faculty member's primary

responsibility to the institution. While a faculty member is allowed to engage in outside professional activities (such as consulting, teaching for another institution, pursuing a degree or licensure, working a second job, or operating a personal business.), this must be clearly subordinate to their teaching, advising, scholarly activities, and service responsibilities.

The faculty member is required to inform their supervisor in writing and shall obtain prior approval from the College Provost to make sure that there is no conflict with job assignments and outside activities. This approval will be documented with the Human Resources department.

Faculty members involved in outside employment activity must complete an outside employment disclosure form at the time of outside employment and resubmit it every academic year or immediately after a change happens during the academic year. If an activity presents a potential conflict of interest, it will be handled according to the Code of Conduct policy.

### **3. Summer Employment**

It is the Branch Community College administration's right to determine instructors for summer courses.

Full-time faculty members selected for summer employment will be paid according to Section III.A.

### **4. Facilities, Equipment, and Support**

Subject to available funding, the Branch Community College will provide classroom space, office space, library access, internet connection, access to the learning management system (LMS) when appropriate, equipment, and materials to aid in the faculty member's performance.

### **5. Health and Safety**

The Branch Community College will comply with all applicable State and Federal laws relating to safe working conditions. Whenever a faculty member becomes aware of a condition which the faculty member feels is a violation of an institutional safety or health rule or regulation, or College Board of Regents policy regarding work environment and discrimination; the faculty member will report such condition to an appropriate administrator who will promptly



investigate such conditions and, if appropriate, remediate in a timely manner.

Protective devices and first aid equipment will be provided to faculty members who practice in a hazardous institutional environment. The faculty members will be responsible for the proper use of such devices.

## **II. F. Branch Community College Faculty Responsibilities and Duties**

### **1. Faculty Workloads**

Faculty workloads shall be distributed among all faculty members. The preparation of teaching schedules shall be the responsibility of the department Chairperson in coordination with the Branch Community College. The institution maintains ultimate authority and discretion under the law concerning the assignment of duties. Thus, the course schedule will be determined at the sole discretion of the Chairperson and the College Provost. The Chairpersons may consider recommendations from faculty members. The Branch Community College shall continue to notify the faculty member of their tentative teaching schedule. Changes in faculty member's teaching schedule may be made as the need arises and faculty shall be notified of said changes. The final determination of teaching schedules shall be made exclusively by the Branch Community College. Monitoring of workloads is the responsibility of the supervisor and is intended to ensure that responsibilities are equally distributed. With the approval of the College Provost, the Chairperson may grant release time for special assignments or responsibilities.

Normal working hours for faculty occur between 8:00 am and 7:00 pm, Monday through Friday, unless the faculty member teaches evening or weekend classes, in which case the hours must be kept as appropriate for that faculty member's normal teaching schedule. Courses may be scheduled in any of the two campuses, other approved sites, or in a distance education modality determined by the Chairperson.

Full-time faculty members are employed on a full-time basis and are required to be available when they are under contract during normal working hours including periods when classes are not in session and the Branch Community College is open.

Chairs are required to attend the Fall and Spring convocation week events and the Fall and Spring Graduation ceremonies. Faculty members are required to attend any “Assessment Days” per academic year. Full-time faculty members shall be present on campus for all professional duties and obligations, including but not limited to classes, departmental meetings, accreditation work, and faculty meetings or events called by the Chair/College Provost or Director. Full-time faculty shall schedule a thirty five (35) hours per week, in person on campus, for office hours, advisement, or Branch Community College service; except when the faculty member is assigned weekend or evening courses. Office hours shall be posted on their office door and on the self-service banner. At the beginning of the semester, faculty members will submit their schedule to their Chair and must identify the hours that they will be on Campus.

The workload distribution will be determined in coordination with the supervisor based on the following four criteria:

- Teaching effectiveness. The teaching of students is central to the mission of the institution. Given the mission of the institution, instructors must demonstrate excellence in teaching, including assessment of student learning. Classes are to be met as scheduled including final exam week.
- Advising. Faculty must be committed to the academic well-being of students. Effective advising helps create an environment that fosters student learning and student retention.
- Service to the Branch Community College community. Faculty members are expected to provide service to the institution, its students, programs, and professional disciplines, as collegial and constructive members of the cominstitution and the broader community.
- Mastery of discipline and professional development. All faculty should be positively engaged in their disciplines and should be recognized for their expertise.

These four areas are described in greater depth as follows:

i) Teaching effectiveness.

The teaching of students is central to the mission of institution. Given the mission of the institution, instructors must demonstrate excellence in teaching, including the assessment of student learning outcomes.

Good teaching, defined as much more than classroom activities, may be demonstrated in a variety of ways. The following list is illustrative rather than exhaustive.

- Meeting all class sessions from start to end times and keeping student attendance
- Integration of Branch Community College-wide outcomes and accrediting agencies (when applicable) outcomes in course syllabi, instructional design, and student assessment
- Integration of technology in instructional design and delivery. Learning Management System (e.g. Blackboard) integration into the courses for student learning enhancement.
- Developing online courses
- Continuing course alignment, exploring new adaptive technologies into course content and incorporating them, etc.
- New curriculum development
- Integration of industrial credentials/standards into courses
- Inviting speakers to classroom or general audience talks
- Developing intervention efforts for low performing students using tools such as Early Alert tickets
- Peer reviews based on the clarity of course goals, organization, use of technology and knowledge of the field
- Documents attesting to improvement in teaching
- Documentation of honors and awards given for teaching
- Implementation of innovative teaching techniques
- Participation in educational activities of professional associations
- Attendance or leadership of meetings related to the instructor's professional expertise
- Lecturing or making presentations to student groups, colleagues, or the Branch Community College community
- Letters of recommendation from other professional sources
- Participation in service learning activities

#### ii) Student Advising

Faculty must be committed to the academic well-being of students. Effective advising helps create an environment that fosters student learning and student retention. The formal and informal advising and mentoring of students is an indispensable component of the broader education at the institution.

To demonstrate excellence in student advising, faculty must provide the following documents:

Faculty may include documents to demonstrate their efforts from the following list, which is illustrative rather than exhaustive:

- Meeting with all advisees and keeping narratives/logs.
- Performing degree audits
- Contacting unregistered advisees
- Documenting the meeting with advisees
- Advising students that are not instructor's advisees in the absence of the primary advisor
- Mentoring or tutoring students
- Assisting students in the selection of courses and career options
- Implementing special review sessions for students
- Keeping an "open door" policy toward students
- Advising all majors of instructor's department
- Use degree works for advising and auditing transcripts
- Advising evening students

### iii) Branch Community College, Public, and Community Service

Faculty service is essential to the institution's success in serving the institution and the community. It is the responsibility of the individual faculty member to perform a broad array of services that are vital to supporting and sustaining the quality and effectiveness of the Branch Community College. Faculty members are expected to provide service to the institution, its students, programs, and professional disciplines, as collegial and constructive members of the institution and the broader community. Examples include service in faculty governance, Branch Community College committees, professional organizations, governmental entities, and community non-profit agencies. The following lists are illustrative rather than exhaustive:

#### Branch Community College Service

Branch Community College service means committee work at the departmental and Branch Community College level. Faculty must present letters from committee chairs verifying attendance and participation on committees.

- Academic program development
- Program coordination or assistance
- Assist with the development of accreditation documents and new programs
- Student organization advising

- Attendance of departmental meetings
- Participation in departmental sponsored activities
- Arranging professional opportunities for students
- Working on activities related to the departmental grants
- Participation in institutional governance including Faculty Senate, and institutional committees
- Branch Community College service at the state or regional level
- Representing the institution at public events
- Participation in student recruitment efforts

#### Community and Public Service

- Serving on boards or advisory councils at the local, state, national and international levels
- Lectures or presentations to local groups in the community
- Work with community leaders to develop solutions to community problems
- Work with the local community as a volunteer
- Participation in activities that increase the desire of non-college students to attend college
- Participating in student recruitment efforts

#### iv) Mastery of Discipline and Professional Development

Faculty with assignments in research will be evaluated by the standards appropriate to the field. All faculty should be positively engaged in their disciplines and should be recognized for their expertise. The following are examples of professional development and scholarship. The list is illustrative but not exhaustive:

- Creative work presented
- Professional consulting
- Service as an officer of a state, regional or national association
- Service on editorial boards
- Service on a professional task force
- Participation in curriculum development in the instructor's discipline at the state or regional level
- Managing, writing and/or reviewing grant proposals
- Contributions to improve teaching technology
- Demonstrated growth in the subject matter
- Demonstrable command of subject matter
- Contributions to curriculum development

- Demonstrable quality improvement in teaching strategies incorporating new technologies (where applicable) and new approaches to learning

#### Academic Year Teaching Load:

In particular, the teaching load is determined with the following parameters:

The normal teaching load for full-time instructors is fifteen (15) credit hours per semester. When appropriate, the supervisor may approve 15 contact-hours instructors as an exchange of other activity on Campus related to student advisement, accreditation, recruitment, and other activities.

When a faculty member is teaching two or more scheduled classes at the same time (e.g., cross-listed courses), only one of the classes will be counted in the workload computation. The workload for courses that are co-taught will be calculated equally by dividing the normal workload of the particular course by the number of faculty members teaching it or in a pro-rated way if the workload is not equally distributed among the faculty members. In special situations, such as co-op courses, lab courses, field experiences, capstones, independent studies, and practicums, the workload credit hours shall be computed by the Chair with the College Provost's approval.

A Chair's teaching load is 15 credit hours per year (distributed in two semesters). Additional administrative time may be approved when preparing for accreditation, curriculum revision, and other administrative activities.

#### Teaching Overload

When a faculty member needs to teach more than the assigned teaching load during a semester, the Chair may approve the overload. However, to determine if an overload exists, all courses taught by the faculty member will be considered. The fifteen (15) credits of the normal teaching load per semester (fifteen (15) per year for Chairs) will be determined by the courses with the highest enrollment. The courses that will be paid as an overload will be those courses with the lowest enrollment. The compensation for an overload is addressed in Part III.A.

#### Student Advising

Each faculty member shall serve as an advisor to students. Advisors shall assist students in course selection, scheduling, auditing of transcripts, and making sure that all academic requirements for certificate or degree programs are met. When necessary, students shall be referred to the appropriate support services for assistance. Full-time faculty shall schedule advisement hours every semester. Advisement hours shall be posted on their office door and Self Service Banner (SSB).

#### Class cancellations

To meet accreditation standards, faculty members shall not cancel scheduled classes in any circumstances without prior written supervisor approval. For absences that are approved in advance by the program or department chair, instructors should find an acceptable substitute for their classes or obtain the chair's approval for an alternate means of making up the student contact hours. For unanticipated absences such as illness or family emergency, faculty members must notify the Chair as soon as possible so that arrangements can be made regarding classes and other scheduled activities. Faculty members should find an acceptable substitute for their classes or obtain the chair's approval for an alternate means of making up the student contact hours. Failure to notify the program or department chair of a missed class meeting or excessive absences from class obligations can result in disciplinary action.

#### Course delivery/schedule changes

Faculty members shall not change the delivery method of instruction or the approved schedule of classes and assigned classroom under any circumstances without prior written supervisor approval and without advance written notification to the office of the registrar.

#### Academic year contract

Faculty members are engaged and paid on the basis of an academic year contract, including days when the community college is open, and classes are not in session. Supervisors may require attendance any day during the term of the contract.

#### Contract length

Faculty will be issued a contract for one academic year (9-months). For additional months of service, the College will issue a supplemental contract.

## 2. Faculty Responsibilities and Duties

### Professional Ethics

Faculty members shall demonstrate respect for the students, Branch Community College faculty members, staff members, administrators, and other members of the Branch Community College community in their role as intellectual guides, foster honest academic conduct, and promote an atmosphere that is conducive to learning and the acquisition of scholarly standards. They shall strive to help each student realize his or her potential as a worthy and effective member of society.

### Collegial Respect

Faculty members will demonstrate respect for their colleagues, uphold academic ethics, collaborate, and model the culture of the academy. In fostering an environment of collegial respect, faculty will observe basic etiquette, honor each other's intellectual domain and individual strengths while collectively working towards meeting the needs of students in fulfillment of institution's mission.

### Faculty Duties

Each faculty member shall be responsible for the following:

- a. Become familiar with institutional policies and procedures
- b. Be able to explain to students the course content and requirements and distribute a course syllabus during the first day of scheduled class
- c. Meet every assigned class at its designated time except for illness, emergencies, and approved absences
- d. Submit midterm and final grades before the deadline.
- e. Assume responsibility for the security of institutional facilities and equipment
- f. Maintain a classroom that is conducive to learning and indicate a sincere interest in students' education
- g. Arrange for equipment, supplies, and materials necessary for instruction
- h. Advise students concerning academic achievement, absences, and tardiness that might jeopardize satisfactory progress
- i. Emphasize to all classes the importance of prompt, regular and continuous class' attendance
- j. Maintain accurate scholastic records of students enrolled in each class and submit course enrollment correction forms to the registrar by the due date, and grade reports to the Registrar's Office by the due



date. This includes attendance recording for every class in a manner that the institution determines appropriate.

- k. Refer students who need special consideration to the appropriate student services
- l. Report all irregularities, questions, or problems concerning instruction to the department supervisor
- m. Keep credentials and certifications (as required) current and on file in the Human Resource Office
- n. Conduct assigned classes in accordance with the stated philosophy and objectives of the community college and in accordance with the approved master course syllabus
- o. Participate in all activities directed by the supervisor related to student learning outcomes assessment and accreditation processes when they are required by the program of study
- p. Participate in all activities directed by the supervisor related to student advisement, student recruitment, and student retention
- q. Initiate purchase requisitions as appropriate
- r. Recommend course textbooks and submit it to the appropriate textbook adoption website
- s. Recommend the selection of library books, reference materials, and periodicals for the Library
- t. Perform registration duties
- u. Attend and support activities of the institution such as scheduled and special faculty and department meetings and assigned committee meetings
- v. Actively assist in the recruitment of students

#### **4. Chairperson Duties**

Each Chairperson shall be responsible to the College Provost (or designee) and shall:

- a. Supervise assigned personnel and coordinate all departmental activities
- b. Coordinate efforts with faculty and make proper recommendations related to the development of new courses and programs, the revision or deletion of existing courses and programs, and the maintenance of instructional standards within the department
- c. Provide leadership in formulating, developing, revising program objectives and curriculum, and maintaining current course outlines and syllabi which accurately reflect the instructional program

- d. Supervise instructional activities within the department, including evaluation of curriculum, teaching methods, effective use of the library and support programs, testing techniques, and audio-visual aids
- e. Schedule and preside at regular departmental meetings to review areas of concern and maintain communication. Maintain and distribute minutes of all meetings to department personnel
- f. Ensure that faculty maintain scheduled office hours and equitable workloads
- g. In coordination with the Office of Human Resources, orient new department personnel and ensure that all assigned personnel are familiar with academic policies, regulations, and procedures.
- h. Evaluate formally or informally department personnel and the overall effectiveness of instruction within the department
- i. Recommend to College Provost appropriate renewal or non-renewal of contract, promotion, or dismissal of personnel within the department
- j. Ensure functional advisory committees as required by degree programs
- k. Verify that safety guidelines are in place as required by appropriate program oversight standards
- l. Monitor the attendance of personnel within department and approve faculty leave requests
- m. Assist in the registration process, coordinate advisement, and registration duties to personnel within department
- n. Assist on articulation agreements with post-secondary and secondary institutions
- o. Validate faculty selection of textbooks for bookstore adoption
- p. Verify that adequate supplies and equipment are available for the department
- q. Review materials for the Branch Community College catalog and other institution publications ensuring an accurate representation of the department
- r. Participate in the screening and interviewing process for department personnel and make recommendations for employment within procedural guidelines
- s. Coordinate the development of the annual recommended budget for assigned department and submit the budget to the College Provost
- t. Maintain records and controls to assure that the department operates within established budget limits
- u. Coordinate all purchase requests within the department

- v. Serve as liaison between department and institutional personnel and/or public
- w. When necessary, discipline faculty and staff members under their authority
- x. Inform the College Provost of departmental needs, concerns, changes, or irregularities that warrant attention
- y. Instruct as assigned by the College Provost within limits as described under Faculty Workloads of this handbook
- z. Assume responsibilities and duties required of faculty and additional assignments outlined for Chairpersons
- aa. Assume additional duties assigned by the College Provost or designee

## **II. G. Academic Freedom, Faculty Member Investigations, and Progressive Discipline**

### **1. Academic Freedom**

The Branch Community College is committed to the promotion of responsible academic freedom for its faculty and students. The major premise of academic freedom is that open inquiry and expression by faculty and students is essential to the institution's mission. Academic freedom will be understood to include the following:

- Academic freedom means that both faculty members and students can engage in intellectual debate without fear of censorship or retaliation.
- Academic freedom establishes a faculty member's right to remain true to his or her pedagogical philosophy and intellectual commitments. It preserves the intellectual integrity of our educational system and thus serves the public good.
- Academic freedom in teaching means that both faculty members and students can make comparisons and contrasts between subjects taught in a course and any field of human knowledge or period of history.
- Academic freedom gives both students and faculty the right to express their academic-related views — in speech, writing, and through electronic communication, both on and off-campus — without fear of sanction, unless the manner of

expression substantially impairs the rights of others or, in the case of faculty members, those views demonstrate that they are professionally ignorant, incompetent, or dishonest with regard to their discipline or fields of expertise.

- Academic freedom gives both students and faculty the right to study the topics they choose and to draw what conclusions they find consistent with their research, though it does not prevent others from judging whether their work is valuable and their conclusions sound. To protect academic freedom, universities should oppose efforts by corporate or government sponsors to block the dissemination of any research findings.
- Academic freedom means that the political, religious, or philosophical beliefs of politicians, administrators, and members of the public cannot be imposed on students or faculty.
- Academic freedom gives faculty members and students the right to seek redress or request a hearing if they believe their rights have been violated.
- Academic freedom gives faculty members and students the right to challenge one another's views, but not to penalize them for holding them.
- Academic freedom includes the assessment of student academic performance, including the assignment of particular grades and the following principles in assigning grades: (1) the individual faculty member has the responsibility for the assignment of grades; (2) students should be free from prejudicial or capricious grading; and (3) if the faculty member does not initiate a change of grade, no grade may be assigned or changed without following the Grade Appeal Process applicable to the Branch Community College. The review of a student complaint about a grade should follow the current procedure established by the institution.
- Academic freedom does not mean a faculty member can harass, threaten, disrespect, insubordinate, intimidate, ridicule, or impose his or her views on students, faculty members, staff members, administrators, and other members of the Branch Community College community.

- Student academic freedom does not deny faculty members the right to require students to master course material and the fundamentals of the disciplines that faculty teach.
- Academic freedom does not protect an incompetent faculty member from losing his or her job.
- Academic freedom does not protect faculty members from a colleague/student challenge or disagreement with their educational philosophy and practices.
- Academic freedom does not protect faculty members from college or non-college penalties if they break the law or Branch Community College policy/regulations.
- Academic freedom does not protect students or faculty from disciplinary action, but it does require that they receive fair treatment and due process.
- Academic freedom does not protect faculty members from sanctions for professional misconduct, though sanctions require clear proof established through due process.
- Academic freedom does not protect a faculty member who skips class or refuses to teach the classes or subject matter assigned including the delivery mode established in the schedule.
- Academic freedom does not allow a faculty member to prevent a talk or event.
- Academic freedom does not protect a faculty member from investigations into allegations of scientific misconduct or violations of sound policies, nor from appropriate penalties should such charges be sustained in a hearing of record before an elected faculty body.

## **2. Faculty Member Investigations**

The institution has the right to investigate all allegations of faculty misconduct. A faculty member may be placed on administrative leave

with pay during an investigation involving the faculty member. When necessary, during an investigation, the Director or designee may enter a faculty member's office. The affected faculty member shall be given reasonable notice prior to entering the faculty member's office. The faculty member may observe, but not interfere with, the entry of the office to conduct an investigation. For purposes of this paragraph, reasonable notice shall be at least 24 hours' notice in writing, prior to entry of the office.

Under exigent circumstances such as, but not limited to, an emergency affecting safety and security or allegations of criminal activity, the Branch Community College may immediately and without notice enter a faculty member's office to conduct an initial investigation and/or to secure property, data, documentation or other items stored within the office. Within one workday of an entry, the Director or Designee shall notify the affected faculty member.

During the investigation, no documentation or information related to the matter under investigation will be placed in the faculty member's personnel file or released publicly unless required by law. Any actions, other than dismissal, taken by the Administration as a result of such an investigation may be grieved according to Part II.H.

### **3. Progressive Discipline**

The general purpose of discipline is to correct unsatisfactory performance and/or misconduct. Any discipline requires good and just cause. Progressive discipline may be utilized when management determines that the merits of a particular case warrant such an approach. Progressive discipline will not be utilized when management determines that a faculty member's action(s) are so egregious that such an approach is inappropriate. Unapproved absences may result in disciplinary action.

Progressive discipline starts with the least severe discipline and progresses to more severe discipline depending on the circumstances. Examples of the least severe discipline consist of verbal and written warnings. More severe disciplines consist of written reprimands, suspensions and terminations.

The faculty member may be discharged in accordance with Part II.M.

Discipline is designed to give a faculty member an opportunity to correct employee behavior and performance. Every reasonable effort will be made to ensure acceptable work performance by the faculty member. When problems with the faculty member's behavior that affects the workplace or performance arise, a supervisor will seek to correct the problem with the least amount of disruption to the work environment. Serious infractions may result in immediate suspension from work with or without pay.

a. Verbal warning

A faculty member is issued a verbal warning for minor infractions or to correct minor faults in a faculty member's job performance. Verbal warnings are issued during a private conference between the supervisor and the faculty member where the supervisor explains the problem and recommends a process the faculty member must accomplish to return to satisfactory status. The faculty member is informed that the conference is being conducted to issue a verbal warning.

b. Letter of reprimand

Should contain the following information: a description of the specific problem or offense, the most recent incident and when it occurred, previous unsatisfactory behavior or performance related to the reprimand, and a statement that further unsatisfactory behavior or performance may result in further disciplinary action. The written reprimand is issued and discussed with the faculty member in a private conference with the supervisor and must have been discussed with the faculty member previously. A copy of the written reprimand will be given to the faculty member and a copy placed in the faculty member's official personnel file. The written reprimand will also specify a review period, if appropriate, in which the faculty member's behavior or performance will be reviewed. The length of the review period will be no longer than one year.

c. Discipline resulting in dismissal must follow Part II.M.

d. Grievances of disciplinary actions are governed by Part II.H.

## **II. H. Grievances**

### **General Policy**

While the Branch Community College endeavors to maintain pleasant working conditions that lead to cooperative, effective working relationships for all faculty members, it recognizes that misunderstandings and disagreements may arise regarding terms and conditions of employment. However, for questions and complaints not resolved through informal discussions, institution has established a formal Grievance Procedure. The Grievance Procedure is applied only to those matters for which the institution can provide a remedy.

### **Definitions and Limitations**

- a. "Grievant" shall mean a faculty member who is personally and directly affected by a condition for which he or she seeks a resolution.
- b. A "grievance" shall be an allegation by a faculty member that the treatment he or she has received from a supervisor or other Branch Community College employee is a violation, a misinterpretation, or an inequitable application of Branch Community College policy, administrative rules, or procedures that directly and adversely affect the grievant. A single grievance may be submitted jointly by more than one grievant.
- c. "Resolution(s)" shall be the proposed written decision by the appropriate administrator(s) in response to the grievance.
- d. "Parties in Interest" shall be the grievant and the supervisor or other Branch Community College faculty member(s) whose conduct or actions are the subject of the grievance.
- e. The following situations are not covered by this grievance procedure and are therefore not grievable under this policy:
  - e.1 The discretionary act(s) of the professional judgment related to the evaluation of the work performance of any faculty member by his or her immediate supervisor;
  - e.2 Any personnel decision made by the Director, including, but not limited to, a discharge, transfer or any other action directly and adversely affecting the employment of the faculty member;



e.3 Situations in which the Director or Administrator(s) are without authority to act;

e.4 Situations where the remedy for the alleged violation exclusively resides in some person, agency, or authority other than the Director;

e.5 Situations as to which a different procedure or remedy has been provided and;

e.6 Situations as to which the procedure within the Branch Community College is prescribed by state or federal authority.

f. A grievance cannot be filed by a former faculty member any more than five (5) days after the effective date of termination or discharge of employment.

#### **General Provisions**

a. A faculty member who has a grievance and is unable to resolve it informally must inform their supervisor of the desire to invoke the formal Grievance Procedure.

b. A grievance must be in writing and contain a statement of grievance, the circumstances upon which it is based, the Branch Community College's policy allegedly violated, and the remedy being sought.

c. Grievances must be filed within five (5) working days following the act being grieved or discovery of circumstances that gave rise to the grievance.

d. All steps of the grievance procedure are considered confidential and should not be open to the public.

e. Faculty members filing the grievance and faculty members required as witnesses to give testimony in a grievance meeting shall be given time off with pay if such meetings are scheduled during work hours.

f. Non-Branch Community College persons, former faculty members, or faculty members on suspension, layoff, or another unpaid status shall not receive pay to attend grievance hearings.

### **Steps in Grievance Procedure**

- a. A faculty member grievance is to be submitted in writing to the aggrieved faculty member's Chair with a copy to the Human Resources Director within five (5) working days following the discovery of the condition which gave rise to the grievance.
- b. A meeting with the aggrieved faculty member and Chair to resolve issue(s) in the grievance shall be held within five (5) working days of the receipt of the written grievance. A resolution shall be submitted to the faculty member by the Chair with a copy to the Human Resources Director.
- c. If the faculty member is not satisfied that the grievance is resolved by the written resolution or if the grievance is not resolved within five (5) working days, the faculty member may request the grievance to be submitted to the College Provost.
- d. The decision of College Provost is final unless the grievant reports directly to the College Provost. In that case, the grievance may be submitted to the Director and the Director's decision will be final.

## **II. I. Evaluation of Faculty Performance**

Evaluation of faculty members will be consistent with Branch Community College's Mission, Vision, Strategic Goals, and Core Values.

### **a. Annual Evaluation**

1. Instructors will participate in an annual evaluation. This evaluation will be formative, with plans implemented to develop and intensify the skills of the faculty member.

b. Reappointment Review. All appointments are subject to renewal on an annual basis at the sole discretion of the Branch Community College. The decision regarding renewal must be made by May 20<sup>th</sup>.

### **Timeline for Evaluation and Reappointment Review**

The evaluation for faculty includes two stages: pre-evaluation and evaluation by the supervisor.

- a. Faculty members, by the end of the second week of March, will submit a Report of Activities to their supervisor. The supervisor will schedule an evaluation meeting that must be completed before April 30<sup>th</sup>. Concurrently with the evaluation process, the supervisor will perform the pre-evaluation process which consists only of setting up the goals for the following academic year. For new faculty members, the Pre-evaluation will be done no later than August 30<sup>th</sup> of their first year.
- b. If there is any area in the Evaluation that was rated “unsatisfactory” or “needs improvement”, a corrective action plan will be submitted to the Office of the College Provost and the Office of Human Resources no later than May 15<sup>th</sup>.

## **II. M. Policies and Procedures for Termination of Employment**

### **1. Reappointment Review**

All appointments are subject to renewal on an annual basis at the sole discretion of the Branch Community College. The decision regarding renewal must be made by May 20<sup>th</sup>.

The reappointment recommendation made by the supervisor will be evaluated by the College Provost. The decision of the College Provost is final and will be communicated to the faculty member in writing no later than May 20<sup>th</sup> if the decision is a non-renewal. Otherwise, renewal contracts will be available during Convocation Week. The only grounds for appeal available to the faculty member are for an alleged violation of this Handbook. Such appeals are sent through the procedures outlined in the grievance process.

### **2. Termination: Dismissal for cause**

Dismissal for cause is a permanent involuntary separation of employment from the Branch Community College for disciplinary reasons. A faculty member may be discharged without prior progressive discipline when warranted by the seriousness of the offense.

#### Process

- a. Required approvals by the Department of Human Resources  
Supervisors contemplating the dismissal of a faculty member must consult with the Department of Human Resources before taking such actions.

Dismissal requires the approval of the Director, College Provost, and the Director of Human Resources.

b. Pay Status

Faculty members will normally remain at work pending the issuance of a Notice of Final Action. However, a College Provost/ Chair may, with the approval of Human Resources, place a faculty member on administrative leave with pay pending completion of the investigative or disciplinary process.

c. Notice Requirements

Notices shall be in writing and will normally be served in person by the immediate supervisor, if possible. At the time of service, the faculty member shall be asked to sign an acknowledgment of receipt. If the faculty member declines, the supervisor shall so note on the letter itself for record purposes. If the notice cannot be presented personally, the letter may be sent certified mail with a return receipt requested. The notice must be properly stamped and addressed to the last address provided by the faculty member. Service of the notice is complete when the notice is deposited with the United States Postal Service.

d. Notice of Contemplated Action (NCA)

To initiate discharge of a non-probationary regular or term faculty member, the Chair will contact the Director of Human Resources and the College Provost. Human Resources will assist in the drafting of the NCA, gathering the required documentation and will coordinate a time to meet with the supervisor and faculty member to present the NCA. The NCA must include the following:

- Specify the contemplated action
- Specify the basis for a determination that just cause exists to discharge the faculty member
- Indicate which policies the faculty member has violated.
- Specify that the faculty member has the right to respond to the notice of contemplated action within ten (10) workdays of receipt of the NCA if submitting a written response.
- Specify that the faculty member must request to present an oral response within five (5) workdays.

e. Response to a Notice of Contemplated Action

The faculty member may respond orally or in writing to the notice of contemplated action within ten (10) workdays of receipt of the NCA. The

written response will be submitted to the Director of Human Resources. If the faculty member wishes to present an oral response, he/she must submit a written request for the meeting within five (5) working days from receipt of the notice of contemplated action. Any extension of time must be in writing and agreed upon by both the faculty and the Department of Human Resources. Oral response meetings will include a member of the Department of Human Resources, and at the faculty member's request.

- When the NCA is served by mail, the faculty member shall have three (3) additional calendar days in which to submit a written response or submit a request to present an oral response.
- The purpose of the written or oral response is not to provide an evidentiary hearing but is an opportunity for the faculty member to respond to the charges against him or her.

f. Final Notice of Disciplinary Action

If a faculty member submits a written response or presents an oral response, the Chair will consider the response. The Chair, after consultation with the Human Resources Department, will decide on the final action to be taken, whether or not the faculty member has responded to the NCA. The final disciplinary action, signed by the College Provost shall be issued no later than ten (10) working days from the date of receipt of the written response, the oral response or within ten (10) working days following the expiration of the response period. The Notice of Final action should include the following:

- Statement of the final discipline to be taken, which may be upholding the contemplated action, a lesser form of discipline than contemplated, or no disciplinary action.
- Notice should contain the basis for a determination of just cause for the suspension, demotion or dismissal.
- Statement indicating if the faculty member responded to the Notice of Contemplated Action.
- Specify when the disciplinary action will be effective.
- If the faculty member had previously submitted a timely written response or a timely oral response, inform faculty member that the disciplinary action may be appealed in writing to the Human Resource Department within five (5) working days from receipt of the Final Notice.

Appeal Process

- a. This Appeal Process applies only if the faculty member submitted a timely written or oral response in accordance with Section Process Part (e) above.
- b. The faculty member must submit a written appeal to the Human Resources Department within five (5) working days of receipt of the Notice of Final Action. If the faculty member does not appeal the disciplinary action within the five (5) working days, no appeal is available.
- c. The Department of Human Resources, within five (5) working days after receiving the written appeal, will forward the written appeal, along with all pertinent information, to the Director.
- d. The Director at his or her discretion may limit his or her review to the records submitted, or the president may elect to receive new materials or evidence to be considered. The Director may consult, as appropriate, with additional parties before reaching a decision. The Director will render that decision within thirty (30) working days of the appeal.
- e. While an appeal is pending the faculty member shall maintain the same leave status as maintained upon faculty member's receipt of the Notice of Contemplated Action, or if not already on leave with pay status, may be placed on leave with pay.

### **3. Reduction in Force**

The Branch Community College administration shall determine whether or not to continue, discontinue, or re-institute programs. The College Provost may identify programs for review. Program Review should include information on costs, enrollment, student-faculty ratios, societal needs, program quality and other criteria appropriate to the particular situation. The institution shall have the right to reduce its employment and, if necessary, discharge or terminate faculty members as a result of a reduction in force (RIF). Every faculty member shall be associated with one academic program at the Branch Community College and this will be documented with Human Resources.

The determination as to which faculty member is to be laid off shall be based on factors including, but not limited to, the following: education (advanced education and training related to the field); relevant employment experience; full certification or licensure; evaluations; additional certification, outside activities related to the field or program being affected; and, program needs or requirements.

The institution will attempt to place the affected faculty member in a vacant full-time position for which they qualify. If an affected faculty member does not accept an offered position, they shall have no recall rights under this section. A faculty member who refuses an offered position shall have no further rights to employment. Failure to respond within the time frame shall be considered a refusal of employment. Upon lay-off, a faculty member may continue to participate in health insurance benefits by contributing the full premium in accordance with the provisions of COBRA. Upon request, a laid-off faculty member may be placed on the Branch Community College's approved adjunct faculty lists.

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### **Part III. Personnel Section for Full-Time Faculty**

#### **III. A. Compensation**

Refer to the published salary matrix on the website.

#### **III. B. Fringe Benefits**

Part-time faculty and adjuncts must consult with the Human Resources Department to verify benefits eligibility.

Shared Cost Benefits:

The Branch Community College will provide faculty members coverage under the group plan from the New Mexico Public Schools Insurance Authority (NMPSIA). The Branch Community College reserves the right to select benefits vendors through an appropriate procurement process, applying appropriate fiscal and quality of service analysis.

Eligible faculty members and eligible family members are defined by NMPSIA and may participate in the following plans offered by NMPSIA. Each fiscal year, NMPSIA may offer an open/switch enrollment period. Payment for these benefits shall be based on rates established by NMPSIA for participating members. The Employer shall contribute the amount required for such payments. Eligibility, effective dates, and change of status rules are defined by NMPSIA. The following benefits are subject to change by NMPSIA.

##### **a. Group Insurance (Medical, Prescription Drugs, and Vision)**

The costs are shared between the Branch Community College and eligible faculty members distributed as follows for faculty members earning more than \$30,000 per annum:

NNMCC 60% of premium; faculty member: 40% of premium

##### **b. Educational Retirement/Alternative Retirement**

The Educational Retirement Board (ERB) is the statutory entity responsible for administering the New Mexico Educational Retirement Act (ERA). NM Educational retirement is a shared rate set by New Mexico Statute. The rate for FY2018, based on gross pay, is 10.7% (faculty member) and 13.90% (NNMCC). An Alternative Retirement Plan (ARP) is available to new faculty who meet eligibility requirements. Membership is a condition of employment, commencing with the first day of employment.

##### **c. New Mexico Retiree Health Care**



NM Retiree Health Care is a shared rate set by NM Statute. The rate for FY2018, based on gross pay, is 1% (faculty member) and 2% (NNMCC).

Other benefits paid by the Branch Community College:

- a. Basic Term Life Insurance (faculty member coverage) \$50,000
- b. Employee Assistance Program
- c. State Unemployment Insurance
- d. Worker's Compensation
- e. Educational opportunities

Employee Tuition Waivers at the College and Branch Community College for credits up to 9 credit hours per semester (Fall/Spring semesters) and up to 4 credit hours per summer term (fees are paid by the faculty member).

- f. Dependent Tuition

Waivers up to 18 credit hours per semester (tuition paid by the Branch Community College/fees paid by faculty members' dependent). This program applies to Branch Community College offered courses only. Eligible dependents including a legal spouse, a domestic partner (affidavit of Domestic Partnership must be filed with Human Resources), and any natural, legally adopted, or step-children who, as of the original application deadline, are unmarried and have not reached the age of twenty-five (25). When a faculty member is no longer married or a domestic partnership is terminated, the ex-spouse or domestic partner is not eligible for tuition benefits under this program, effective with the academic semester following the date of the divorce or termination of the domestic partnership.

The amount of the tuition benefit will be reduced by the amount of tuition waived by any other tuition waiver or tuition scholarship. The amount of an individual's dependent education tuition benefit, plus the amount of any need-based financial aid grants, will not exceed the cost of attendance, as defined by the Financial Aid Office.

Under IRS regulation, the value of tuition benefits may be considered taxable income to the faculty member. The value of the benefit, if applicable, will be included as compensation on the faculty member's W-2 form filed with the IRS and subject to withholding.

Faculty members may be granted up to four hours of time off with pay per week to attend one (1) course each semester at the discretion of the faculty member's supervisor. The faculty member participating shall forfeit breaks on class days. Supervisors are encouraged to grant permission for such time-off, if possible based on workload or other legitimate business reasons. If time off is not feasible, supervisors are encouraged to arrange for an Alternative Work Schedule for a faculty

member to attend a class during the day, if possible based on workload or other legitimate business reasons. Faculty members working less than 40 hours per week are not eligible for time off.

Course fees assessed for participation in instructional academic credit courses are not covered. The mandatory student fee portion of tuition and fees is not covered for eligible dependents. Non-resident tuition in excess of resident tuition is not covered. Tuition or fees for Continuing Education courses are not covered.

#### Faculty Member Paid Benefits

Flexible Spending Accounts – allow the faculty member to pay for eligible medical and/or dependent care expenses on a pre-tax basis.

a. Life Insurance – Additional Employee Term Life (Supplemental) Life, and Dependent Life (spouse, domestic partner, and children) coverage are provided. Contact the Human Resources Department for details.

b. Supplemental Retirement Plans

Faculty members shall be eligible to participate in a supplemental retirement plan (403(b) and 457(b) accounts). Contribution limits are established each calendar year by the Internal Revenue Service.

c. Other Supplemental Plans

Voluntary Supplemental Accident, Cancer, and other similar plans are offered by various carriers. For a complete list of other supplemental insurances and carriers, please contact the Human Resources Department.

### III. C. Leaves for Full-Time Faculty

Part-time faculty and adjuncts must consult with the Human Resources Department to verify benefits eligibility.

#### 1. General Leaves

Paid Leave. Faculty members will be entitled to the following paid leave:

a. Sick Leave/Personal Leave

1. Faculty members shall be credited with sixteen (16) days of sick leave (computed at 7 hours per day) at the beginning of the academic year, of which three (3) days shall be considered personal leave days. Faculty commencing employment after the beginning of the academic year will be granted pro-rated sick leave.

2. Sick leave may be taken for either personal illness or illness of dependents.

3. Sick leave shall be accumulated up to a maximum of 200 days (1400 hours).

4. Faculty members shall be responsible for immediately reporting an absence to the appropriate Chair, and if unavailable, to the College Provost.

5. A faculty member shall be responsible for promptly completing and signing the faculty leave request and returning the request form to the appropriate Chair and if unavailable then to the College Provost. A faculty member will be required to provide a physician's statement for absences of three consecutive days charged to sick leave. If a faculty member demonstrates a pattern of abuse of sick leave, the supervisor in consultation with the Department of Human Resources, may require a physician's statement of absence from the faculty member for each absence.

Sick leave may be used only for the following:

- Partial days not worked when a faculty member, who has been on sick leave, returns to work on a part-time basis while recovering from the illness or injury
- Transporting an immediate family member for medical services
- Caring for an immediate family member, defined as spouse, parent, child, brother, sister or any other person residing in the same household of a faculty member who becomes ill or injured and requires personal assistance from the faculty member.
- Doctor's appointments and other pre-scheduled health-related absences. A faculty member requesting sick leave for a pre-scheduled appointment must request the leave at least twenty-four (24) hours in advance unless an emergency exists.

Each faculty member shall be credited with three (3) paid personal leave days at the beginning of each academic year. Personal leave is subtracted from the faculty member's sick leave. Personal leave cannot be accumulated but remains in the sick leave balance if not utilized by the end of the fiscal year. The use of personal leave must be pre-approved by the supervisor. If classes must be canceled for the use of personal leave, the faculty member will make alternative arrangements for the students. A faculty member shall not be required to state the reason for the personal leave.

b. Family and Medical Leave Act (FMLA)

The FMLA's purpose is to ensure that workers can meet their family obligations without fear of losing their jobs or being otherwise adversely affected by taking time off. FMLA affords eligible workers the right to take up to 12 weeks off from work to care for themselves or family members during a covered medical event or for certain other family reasons. The faculty member can opt to use their sick leave to continue to receive pay during the leave. The faculty member must contact the Human Resources Department for eligibility requirements.

c. Bereavement Leave

Upon notification to the Chair, a faculty member may be granted up to three (3) days of leave with pay for a death in the faculty member's family. "Family" is defined as spouse, domestic partner, parent, step-parent, child, step-child, brother, sister, father-or-mother-in-law, brother- or sister-in-law, aunt, uncle, niece, nephew, grandparents, or any other person residing in the same household of the faculty member. Upon approval of the Chair, additional circumstances may be considered for bereavement leave, and additional days of leave may be granted and charged to sick leave.

d. Military Leave

Emergency military leave, temporary military leave, and indefinite military leave shall be granted to faculty members in accordance with state and federal law.

e. Voting Leave.

Faculty members who are New Mexico registered voters, are granted, at their request, time off that does not require the cancellation of classes (2 hours maximum) from Branch Community College duties to vote in government elections.

f. Jury Duty and Required Court Attendance

A faculty member summoned for jury duty or for duty as a witness (other than as plaintiff or defendant) is granted time off with pay. A copy of the summons must be sent to the Human Resources Department. A faculty member is required to return to his or her work location while temporarily excused from attendance in court unless it is not practical because of the short time between court sessions or between the time court is recessed and the end of the scheduled workday.

g. Domestic Abuse Leave

The Branch Community College provides domestic abuse leave to any faculty member who is a victim of domestic abuse in accordance with the New Mexico Promoting Financial Independence for Victims of Domestic Abuse Act, NMSA 1978, § 50-4A-1 through 4A-8. Domestic abuse leave means intermittent paid or unpaid leave time for up to fourteen (14) days in any calendar year, taken for up to eight hours in one day. Leave time may be used to obtain an order of protection or other judicial relief from domestic abuse or to meet with law enforcement officials, to consult with attorneys or district attorney's victim advocates or to attend court proceedings related to the domestic abuse of the faculty member, a minor child of the faculty member, or a person for whom the faculty member is a legal guardian. When domestic abuse leave is taken in an emergency, the faculty member or the faculty member's designee must give notice to the faculty member's supervisor or the Human Resources Department within twenty-four hours of commencing the domestic abuse leave. A faculty member may use paid leave time or unpaid leave time, consistent with Branch Community College policies.

#### Certification or Verification

The Branch Community College may require verification of the need for domestic abuse leave. If verification is required, a faculty member must provide one of the following forms of verification in a timely fashion: A police or security report indicating that the faculty member or a family member as defined above was a victim of domestic abuse; or 1) copy of an order of protection or other court evidence produced in connection with an incident of domestic abuse. The document does not constitute a waiver of confidentiality or privilege between the faculty member and the faculty member's advocate or attorney; or

2) The written statement of an attorney representing the faculty member, a district attorney's victim advocate, a law enforcement official or prosecuting attorney stating that the faculty member or a family member appeared or is scheduled to appear in court in connection with an incident of domestic abuse. The faculty member must contact the Human Resources Department for eligibility requirements.

#### Confidentiality

The Branch Community College shall not disclose verification information and shall maintain confidentiality of the fact that the faculty member or faculty member's family member was involved in a domestic abuse incident, that the faculty member requested or obtained domestic abuse leave and that the faculty member made any written or oral statement about the need for domestic abuse leave. The Branch Community College may disclose faculty member's information related to domestic abuse leave only when the faculty member consents, when a court or administrative agency orders the disclosure or when otherwise required by federal or state law.

#### h. Governmental Entity

A full-time faculty member who has been duly appointed or elected as a member of a legally constituted State or Federal Board or County, Municipal or Public Utility Commission, shall be entitled to leave with pay when requested to be absent from his employment in order to attend meetings or transact business of said Board or Commission. Such leave does not apply to publicly balloted and elected offices (e.g., City Council, County Commission, School District Board of Education, etc.). Any payment provided to the faculty member, other than food and travel expenses, shall either be refused or turned in to the Branch Community College as reimbursement for the leave with pay.

A faculty member shall not participate in a Board or Commission if such participation will create a conflict of interest for the faculty member or the Branch Community College or otherwise violates applicable conflict of interest laws. Absence from duty must be approved by the Director or designee and it must not hamper the performance of the faculty member's duties with the Branch Community College. Such leave shall

normally not exceed (2) days per month unless previously approved by the College Board of Regents.

#### Leaves Without Pay

Faculty members may be entitled to the following unpaid leaves:

1. Academic Leave- An extended leave of absence without pay may be granted a faculty member for a period not to exceed one (1) year for the purpose of teaching at another educational institution.
2. Extended Personal Leave/Leave Without Pay- A faculty member may be granted an extended leave without pay for extended periods for illness or injury, personal reasons, school attendance, sickness in a family, or other purposes of a personal nature at the discretion of the College Provost. A faculty member shall submit a written request for the leave without pay at least two (2) weeks in advance, if possible. Otherwise, notice must be given as soon as reasonably practical. Approval may be granted for a limited duration and based on operational needs. While a leave without pay is not recommended or granted without expectation of reinstatement, reinstatement is not guaranteed. While on an approved leave without pay, the faculty member shall be responsible for the faculty member and employer cost of medical benefits. Leave without pay shall not exceed one (1) academic year. Time spent on leave without pay in excess of one semester shall not count toward eligibility for promotion.

## **2. Sick leave bank**

The sick leave bank is available to instructors.

### **Purpose**

To provide a process whereby participating full-time faculty members of the Branch Community College may request additional sick leave due to a catastrophic situation involving their own medical condition, as defined in this Section.

### **Eligibility**

Only full-time faculty members who donate to the Sick Leave Bank are eligible to become members of the Sick Leave Bank, and only members may request leave from the Sick Leave Bank. Full-time faculty must have a minimum of eighty (80) hours of accumulated sick leave and have been employed for one academic year.

### **Administrative Procedure**

The Branch Community College has a standing committee to review applications for the use of sick leave from the Sick Leave Bank and to make a determination to either approve or disapprove a request. This standing committee is comprised of the Human Resources Office and the College Provost. If the request for additional sick leave is approved, the Sick Leave Bank Committee shall notify the faculty member of the decision in writing. If the request for additional sick leave is disapproved, the Committee shall notify the faculty member in writing of the reason(s) for the disapproval. The decision of the Committee is final.

### **Procedure**

- a. Participation in the Sick Leave Bank is strictly voluntary.
- b. By default, all eligible full-time faculty members will donate hours to contribute to the Sick Leave Bank. If a faculty member does not want to participate and/or donate to the Sick Bank, they must sign a waiver at the same time that their annual contract is signed. A faculty member who decides not to join the Sick Leave Bank must wait until the next academic year cycle to join the Bank if they decide to participate.
- c. In order to become members of the Sick Leave Bank, during the first year of membership full-time faculty members must donate four days (twenty-eight (28) hours) of their accumulated sick leave, based on a seven-hour day. In subsequent years, members will donate fourteen (14) hours based on a seven-hour day.
- d. The Sick Leave Bank Committee may request additional voluntary donations if the Sick Leave Bank is low or out of contributions.
- e. Donated sick leave will not be returned to the member. If not utilized, the donated sick leave shall be retained in the Sick Leave Bank.

#### Application for Sick Leave Bank from the Sick Leave Bank

- a. Application for sick leave from the Sick Leave Bank shall not be approved until the member has exhausted all their accumulated sick leave.
- b. Members who apply for sick leave from the Sick Leave Bank must complete the Request for Use of Faculty Sick Leave Bank Form. It must accompany the Medical Certification Form properly completed by the healthcare provider. The maximum sick leave that a member may request from the Sick Leave Bank at any one time is forty (40) days (280 hours) based on a seven-hour day.
- c. Appropriate documentation and required forms will be forwarded to the Sick Leave Bank Committee for consideration.
- d. If approved, the Chair shall notify the member in writing and indicate the total amount of sick leave hours which were approved.
- e. The Chair shall then notify the Payroll Manager in order that the member's payroll records can be adjusted with the additional sick leave.
- f. If the application is not approved, the Chair will notify the member in writing specifying the reason(s) for the non-approval. The decision of the committee is final.
- g. The Sick Leave Bank will operate on a first-come, first-serve basis. If the Bank exhausts the donated hours, future requests on the academic year will be denied if there are no further donations.

#### Definition of Catastrophic Situation

A medically documented severe illness or injury requiring prolonged hospitalization or recovery and incapacitating the person from working, creating a financial hardship. Such injury or illness often makes exceptional demands on patients, caregivers, families, and healthcare resources. In general, an illness or injury that results in a medical condition that a health care provider has certified is likely to result in a loss of 30 or more workdays.



### **III. D. Personnel Files**

The institution shall maintain one (and only one) official personnel file for each member of the faculty. The file will be located in the Office of Human Resources.

A faculty member will be permitted to review the material contained in his or her file. At the time the file is reviewed, the faculty member shall sign and date a form maintained in the personnel file.

The institution will provide a faculty member with a copy of any document placed in his or her file unless an original or copy was sent directly to the faculty member. The faculty member may submit a written response to any document placed in the faculty member's personnel file. This response shall also be placed in the faculty member's file.

The Human Resources Director or his or her designee must be present during any review of personnel files.

A faculty member may request a copy of his or her personnel file at any time. The copy will be made available to the faculty member within three (3) working days at the current cost per copy.

Faculty members may also place in their file materials relevant to their academic qualifications, teaching, research, scholarship, and service.

If permissible under state and federal records preservation laws, a faculty member considers material more recent than 10 years old in his or her file to be obsolete, because of its age or a significant change in circumstances, he or she may request to the College Provost in writing that the material is removed. The College Provost shall consider whether the material is still relevant. Material more than ten (10) years old shall be presumed to be obsolete unless the College Provost explains to the faculty member why it is still relevant. However, "core documents" such as contracts, legal settlements, and notices of disciplinary action, shall remain in a faculty member's personnel file irrespective of age.

## **Part IV. Branch Community College Faculty Association Constitution and By-Laws**

### **IV. A. Faculty Constitution**

#### **Preamble**

The Faculty shares responsibility for the governance of the institution with the College Board of Regents, the President of Northern New Mexico College, the Director, and the Branch Community College administration staff. This responsibility is broadly defined as consultative-advisory in nature. The Faculty recognizes that the students are the center of the school and thus seeks to promote comprehensive education and the continued improvement of the Branch Community College. This document is a statement of the organization, purpose, and responsibilities of the Faculty of the Branch Community College and is independent from any recommendations from the Faculty Senate of Northern New Mexico College.

#### **Article I: Name**

Section 1. The name of this organization shall be the Branch Community College Faculty Association.

#### **Article II: Purpose**

Section 1. The purpose of this organization shall be:

- A. To serve as an advisory and consultative body in the governance process in matters affecting instructional programs and the Faculty, including the creation of new programs, departments, and divisions.
- B. To make recommendations to the administration, the Board of Regents, on matters affecting instructional programs and the Faculty, including major curricular changes.
- C. To participate in the formulation of policies on instructional and professional matters.
- D. To elect Faculty Senators to serve as a governing body for the Faculty.
- E. To promote communication and mutual understanding among Faculty and other groups relating to the welfare and growth of the Branch

## Community College.

**Article III: Amendment**

- Section 1. A proposed amendment to the constitution must be presented in writing at a meeting of the Faculty Senate.
- Section 2. A vote on the proposed amendment will be taken by the Faculty Senate.
- Section 3. An amendment to the constitution shall be adopted upon a favorable vote by two-thirds of the members present and approval of the College Board of Regents.

**IV. B. By-Laws****By-law I: Membership**

- Section 1. Only full-time faculty whose appointments involve teaching at the level of 0.5 FTE or greater can serve on the Faculty Senate and its standing committees. Adjunct faculty can also be elected as officers and serve on committees if their duties are limited to teaching.

**By-law II: Governance**

- Section 1. The governing body which represents the Branch Community College Faculty Association should be known as the Faculty Senate.
- Section 2. The Faculty Senate shall consist of Senators elected from and by the members of the constituent units of the Branch Community College.
- Section 3. Terms of elected Senators shall be for three years, except for adjunct faculty Senators, who shall serve one-year terms while they are hired to teach courses. Senators may be re-elected for one consecutive term. An exception to the term limitation shall be made for units that consist of a single faculty member.
- Section 4. Chairs of standing committees of the Faculty Senate shall serve as Senators, *ex-officio*, with partial voting rights (that is they cannot vote for the election of the Faculty Senate President and/or Vice President).
- Section 5. Any *ex-officio* or elected Senator who is unable to attend a meeting of the Senate may appoint a proxy to attend that meeting, providing that the name of the substitute is communicated to the Secretary of the Senate or President before the beginning of that meeting. The Senator should specify whether the proxy is a general or a specific proxy. A specific proxy can only vote on certain items. A general proxy can vote on all items.
- Section 6. Any unexpired term of a Senator shall be filled by a special election to be held prior to the next meeting of the Faculty Senate following the date of the

vacancy. Senators filling an unexpired term shall be eligible for election to two regular terms.

- Section 7. The following persons shall have a standing invitation to attend all meetings of the Senate, with the privilege of the floor but not of voting: the President of the College, the Branch Community College Director, the College Provost, the Registrar, and the Assistant College Provost for Student Affairs. The Chair shall also have a standing invitation to attend all meetings but can vote if they are serving as: a chair of a standing committee of the Faculty Association, Faculty Senator for their academic unit or as a Faculty Senate officer (President, Vice-President, or Secretary-Treasurer). The President of the Faculty Senate may invite other persons to a meeting of the Faculty Senate if the presence of such a person is deemed important for the discussion of an agenda item. These persons shall have the privilege of the floor but not of voting. If the Chairperson who serve as Chairs of Faculty Senate Standing Committees, who hold an office within the Faculty Senate, or who serve as departmental senator shall retain the voting rights associated with those positions.

### **By-law III: Officers**

- Section 1. The officers of the Faculty Senate shall be as follows:  
 A. President  
 B. Vice President  
 C. Secretary-Treasurer
- Section 2. Officers shall assume their responsibilities immediately upon election.
- Section 3. The terms of the office shall be for two academic years with the possibility of re-election for one additional term.
- Section 4. Elections for vacancies among officers of the Faculty Senate shall be accepted at its next regular meeting. In case of a vacancy in the office of President, the Vice President shall become President and another Vice President shall be elected by elected Senators (these exclude standing committee chairs) by roll-call vote only. In the event that the vacancy occurs during non-term duties, a special meeting may be called by any member of the Senate.

### **By-law IV: Duties of Elected Officers**

- Section 1. The President of the Faculty Senate shall:  
 A. Preside at all meetings of the Faculty Senate.  
 B. Prepare an agenda for each meeting, in consultation with other officers of the Faculty Senate.

- C. Appoint members to ad hoc committees, upon approval of a majority of the Senate members at any meeting.
  - D. Be the official representative of the Faculty at the College Board of Regents meetings, District Board meetings, or meetings of concern to faculty members.
  - E. Be an advisor to the President of the College, the College Board of Regents, and District Board in matters pertaining to the Branch Community College Faculty.
- Section 2. The Vice President of the Faculty Senate shall:
- A. Perform any and all duties of the Faculty Senate President during his or her absence or disability.
  - B. Conduct all elections.
  - C. Perform other duties as authorized by the President of the Faculty Senate.
- Section 3. The Secretary-Treasurer of the Faculty Senate shall:
- A. Keep a record of the proceedings of all meetings. Minutes shall be distributed to the Faculty by email.
  - B. Supervise the maintenance of all records.
  - C. Distribute the agenda and the minutes to all members of the Faculty at least five working days prior to the scheduled meeting of the Senate.
  - D. Be responsible for all correspondence.
  - E. Determine if a quorum is present at all meetings of the Faculty Senate and retain all sign-in sheets.
  - F. Collect and disburse monies as approved by the membership and maintain the records thereof.
  - G. Perform other duties as authorized by the President of the Faculty Senate.

#### **By-Law V: Meetings of the Branch Community College Faculty Association**

- Section 1. Meetings of the Faculty Association shall be held twice per year, during the beginning of the Spring and Fall semesters.
- Section 2. Meetings of the Faculty Association shall be for the purpose of dissemination and discussion of issues pertaining to the Faculty. However, no business will be transacted, except for the election of Senators by the constituent groups of the Faculty Association at the meeting held at the beginning of the academic year in August as determined by the official Branch Community College calendar.

#### **By-Law VI: Meetings of the Faculty Senate**

- Section 1. Meetings of the Faculty Senate shall be held on the first Friday of each month, during the academic year, at a time and place designated at the first meeting of the academic year.
- Section 2. A quorum of the Senate shall consist of not less than 50% of the voting members.
- Section 3. Special meetings of the Faculty Senate shall be subject to the call of the Faculty Senate President or may be called on the written request of two-thirds of the membership.
- Section 4. All members of the Faculty Senate shall be notified by email of all regular meetings at least five business days prior to the meeting. Special meetings may be called with twenty-four hour notice to the members.
- Section 5. All meetings of the Faculty Senate shall be open to all members of the Faculty who shall have the privilege of the floor but no rights of voting.

### **By-Law VII: Conduct of Meetings**

- Section 1. Any member of the Branch Community College Faculty may place an item on the agenda prior to the approval of the agenda by the quorum present.
- Section 2. The agenda shall include:
- A. Approval of the Agenda
  - B. Reading and Approval of the Minutes
  - C. Report of the Committees
  - D. Unfinished Business
  - E. New Business
  - F. Announcements
  - G. Adjournment
- Section 3. All Senate meetings will be conducted according to the rules and procedures outlined in *Robert's Rules of Order, revised*.

### **By-Law VIII: Committees**

- Section 1. The following shall be the standing committees of the Faculty Senate:
- A. Undergraduate Curriculum Committee
  - B. Academic Standards Committee
  - C. General Education Committee
- Section 2. A standing committee's structure can be modified by a majority vote of the Senate.
- Section 3. *Ad hoc* committees may be established by the President of the Senate or by a majority vote of the Senate.

## By-Law IX: Committee Structure

- Section 1. Faculty committees shall be the primary tool through which the Faculty achieves its purpose. Faculty members shall be allowed to self-select the committees which they want to join during an open sign-up session at biannual Faculty Association meetings. The Faculty Senate will review and approve these appointments at the first regular meeting of the academic year. Because membership on a committee is required of all full-time faculty, each member of the Faculty shall be assured of a place on at least one committee.
- A. The chairperson of each standing committee shall be designated by the Faculty Senate President with the approval of a majority of members of the Faculty Senate.
  - B. Meetings of all committees shall be conducted according to *Robert's Rules of Order, Revised*.
  - C. The chairpersons of all committees shall submit all recommendations, conclusions, reports, actions or other decisions to the Faculty Senate for approval or rejection, with the exception of decisions on promotion and tenure. Committee actions not approved must be returned to the originating committee.
  - D. Faculty-approved committee actions are received by the President of the Faculty Senate and forwarded to the appropriate administrative level for necessary action.
- Section 2. Duties of Committees.
- A. Undergraduate Curriculum: responsibilities include all issues related to the instructional curriculum at the undergraduate level. Specifically, it shall analyze certificates, degrees, courses, and programs and recommend any changes deemed necessary. In addition, it shall certify that the membership includes representatives from all vocational and academic areas. This committee shall specify both normal and emergency procedures for the approval of new courses and new programs.
  - B. Academic Standards: responsibilities include all issues related to academic standards. Specifically, it shall review policies governing the transference and validation of credits, admissions, academic advising, and shall review requirements for honors, degrees, and honorary degrees, hear cases of plagiarism, cheating, or improper conduct and appeals of readmission or change of grade.
  - C. General Education: responsibilities include all issues related to general education for undergraduate students. The committee shall make recommendations to the Faculty Senate regarding General Education. It shall work in collaboration, when appropriate, with the

undergraduate curriculum committee. The General Education Committee shall ensure that the general education requirements satisfy the General Education Common Core Competencies established by the State of New Mexico.

**By-Law X: Adoption of Constitution**

Section 1. This constitution with the by-laws shall go into effect immediately upon approval by a majority of the members present at a regular or special meeting of the Faculty Senate.

Policy approved by the Board of Regents of Northern New Mexico College  
*on XXXX XXX*

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