



## HLC Accreditation Evidence Document

**Title:** Regent Orientation and Welcome letter

**Office of Origin:** Board of Regents

**Description:** Two documents that relate to the orientation opportunities given to regents upon joining the board. This information originates from the OUC.

Date: 2017



June 1, 2017

Regent Alex O. Romero

**Welcome** to the University of New Mexico

.....as Regent appointed by the Governor of New Mexico.

The Office of the Regents was created in 2005 by Regent James H. Koch as a central source for support and to serve as a resource for the UNM Board of Regents. The Office, located in Suite 141B of Scholes Hall across the hall from the UNM President's Office, also provides a central point of contact for internal and external constituencies. The Special Assistant to the Board of Regents is Mallory Reviere, and the office phone number is, 505-277-7639.

The following material is provided in this binder.

**Briefing Material - Contents:**

1. State Constitution and Statutes re. Higher Education
  - Constitution: Article XII, Education, Section 13 – Boards of Regents
  - NM Statutes: Chapter 21 (State and Private Education Institutions)
  - Constitution: Article XX, Miscellaneous
2. Past and current Regents
3. Contact information
  - Board of Regents
  - Administration – President, EVPs, Legal Counsel
4. Regents' Committees and Meetings
  - Org Chart
  - 2017 Meeting Calendar
5. Administration & Org Charts
  - UNM President and Direct Reports - Chaouki Abdallah
  - Provost and EVP for Academic Affairs - Craig White
  - EVP for Administration/CFO/COO - David Harris
  - Chancellor for Health Sciences Center - Paul Roth
6. The University of New Mexico
  - Regents' Policy Manual - Table of Contents
  - Mission, vision, goals, values as stated in the online 2017 University Catalog
  - Degrees offered
  - Accreditation (info)
  - Past Presidents

Also included is a copy of the NM Open Meetings (OMA) Act Compliance Guide provided by Attorney General Hector Balderas along with University Counsel's orientation notes regarding the UC office, OMA, IPRA, and Regents' Fiduciary Duties.

Please don't hesitate to request other information at any time.

With Best Regards,  
The Office of the Regents

# Office of the University Counsel

Board of Regents Orientation

June 1, 2017

# The Role of University Counsel

Under Rule 16-113 of the NM Bar's Rules of Professional Conduct, "Organization as Client," the University Counsel and the 9 attorneys of the OUC represent UNM's "duly authorized constituents:"

- The Board of Regents
- The President and executive officers
- Administrative and academic staff, including deans and directors

when performing their UNM duties.

Legally, the Board can only act as a unit unless an individual regent is delegated authority by the Board to act for it.

There must be a reservation of final administrative authority in regent delegations of authority.

# Regents' Fiduciary Duties

- “The Board’s power to govern the University includes fiduciary responsibility for the assets and programs of the University. . . .” UNM Regents’ Policy Manual – Section 1.1
- The regents have responsibility for the public trust, for the future of UNM, and for the benefit of current and future students.

# The Three Fiduciary Duties

## **Duty of Care:**

- To stay informed
- To set aside competing personal or professional interests
- To act reasonably

## **Duty of Loyalty:**

- To put the interests of UNM before all others
- To not act out of self-interest
- To comply with the Regents' Conflict of Interest Policy

## **Duty of Compliance**

- To fulfill the obligation to advance UNM's mission
- To act in a manner faithful to the University's purpose

# Conflicts of Interest

- Current Regents' Policy says regents are expected to perform their duties faithfully and efficiently “and never give rise to suspicion of improper conflict” with interests of the University. Regents' Policy Manual 1.8.
- This language is proposed to be eliminated. It creates a higher standard than that imposed by state law.
- The proposed revised policy would require Regents
  - 1) to avoid any conflict of interest that might affect their independent judgment in the impartial performance of their duties;
  - 2) not to engage in official acts for the purpose of enhancing their direct or indirect financial interest or
  - 3) not to use or disclose confidential information learned as a Regent for anyone's private gain.



# Anti-Donation Clause

New Mexico Constitution, Art. IX, Sec. 14 prohibits the University from pledging or lending its credit, or making any donation to or in aid of any person, association or public or private corporation.

The Constitution allows expenditures for

- the care and maintenance of sick and indigent persons,
- establishing a veterans' scholarship program, a loan program for students of the healing arts,
- providing land, buildings or facility infrastructures to support new or expanding business, and providing for affordable housing.

The Constitution makes no distinction as between donations, whether they be for a good cause or a questionable one. It prohibits them all.

# NM Open Meetings Act

- Applies to Board of Regents' meetings and by Regent Policy 1.2 to its committees (except Operations).
- Applies when a quorum of the above gathers for the purpose of discussing UNM policy or business, even if it occurs at a social or informational occasion.
- By Regent Policy 1.3(2)(b) and (3)(b) agendas must be public at least 72 hours prior to both regular and special meetings.

# Importance of Agendas

- The Board/committee can only take action on items appearing on the agenda unless it is an “emergency.”
- An “emergency” has to be unforeseen circumstances that, if not addressed immediately, will likely result in injury or damage to persons or property or substantial financial loss.
- Only those items announced via agenda or voted upon prior to its closure can be discussed in a closed meeting.

# When Can a Meeting be Closed?

When discussing:

- Personnel decisions or evaluations
- Information about individual students
- Purchases over \$2500 from only one source
- Procurement code competitive sealed bids
- Threatened or pending litigation with its attorney
- Purchase, acquisition or disposal of real estate
- Hospital long range business plans or trade secrets
- Adjudicatory proceedings deliberations

If a regent committee, it can also be closed to meet with its auditor or its attorney per Regent Policy 1.2.

NOTE: All votes must be taken in open session even if discussed in closed session

# Inspection of Public Records Act (IPRA)

- Public records include all those created by the regents as a board or individually as regents, whether or not required by law to be maintained, so long as the records relate to the public business.
- Excessively burdensome or broad requests only result in allowing more time to respond.
- The records must be disclosed unless exempt under a specific IPRA provision—no general exemption exceptions.

# Some Exemptions Applicable to Regents' Records

- Trade secrets
- Attorney-client privileged information
- Hospital long-range or strategic business plans discussed in a closed meeting
- Records containing the identifying information of an applicant or nominee for University president, except the names of 5 finalists must be given at least 21 days before the meeting at which final selection will be made.