

NEW MEXICO JUNIOR COLLEGE

BOARD POLICY MANUAL

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New Mexico Junior College Board
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1.0 Manual - General Provisions

Title: This publication shall be known as the *New Mexico Junior College Board Policy Manual*.

Purpose: The *Manual* represents a statement of the policies of the Board related to the philosophy and governance of New Mexico Junior College (hereinafter sometimes referred to as "New Mexico Junior College, NMJC or College"). The *Manual* together with the Community College Act (NMSA 1978 §21-13-1 et. seq.) and other applicable state and federal laws constitute the fundamental guideline for the administration of the College.

Definitions: The following terms when used in the *Manual* shall have the meaning herein respectively ascribed to them unless the context in which such terms are used clearly indicates another meaning:

BOARD:	The New Mexico Junior College Board.
CAMPUS:	Campus of New Mexico Junior College
PRESIDENT:	The Chief Administrative Officer of New Mexico Junior College and Chief Executive to the Board.
MANUAL:	<i>New Mexico Junior College Board Policy Manual</i> .
POLICIES:	Statements of the basic philosophy, which express organizational intentions for achieving expectations, goals and objectives.
PROCEDURES:	Statements identifying the course of action, series of steps, methods, or means by which policies are implemented and administered.
RULES:	Administrative orders.
NMJC OR COLLEGE:	New Mexico Junior College

1.1 Formulation and Revision of Board Policy

- A. The formulation and adoption of written policies constitutes one of the basic methods by which the Board shall exercise its leadership in the operation of the College. The Board delegates to the President the function of implementing the policy.

- B. Recognizing its own function as the lawful and final authority in policy matters, the Board accepts the principle that those who are affected by the policy shall be involved in the

formulation of such policy. The Board encourages employees and administration to review and recommend new policies or changes of policy. A person seeking a revision or addition shall submit it in proposed form, unnumbered and undated, together with the justification to the President who shall forward the change to the Board with the President's recommendation for action. No amendments to the policy shall be made without the Board's approval.

1.2 Formulation of Administrative Procedure

- A. The Board delegates to the President the function of formulating administrative procedures and rules under which the College shall operate. These procedures and rules shall be consistent with the policies adopted by the Board.
- B. Administrative procedures and rules shall generally be located in detail in various College documents to include, but not be limited to, the *College Catalog, Employee Handbook, Student Handbook, Athletic Handbook, Administrative Policies and Procedures Manual* and the *Financial Services Policies and Procedures Manual*.

1.3 Interpretation

- A. In the event that any provision of the *Manual* shall appear to be vague, indefinite, or in conflict with other provisions hereof or with state and federal laws, the President shall be the authority for the interpretation thereof.
- B. If an organization referenced herein changes its name, the President shall be authorized to have any such reference modified to reflect the organization's current designation without reconsideration of the Board.

2.0 New Mexico Junior College Organization

2.1 Mission and Nondiscrimination Statement

Mission: The mission of New Mexico Junior College, as a comprehensive community college, is to promote success through learning.

Vision: Sharing the Vision of New Mexico Junior College's mission will be achieved by building a culture that values and promotes excellence, effectiveness, responsiveness, access, and community involvement.

Nondiscrimination: NMJC does not discriminate on the basis of race, color, religion, national origin, ancestry, sex (including pregnancy, childbirth, and related medical conditions), sexual orientation (including perceived sexual orientation), gender identity, marital status, spousal affiliation, disability (physical or mental), serious medical condition, age (40 and older), genetic information or veteran status or any other legally protected categories, classes or characteristics and provides equal access to designated youth groups . NMJC is committed to

ensuring persons of all these protected classes will have access to NMJC's programs, facilities, and employment.

2.1.2 Planning and Objective Development

Planning Introduction

New Mexico Junior College shall be committed to a system of planning and evaluation of outcomes as important and necessary tools for accomplishing its stated mission. Development and maintaining a planning process to include maximum participation from the College constituency has been given high priority by the Board and administration. The purpose of the planning process is to put the College in a better position with regard to the overall mission, to achieve stated goals and objectives, to attain positive outcomes, and to adjust more quickly to change.

Planning Activities (partial list):

A. Budget Plan

The annual budget allocates resources in alignment with the strategic and operational objectives of the College. The annual budget plan includes a review and schedule for building renewal and replacement and equipment throughout the campus.

B. Strategic Plan

The Strategic Plan is the long-range outlook that gives needed information and direction to the College for growth over a five-year period. The plan is formally updated on a five-year cycle. Progress towards objectives of the plan are reported annually.

C. Master Facility Plan

In alignment with the Strategic Plan, the campus Master Facility Plan provides guidance concerning management of campus facilities and future expansion of the physical plant.

D. Information Technology Strategic Plan

The Information Technology Strategic Plan provides guidance concerning management of College technology. The Information Technology Strategic Plan identifies timetables and budgets for upgrading existing services and installation of new technologies. The Information Technology Strategic Plan is reviewed annually and updated as needed.

E. The Five-Year Capital Plan.

The Five-Year Capital Plan serves as a roadmap for prioritizing capital investments and expenditures that will enhance educational facilities, promote sustainability, and ensure fiscal responsibility. All capital planning activities will reflect NMJC's commitment to academic excellence, student success, community engagement, and responsible stewardship of public funds. Included in the Five-Year Capital Plan is a detailed analysis of all institutional roofs and the year in which they should be replaced, a review and renewal of campus roadways and parking lots, and a review of ongoing and emerging

trends in landscaping and revitalization of NMJC grounds. The Five-Year Capital Plan is updated annually.

F. Academic Master Plan

The Academic Master Plan is NMJC's primary guide for academic vision, mission, and strategy. It aligns programs, student success efforts, and resources with the changing needs of the community, workforce, and students. The plan is reviewed annually and updated as necessary.

G. Risk Assessment Plan

The Risk Assessment Plan enables NMJC to systematically identify, assess, and address financial, operational, health, safety, cybersecurity, and compliance risks, supporting NMJC's mission and long-term sustainability. The Risk Assessment Plan is reviewed annually and is updated as necessary.

3.0 New Mexico Junior College Board

3.1 Board Authority, Composition, Organization and Duties

3.1.1 Introduction

- A. New Mexico Junior College is governed by a Board elected from the New Mexico Junior College District. The duties and responsibilities of the Board are as outlined and stated in the Community College Act, (NMSA 1978 §21-13-1 et. seq.).
- B. The Board evaluates proposals for the improvement of the College, its educational programs; studies present practices of operation, and approves policies to meet the needs of the College. Members of the Board shall have authority *only* when acting together as a board in session. The Board shall *not* be bound by any statement or action on the part of any individual member of the Board, except when such statement or action is in pursuance of specific instructions by the Board. The Board delegates to the President the responsibilities of administering and supervising the policies and procedures of the College and the day to day operation of the College.

3.1.2 Composition

- A. Size and Term: The New Mexico Junior College Board consists of seven (7) members elected from single-member districts. Members are required to reside in the districts from which elected. Any member removing such member's residence from the district from which such member was elected shall be deemed to have resigned such member's position, and the vacancy created by such resignation shall be filled in the manner provided by law and in this policy for the filling of vacancies on the Board of a community college district. The Board members shall be elected for a term of six (6) years from January 1 after their election. Terms of Board members are staggered.

- B. Elections: Elections of board members shall be held on the first Tuesday following the first Monday of November of each odd-numbered year according to state statutes.
- C. Vacancies: All vacancies caused in any other manner than by the expiration of the term of office shall be filled by appointment by the remaining members. An individual appointed by the remaining members of the Board to fill a vacancy in office shall serve until the next election as required by applicable law, at which time candidates shall file for and be elected to fill the vacant position to serve the remainder of the unexpired term in accordance with applicable law.

3.1.3 Organization

- A. Board Officers--Designation: At its first regular meeting following an election, the Board shall select from its members a chair and secretary who shall serve in these offices until the next regular board election. The Board, as the need arises, may elect a chair and secretary to fill unexpired terms of a chair or secretary that is unable to complete such officer's term. The Board may reorganize at any time as determined by a majority of the Board. The chair and secretary shall have the following responsibilities:
 1. Chair: The duties of the Board chair shall be:
 - a. To preside at board meetings;
 - b. To call special or emergency meetings as required or to change the time and/or date of a regular meeting; and
 - c. To perform such other duties as may be prescribed by law or by action of the Board.
 2. Secretary: The duties of the Secretary of the Board shall be:
 - a. To preside over board meetings in the absence of the Board Chair; and
 - b. To perform such other duties as the Board may prescribe.
- B. The President shall serve as Chief Executive to the Board. A Board Recorder shall be appointed for clerical assistance.
 1. Board Recorder: The duties of the Board Recorder shall be:
 - a. To prepare the board agenda as directed by the Chief Executive to the Board;
 - b. To record and prepare minutes of board meetings;
 - c. To arrange for the posting of the notice for all board meetings according to statutory requirements; and
 - d. To assume such other responsibilities as shall be assigned by the President as Chief Executive to the Board.

3.1.4 Duties and Responsibilities

- A. The Board's primary duty is to determine the financial and educational policies of the College. The Board shall provide for the management of the College and the execution of policies by selecting, supporting, evaluating and retaining a President for the College.
- B. The Board shall have the power to fix tuition and fee rates for resident and non-resident students of the New Mexico Junior College District; to accept gifts to the College; to

accept federal aid; to purchase, hold, sell, and rent property and equipment. The Board will promote the general welfare of the College and the best educational interests of the people in the NMJC district.

- C. Other Board responsibilities are summarized by, but not limited to, the following:
 - 1. To adopt and periodically review a statement of philosophy and mission which clarifies basic educational beliefs and responsibilities of the College to the community.
 - 2. To determine and evaluate the quality of professional leadership needed to carry out the philosophy and objectives of the College.
 - 3. To provide that the College is operating in a fiscally responsible manner, approve the annual budget and review the monthly expense summary, and approve employee benefit programs and salary schedules.
 - 4. To award the appropriate degree or certificate upon completion of a curriculum organized for that purpose.
 - 5. To review expenditures and to review and approve bid projects in compliance with fiscal policy.
 - 6. To review and take appropriate action on matters relating to physical plant and master plan development.
 - 7. To formulate or cause to be formulated such additional policies as are necessary to promote the educational program of the College.
 - 8. To adopt such minimum standards as are considered desirable by the Board to supplement those of the New Mexico Higher Education Department and the Higher Learning Commission (HLC).
 - 9. To consider communications and requests from citizens and organizations on matters of policy, administration, and other items of public concern affecting the College.
 - 10. To refer complaints received about the College and its operation to the President to research and determine the appropriate course of action.
 - 11. To govern as a unit, with one voice.
 - 12. To balance and integrate the wide variety of interests into policies that benefit the common good and the future of the NMJC District.
 - 13. To create a positive climate for NMJC.
 - 14. To support and advocate for NMJC, by among other things, promoting NMJC in the community, foster partnerships with other entities in the community, advocate the needs of NMJC with government officials, support NMJC Foundation and its fundraising efforts, and protecting NMJC from inappropriate influence.
 - 15. To adopt and review the *Employee Handbook* and other handbooks or to provide mechanisms for adoption of handbooks.

3.2 Committees

- A. Standing Committees – Standing committees of the Board shall be appointed at the regular February Board meeting by the Chair of the Board. Standing committees will be responsible for specific College activities as designated from time to time by the Chair of the Board each year. All meetings of standing committees shall be open to all Board members: however, only the members of the standing committees shall make the recommendation to move items forward for full Board action when committee matters

are discussed at said meetings. The President shall have the right to attend all committee meetings except those related to issues involving the evaluation of the President.

B. Members shall be appointed from the Board to the following standing committees:

Finance Committee
Student Success Committee
Facilities Committee

C. Charge of Standing Committees.

1. The Finance Committee will meet to review, make recommendations and monitor the following:
 - A. Budget (current and proposed)
 - B. Schedule of Investments
 - C. Capital Projects requests; and
 - D. Other current or future matters impacting NMJC finances

The Finance Committee meets in March, July, and November of each year. The committee chair may call special meetings at other times to discuss pertinent matters related to NMJC finances. The Finance Committee consists of three NMJC Board Members, NMJC President, and NMJC Vice President for Finance.

2. The Student Success Committee will meet to review, make recommendations and monitor the following:
 - A. Strategic Enrollment Management Plan
 - B. Academic Master Plan
 - C. Student Success related data (enrollment, retention, completion, transfer, placement, etc.)
 - D. Other current or future projects and initiatives impacting student success at NMJC; and
 - E. Pertinent State of New Mexico Legislative Updates

The Student Success Committee meets in April, August, and December each year. The committee chair may call special meetings at other times to discuss pertinent matters related to NMJC student success efforts. The committee consists of three NMJC Board Members, NMJC President, NMJC Vice President for Student Services, and NMJC Vice President for Instruction.

3. The Board Facilities Committee will meet to review, make recommendations and monitor the following:
 - A. Facilities Master Plan

- B. Capital Projects
- C. Athletics Master Plan; and
- D. Other current or future projects impacting NMJC facilities

The Facilities Committee meets in January, May and September of each year. The committee chair may call special meetings at other times to discuss pertinent matters related to NMJC facilities. The committee consists of three NMJC Board Members, NMJC President, and NMJC Vice President for Operations & Special Projects.

- D. Appointment and Term of Standing Committees – The standing committees shall be appointed for a term of three years by the Chair and with the consent of the Board. It is suggested at the time for appointment of committees that each Board Member serve on at least one committee and that the Chair consider that one member of the previous committee be retained on the committee for continuity of programs already under way. Standing committees shall consist of no more than three Board members.
- E. Filling Vacancies in Standing Committees – In case a vacancy shall occur on any of the standing committees, the Chair of the Board shall appoint another member to serve thereon until the next regular meeting, at which time the confirmation by the Board of Trustees shall be sought. If confirmed, the appointment shall stand until the time for reconstituting standing committees as herein provided.
- F. Authority of Standing Committees – The authority of the standing committees of the Board shall be subject to the policies of the Board and committee recommendations, except as hereinafter provided, are subject to the approval of the Board. Where prior approval and instructions have been given by the Board, a committee may act in the Board's name, but only within the narrow confines of the specific authority granted by the Board to the specific committee.
- G. Ad Hoc Committees – Ad Hoc committees to support the work of the Board may be formed from time to time by the Chair. Ad Hoc committees will have clear operating charges and shall operate for a specified period with a clear start and end date. The Chair shall appoint Board members to serve on an Ad Hoc committee. The authority of Ad Hoc committees is subject to approval of the Board.

3.3 Board Travel and Per Diem

3.3.1 Board Travel

Board members travel without remuneration other than the reimbursement of actual and necessary expenses incurred in the performance of their official duties. Travel shall be reimbursed at the same rate as established for College employees. Out-of-state travel for members of the Board shall be approved by Board action.

3.3.2 Board Per Diem Expenses

Board members shall be paid per diem for attending Board meetings and functions as allowed by applicable state statute (NMSA 1978 § 10-8-4, Section A):

1. forty-five dollars (\$45.00) if the Board Member physically attends a board or committee meeting for less than four hours or the Board member attends a virtual meeting of any duration during a single calendar day; or
2. ninety-five dollars (\$95.00) if the Board member physically attends a board or committee meeting for four hours or more during a single calendar day.

3.4 Professional Development for Board Members/Orientation and Training of Board Members

The President shall provide an orientation for new Board members prior to, or soon after the member assuming such member's seat on the board. training will focus on understanding the Board's functions, policies, and procedures. Assistance given in the orientation of the new Board member may include the following, as appropriate or available:

1. Selected materials of the responsibilities of being a contributing member on the Board.
2. Materials pertinent to meetings and an explanation of its use.
3. Invitations to meet with the President and other administrative personnel designated by the President to discuss services the administration performs for the Board.
4. Access to a copy of the Board's policies and administrative regulations, and other documents currently in use by other Board members.
5. Information regarding appropriate meetings and workshops.
6. A formal orientation on legal and budgetary oversight responsibilities of the Board by the President or designee.
7. Other information and activities as the Board or the President deems useful in fulfilling the role of a Board member.

3.4.1 Board Training

Annually, the President shall work with the Board to develop and implement appropriate and current training for the Board, or when appropriate. Additionally, all members of the Board shall during the first six months of the member's term complete ten hours of training developed and provided by the New Mexico Higher Education Department as required by NMSA 1978 §21-1-52 (2025).

3.5 Board Meetings - Introduction

To comply with the Open Meetings Act, NMSA 1978 Sections 10-15-1 to 10-15-4, the following definitions and procedures are detailed so the conduct of all Board business is in compliance with the spirit of the law.

3.5.1 Meetings

- A. Definition: Meetings are defined as any gathering of a quorum of board members held for the purpose of formulating public policy; discussing College business; or taking any action that the Board has authority to take.
- B. Types of meetings:
 - 1. Regular Meetings: According to state statute, meetings of the Board shall be held not less than quarterly each calendar year. Special meetings shall be held upon call of the Board Chair or a majority of the Board. Regular Board meetings will be held on a monthly basis. This exceeds what is required by law but is deemed necessary to accomplish College business in an orderly and timely manner. The regular meetings will be held on the third Thursday of every month at 1:30 p.m. in the New Mexico Junior College Board Room (Zia Room) Hobbs, New Mexico. The date or place of a regular meeting may be changed by action of the Board at any previous meeting, or by the Chair of the Board. If the date or place of any regular meeting is changed, the public shall be informed of the change by notice as required by law.
 - 2. Special Meetings: Special meetings to conduct College business shall be called by the Board Chair, by a majority of the members of the Board or by the President with approval of the Board Chair.
 - 3. Work Sessions: Work sessions may be called by the President with the approval of the Board Chair to review and discuss College-related information. No official board action shall take place in a work session.
 - 4. Emergency Meetings: An unscheduled meeting may be called by the Board Chair for the purpose of considering an emergency or any other matter of urgent public necessity.
 - 5. Closed Meetings: Closed meetings or executive sessions of the Board shall be closed to the public pursuant to state law.
 - 6. Notice of (i) any change in the date, time or place of a regular meeting of the Board, (ii) any special meeting of the Board, (iii) any work session of the Board, or (iv) any emergency meeting of the Board shall be given to the members of the Board by personal delivery, by telephone, by facsimile or by electronic mail directed to each Board member at the contact information maintained by the College for such Board member.

3.5.2 Meeting Procedures

- A. Prerequisites to Transact Business: In order to transact business which is binding to the College, the Board shall meet in official session, keep minutes, and have a quorum of members present. All motions, duly seconded, require a majority of those voting.

- B. Agenda: The meeting agenda shall be prepared by College employees and coordinated by the President for board presentation. Board members may also request that the President include an agenda item for board presentation.
- C. Rules of Procedure: Unless otherwise determined by the Board or herein specified, all meetings shall be conducted in accordance with Robert's Rules of Order Revised.
- D. Minutes: The minutes of each regular, special or emergency meeting or any work session shall be recorded and include at minimum the following:
 1. Date, time and place of the meeting.
 2. Names of all members of the Board in attendance and a list of those absent.
 3. Statement of what proposals were considered.
 4. Record of any decisions made by the Board and how each member voted at each vote.

A draft of all minutes shall be prepared within ten (10) working days after the meeting. At this time the minutes shall be available for public inspection in accordance with the New Mexico Inspection of Public Records Act; however, these minutes shall not become official until approved at the next regular meeting. All official records with original signatures of board transactions of the regular meetings shall be kept on file by the Board Recorder as a permanent official record of the College and shall also be open to public inspection in accordance with the New Mexico Inspection of Public Records Act. Minutes shall be succinct but shall include both informational and action items. All special meetings where College business is discussed shall have appropriate minutes prepared and be available for inspection. Board members may request inclusion of statements or data which they deem vital for an adequate understanding of the minutes.

- E. Voting: Voting on Board action items shall be by voice vote except when a roll call vote is requested by a Board member, by applicable law, or rules of Parliamentary Procedure. A member abstaining from, voting for, or voting against a motion may state such member's reasons and shall have them recorded in the minutes, if such member so requests at the time of voting. The minutes shall record the name of the person making the motion, the name of the person seconding it, and the vote with dissenting members being noted.
- F. Order of Business: The normal order of business on the agenda of regular board meetings shall be as follows:
 1. Call to Order
 2. Welcome
 3. Adoption of Agenda
 4. Approval of Minutes
 5. President's Report
 6. Information Items
 7. New Business
 8. Public Comments
 9. Determination of Next Meeting

10. Closure of Open Meeting
11. Adjournment

G. Remote Attendance: A member of the Board may participate in a meeting of the Board by means of a conference telephone or other similar communications equipment (“Remote Attendance”) when it is otherwise difficult or impossible for the Board member to attend the meeting in person, provided that each member in Remote Attendance can be identified when speaking, all participants are able to hear each other at the same time and members of the public attending the meeting are able to hear any member of the Board who speaks during the meeting.

3.5.3 Public Access

- A. Meetings Open to the Public: All meetings at which the Board plans to formulate policy, discuss College business, or take any action within the authority or delegated authority of the Board shall be open to the public at all times except as otherwise provided by applicable law.
- B. Meetings Closed to the Public: To close a meeting or to call an executive session at which the general public shall not be entitled to be present for purposes set out in the Open Meetings Act, the following conditions shall be met and procedures followed:
 1. The Board shall first convene in a public open meeting and during that meeting, the Chair shall publicly announce that a closed or executive meeting or session shall be held. A motion to close the meeting shall be made and approved by a roll call majority vote of a quorum of the Board. The motion shall include a statement of the subject to be discussed which gives the Board authority to close the meeting. The vote on the motion shall be recorded as required by law.
 2. If a closed meeting is called when the Board is not in open meeting, public notice appropriate under the circumstance shall be given. The notice shall include a statement of the purpose of the anticipated closed meeting along with the identification of the section or sections under the statute authorizing the holding of such closed or executive session.
 3. Closed meetings according to the above requirements shall be called and voting shall take place in accordance with the Open Meetings Act.
 4. Whenever any deliberation or any portion of a meeting is closed to the public, no final action, decision or vote with regard to any matter considered in the closed meeting shall be made except in a meeting or portion of a meeting which is open to the public or as provided by law.

3.5.4 Notice Requirements

- A. Regular Meetings, Special Meetings or Work Sessions: In accordance with the Open Meetings Act, reasonable notice shall be given to the public announcing the date, time, place, and subject matter of each meeting. A record of the notice sent to all media sources shall be kept on file. The notice shall also be posted on the New Mexico Junior College Home Page. The Board shall follow the requirements for posting notice of meetings under the Open Meetings Act.
- B. Emergency Meetings: Emergency meetings shall be called as permitted by law and College policy, and such notice as is reasonable within the time restrictions required by the emergency shall be given to the public. Media shall be informed in writing or orally at the earliest practical time after the decision to meet in an emergency session is made. The information provided to the media shall include the date, time and place of the emergency meeting, and the purpose of calling the meeting. A record of the media outlets contacted and the information included in the message, whether written or orally made, shall be kept on file. Written notice of any emergency meeting shall also be posted in the college's administrative office area.
- C. Informal Meetings: Functions which the board members attend as a group, such as training workshops, social gatherings, conventions, community celebrations, and similar events (but at which no Board session is officially called and no College business is acted upon), shall not be considered a Board meeting within the terms of this section of Board policy and public notice may but does not have to be given.

3.5.5 Citizen Participation

- A. Rationale: Interested persons may communicate their concerns to the Board at a meeting if certain procedures are followed. Such procedures are intended to preserve the constitutionally guaranteed rights of free speech and petition and to avoid unfair discrimination among viewers seeking expression. The Board reserves the right to amend and / or waive any or all of these procedures by majority vote of its members.
- B. Procedure: In order that the business of the College may be conducted in an orderly and deliberative fashion, the Board sets forth the following procedures for citizens desiring to appear before it:
 1. Each person of the public desiring to make public comments shall be limited to 3 minutes.
 2. The Board has the discretion of hearing or not hearing any individual or group and reserves the right to fix such additional time limits on presentations as deemed appropriate to the occasion, and may limit the number of speakers who appear before the Board on any given issue. The Board by majority vote shall extend such limits as it deems appropriate.
 3. The Board shall refrain from hearing complaints or charges against employees of the College.

4. Only individuals officially recognized by the Board Chair shall be allowed to speak.
5. The use of profanity, obscenity, and/or other offensive language may be sufficient cause for the Board Chair to withdraw a citizen's permission to address the Board.
6. Except in emergencies, the Board shall not attempt to decide upon any question before examining and evaluating information any individual requests the Board to consider, which may be submitted by such individual or which is otherwise reasonably available. The President shall be given an opportunity to examine and evaluate all such information and to recommend action before the Board makes a decision.
7. These procedures are subject to the provisions of the Open Meetings Act.

C. Written Communication: All written communication to the Board, which bears the signature(s) and address(es) of the person(s) originating the communication, shall be transmitted to the Board as a report from the President.

3.5.6 Legal Opinions-Board Requests

All questions or inquiries from a member(s) of the Board involving the law and procedural matters pertaining to the College shall be reduced to writing by such member(s) and transmitted to the President. Upon receipt of such questions or inquiries by the President, the President shall submit the same to the legal counsel of the College for the appropriate answer which answer shall be made in writing and transmitted through the President to the Board.

3.5.7 Board Code of Ethics

As a member of the New Mexico Junior College Board, it is my duty and responsibility to:

- A. Devote time, thought, and study to the duties and responsibilities of a board member so that I may render effective and creditable service.
- B. Work with my fellow board members in a spirit of harmony and cooperation in spite of differences of opinion that may arise during vigorous debates of points of issue.
- C. Base my personal decision upon all available facts in each situation, vote my honest conviction in every case un-swayed by partisan bias of any kind, and abide by and uphold the final majority decision of the Board.
- D. Remember as an individual I have no legal authority outside the meetings of the Board and conduct my relationships with the College employees, the local citizenry and all media of communication on the basis of this fact. Recognize any conflict of interest both in appearance and fact regarding decisions made by the College and announce said interest prior to board discussion. Refrain from voting in cases when a conflict of interest may occur.

- E. Resist every temptation and outside pressure to use my position as a board member to benefit either myself or any other individual or agency apart from the total interest of the College.

3.5.8 Board Member Code of Conduct

Each member of the Board of New Mexico Junior College shall endeavor to:

- A. Attend all scheduled Board Meetings insofar as possible, and become informed concerning the issues to be considered at those meetings.
- B. Conduct all College business in open public meetings unless, in the judgment of the Board and only for those purposes permitted by statute, if is deemed more appropriate to hold a closed meeting.
- C. Hold confidential all matters discussed in Executive Sessions of the Board.
- D. Recognize and understand that the basic function of the Board is policy making, not administrative.
- E. Approach all Board related discussions, decision making, and voting from an unbiased perspective and a non-discriminatory manner.
- F. Promote a healthy working relationship with the President and the administration by:
 1. Appointing the best qualified professional leader available when a President is to be appointed.
 2. Developing and maintaining open and honest communication between the Board and the President.
 3. Expecting the President to present recommendations for Board action with complete information and in a timely manner that would allow members an adequate period of study and deliberation.
 4. Recognize the value of the importance of full open discussions on all facets of any recommendation presented by the President before Board action is taken.
 5. Referring complaints to the President or advising that complaints be presented in writing to the Board as a whole, through the President.
 6. Recognizing that the hiring, assigning, transferring, dismissal or suspension of employees will be handled according to established employee policies through the President's Office and in accordance with the *Employee Handbook*.
- G. Devote appropriate time, thought, and study to the duties and responsibilities of a Board member in order to render effective and credible service.
- H. Treat the position on the Board as a public trust and use the powers and resources as a Board member only to advance the public interest and not to obtain personal benefits or pursue private interests.

- I. The Board members shall conduct themselves in a manner that justifies the confidence placed in them as an elected member of the Board.
- J. Disclose real or potential conflicts of interest, at all times and use reasonable efforts to avoid undue influence and abuse of my office.
- K. Not request or receive any money, thing of value or promise thereof that is conditioned upon or given in exchange for promised performance of an official act.

3.5.9 Board Member Conflicts of Interest

The Board of New Mexico Junior College believes that it should exercise a leadership role with respect to governmental ethics which goes beyond statutory requirements and therefore that it is important to avoid even the appearance of a conflict of interest. A potential conflict of interest is a situation that involves a personal, familial, or business relationship between a Board Member and/or organizations that do business with the College or a family member who is an employee of the College. This relationship can cause the College or the Board to be legally or otherwise vulnerable to public criticism, embarrassment, or litigation.

A. Disclosure

All Board members are required to: (1) annually review and sign this policy; (2) disclose those substantive relationships that he or she maintains or members of his or her family maintain with the college or with organizations that do business with the college or otherwise could be construed to potentially affect their independent, unbiased judgment in light of his or her decision-making authority or responsibility. In the event that a Board member is uncertain as to the appropriateness of disclosing a particular relationship, the Board Chair, the President, or College counsel should be consulted.

B. Restraint on Participation

It is the policy of the Board of New Mexico Junior College that members will not participate in Board discussions or votes on items or transactions where they have a conflict of interest.

C. Definitions

The following definitions are provided to help Board members decide whether a relationship should prevent a Board member from participating in consideration of a decision or proposed transaction:

- 1. Potential conflict of interest or conflict of interest: substantive relationships maintained by Board members, or members of their family, with the College or with organizations that do business with the College or that otherwise could be construed to potentially affect their independent, unbiased judgment in light of such Board Member's decision-making authority or responsibility.
- 2. Business relationship: one in which a Board member, or a member of such Board Member's family as defined below, serves as an officer, director, employee, partner,

trustee or owns 5 % or more of the ownership interests of an organization that does substantial business with the College.

3. Family member: A spouse, parent, child, or sibling, by consanguinity or affinity, or any other relative if the latter resides in the same household as the Board member.
4. Substantive relationships: When a Board member, or member of such Board member's family, (a) are the actual or beneficial owner of more than 20 % of the ownership interests in an organization that does substantial business with the College; (b) has other direct or indirect dealings with such an organization from which the Board member, or member of such Board member's family benefits directly, indirectly or potentially from cash or property receipts which total \$1,000 or more annually; or (c) is employed by the College or receives fees, benefits or other compensation from the College.
5. Substantial business: An organization that does substantial business with the College is one that received more than \$1,000 from the College in the previous fiscal year.

4.0 Administrative Organization

4.1 The President

4.1.1 Authority

- A. The New Mexico Junior College President is the Chief Executive Officer of the College. The President is charged in the Community College Act, in the rules and regulations of the New Mexico Higher Education Department, in the rules and guidelines of the Higher Learning Commission, and in the policies of the New Mexico Junior College Board with carrying out the policies of the Board and with administering the College efficiently and effectively. The President is directly responsible to the Board for the operation of the College and is expected to provide creative educational leadership in the achievement of the mission of the College as adopted by the Board.
- B. The President shall employ other administrative and/or other employees as shall be needed for the operation, maintenance, and administration of the College. The President shall be responsible for the establishment of an administrative organization appropriate to the size, complexity, and objectives of the College.

4.1.2 General Duties and Responsibilities

Within the framework of the policies adopted by the Board, the President shall exercise broad and discretionary authority in carrying out the responsibilities of the position. The President is the Chief Executive Officer of the Board and the administrative head of all sectors, divisions and departments of the College. The President shall delegate responsibilities for the operation of the various segments of the College, but shall be responsible to the Board

for the results achieved. The duties and responsibilities of the President include but are not limited to the following:

- A. To perform satisfactorily the job as the President for New Mexico Junior College;
- B. To execute policies adopted by the Board;
- C. To manage New Mexico Junior College in conformity with the policies of the Board, the New Mexico Higher Education Department, the rules and guidelines of the Higher Learning Commission, the laws of the state of New Mexico and the laws of the United States of America;
- D. To provide leadership that allows the College's philosophy to be reflected in curriculum development; this includes developing and presenting the Board recommended policies and cooperating with the policy-making duties and responsibilities of the Board;
- E. To assign specific administrative functions to be performed by members of the administrative staff;
- F. To route all routine communications from the Board to members of the staff through the President and receive communications from the College employees to the Board through the President;
- G. To work with the various administrative heads in the continuous evaluation and improvement of the administrative, supervisory, and instructional techniques and procedures;
- H. To attend all meetings of the Board unless excused by the Board;
- I. To report to the Board from time to time, at the President's discretion or upon the request of the Board, on the educational and financial affairs of the College;
- J. To prepare the agenda for meetings of the Board;
- K. To call all regular meetings of the Board;
- L. To provide adequate notice to Board members and the public of all Board meetings.
- M. To arrange for recording of minutes of the board meetings and transmit a copy of the previous meeting minutes to each board member before each ensuing meeting;
- N. To have charge of all records, proceedings and documents of the Board;
- O. To secure cumulative factual data needed by the Board, the administration and professional and support / maintenance staff employees in planning for the short-term and long-range needs of the College;

- P. To prepare the annual HED and institutional budget with the assistance of the appropriate College officials and personnel;
- Q. To serve as an ex officio member of all College committees and organizations;
- R. To be responsible for the governmental affairs and lobbying activities for the College;
- S. To support and promote the general welfare of the College and its various publics and communities;
- T. To represent New Mexico Junior College to its various constituencies, the general public and educational groups, and perform such other duties and responsibilities as shall be assigned by the Board; and
- U. To communicate with the Board on all matters of major concern to the College and its community.

4.2 Evaluation of President

The Board shall have the right and responsibility to evaluate the President, at any time. The President shall be evaluated annually in the month of January. Each November, a request will be made to Board members to administer the “Presidential Evaluation”. The development of “Presidential Evaluation” will include the NMJC President, the Board, and the college counsel.

4.2.1 Criteria for Evaluation

The criteria for evaluating the Office of the President shall be, but not limited to, the following:

- A. Leadership of Campus, Community, and State interests.
- B. Application of Board policies, and Board communications.
- C. Administrative and management skills.
- D. Resource management.
- E. Achievement of College mission and objectives.
- F. Public and community relations.
- G. Interpersonal relationships.
- H. Communication of Campus, Community, Board, and State issues.
- I. Conflict management.

- J. Enrollment management.
- K. Institutional planning and budgeting.

4.3 Presidential Travel

The Board gives approval to the President to travel overnight and/or out of state to attend meetings and conferences deemed needed and necessary in executing the duties of president of the College.

4.4 External Communication

4.4.1 Introduction

The President may establish guidelines for college faculty and employee contacts with external organizations and agencies. The President may also provide citizens the opportunity for input into the College's operations by serving with staff employees on various committees.

4.4.2 Public Relations

- A. Institutional Public Relations Policy: New Mexico Junior College recognizes the need to implement an effective public information program. It is intended that the College carry out an effective information program to maintain the necessary goodwill of the public it serves. An effective program requires organization, order, and continuity to achieve its objectives.
- B. Responsibility: The President, or the President's designee, shall be responsible for the release of all public information pertaining to the College.
- C. Media Relations: No one shall speak for the College on unresolved issues or actions unless specifically authorized by the President to do so.

4.5 New Mexico Junior College Foundation/Thunderbird Booster Club/ Western Heritage Museum & Lea County Cowboy Hall of Fame

4.5.1 New Mexico Junior College Foundation

- A. New Mexico Junior College Foundation is an independent 501(c)(3) non-profit New Mexico corporation, organized in October, 1969, whose mission is to foster, encourage, and promote college education (academic and career / technical) at New Mexico Junior College. The Foundation is governed by an independent Board of Directors. The Foundation achieves this mission by giving qualified persons the opportunity to obtain advanced education by means of financial assistance and scholarships; by soliciting funds

for educational, philanthropic, and benevolent purposes to be used to encourage and promote New Mexico Junior College and College-related activities; and by supporting the expansion of facilities at the College through grants and private contributions.

- B. New Mexico Junior College Foundation shall submit an audit report annually to the Board for review.

4.5.2 Thunderbird Booster Club

- A. The Thunderbird Booster Club is an independent 501(c)(3) non-profit New Mexico corporation, organized in January 1968, whose mission is to promote athletics by assisting with the annual athletic banquet and special awards, publicity, membership drives, public relations, equipment, fund raising, and special needs for student athletes requiring enhancements for their academic or athletic performance. The athletic director shall serve as an advisor for all activities. The Thunderbird Booster Club is governed by an independent Board of Directors.
- B. The Thunderbird Booster Club adheres to the policies and procedures of the National Junior College Athletic Association (NJCAA, the Western Junior College Athletic Association (WJCAC), and the National Intercollegiate Rodeo Association (NIRA).

4.5.3 Western Heritage Museum and Lea County Cowboy Hall of Fame

- A. The Western Heritage Museum is owned and operated by NMJC. The Western Heritage Museum preserves, presents, and interprets the history of Southeastern New Mexico within the museum collection and permanent exhibits; offers the opportunity to explore broader perspectives of the world through temporary exhibits; and encourages community involvement via educational programs and opportunities. The Western Heritage Museum is assisted by a Museum Advisory Board created by Museum Advisory Board Resolution dated November 16, 2006. The Museum Advisory Board is appointed by the NMJC President subject to approval of the NMJC Board.
- B. The Lea County Cowboy Hall of Fame and Western Heritage Center (“Cowboy Hall of Fame”) is an independent 501(c) 3 nonprofit corporation organized in 1978, whose mission is to honor those persons from Lea County, NM who have made outstanding contributions in the world of rodeo, ranching, and the ranching way of life. The Cowboy Hall of Fame honors individuals who have influenced the growth of the local community through their leadership, and enhances and compliments the education process at New Mexico Junior College. The Cowboy Hall of Fame is governed by an independent Board of Directors.

The Western Heritage Museum and Cowboy Hall of Fame are parties to an Operating Agreement dated on or about June 27, 2006 which set forth the relationship of the Western Heritage Museum and the Cowboy Hall of Fame. The Western Heritage Museum shall be non-political and non-profit. Goals of the Western Heritage Museum shall be to collect and

display memorabilia of the Cowboy Hall of Fame inductees for the purpose of perpetuating the region's western heritage; to collect and display artifacts related to the history of the region, including but not limited to native peoples, explorers, pioneers, and the ranching and oil industry; to provide visitors with appropriate traveling exhibitions on a wide variety of topics for their educational enrichment; to encourage research in the area of the history of the Lea County rodeo cowboy and ranch cowboy; to cooperate with other organizations which are involved in similar programs; and to do all things and take all steps reasonably calculated to further the aims and objectives of the museum.

4.5.4 New Horizons Foundation.

- A. New Horizons Foundation ("NHF") is a 501 (c)(3) nonprofit corporation formed in 2011 under the University Research Park and Economic Development Act, NMSA 1978 §21-28-1 et. seq. The general purpose of NHF is to engage in cooperative ventures of innovative technological significance that will advance education, science, research, conservation, health care and/or economic development within New Mexico. NHF serves as a resource, source of information, conduit and liaison between educational institutions, private industry and governmental entities to promote research in numerous areas including, but not limited to education and science. NHF's Board of Directors is appointed by the Board of New Mexico Junior College as required by NHF's Bylaws and state statutes.
- B. NHF shall submit an audit report annually to the Board for review.

4.5.5 Estacado Library Information Network

1. The Estacado Library Information Network (ELIN) is an independent non-profit consortium of five libraries in southeastern New Mexico, organized in December 1997. Governed by a Board of Directors, ELIN enhances information services by pooling member resources for online databases, standardizing library systems, and enabling remote access. NMJC serves as the administrative and fiscal agent for ELIN.

4.6 Accreditation

- A. New Mexico Junior College shall maintain the accountability standards and adhere to institutional policies as established by the New Mexico Higher Education Department. The College shall perform in such a manner to maintain institutional accreditation in The Higher Learning Commission as well as other relevant accrediting agencies.
- B. New Mexico Junior College is accredited by or holds membership in the following national or regional associations. Note, this list may change as different groups are added or removed. This list is for informational purposes only:
 1. American Association of Collegiate Registrars and Admissions Officers
 2. American Association of Community Colleges

3. Association of Community College Trustees
4. Hispanic Association of Colleges and Universities
5. National Accrediting Agency for Clinical Laboratory Sciences
6. National Association of College Auxiliary Services
7. National Association of College and University Business Officers
8. National Association of Student Financial Aid Administrators
9. National Association of Student Personnel Administrators
10. National Automotive Technicians' Education Foundation
11. National Junior College Athletic Association
12. National League for Nursing Accreditation Commission
13. New Mexico Association of Collegiate Registrars and Admission Officers
14. New Mexico Independent Community Colleges Association
15. The Higher Learning Commission
16. Rocky Mountain Association of Collegiate Registrars and Admission Officers
17. Western Association of College and University Business Officers
18. Western Junior College Athletic Conference
19. New Mexico Oil & Gas Association

5.0 Personnel

5.1 Requirements and Employment

5.1.1 Quality of Employees

New Mexico Junior College is committed to employing and retaining highly qualified individuals who are trained and skilled in the area of their appointed responsibility, who understand and support the basic characteristics of community college concepts, who understand the demographics of its service area, and who show a willingness to work in harmony and cooperation with others toward accomplishing the institutional mission.

5.1.2 Employee Handbook.

New Mexico Junior College has adopted a comprehensive Employee Handbook (“*Employee Handbook*”) detailing policies and procedures concerning aspects of employment with New Mexico Junior College. The Board of New Mexico Junior College regularly reviews and approves all revisions to the *Employee Handbook*.

5.2 Employment Terms and Workloads

The President, or the President's designee, shall establish procedures for formulating contracts and regulating the work of the faculty and staff employees.

5.3 Employee Records

5.3.1 Responsibility for Employee Records

The Director of Human Resources is designated as the custodian for personnel records of the faculty and staff employees and the records of applicants seeking employment at the College.

5.3.2 Inspection Policy

Any person who wishes to inspect the contents of a personnel file or applicant file shall be permitted to do so, but is limited to information that does not include legally protected material.

5.4 Sexual Harassment Policy

New Mexico Junior College is strongly committed to the values of safety, equity, and fairness for faculty, staff, students and visitors to the NMJC campus. Faculty, staff, students and visitors are entitled to a respectful environment, one that is free from sexual harassment. Specific policies concerning sexual harassment can be found in the Employee Handbook and the Student Handbook.

6.0 Curriculum and Instruction

6.1 Educational Programs and Services

The mission of New Mexico Junior College is to provide quality educational and support services to enhance the quality of life for the communities and individuals New Mexico Junior College serves and to ensure success through learning.

6.1.2 Academic Freedom

New Mexico Junior College is committed to the principle of academic freedom in both teaching and learning. Further details of academic freedom are contained in the Faculty Handbook.

7.0 Student Services

7.1 Student Programs and Services

Students shall be responsible for acquainting themselves with the services maintained for them and with procedures outlined for their assistance in such sources as the *College Catalog*, *Student Handbook*, student bulletins and other official publications. The student services staff shall make every effort to assist the student in this endeavor.

7.1.2 Registration, Tuition Charges and General Usage Fees.

7.1.3 Registration Policy

- A. The President shall ensure that registration activities and procedures are developed in accordance with College policies.
- B. Early registration procedures shall be developed to maximize student planning, advisement, and placement into appropriate classes.
- C. It shall be the policy of the College to offer equal access to courses and programs being offered for all students who have pre-requisites subject to enrollment limits and deadlines.

7.1.4 Tuition Charges & General Usage Fee

A. General Policy

The Board has the statutory authority to set tuition rates in order to ensure adequate financing of the College. Upon recommendation of the President, the Board will annually review and consider changes in tuition rates as part of the budgetary process. Careful attention and planning of tuition increases will include seeking appropriate input from student representatives, the community, staff, and the Board. Tuition is the student's share of the cost of instruction and general expenditures that represent the cost of providing an education. In determining tuition rates, New Mexico Junior College will seek to uphold the following principles:

1. Citizens who desire a postsecondary education should have access to these educational opportunities at an affordable price.
2. Students and their families are entitled to maximum predictability related to the cost of attending college. Increases in tuition should be gradual and moderate.
3. A reasonable and consistent share of the cost of public education should be shared by the state, local taxpayers, and the student. The Board will take into consideration the following criteria in determining tuition rates:
 - The mission and strategic plan of the College;
 - The availability of state funding;
 - Other state initiatives adopted by the legislature;
 - The district's contribution through local mill levy revenues;
 - The tuition rates at other two-year institutions;
 - The financial needs of the College, considering other revenue sources and unrestricted reserve balances;
 - The sources of need-based financial aid available to students for offsetting tuition increases.

7.1.5 Code of Student Conduct

By enrolling at NMJC, students agree to follow the Student Code of Conduct contained in the *Student Handbook*. Employees who are also students are subject to employee conduct policies instead.

NMJC is a tax-supported institution committed to providing educational opportunities to all enrollees. Attendance is voluntary, and joining NMJC means accepting higher standards of behavior than those required by law, reflecting the College's values of integrity and community. Students are expected to contribute positively to campus culture and support the College's mission of pursuing and sharing knowledge.

While NMJC respects individual beliefs, NMJC maintains the right to expect all members to act with personal responsibility and integrity. Actions falling short of civil, moral, or ethical standards may result in disciplinary action to maintain these expectations.

7.1.6 Sexual Harassment Prohibited

NMJC is dedicated to fostering a learning community marked by integrity, respect, and personal responsibility. As an institution committed to providing educational opportunities to all enrolled students, NMJC strictly prohibits sexual harassment in any form. All students, faculty, and staff are expected to conduct themselves with respect for others and contribute positively to the college community. Sexual harassment, which undermines the mission of pursuing and sharing knowledge in a safe environment, is incompatible with the values of NMJC and will not be tolerated. Further information concerning sexual harassment is contained in the Student Handbook and the Employee Handbook.

7.1.7 Title IX Compliance

NMJC is committed to complying with Title IX in all of its programs, offerings, and services, ensuring that no person is excluded from participation in, denied the benefits of, or subjected to discrimination under any education program or activity on the basis of sex. The College actively works to provide a safe, equitable, and inclusive environment for all members of its community in accordance with federal regulations and institutional policies. Further information concerning Title IX is contained in the Student Handbook and Employee Handbook.

8.0 Fiscal and Support Services - Fiscal Programs & Operations

8.1 Fiscal Services

The Business Office shall administer revenues received, investments, control the expenditure of funds, purchasing procedures, budget preparation, and other fiscal matters affecting the College's operations. Procedures established to implement these functions shall be maintained in accordance with all applicable current statutes and board policies.

8.1.1 Budget

The President shall prepare or cause to be prepared a budget of revenues and expenditures for New Mexico Junior College on a fiscal year basis. This budget shall be developed in accordance with the New Mexico Higher Education Department guidelines and based on input from the appropriate College administrators. The Board shall adopt a budget at a public meeting on or before May 1st, prior to the beginning of the fiscal year. The President or the Vice President for Finance shall be authorized through the Board to re-allocate funds between the various items within a departmental budget. The President shall not formulate a deficit budget or knowingly approve deficit spending at the College. The approved budget shall be filed with the New Mexico Higher Education Department on or before May 1st of the fiscal year for which the budget is adopted.

8.1.2 Tax Rate and Levy of Taxes

The Board shall levy five (5) mills on all the net taxable property of the District for operating and levy the appropriate tax rate for any debt service requirements. The tax rates shall not exceed the amount approved pursuant to state statute including yield control.

8.1.3 Fiscal Year

The College financial operations shall be based on the fiscal year (twelve-month period) beginning on July 1 in each year and ending on June 30 in the succeeding calendar year.

8.1.4 Audit

The Board shall solicit and contract with a New Mexico-licensed certified public accountant for an annual financial audit of the College, New Mexico Junior College Foundation and New Horizons Foundation. The results of this audit of revenues, expenditures, transfers, and changes in fund balances shall be in compliance with the rules and regulations of the New Mexico Higher Education Department, the State Auditor, the AICPA and generally accepted accounting practices and shall be submitted to the Board after acceptance and release by the New Mexico State Auditor.

8.1.5 Bequests, Donations and Gifts

Solicitation and receipts of gifts, bequests and donations by College employees shall be made in accordance with established procedures and shall not be administered in such a manner as to be unlawful or discriminatory.

8.1.6 Disbursement Authorizations

The President and the Vice President for Finance shall be authorized and empowered by the College Board to sign checks on New Mexico Junior College funds for lawful expenses of the College.

8.2 General Management

8.2.1 Signature Authority

Unless the authorizing action of the Board specifically provides otherwise, any grant application or any grant or contract approved shall be executed on behalf of the Board by either the President or the Vice President for Finance.

8.2.2 College Business Activities

- A. As an extension of its educational and community service missions, New Mexico Junior College may offer a variety of programs and services for general public access that are derivatives of its instructional activities.
- B. It shall be desirable for the College to organize some of these activities as separate and distinct business cost centers and charge fees for providing these goods and services. To ensure that NMJC does not become involved in activities outside the College's mission, all business activities must be related to or support the College's mission. An exception to this policy shall be authorized by the President when it is determined that an exception is clearly in the best interest of the College and the public.

8.2.3 Insurance

With some specific exclusions (dishonest acts, mysterious disappearance of property), College property shall be insured against loss due to theft, vandalism and other perils such as accidents, weather occurrences, explosions, and vehicle damage, and failure on the part of a college employee to faithfully perform duties or to properly account for money or property received.

8.3 Financial Reporting System

8.3.1 Central Accounting System

- A. The College shall have a central accounting system which integrates financial accounting, budgeting and management reporting. The central accounting system shall be based on generally accepted fund accounting principles.
- B. Central accounting system records shall be maintained on administrative software that provides financial information to account administrators, fiscal monitors and deans to assist them in performing their fiscal duties. The Information Technology Department shall be responsible for overseeing and maintaining the integrity of the central accounting system and the business office staff shall be responsible for the daily operation of the system.

8.3.2 Access to Financial Information

Account administrators, fiscal monitors, and deans, including all individuals responsible for the management of an operating budget or cost center, shall have access to needed financial

information on the central accounting system database. This access shall consist of on-line computer monitor access.

8.3.3 Security of Financial Data

Account administrators, fiscal monitors and deans shall be charged with maintaining the confidentiality and integrity of the data contained in the central accounting system reports and to limit access to those individuals with a need to know.

8.4 Purchasing and Procurement

8.4.1 General Policy

The matter of New Mexico Junior College spending, including procurement of supplies, materials, contracted services, equipment, and reimbursement of employees for business-related expenses, shall be one to which the Board gives critical attention. The Board seeks to purchase at the best quality at the best price for each function to be served. The Board prefers, but does not require, that purchases be made from local vendors or in state vendors when possible. The New Mexico Procurement Code, NMSA 1978 § 13-1-1 et. seq., shall serve as the guide for purchasing supplies, materials, equipment and contracted services.

8.4.2 Employee Participation

It shall be unlawful and against Board policy for any College employee to participate directly or indirectly in procurement when the employee knows the employee or any member of the employee's immediate family has a financial interest in the business seeking or obtaining a contract or purchase order award. All employees shall make College purchases in accordance with the purchasing procedures published by the Business Office. Any unauthorized purchases made by an employee shall be considered personal in nature and shall not be binding upon the College.

8.5 Commercial Activities at the College (including Sales/Fundraisers)

8.5.1 Sales of Commodities on Campus

No commodities shall be normally sold on campus by any individual or organization not officially part of the College except through regularly approved distribution channels such as the bookstore, concessions for contracted events, food service or campus special events on approval. Other sales of commodities shall be approved with the permission of the President or the President's designee.

8.5.2 Distribution and/or Sale of Publications on Campus

A publication may be sold or otherwise distributed on campus if all of the following conditions are met:

- A. It is not disruptive of the educational process, does not have a negative impact on the image of the College, or does not cause serious campus conflict.
- B. The distributor agrees to hold the College harmless in any dispute, claim or legal action resulting from the distribution or sale of the publication.
- C. It does not include interaction with employees during the period they are on paid status.
- D. It is approved by the President, or the President's designee, as being appropriate for distribution.

8.6 Cash Management

8.6.1 Safekeeping

Members of the faculty, staff or student body who receive College monies (i.e., cash, checks, credit card payments, money orders and other negotiable instruments) shall be responsible for its collection, safekeeping, deposit, and for the safety of employees who handle the monies.

8.6.2 Investment Statement

- A. Cash and investment efforts shall be directed in a manner which provides optimal return on deposits given appropriate consideration to safety and liquidity. Primary significance shall be given to the preservation of capital and secondary importance to the generation of income and capital gains.
- B. The Vice President for Finance shall have the authority and responsibility to administer the cash and investment management function in accordance with NMSA 1978 Chapter 6, Article 10, and this policy. The Vice President for Finance and the President shall be signatories on all accounts.

8.6.3 Accountability

Status of cash deposits shall be reported at each regular meeting of the College Board. The report shall include the name of the financial institution, the type of investment, the interest rate, the maturity date and the amount of the investment.

8.7 Travel Approval and Reimbursement

8.7.1 General Policy

The President, or the President's designee, shall establish travel and per diem reimbursement rates for College employees and the Board members using the laws, rules and regulations established by the State of New Mexico for public employees/officials.

8.8 Contracts and Externally Funded Grants

8.8.1 Approval to Request Grant Funds

A. Funding: Only the President and Vice President for Finance shall be permitted to approve grant applications if new college resources shall be committed at any time to complete the grant's scope of work/service. If no new college resources are required, the President shall delegate to a designated representative. The President, or President's designee, shall be authorized to make application on behalf of the College to private or governmental agencies for funding, and shall report to the Board all applications submitted. Prior approval of the Board shall be required for any grant application:

1. In support of new facilities construction.
2. Where the terms of the application require specific Board approval.

8.8.2 Contracts

A. Authority Delegation: Delegation of contracting authority normally vested in the Board shall be appropriate for the timely, efficient administration of the College. Certain College officials shall be hereby expressly authorized and empowered to contract in the name of New Mexico Junior College as follows:

1. The President may contract for any lawful purpose of the College, except as otherwise provided by applicable law. The President may contract for any lawful purpose where external grant or contract funds are involved without Board approval and without a dollar limit.
2. The President or the Vice President for Finance may approve a capital improvement change order involving an expenditure of \$300,000 or less.

B. Signatory Authority

Unless the authorizing action of the Board specifically provides otherwise, any contract approved shall be executed on behalf of the College by either the President or the Vice President for Finance.

9.0 Campus Activities and Security Speakers or Guests, Facility Usage and Public Events

9.1 Speakers or Guests

New Mexico Junior College may invite visits from outside speakers to enrich any of the programs and services offered by the College with the approval of the President. Opportunities shall be provided to question or challenge the views of speakers as long as order is maintained. If in the opinion of the President, the speaker may cause serious campus conflict and may have a negative impact on the image of the College, the President shall have the authority and responsibility to prevent the appearance. The use of outside speakers for class presentations shall also be encouraged and permitted under the guidelines of this policy.

9.1.1 Public Events

The President is authorized to develop or cause to be developed a program of public events to enrich and supplement the College curriculum for the benefit of the students and staff and the community at large. The program shall include lectures and forums, fine arts programs, film series, exhibits, and other cultural activities.

9.1.2 Facility Use

- A. Security, safekeeping and proper care of public equipment and facilities shall be a responsibility of all College employees. Supplies, employees, equipment and facilities shall not be used for personal purposes or projects.
- B. New Mexico Junior College employees shall not utilize any college property or facilities for personal or private business, non-College related projects or activities on or off campus including, but not limited to, use of the copy machines and telephone systems, unless approved by the President. Violation of this policy shall result in disciplinary action against the employee up to and including dismissal.
- C. College facilities and projects may be used on the same basis of scheduling and fees required of non-employees when appropriate procedures for such use have been followed.
- D. Institutional and subject matter related projects may be conducted by College employees. All such projects shall be in the public domain (the realm embracing property rights that belong to the community at large are unprotected by copyright or patent and are subject to appropriation by anyone and/or for which no personal funds or monies shall be paid to New Mexico Junior College). Projects which do not fall in the above category may be considered when presented according to the following procedures:
 1. Writing a detailed description of the proposed project.
 2. Securing approval of the President:
 - a. If such projects are conducted by College employees other than the faculty employees, approval shall be secured from the President. Prior approval shall be required before starting a project that does not fall in the above two categories and for which special approval is required.

- b. In the event a project is conducted and the expense thereof is borne by the individual employee, the fruits of the project shall belong to the particular employee, as it is the policy of the Board that projects accomplished by the employee on the employee's own time and at the employee's own expense shall be his/her own property. In the event the employee desires to share the results of the employee's project with the College, a separate contract shall be agreed upon between the Board and the individual as to such project.

9.1.3 Other Conditions

Although the facilities are available for public use, individuals and groups using the facilities shall abide by College policies as well as local, state, and federal laws and regulations. Those not abiding by applicable laws and regulations and those disruptive of the educational process or those whose general conduct is determined by the College to be inappropriate shall be requested to leave, and in the event of refusal, appropriate legal action shall be taken.

All NMJC facilities, as well as all campus programs and activities, will be accessible in accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act. The College is committed to providing appropriate reasonable accommodations to ensure that individuals with disabilities have equal access to campus spaces, events, and NMJC resources.

9.2 Campus Safety

9.2.1 Safe Campus

NMJC is committed to having a safe learning environment and campus.

- Campus Safety Department

As part of its accountability to constituents, the Board and administration shall support appropriate personnel for the safety of students, staff and security of College properties.

9.3 Inclement Weather

9.3.1 Inclement Weather

From time to time inclement weather can pose problems for students and others using the College central campus and outreach centers. Traveling conditions may vary considerably, depending on the individual's home location in relation to the central campus or outreach center. No student or staff member is encouraged to travel when conditions are considered dangerous.

In the event of inclement weather, the following procedure will be followed:

- a. If conditions appear to warrant closing, postponing, or restricting College activities, the President or the President's designee will make the decision as to what to do. The Vice President for Operations & Special Projects will coordinate with the Hobbs Municipal School District concerning closure of the Hobbs Schools campuses.
- b. When a decision is made to cancel, postpone, or otherwise modify a campus or outreach schedule, the President or the President's designee will notify the Director of Outreach and Engagement and the Chief Information Officer. The Director of Outreach and Engagement will notify local and regional television and radio stations. The Chief Information Officer will post the notice on the NMJC web page. An authorized administrator will make a class delay, cancellation, or campus closure notification via the Rave Emergency Notification System (text, email and social media). The Director of Outreach and Engagement will notify local school districts that transport students to the campus.
- c. Normally the decision to postpone, cancel, or otherwise restrict College classes/activities will be made by 6:00 am for the day activities and by 1:00 pm for evening activities. Changes in weather conditions during the day may necessitate campus updates for cancellations.
- d. Should classes be postponed or cancelled, employees are asked not to report to the campus. Certain maintenance/grounds employees will be called to report to the campus to help make walking and driving surfaces safer for when the campus re-opens.
- e. Each supervisor is responsible for notifying the supervisor's staff of any change in schedule.

9.4 Hazing

NMJC prohibits hazing activities associated with acceptance, advancement, membership or continued good standing in formal or informal cohorts of students, groups, clubs or athletic teams. NMJC is serious about eliminating hazing and the threat of hazing. Policies concerning Hazing are contained in the *Employee Handbook* and the *Student Handbook*.

9.5 Bullying

NMJC prohibits bullying in the workplace, classrooms, student organizations and events. Policies concerning Bullying are contained in the *Employee Handbook* and *Student Handbook*.

9.6 Freedom of Expression

9.6.1 Purpose and Policy Statement

NMJC is committed to respecting the First Amendment rights of all individuals, including freedom of speech, freedom of expression, and the right to peaceably assemble. NMJC also recognizes its responsibility to provide a secure learning environment that allows individuals enrolled at or employed by NMJC to express their views in ways that do not disrupt the operation of NMJC.

9.6.2 Definitions

NMJC community: NMJC employees and enrolled students.

9.6.3 Scope

This policy in no way prohibits members of the NMJC community from engaging in conversations on campus and does not apply to College-sponsored activities or classroom instruction or participation, but rather only establishes as designated public forums certain outdoor areas of NMJC's campus and sets forth requirements for forum reservations in the following limited circumstances: (1) members of the NMJC community who plan an event with 30 or more persons; and, (2) individuals or groups who are not members of the NMJC community who wish to speak on NMJC's campus. By placing reasonable limitations on time, place, and manner of speech, NMJC does not take a position on the content or viewpoint of the expression but allows for a diversity of viewpoints to be expressed in an academic setting.

9.6.4 Designation of Public Forums on NMJC's Campus

To accommodate the need for immediate and spontaneous demonstration and to better facilitate the free exchange of ideas, NMJC has designated the area between the Pannell Library (C. M. Burk University Center) and the Ben Alexander Student Learning Center as a public forum on NMJC's campus ("Public Forum Area"), which is depicted on the attached map. This Public Forum Area is generally available from 9:00 a.m. to 5:30 p.m. Monday through Friday, provided that the Public Forum Area has not previously been reserved. Reservations will only be processed on days that NMJC's Administrative Offices are open for business ("college business days"). Though reservations to use the Public Forum Area are only required as set forth in Section V. A. and Section VI below, NMJC recommends that all parties interested in utilizing the Public Forum Area submit a completed Forum Reservation Request Form to NMJC's Director of Outreach & Engagement prior to use so that NMJC may minimize scheduling conflicts, accommodate all interested users, and provide adequate security for the speaker and the audience.

9.6.5 Provisions for Members of the NMJC Community

A. Planned Large Group Expression

Members of the NMJC community who plan to engage in expressive activity on campus in a group that is expected to consist of 30 or more persons must submit a completed Forum Reservation Request Form to NMJC's Director of Outreach & Engagement five college business days prior to the scheduled activity and must receive approval in writing from NMJC's Director of Outreach & Engagement prior to engaging in such activity. Prior notice is required to ensure that there is

sufficient space for the large group event, that necessary College resources are available for crowd control and security, and that the academic and other operations of the College are not disrupted. NMJC's Director of Outreach & Engagement may grant a reservation for the Public Forum Area or another available area of campus, as requested by the applicant, and may only deny a reservation for the limited reasons set forth below. The reservation request must be processed, and the requesting party must be notified within three college business days after its submission. Any denial may be appealed to the NMJC Vice President for Instruction in writing setting forth the reasons why the appeal should be granted. The NMJC Vice President for Instruction or the NMJC Vice President for Instruction's designee must respond to the appeal in writing within two college business days.

B. Spontaneous Large Group Expression

If an individual or small group of individuals within the NMJC community, while engaging in spontaneous expression, attracts a group of 30 or more persons, then a representative from the group should provide the College with as much notice as circumstances reasonably permit. NMJC reserves the right to direct a group of 30 or more persons to the Public Forum Area or another available area of campus to ensure the safety of campus members, to provide for proper crowd control, and to limit disruption of the academic and other operations of the College. The NMJC official must not consider or impose restrictions based on the content or viewpoint of the expression when relocating any expression.

9.6.6 Provisions for Non-Campus Members

Individuals or groups of people who are not enrolled at or employed by NMJC may only engage in expressive activity on NMJC's campus in the Public Forum Area and only after submitting a completed Forum Reservation Request Form to NMJC's Director of Outreach & Engagement at least five college business days prior to the scheduled speech and obtaining approval for such use in writing from NMJC's Director of Outreach & Engagement or the designee of NMJC's Director of Outreach & Engagement pursuant to the procedures set forth in Section VII below. Organizers are encouraged to submit their requests as early in the planning stages of the event as possible. The reservation request must be processed, and the requesting party must be notified within three college business days after its submission. Any denial may be appealed to the NMJC Vice President for Instruction in writing setting forth the reasons why the appeal should be granted. The NMJC Vice President for Instruction or NMJC Vice President for Instruction's designee must respond to the appeal in writing within two college business days. This provision does not apply to any lecturer or visitor invited to an NMJC classroom by the professor of such class.

9.6.7 Procedures for Forum Reservation Requests

A completed Forum Reservation Request Form should be submitted to NMJC's Director of Outreach & Engagement in person or by email to freedomofspeech@nmjc.edu. Any written materials that will be distributed in connection with the expression must be attached to the Forum Reservation Request Form and submitted to NMJC's Director of Outreach & Engagement at least five college business days prior to the distribution of the written materials. Any request to distribute written materials may not be denied based on the content or viewpoint of the expression. However, no publicity for a speaker or program may be released prior to authorization of the Forum Reservation Request Form.

Reservation scheduling will be coordinated by NMJC's Director of Outreach & Engagement or the designee, who will schedule forums for expression on a first-come, first-served basis. The NMJC's Director of Outreach & Engagement or the designee must respond to all requests in writing as soon as practicable, but in no event more than three college business days following receipt of the request, either authorizing the reservation and noting any special instructions, if applicable, or setting forth the reason for denial of the reservation.

NMJC's Director of Outreach & Engagement or the designee may only deny a reservation request for one of the following reasons:

- The Forum Reservation Request Form is not fully completed;
- The Forum Reservation Request Form contains a material falsehood or misrepresentation;
- The Public Forum Area has been reserved by persons who previously submitted a completed Forum Reservation Request Form(s), in which case the College must provide a reservation for the applicant at an alternate location, alternate date, or alternate time;
- The use or activity intended by the applicant would conflict with or disturb previously planned programs organized and conducted by the College;
- The Public Forum Area is not large enough to accommodate the expected or actual number of persons engaging in large group expression, in which case the College must provide a reservation for the applicant at an alternate location that can safely accommodate the applicant provided that the applicant is a member of the NMJC community and that such a location exists on NMJC's campus;
- The use or activity intended by the applicant would present a danger to the health or safety of the applicant, other members of the NMJC community, or the public; or
- The use or activity intended by the applicant is prohibited by law or NMJC policy.

When assessing a reservation request, NMJC's Director of Outreach & Engagement or the designee must not consider or impose restrictions based on the content or viewpoint of the expression.

Appeals related to the decision of the NMJC's Director of Outreach & Engagement or the designee should be made in writing to the NMJC Vice President for Instruction. The NMJC Vice President for Instruction must decide all appeals within two college business days. The decision of the NMJC Vice President for Instruction is final. All campus reservations are subject to the general provisions below.

9.6.8 Distribution of Written Material

Members of the NMJC community may distribute non-commercial pamphlets, handbills, circulars, newspapers, magazines, and other written materials on a person-to-person basis in open outdoor areas of the campus. An individual who is not a member of the NMJC community may only distribute written materials within the Public Forum Area and only during the time in which the individual has reserved Public Forum Area. Unauthorized use of the College's trademark or logos on any written material is strictly prohibited.

9.6.9 General Provisions

- A. In addition to the requirements set forth above, all individuals expressing themselves on NMJC's campus must comply with the following provisions:
 - No interference with the free flow of vehicular or pedestrian traffic within and/or under the control of the NMJC campus or the ingress and egress to buildings on campus is permitted.
 - Any use of amplified sound, other than amplified sound used in connection with College-sponsored events, must only be intended to be heard in the immediate area of the expression to minimize any disruption of the central academic mission of the College.
 - No interruption of the orderly conduct of College classes or other College activities, including College ceremonies and events, is permitted.
 - No commercial solicitations, campus sales, or fundraising activities shall be undertaken which are not authorized by NMJC.
 - The individual who makes the reservation shall be responsible for seeing that the area is left clean and in good repair. If not accomplished, persons, or organizations responsible for the event may be held financially responsible for cleanup costs.
 - The individual/organization using the area must supply their own tables, chairs, etc., if needed (unless already part of the location).
 - Damage or destruction of property owned or operated by the College, or property belonging to students, faculty, staff, or guests of the College is prohibited. Persons

or organizations causing such damage may be held financially and/or criminally responsible.

- Individuals and groups of individuals expressing themselves on NMJC's campus must comply with all applicable federal, state, and local laws and NMJC policies, rules, and regulations.

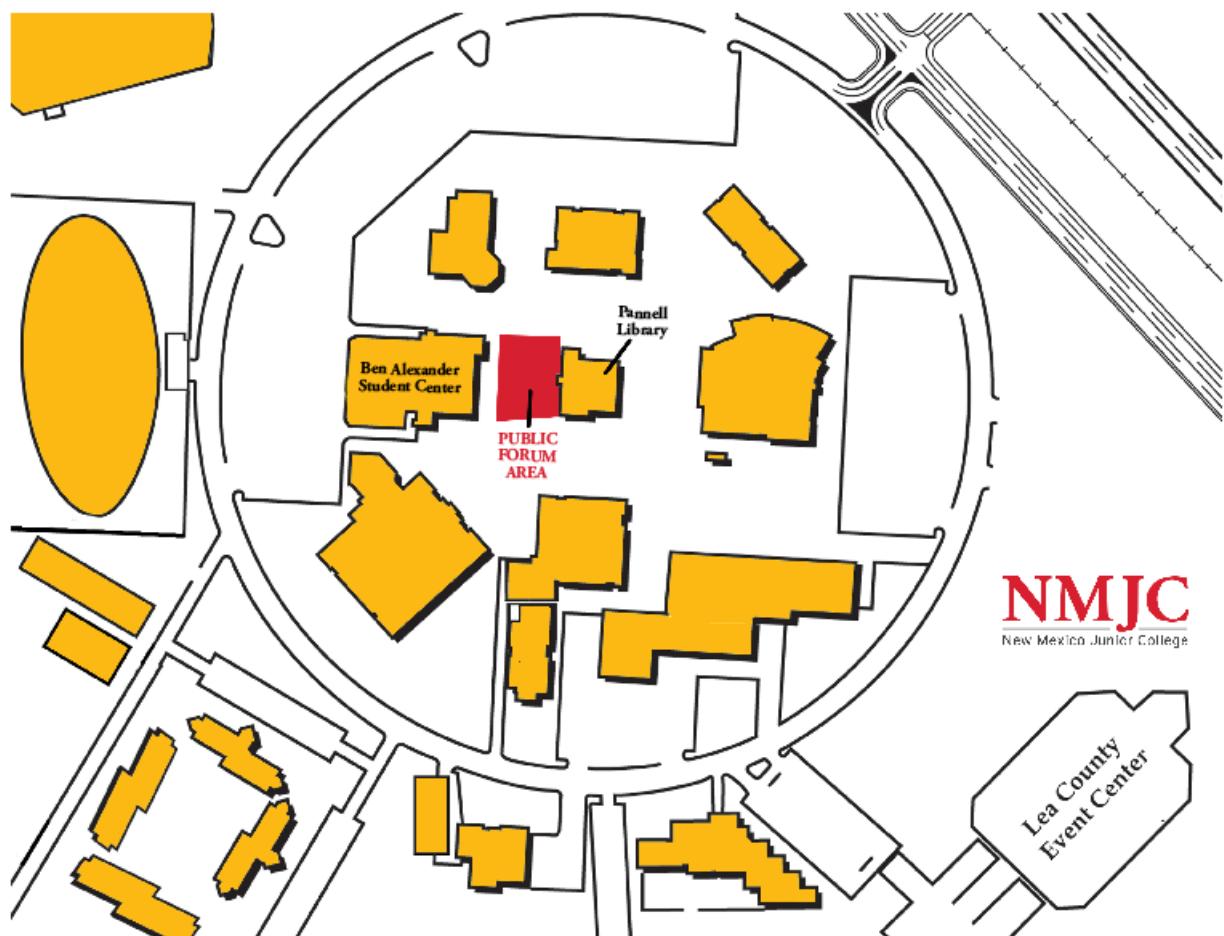
B. Notwithstanding anything to the contrary contained herein, the College may restrict expressive activity that is not protected by the first amendment of the United States Constitution, including:

- A violation of state or federal law.
- An expression that a court has deemed unprotected defamation.
- Harassment. For the purposes of this paragraph, "harassment" means only that expression that is so severe, pervasive and subjectively and objectively offensive that it unreasonably interferes with an individual's access to educational opportunities or benefits provided by the College.
- A true threat. For the purposes of this paragraph, "true threat" means a statement that is meant by the speaker to communicate a serious expression of an intent to commit an act of unlawful violence against a particular person or a group of persons.
- An unjustifiable invasion of privacy or confidentiality that does not involve a matter of public concern.
- An action that unlawfully disrupts the function of the College.

9.6.10 Compliance

Authorization of a speech, event, or demonstration is contingent upon compliance with the criteria listed above. Speakers and/or organizations failing to comply with the above policy may be asked to leave, a trespass warning may be issued, and/or College disciplinary action or judicial action may be pursued.

Public Forum Area



APPENDIX A

**FORMAT AND GUIDELINES
FOR PROPOSING NEW AND REVISED
BOARD POLICY**

**NEW MEXICO JUNIOR COLLEGE
FORMAT FOR PROPOSED BOARD POLICY**

Introduction: Formation and Revision of Board Policy

- A. The formulation and adoption of written policies shall constitute the basic method by which the Board exercises its leadership in the operation of the College. The Board delegates to the President the function of implementing policy.
- B. Recognizing its own function as the lawful and final authority in policy matters, the Board accepts the principle that those who are affected by the policy shall be involved in the formulation of such policy. The Board, therefore, encourages staff and administration to review and recommend new policies or changes of policy when appropriate.

Proposed Policy Statement

A person seeking a revision and/or addition to board policy shall submit a proposed policy statement unnumbered and undated to the President, or the President's designee, for review.

Rationale for the Proposed Policy

Justification needs to be provided as to why the policy is needed.

Suggestion for Written Procedures to Accompany Proposed Policy (if applicable and if known).

Supporting procedures should be outlined new and old that would be applicable to proposed policy.

Disposition

After consideration and discussion, the person submitting the policy may be asked to present further rationale. When a decision has been finalized concerning the proposed policy, the President shall forward the change to the Board with the President's recommendation for action. No amendments to a policy shall be made without Board approval. The final action taken shall be communicated to the originator of the proposed policy change.