

*President's Response to Faculty Recommendations  
From February 25, 2009 All Faculty Meeting*

**Recommendation #1**

The executive structure of UNM should return to a focus on academic programs. Thus, there should be two Executive Vice Presidents – The Executive Vice President for Academic Affairs and the Executive Vice President for Health Sciences. Those offices should report to the UNM President. The Office of Facilities and Finance should report to those two Executive Vice Presidents.

**President's Response**

Given the immediate, and potentially long term, financial situation being faced by the state and by the University, now is not the time to make any major changes to UNM's organizational structure. The Executive Vice President for Health Sciences and the Provost and Executive Vice President for Academic Affairs already have authority over allocation of academic resources, subject to approval by the President and Regents. Other organizational decisions have been placed on the back burner for this same reason, such as filling the now-vacant position of VP for Rio Rancho and Branch Operations. The prudent course of action is to wait until after the 2010 legislative session to learn what, if any, permanent changes UNM will be required to make. Any recommended changes to the University's organizational structure will require Regent approval, and they must be consistent with and supportive of the President's duties as outlined in [Regent's Policy 3.1](#).

**Analysis and Conclusions from Policies**

Regents' Policy Manual (["RPM" 1.1, Responsibilities of the Board of Regents](#)), specifies that one of the Board's duties is to "[a]pprove the organizational structure for the University, and any major revisions proposed by the President." (emphasis added) [RPM 3.1, Responsibilities of the President](#), compliments RPM 1.1 by authorizing the President to "adopt administrative policies and procedures consistent with Regents' Policy," but also states that the President's responsibilities include "presenting to the Board of Regents for approval the organizational structure of the University." Changing the titles of senior University executives who report to the President, and making corresponding changes to the organizational chart lines of authority, would constitute a revision to the University's "organization structure" within the meaning of [RPM 1.1](#) and [3.1](#).

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**Recommendation #2**

Currently only the faculty and Deans are regularly evaluated by both those they serve and their supervisors. That culture of “360 degree” evaluation should extend through the upper administration and the Board of Regents.

**President's Response**

“360 degree” evaluation of those administrators reporting directly to the President has been expanded to include input from the Faculty Senate and Staff Council leadership. Existing University business and Faculty policies protect the privacy interests of both those evaluated and their evaluators. Extending the “360 degree” evaluation model to the Board of Regents and its members is beyond the purview of the President of the University.

**Analysis and Conclusions from Policies**

Existing University Policy protects the privacy interest of both those evaluated and their evaluators (pertinent University policies are: [UBP 3230, Performance Review and Recognition](#); [UBP 3710, Personnel Information Disclosure Policy](#); [UBP 2300, Inspection of Public Records](#); and, [Faculty Handbook Policy C70, Confidentiality of Faculty Records](#)). With regard to the Faculty's suggestion that “360 degree” evaluation be extended to the Board of Regents: 1) given that the Regents are appointed by the Governor, the notion of “360 degree” evaluation is meaningless in the absence of the Governor's participation in the process; (2) the Faculty document itself recognizes the constitutional limitations on any such scheme with its observation that “Regents aren't accountable to the Governor prior to consideration for reappointment;” (3) there has been no request for evaluative information from the Governor and/or the Secretary of Higher Education; and (4) there is no known “appropriate disciplinary body” with regard to the Board of Regents.

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**Recommendation #3**

The center of authority for policy development, implementation, and budget design needs to rest with the Deans and Department Chairs.

**President's Response**

Recommendations about academic policy development, implementation, and budget design will include the Provost, Deans, and Department Chairs, as well as consultative engagement with appropriate committees of the Faculty Senate. UNM policy clearly acknowledges that the Board of Regents' powers include fiduciary responsibility for the university, and that the final authority over the budget rests with the Regents.

**Analysis and Conclusions from Policies**

The President has the authority under [RPM 3.1](#) to "involve" the academic officers referred to in the Faculty's request to participate in the process of developing recommendations in the areas of academic policy development, implementation, and budget design. The policy gives the President broad authority to "manage" the University, to develop "administrative policies and procedures" on his own initiative or on the recommendation of faculty or administrative staff, without prior approval of the Regents, and "oversight of the quality of the academic and support programs."

The involvement of faculty officers in the preparation of recommendations in these academic areas (policy development, implementation and budget design) also falls within the scope of the faculty's role in the University's mission, as broadly defined in [Faculty Handbook Policy A503](#) and the [Faculty Constitution \(Faculty Handbook, A51, Sec. 2\)](#). The faculty's "right of review and action" includes: formulation of institutional aims; creation of new colleges, schools, departments and decisions; major curricular changes and other matters which in the opinion of the President affect the institution as a whole; policies of appointment, dismissal and promotion in academic rank; and general faculty welfare. The appropriate role of the Faculty is less clear with regard to the budget design component because sections of the Faculty Constitution specifically makes actions taken by the Faculty subject to Regent authority in matters involving "finance," among others. However, having the Faculty "involved" (i.e., providing comment, input, and recommendations) in the development of academic budget design does not appear to infringe on the Regents' authority.

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**Recommendation #4**

The Executive Vice President for Academic Affairs or a main campus faculty delegate and the Executive Vice President for the Health Sciences Center or an HSC faculty delegate should be voting members of the BOR Facilities and Finance Committee.

**President's Response**

Consistent with the Faculty's recommendation, the President of the Board of Regents has appointed members to the Finance and Facilities Committee that include academic officers. As the Faculty recommendation recognizes, an amendment to Regents' Policy would be required to make such academic officers standing members of the Committee.

**Analysis and Conclusions from Policies**

The current composition of the Regents Finance and Facilities Committee consists of six voting members: three Regents, a member of the UNM Hospital Board of Trustees, the Executive Vice President for Academic Affairs/Provost and the Executive vice President for the Health Sciences Center. Thus, composition of the Committee presently satisfies the faculty request. There is no requirement, however, that these two EVPs be appointed to membership on the Finance and Facilities Committee. Rather, [RPM 1.2, Structure of the Board of Regents](#), gives the President of the Board authority to appoint to any standing committees (which includes Finance and Facilities) "such Community and University members as the President of the Board deems appropriate." The Board President's discretion to whom he appoints is limited only by the proviso that the Board President "shall consult with the Board of Regents concerning committee appointments."

The Faculty's recommendation apparently seeks to make compulsory and permanent the appointments of these two EVPs (or a faculty delegate). The implementation steps set out under the faculty's recommendation states: "Draft language for change in Regents' policy manual and inclusion of process in Faculty Handbook." The Faculty thus recognizes that their recommendation will require amending regents' policies. Any amendment to Regents' Policy requires Board action and amendments to the Faculty Handbook also require Board approval.

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**Recommendation #5**

All searches for tenure-track faculty, Deans, Associate Vice Presidents and above should be national while encouraging applications from qualified members of the UNM community. (This would not apply to temporary positions, such as Chairs in some departments that are filled on a rotational basis from within the UNM community.)

**President's Response**

Tenure-track Faculty and Deans are presently recruited and hired through a competitive national search process pursuant to the [UNM Office of Equal Opportunity Faculty Hiring Guidelines](#). With regard to recruitment and hiring for administrative positions, the President will support review of applicable Regents' ([Regents' Policy 3.3](#)) and [University business \(UBP 3210\) policies](#).

**Analysis and Conclusions from Policies**

A simple acceptance of this proposal extending a system of *mandatory* national search to the administrative level desired by the Faculty would require amendment of exiting Regents' and University business policies. [RPM 3.3](#) addresses [Appointment and Termination of Key Administrators](#). This existing policy provides, with regard to "Key Administrators," that "[a] national search shall be conducted unless there are exceptional circumstances and the Regents have been consulted." However, [RPM 3.3](#) defines "key administrators" (textually – there is no "definitions" section) as Executive Vice Presidents, Vice Presidents, the Associate Vice President for Clinical Operations, the Director of Intercollegiate Athletics, and the University Counsel. Thus, the policy does not reach generally to the level of Associate Vice Presidents, as the faculty would have it. Moreover, [UBP 3210, Recruitment and Hiring](#), presently pertains to administrative hires below the level articulated in [RPM 3.3](#). [RPM 3.3](#) should be amended, as the administrative positions articulated in the policy no longer correspond to presently implemented or proposed changes in the administrative organization chart.

Tenure-track faculty and dean hires are undertaken pursuant to [UNM Office of Equal Opportunity Faculty Hiring Guidelines](#). The Faculty Hiring Guidelines state ([Section I](#)) that "The University recruits and hires faculty through competitive processes," and requires ([Sec. 3.2](#)) that the process include publication in one national recruitment/publication resource and/or website." Thus, the searches are "national."

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**Recommendation #6**

UNM should establish an annual report of Faculty Retention and Loss that will clearly present numbers and types of faculty gained and lost by each Department. Reasons for losses should be included as well as the details of vacant positions waiting to be filled in each Department.

**President's Response**

This recommendation is accepted with the proviso that the University and its Faculty must recognize limitations on what information may be included in the report's "reasons for losses."

**Analysis and Conclusions from Policies**

The Faculty's request states that the Faculty Retention and Loss report should state "reasons for losses." The report presumably will be public. In deciding on the design and contents of the report, therefore, attention must be given to avoiding the inclusion of any information about individual employees and reasons for departure that may constitute confidential limited personnel information, that are contained in [UBP 3710, Personnel Information Disclosure Policy](#); [UBP 2300, Inspection of Public Records](#); and [Faculty Handbook Policy C70, Confidentiality of Faculty Records](#).