



**Southeast New  
Mexico College**

**Policy  
Manual**

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## **SOUTHEAST NEW MEXICO COLLEGE BOARD POLICY- SECTION A**

### **Section A - General Provisions - Policy Number 100 - Statement of Policy and Definitions**

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- I. Title - This publication shall be known as the Southeast New Mexico College (SENMCM) Policy Manual.
- II. Purpose - This Manual represents a statement of the policies of the Board relating to the governance of Southeast New Mexico College. This Manual, together with any procedures, guidelines, and handbooks developed by the President, and all applicable federal and state laws, constitute the fundamental guidelines for the administration of the College.
- III. Definitions - Each word used in this Policy or Policy Manual shall have its usual and customary meaning unless otherwise defined. The following terms, when used in this Manual, shall have the following meaning unless the context in which such terms are used clearly indicates another meaning:
  - A. BOARD: The Southeast New Mexico College Board of Trustees
  - B. COLLEGE: Southeast New Mexico College
  - C. PRESIDENT: The President of Southeast New Mexico College and Chief Executive Officer to the Board

If questions arise as to the meaning of a Policy or word therein, those questions should be directed to the President. However, the Board shall, consistent with applicable law and regulations, retain ultimate authority to determine the educational policies of the College.

- IV. Policy Creation and Delegation
  - A. It is the duty of the Board to determine financial and educational policies of the College. The Board shall provide for the management of the College and execution of these policies by selecting a competent president for the College.
  - B. The Board delegates to the President the function of formulating procedures, guidelines, handbooks, and other rules under which the College shall operate. All procedures, guidelines, handbooks, and other rules implemented under the President's jurisdiction shall be consistent with these Policies.
  - C. As Southeast New Mexico College evolves to face new challenges and new opportunities, this Policy Manual shall be an evolving document. All policies herein are subject to modification and amendment as determined by the Board.
  - D. The College Council shall have the authority to correct grammatical errors, punctuation, spelling, and similar typographical errors in any Policy adopted by the Board without having to seek Board Approval. However, all corrections made under this provision must be approved by the College President in order to become effective. This provision shall not be utilized to amend, change, or alter, the purpose, meaning, requirement(s), or effect(s) of any policy adopted by the Board.



## **SOUTHEAST NEW MEXICO COLLEGE BOARD POLICY**

### **Section A – General Provisions - Policy Number 200 – MISSION**

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- I. Mission – The mission of SENMC is to provide educational programs, training, and services that best serve our diverse students, communities, and industry.
- II. Vision- Building bridges to a better life through education.
- III. Institution Values- Southeast New Mexico College is committed to and demonstrates:
  - P--Persistence
  - R-- Resilience, respect, and resourcefulness
  - I--Inclusion and integrity
  - D--Diversity
  - E—Excellence

## **SOUTHEAST NEW MEXICO COLLEGE BOARD POLICY**

### **Section A – General Provisions - Policy Number 300 – Non-Discrimination and Equal Opportunity**

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- I. Non-Discrimination- The College dedicates itself to providing equal opportunities in its employment and learning environments.
  - a. In compliance with the law, the College does not discriminate based on age, ancestry, color, disability, gender identity, genetic information, national origin, race, religion, serious medical condition, sex (including pregnancy), sexual orientation, spousal affiliation, or protected veteran status in its programs and activities. This non-discrimination policy applies to all terms and conditions of employment and prohibits all forms of workplace harassment based on an employee's protected class or characteristic.
  - b. The College shall also not deny any student or applicant admission to the College and access to a higher education because the student is a member of a protected class. In further recognition of the diverse population the College serves, the College, its Board, President, and faculty and staff shall promote inclusive recruiting, hiring, and retention practices for applicants and employees.
- II. Designation of Compliance Officers and Coordinators - The President, administration, and all faculty and employees are responsible for compliance with the College's non-discrimination Policy and its adherence to all applicable federal and state laws prohibiting discrimination including Title IX. The President shall designate a Title IX Coordinator and shall conspicuously publish the Title IX Coordinator's name, office location and address, phone number, and email address to students, faculty, executives, and staff. Complaints of discrimination, harassment, sexual violence, retaliation, failure to accommodate, or any other type of discriminatory act or omission may be directed to the College's Title IX Coordinator and the Human Resource Office. The College's Title IX Coordinator and Human Resource will also handle a disabled person's request for reasonable accommodation.
- III. Complaints Alleging Violations of this Policy - The President is charged with developing student and employee complaint procedures consistent with this Policy Manual. In addition, any student, applicant, or employee (including faculty and executives) who is concerned about a possible violation of this Policy may contact the College's Title IX Coordinator and the Human Resource Office. He or she may also submit complaints to with the United States Department of Education, Office for Civil Rights, the U.S. Equal Employment Opportunity Commission, and/or New Mexico Human Rights Bureau. The College takes these complaints very seriously and will promptly take action to investigate and address any complaint.
- IV. Annual Training Required– The President shall require that all executives, human resource leaders, Chairs, and all other supervisors at the College, receive annual Title IX training. In addition to legal updates and general Title IX guidelines, the annual training shall cover a) sexual harassment; b) the scope and review of the College's education programs where the Title IX

policy applies; c) how to conduct a Title IX investigation; d) the grievance process including hearings, appeals, and informal resolution; e) and how to serve impartially to avoid bias and conflicts of interest. The President may also direct other personnel to attend the same or similar trainings.



## **SOUTHEAST NEW MEXICO COLLEGE BOARD POLICY**

### **Section A – General Provisions - Policy Number 400 – Board of Trustees and Meetings of Board**

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- I. Introduction - The Board is the governing body of the College. The Board's authority is established by New Mexico state law (see Section 21-13-8 NMSA 1978 Amended). The Board is subject to the provisions of the Constitution of the State of New Mexico, applicable rules and regulations of the New Mexico Higher Education Department, State Law, the Federal Constitution, Laws and Regulations, and its own policies and procedures.
- II. Composition:
  - a. Size: Pursuant to NMSA 1978 21-13-8, as amended, the Board shall consist of five (5) members elected from single-member Members shall be required to reside in the districts from which elected. Any member removing his/her residence from the district from which he/she was elected shall be deemed to have resigned his/her 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 (see Section 21-13-8 NMSA 1978).
  - b. Term: The Board members shall be elected for a term of six years. The term shall begin on January 1 following their election. New Board members shall take the oath of office before entering upon their duties. Terms of Board members are staggered.
  - c. Elections: Elections of Board members shall be held according to the New Mexico Local Election Act.
  - d. Vacancies: Vacancies in the membership of the Board, other than by expiration of term of office, shall be filled by appointment determined by a majority vote of the remaining Board members for the remainder of the unexpired term of the position vacated. In the event a vote of the remaining Board members results in a tie between potential appointees, the vote of the Chair of the Board, as hereinafter described, shall be the deciding vote. The individual appointed by the Board must reside within the district of the vacancy. An individual appointed by the remaining members of the Board to fill a vacancy in office shall serve until the next community College board election, at which time candidates shall file for and be elected to fill the vacant position to serve the remainder of the unexpired term. (See Section 21-13-8 NMSA (1978)).
- III. Organization:
  - a. Board Officers: Following every regular election, a special meeting, as described in Section V.B.3. below, shall be held by the Board on the first day the College returns from its winter break for the purposes of swearing in any newly elected Board members and the Board selecting from its members a Chair and Secretary who shall serve in these offices until the next regular Board election. After each regular election, Board members

shall reorganize in this manner. In order to provide every Board Member the opportunity to serve in various roles, Board members shall rotate officer positions, with the Chair becoming a member, the Secretary becoming Chair and a member, excluding the immediate past chair, being elected Secretary, unless four members of the Board determine otherwise, or that member declines to serve as Chair or Secretary. If a vacancy occurs in any office (see Article II.D. above) the Board shall select any member at the next regular Board meeting to serve out the remainder of that officer's term in rotation as described above.

i. Chair: The duties of the Chair of the Board shall be:

1. To regularly preside at Board meetings;
2. To call special or emergency meetings as required or to change the time of a regular meeting;
3. Serve as a liaison between the Board and the President;
4. To organize, concurrent with consultation with the President, annual board training to ensure members of the Board are properly oriented to their roles, responsibilities, and relationship to the College and communities represented;
5. To perform such other duties as may be prescribed by law or by action of the Board; and
6. Sign documents and contracts as required or needed, including designating the Secretary or another trustee to sign in the absence of the Chair.

ii. Secretary: The duties of the Secretary of the Board shall be:

1. To preside over Board meetings in the absence of the Chair;
2. To perform such other duties of the Chair as necessary in the absence of the Chair;
3. Sign officially approved minutes and other legal documents; and
4. To perform such other duties as the Board may prescribe.

b. Chief Executive to the Board: The President shall serve as Chief Executive to the Board. A Board Recorder shall be appointed for clerical assistance. The duties of the President, as Chief Executive, shall be:

- i. To provide adequate notice to Board members and the public of all meetings;
- ii. To call all regular meetings;

- iii. To attend all Board meetings, except during that portion of a meeting when the President's salary or performance is being discussed among members or other good and proper cause as determined by the Board;
  - iv. To arrange for recording of minutes of the Board meetings and transmission of copies of the previous meeting minutes to each Board member before each ensuing meeting;
  - v. To ensure, along with the Chair, the Board meeting agenda is prepared; and
  - vi. To have charge of all records, proceedings, and documents of the Board.
- c. Board Recorder: Unless determined otherwise by the Board, the Board Recorder shall be the Executive Assistant to the President. The duties of the Board Recorder shall be:
- i. To prepare the Board agenda as directed by the President as Chief Executive to the Board;
  - ii. To record and prepare minutes of Board meetings;
  - iii. To arrange for the posting of the notice for all Board meetings according to statutory requirements; and
  - iv. To assume such other responsibilities as may be assigned by the President as Chief Executive to the Board.

#### IV. Duties and Responsibilities

- a. The Board possesses and exercises its authority and duties as a collective body and functions only when it is convened in meetings. Unless specifically authorized by prior action of the Board, no individual member may speak, obligate, or exercise authority in the name of the Board of Trustees. The chief duty of the Board is to provide for the program and welfare of the College and to honor the College's governance structure. In this regard, the Board:
  - i. Shall preserve SENMC's institutional independence and defend its right to manage its own affairs through its executives and employees;
  - ii. Shall appoint the President of the College who will also serve as Chief Executive to the Board, conduct annual evaluations of the President's performance, and approve the contract and compensation of the President;
  - iii. Shall formulate policies and delegate to the President the function of administering board policies;
  - iv. Shall enhance the public image of the College;
  - v. Shall nurture the College to achieve its full potential within its role and mission;



- vi. Shall approve, upon the recommendation of the President, the Vision and Mission statements and core values of the College;
  - vii. Shall approve, upon the recommendation of the President, the College's strategic plan and goals consistent with the vision and mission of the College and its focus on student success;
  - viii. Shall provide for financial resources to adequately support the College's institutional goals; accordingly, the Board will approve and authorize the annual budget and amendments, debt funding, tax rates and/or millage, real estate transactions, major capital projects, and other significant financial items as the Board may determine from time to time; and subject to the financial resources available to the College.
  - ix. May perform other duties authorized by applicable laws or regulations;
  - x. Shall decide on tuition rates, general fees, and program/course fees;
  - xi. May approve new executive positions with specific job descriptions and salary range for each position.
- b. The Board functions within the framework of laws, court decisions, attorney general's opinions, and similar mandates and restrictions from external sources. It performs functions as specified by applicable laws and regulations.
  - c. The Board formulates policies and delegates to the President the function of administering board policies and regulations. The Board is not involved in administrative details, but the Board's review of administrative procedures and regulations may be undertaken if necessary to the function of policy formulation. In the absences of appropriate policy, the President may need to make decisions using best judgement and consistent with the best practices in higher education.
  - d. If citizens bring a concern or complaint to an individual Trustee, the Trustee shall refer the citizen to the President, who shall proceed according to appropriate Board policy or College procedure. This does not restrict the Board member from bringing the concern or complaint to the Board.

## V. Meetings

- a. General Provisions: All meetings of the Board shall comply with the "Open Meetings Act", Sections 10-15-1 to 10-15-4, so that the conduct of all Board business shall be in compliance with said law.
- b. Types of Meetings
  - i. "Meeting" defined: "Meeting" is defined as any exchange, among a majority of Board members, for the purpose of formulating public policy, discussing public business or for taking any action over which the Board has supervision or control.

- ii. Regular: Regular meetings of the Board shall ordinarily be held on the second Monday of each month, at 6:00 p.m. This is different from what is required by State Statute (Section 21-13-9, NMSA 1978), but exceeds the requirements and is deemed necessary to accomplish College business. The date and place of a regular meeting may be changed by action of the Board at any previous meeting or at any other time by the Chair after timely notice to all members and with the consent of the majority of said members. 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.
- iii. Special: Special meetings of the Board may be called by the Chair, by three members of the Board, or by the President with approval of the Chair.
- iv. Emergency: Emergency meetings of the Board may be called by the Chair or by the President for the purpose of considering an emergency or other matter of urgent public necessity.
- v. Closed Meetings: Executive sessions of the Board are those meetings which are closed to the public pursuant to state law.

c. Public Access

- i. Meeting Open to the Public: All meetings of the Board, except as otherwise provided in state law or specifically permitted in the Constitution of the State of New Mexico shall be open to the public.
- ii. Meetings Closed to the Public: The Board may hold closed meetings or closed executive sessions if the Board has first been convened in an open meeting, the Chair has publicly announced that a closed meeting or executive session will be held, and a motion has been made and approved to close the meeting. The motion shall include a statement of the purpose which gives the Board authority to close the meeting. If a closed meeting is called when the Board is not in open meeting, public notice, appropriate under the circumstance, shall be given. Such notice shall also include statement of purpose and identification of statute authorizing the holding of said closed meeting or executive session. The Board may go into closed meeting or executive session only as allowed by the New Mexico Open Meetings Act, NMSA 1978, Sections 10-15-1 to 10-15-4.
- iii. Whenever any deliberation or any portion of a meeting is closed to the public as permitted by law, no final action, decision or vote with regard to any matter considered in the closed meeting shall be made, except in a meeting which is open to the public.

d. Notice Procedure:

- i. The procedures for giving public notice of the meeting and agenda shall conform to the requirements of the Open Meetings Act. Reasonable advance notice of a

meeting and agenda shall be given of all public meetings of a quorum of the public body. The Act also requires that each public body determine its notice procedure at least once a year. Such reasonable notice for all regular, special, and emergency meetings shall be adopted annually by the Board at one of its open meetings.

e. Citizen Participation:

- i. Board Appearance: 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. Such procedures are intended to preserve the constitutionally guaranteed rights of free speech and petition, and to avoid unfair discrimination among views seeking expression. The Board reserves the right to amend and/or waive any or all of these procedures by majority vote of its members.
- ii. Scheduled Board Agenda Items
  1. Citizens desiring to be heard by the Board on scheduled agenda item shall notify the President twenty-four (24) hours prior to the meeting at which they would like to address a scheduled agenda item. The President shall either attempt to deal with the issue administratively or submit the request to the Board.
  2. Individuals who have notified the President of their desire to address the Board on an agenda item and have been so approved shall be recognized before the Chair concludes the discussion or calls for a vote on the item. Speakers must limit their remarks to the agenda item.
- iii. Unscheduled Issues Requested for Board Consideration
  1. Persons desiring to have an item placed on the Board agenda must file, in writing, their request with the President at least ten (10) working days prior to a scheduled regular meeting, along with intended comments and/or handouts. The President has the option of deciding to handle the issue administratively or submitting the request to the Board.
  2. New agenda items approved for presentation shall be placed on the agenda or added to the agenda at the time of the meeting by the President. The person(s) who requested the presentation shall be recognized at the time the item is scheduled on the revised agenda and shall limit their remarks to the item in question.
- iv. Board Policy Issues: Requests for participation on issues impacting changes and/or additions to Board Policy may be considered, and the Board may delay



action on adoption of any policy for whatever reasonable amount of time is determines.

- v. Board Response: Except in emergencies, the Board should not act on issues brought before it through citizen participation. All information shall be organized and examined by the President who then shall submit recommendations to the Board before a final decision is rendered.

- vi. Presentation Guidelines

1. The Board has the discretion of hearing or not hearing any individual or group and reserves the right to fix such time limits on presentations as deemed appropriate to the occasion. The number of spokespersons who appear before the Board on any given issue may also be limited. The Board, by majority vote, may set or extend such limits as it deems appropriate.
2. The Board shall not be required to hear complaints or charges against employees of the College.
3. Only individuals officially recognized by the Chair shall be allowed to speak.
4. The use of profanity, obscenity, and/or other offensive language shall be sufficient cause for the Chair to withdraw a citizen's permission to address the Board.
5. These procedures are subject to the provisions of the Open Meetings Act.

- vii. Written Communication: All written communications to the Board which bear the signatures(s) and address(es) of the person(s) originating the communication shall be transmitted to the Board as a report from the President. Under normal circumstances, the President, as Chief Executive to the Board, shall acknowledge receipt of the written communication and, if some form of action is requested, inform the writer(s) regarding the disposition of the communication.

- f. Transaction of Business

- i. Prerequisites: In order to transact business, which is binding on the College, the Board must meet in official session, keep minutes, and have a majority of members present. All motions, duly seconded, require a majority of those voting.
- ii. Agenda: The agenda of the meeting shall be prepared and presented by the President. Items do not have to be considered in the order set forth on the Agenda.
- iii. 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.

- iv. Minutes: A record of all transactions of the Board shall be set forth in a minute book kept in the President's office as a permanent official record of legislation in the College and shall be open to inspection by the public according to the Inspection of Public Records Act. The minutes shall record the name of the person making the motion, the name of the person seconding it, and the vote. Voting shall be by a roll call. A member voting against a motion may state his/her reasons and may have them recorded in the minutes, if he so requests at the time of the voting. Minutes shall be succinct; their basic function shall be the recording of official actions of the Board. Board members may request inclusion of statements or data which they deem vital to an adequate understanding of the minutes.
- v. Order of Business: The agenda of Board meetings may include the following:
  - 1. Call to Order
    - a. Declare Quorum
    - b. Approval of previous meeting minutes
  - 2. Old Business
  - 3. New Business
    - a. Instructional Matters
  - 4. New Business
    - a. Non-Instructional Matters
  - 5. Other Business
    - a. President's Remarks
    - b. Calendar of Events
  - 6. Executive Session (if necessary)
  - 7. Announcement of next meeting
  - 8. Adjournment
- vi. Code of Ethics: The following code of ethics shall govern the actions of Board members of Southeast New Mexico College in the performance of their duties as Board members:
  - a) To attend and participate in all regularly scheduled Board meetings insofar as possible, and become well-informed concerning issues to be considered at those meetings;
  - b) To devote time, thought and study to the duties and responsibilities as a member of the Southeast New Mexico College Board so that effective and creditable service may be rendered;

- c) To work with 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;
- d) To work with other Board members to establish effective Board policies, delegate authority for the administration of the College to the President/CEO of the College, and act on behalf of the Board only with the official authorization of a majority of the members of the Board;
- e) To base personal decisions upon all available facts in each situation; to cast votes objectively, in good faith, and without improper bias of any kind; and to abide by and uphold the final majority decision of the Board;
- f) To make policy decisions only after full consideration at publicly held Board meetings;
- g) To render all decisions based on the available facts and independent judgment, refuse to surrender that judgment to individuals or special interest groups, and abide by and uphold the final majority of the Board;
- h) To conduct relationships with the staff, the local citizenry, and all media of communication on the basis of the fact that individual members have no legal authority outside the meetings of the Board;
- i) To avoid using the position of Board member to benefit either oneself or any other individual or agency apart from the total interest of the Community College District;
- j) To recognize that it is important for a Board member to understand and be educated on the overall aspects of the College's operations;
- k) To bear in mind under all circumstances that the primary function of the Board is to establish the policies by which the College is to be administered, but that the administration of the educational program and the conduct of College business shall be left to the employed President of the College and the President's staff;
- l) To support the employment of those persons best qualified to serve as staff and to make every effort to ascertain that all employees are properly remunerated for their services and that they are dealt with fairly in the performance of their duties;
- m) To consider input from citizens, organizations and the media of communication in the District with respect to policy on current College operations and proposed future developments; and



- n) To strive for the most effective College Board service to the community, by abiding by these aforementioned principles, and by so doing, assist the College in achieving its stated mission.

vii. Board Compensation and Reimbursement

- a) Board Trustee routinely serve without remuneration other than the reimbursement of actual and necessary expenses incurred in the performance of their official duties. Travel will be reimbursed at the rate set by state law for state employees.

## **SOUTHEAST NEW MEXICO COLLEGE BOARD POLICY**

### **Section A – General Provisions - Policy Number 500 – Board of Trustees Financial Oversight**

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- I. Introduction - The Board has the authority and responsibility to provide financial oversight of the College. This authority and responsibility shall specifically include:
  - a. Approve budgets, budget adjustments and financial statements.
  - b. Review the financial statements and reports.
  - c. Determine the operating budget for the distribution of available resources according to the Board's priorities. The President may re-allocate funds within the operating budget, but not between exhibits without Board approval.
  - d. Sole authority for establishing tuition and fees of a general nature for semester-hour credits resides with the Board. The President shall make recommendations to the Board for establishment of tuition rates and fees. Normally, action to approve tuition and fees for credit classes shall be taken by the Board once each year as part of its approval of the forthcoming year's operating budget. The Board may delegate to the President or designee authority to approve individual course fees, such as laboratory fees for science courses.
- II. Authority to Alter Fees and Tuition during Financial Emergency - When a financial emergency is declared by the Board, tuition and fees may be changed outside of the normal budget approval process. Upon the decision to make changes in tuition and fees, the College shall provide notice as soon as possible to students and the community.
- III. Preparation of Budget, Income Expenditures, and Financial Reports - The President and Chief Business and Finance Officer shall prepare the fiscal year budget of income and expenditures. They shall also provide all other financial reports requested by the Board.
- IV. Non-Credit and Contract Classes - The President or other Executives designated by the President shall establish tuition and fee charges for noncredit and contract training classes.

## **SOUTHEAST NEW MEXICO COLLEGE BOARD POLICY**

### **Section A – General Provisions - Policy Number 600 – Annual Strategic and Operational Planning Meeting**

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- I. Annual Strategic and Operational Planning Meetings - At least annually, and at other such times as the Board or President may recommend, there should be a strategic and operational planning meeting of the College. This meeting shall be used to help in the establishment of a budget, goals, and priorities for the College. The meeting shall include opportunities for committees, staff groups, departments, divisions, and student government, to provide input into the budget, goals, and priority-setting processes. The goal is to help the College focus on continuous quality improvement.
- II. Attendance - It shall be a requirement that the Board Chair, Executives, and a designated representative from each council and committee, shall attend the Meeting. At the discretion of the Board Chair the Meeting may also consist of a quorum of the Board.
- III. Meeting Agenda and Procedures - The agenda and meeting procedures shall be established by the Board Chair in collaboration with the President. Input from representatives from the councils and committee shall be permitted. Faculty and staff may speak individually only as authorized by the President.

## **SOUTHEAST NEW MEXICO COLLEGE BOARD POLICY**

### **Section A – General Provisions - Policy Number 700 – Public Records Requests**

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- A. Purpose - To facilitate compliance with the New Mexico Inspection of Public Records Act (NMSA 1978, §14-2-1 et seq.)
- B. Directive To Comply - The designated custodians of public records shall respond to requests for inspection in a timely and professional manner, in compliance with the NM Inspection of Public Records Act (NMIPRA). If the Procedural Guidelines do not clearly identify a records custodian for a particular record sought, College general counsel is authorized to designate an appropriate College official to serve as records custodian for the request. Requests for inspection of College records will be considered and permitted consistent with the applicable law and the rights of the parties.
- C. President's Duty - The President shall adopt and maintain procedural guidelines, consistent with this policy, for responding to public records requests. The procedural guidelines shall be dispersed to all records custodians at the College and those employees responsible for responding to the requests. The President shall further see that all employee designated to handle records requests shall be adequately trained in the law.

## **SOUTHEAST NEW MEXICO COLLEGE BOARD POLICY – SECTION B**

### **Section B - Executive Administration - Policy Number 100 - Office of the President**

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- I. Overview of the Office - The President of Southeast New Mexico College 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, and in the policies of the Southeast New Mexico 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 overall leadership in the achievement of the mission and strategic goals of the College as adopted by the Board.
- II. Selection of Personnel and Faculty - The President is responsible for selection and supervision of the College's faculty, staff, administration, and employees. Upon the President's recommendation, the College may employ faculty, staff, administration, and employees as may be needed for the efficient operation, maintenance, and administration of the College. Any employment contract that results in employment beyond a one (1) year term shall require Board Approval.
- III. External Communications - The President shall be the official representative of the College in communicating with all external organizations and agencies. The President shall develop and implement a comprehensive public relations guide and any necessary procedures to supply accurate and timely information about the College. The President may also authorize other persons to speak on behalf of, and represent the College, at his or her discretion.
- IV. Additional 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 shall perform the following functions:
  - a. In collaboration with applicable vice presidents, deans, department chairs/directors, and /or other councils and committees authorized to be established in these policies, the President should develop, periodically review, and revise recommendations to the Board for comprehensive long-range plans for the development of the College, setting forth mission, strategic goals, and programs of study, resources, and facilities.
  - b. Provide leadership in the recruitment and selection of appropriate faculty, professional staff, and support staff personnel as needed to implement the mission of the College.
  - c. In cooperation with the Board, shall represent the College to the students, public, the media, and community organizations.
  - d. In collaboration with the applicable vice presidents, deans, and department chairs/directors develop and implement administrative guides, handbooks, and procedures consistent with Board policies and applicable laws as appropriate for effective operation of the College.



- e. Represent the College in its dealings with governmental and regulatory agencies and be responsible for the formulation of all reports required by local, state, and federal agencies.
- f. Assist in the development of local, state, and national policies that are supportive of the College.
- g. Provide the Board with needed and appropriate information regarding the College, including annual updates on strategic goals.
- h. Prepare and distribute an agenda and supporting materials for all Board meetings and submit minutes for adoption by the Board.
- i. Maintain official records of all Board meetings and other College records as required by law.
- j. Submit an annual budget to the Board and make recommendations to the Board for budget changes.
- k. Provide citizens the opportunity to have input into the College's operations.
- l. Ensure that the College maintains its regional accreditation with the Higher Learning Commission.
- m. Work constructively with foundations, private and governmental entities to provide resources for institutional use to meet strategic goals.

## **SOUTHEAST NEW MEXICO COLLEGE BOARD POLICY**

### **Section B - Executive Administration - Policy Number 200 –Annual Review of the President and Establishment of Goals**

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- I. Establishment of Board Goals - Annually, the Board will set goals in conjunction with the President prior to the upcoming academic year. The annual goals and expectations established by the President and the Board will set the direction for the improvement and effective and efficient operation of the College and will form a basis, but not the only basis, for evaluation of the President's performance.
- II. Annual Evaluation of President - The President shall be evaluated annually by the Board. The Board shall complete the annual review of the President by June 30 each year. The evaluation shall include consideration of the President's overall performance, and whether the President and the College met the Board's goals for the academic year. The formal evaluation shall result in a written record of performance and will be sealed and placed in the President's personnel file for review only by Board members and the President. The Board may develop and utilize a president evaluation form.
- III. Special Evaluations - Any three members of the Board may call, during an open meeting of the Board, for a special evaluation of the President at any time they deem it necessary.
- IV. Closed Session - Evaluation should be conducted in closed sessions unless prohibited by law.
- V. Initiation of Evaluation - It shall be the President's responsibility to initiate the Board's annual evaluation of the President.

## **SOUTHEAST NEW MEXICO COLLEGE BOARD POLICY**

### **Section B - Executive Administration - Policy Number 300 – Presidential Duty and Authority to Establish Committees and Councils**

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- I. Introduction - The President, or designee, is authorized to establish committees deemed necessary for the organization and administration of the College.
- II. Required Councils - The President shall be required to establish the following councils:
  - College Council - This Council shall make recommendations, based upon data available, to the President and the Board on matters concerning the College's business, mission, goals, and other relevant matters. The Council shall consist of two (2) representatives from the Faculty Senate; two (2) representatives from the Administrative Staff Council; two (2) representatives from the Classified Staff Council; two (2) student representatives from the Student Government Council, and one (1) executive other than the President. The President shall serve as the Chair of this Council and shall establish the rules and operating of procedures of the College Council.
  - Faculty Senate - The Faculty Senate shall consist of faculty members as determined by the Faculty Senate. The Faculty Senate shall solicit and represent the views of the Faculty Senate to the College Council. The Faculty Senate ensures faculty's role as experts in curriculum, faculty, rank, and other academic matters pertaining to student learning outcomes and student success are heard by the President and the Board. Faculty Senate shall establish its own procedures and bylaws but shall be without power to increase its membership on the College Council or its authority without President and Board Approval. The Faculty Senate will speak and make recommendations on matters through its elected representation on the College Council. The Faculty Senate may also vote to allow a representative of the Faculty Senate to address the Board at any open meeting or work session of the Board.
  - Administrative Staff and Classified Staff Committee - The Administrative Staff Committee and Classified Staff Committee operate independently. Each committee is comprised of elected representatives from its respective group membership, electing its own Officers by means of independent and separate elections. The Administrative Staff Committee shall elect three (3) Administrative Staff Committee members by a majority vote of all salaried employees excluding faculty and executives. The Classified Staff Committee shall elect four (4) Classified Staff Committee members by a majority vote of all hourly employees excluding faculty and executives. Elected Administrative Staff Committee Officers shall serve for one full year beginning on January 1 and ending on December 31; elected Classified Staff Committee Officers shall serve one full year beginning July 1 and ending June 30. Elected Officers for both committees shall serve one (1) year terms. The Administrative Staff Committee and the Classified Staff Committee shall solicit and represent the views of their independent committee members,

individually and/or collectively to the College Council. Each independent committee shall establish its own procedures and bylaws but shall be without power to increase its authority or membership on the College Council without the approval of the College President and the College Board. The Administrative Staff Committee and the Classified Staff Committee, by and through their representation on the College Council, ensures hourly and staff concerns, suggestions, and opinions are heard and addressed by the College Council.

- Student Government Council - The Southeast New Mexico College Student Government is the student government body of the College. In addition to coordinating the various functions of the Student Government, this organization shall arrange to have student representatives participate in the College Council and standing committees as appropriate. The Student Government Council shall initially be chaired by the Chief Student Officer until the Student Government Council elects its own chair. The chair shall be a member of the Student Government Council. The Student Government Council shall elect two representatives to the College Council consistent with the requirements for membership in the College Council. The President shall establish the initial rules and operating procedures of the Student Government Council, which may then be amended or modified by majority vote of the Student Government Council. The Student Government Council shall be without power to increase membership in the College Council without the President's approval. The Student Government Council will speak and make recommendations on matters through its elected representation on the College Council. The Student Government Council may also vote to allow a representative of the Student Government Council to address the Board at any open meeting or work session of the Board.

- III. Standing Committees - The President may, in consultation with the Board, executives, faculty, or staff, create specific standing committees that shall be charged with a specific task for purposes of developing and implementing initiatives that support student learning, continuous improvement, and strategic planning goals, as well as the maintenance and improvement of the College. Standing Committees shall have specific written goals, objectives, and operating procedures. The President, or a person designated by the President, shall be charged with the drafting of the goals, objectives, and operating procedures of the specific standing committee.
- IV. Compliance with Laws and Policy - All councils and committees established under this Section or elsewhere within the College shall comply with all rules, regulations, and policies of the College and the law.

## **SOUTHEAST NEW MEXICO COLLEGE BOARD POLICY**

### **Section B - Executive Administration - Policy Number 400 – Executive Leadership and Administration**

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- I. Introduction - The College is organized into five major service areas, with the president of the College providing general administrative overall leadership to these five service areas. The president may re-assign projects and responsibilities to these five areas as is needed due to changes in funding, College priorities, staffing changes, and other needs. The five major service areas of the College consist of the following: Academic Affairs, Business and Finance, Student Services, Workforce Development and Community Engagement, and Technology Services and Solutions.
- II. Executive Leadership Team - The President and the Chief Officers from each service area shall form the Executive Leadership Team. The President shall hold regularly scheduled meetings with the Chief Officers from each service area to provide leadership for all facets of the College and to utilize information from the internal and external community for program assessment and development.
- III. Chief Academic Officer - The Chief Academic Officer is an Executive at the College. The Chief Academic Officer serves under the President and has the primary responsibility and authority for the supervision, development, and assessment of all learning programs, instructional delivery, student academic support, faculty and staff, and related activities. The Chief Academic Officer serves as the liaison between the President of the College and the faculty and other personnel assigned to academic programs and activities.
- IV. Chief Business and Finance Officer - The Chief Business and Finance Officer is an Executive at the College. The Chief Business and Finance Officer, serves under the direction of the President, and has the primary responsibility for the financial and business operations of the College as further defined by the President. In addition, the Chief Business and Finance Officer oversees the College Bookstore, and Facilities.
- V. Chief Student Officer - The Chief Student Officer is an Executive at the College. The Chief Student Officer serves under the direction of the President, and has the primary responsibility for Student Services as defined by the president.
- VI. Chief Workforce Development and Community Engagement Officer - The Chief Workforce Development and Community Engagement Officer is an Executive at the College. The Chief Workforce Development and Community Engagement Officer serves under the direction of the President and has primary responsibility for workforce programming, community education, and business and industry partnerships.
- VII. Chief Information Officer - The Chief Information Officer is an Executive at the College. The Chief Information Officer serves under the direction of the President and has primary responsibility for campus technology services and solutions.

- VIII. Appointment of Chief Officers – The President shall designate Chief Officers, subject to review by the College Council. Council reserves the right to refer and voice concerns to the Board of Trustees.
- IX. Additional Executives - The College may, upon recommendation of the President and approval of the Board, establish other Executive Positions.

## **SOUTHEAST NEW MEXICO COLLEGE BOARD POLICY**

### **Section B - Executive Administration - Policy Number 500 – Accreditation Duties of Executive Leadership and Administration**

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- I. Accreditation - SENMC is accredited by the Higher Learning Commission (HLC) and was one of the first institutions to be admitted to the HLC's Academic Quality Improvement Program (AQIP) which is a unique accreditation approach focused on continuous quality improvement. Current reaffirmation of accreditation is under the Open Pathway. The associate degree program in nursing offered by SENMC is accredited fully by the Accreditation Commission for Education in Nursing (ACEN). Both the certificate and associate degree programs in nursing are approved by the State of New Mexico Board of Nursing. All vocational programs offered by SENMC are reviewed and approved by the New Mexico Higher Education Department (NMHED). The College holds membership in the Hispanic Association of Colleges and Universities, American Association of Community Colleges, and the American Association of Higher Education. Effective July 1, 2022, SENMC is a member of the New Mexico Independent Community Colleges. SENMC is an active participant in the National Council for State Authorization Reciprocity Agreements. In addition, courses offered by SENMC have been approved for enrollment by those veterans and dependents that qualify for higher education benefits under the various sections of the Veterans' Education Assistance Act.
- II. Duties - The President and the Members of the Executive Leadership are primarily charged by the Board with carrying out the mission, values, goals, and policies of the College, and with maintaining the compliance standards and performance measures as approved by the New Mexico Higher Education Department, the New Mexico State Legislature, and the U.S. Department of Education. The College shall perform in such a manner to maintain institutional accreditation in the Higher Learning Commission as well as other appropriate accrediting agencies.

**SOUTHEAST NEW MEXICO COLLEGE BOARD POLICY – SECTION C**  
**Section C – Human Resources - Policy Number 100 – Non-Discrimination and Equal Opportunity Employment**

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- I. Statement of Policy - The College dedicates itself to providing equal opportunities in its employment and learning environments. In compliance with the law, the College does not discriminate based on age, ancestry, color, disability, gender identity, genetic information, national origin, race, religion, serious medical condition, sex (including pregnancy), sexual orientation, spousal affiliation, or protected veteran status in its programs and activities. This non-discrimination policy applies to all terms and conditions of employment and prohibits all forms of workplace harassment based on an employee's protected class or characteristic.



## **SOUTHEAST NEW MEXICO COLLEGE BOARD POLICY**

### **Section C – Human Resources - Policy Number 200 – Reporting Alleged Violation of Non-Discrimination Policy**

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- I. Introduction – The College will not tolerate unlawful discrimination, retaliation, harassment, or bullying of any kind in the workplace.
- II. Reporting Unlawful Behavior - If you believe you are a victim of malicious, unwelcome, severe and pervasive behavior that either harms, intimidates, offends, degrades or humiliates you, then you must report the behavior to the designated Title IX Coordinator and/or the Human Resource Office. If either is unavailable or non-responsive, or if you are not comfortable making the report, then you should report the behavior to the President. If uncomfortable with reporting to the President, then you must report the alleged behavior to a member of the Executive Team. The College takes these claims seriously. Your claim will be promptly, thoroughly, and impartially investigated. The College also prohibits retaliation against any employee who makes these types of claims.

Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of discrimination, retaliation, and harassment in the workplace.

Nevertheless, the availability of this complaint procedure does not preclude individuals who believe they are being subjected to bullying conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that such behavior immediately stop.

- III. Investigations - All employees are expected to cooperate fully with any investigation of these types of claims. To protect the privacy of persons involved, confidentiality will be maintained throughout the investigatory process to the extent practicable and appropriate under the circumstances. Investigations may include interviews with the parties involved, and, where necessary, individuals who may have observed the alleged conduct or who may have relevant knowledge. The College may also place an employee (including executives, tenured faculty, faculty, and staff) on administrative leave with pay pending an investigation.

If it is determined that inappropriate conduct has occurred, the College will act promptly to eliminate the offending conduct, and take such action as is appropriate under the circumstances. Such action may range from counseling to termination of employment and may include such other forms of disciplinary action (such as, for example, suspension), as the College deems appropriate under the circumstances and in accordance with applicable law. Independent Contractors or Campus Guests who are found in violation of this policy may also have their contract cancelled and/or be prohibited from coming on campus and/or interacting with employees.

- IV. Retaliation Prohibited - The College prohibits retaliation against any person who reports incidents of inappropriate behavior, discrimination, or files or pursues a discrimination claim.

- V. For information about disciplinary processes, see Section C, policies 1800 (Managing Inadequate Performance, Discipline, and Termination of Regular, Temporary, and Part-Time Employees), 1900 (Discipline and Termination, and Non-Renewal of Executives), 2000 (Discipline, Termination, and Non-Renewal of Non-Tenured Faculty Appointments), and 2100 (Discipline and Termination of Tenured Faculty).

## SOUTHEAST NEW MEXICO COLLEGE BOARD POLICY

### Section C – Human Resources - Policy Number 300 – Title IX and Prohibition Against Sex Discrimination and Harassment

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- I. Policy - The College is committed to maintaining a respectful and professional environment for its students, faculty, staff, and visitors. This includes having an environment free from discrimination and unlawful sexual misconduct, both on and off campus. Title IX protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance. The U.S. Department of Education's Office for Civil Rights (OCR) enforces Title IX of the Education Amendments of 1972, which states:

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

To help the SENMC community feel safe the Board requires the President to develop and implement Title IX procedure, guides, and trainings designed to make sure all employees and students have the resources they to navigate difficult experiences and continue to have a successful future at SENMC.

- II. Gender Based Harassment Prohibited - Title IX and SENMC prohibit gender based discrimination and harassment. Gender based harassment and/or discrimination shall be defined as discrimination or harassment based upon one's gender (sex); unfair treatment, attitudes, or behaviors towards an individual based upon their gender (sex); gender identity discrimination as covered by Title VII; sexism, sexist attitudes, and sex stereotyping; unproportioned athletic programs or activities offered to all genders in relationship to the College's enrollment.
- III. Sexual Harassment Prohibited - Title IX and the College prohibit sexual harassment. Federal law defines sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when the conduct: (1) explicitly or implicitly affects a term or condition of an employee's employment; (2) is used as the basis for employment decisions affecting the employee; or (3) unreasonably interferes with an employee's work performance or creates an intimidating, hostile or offensive working environment. Such conduct may include subtle or overt pressure for sexual favors; inappropriate touching; lewd, sexually oriented comments or jokes; foul or obscene language; posting of suggestive or sexually explicit posters, calendars, photographs, graffiti, or cartoons; and repeated requests for dates, and stalking. SENMC policy further prohibits harassment and discrimination based on sex stereotyping. (Sex stereotyping occurs when one person perceives a man to be unduly effeminate or a woman to be unduly masculine and harasses or discriminates against that person because he or she does not fit the stereotype of being male or female.)
- IV. Sex Violence Prohibited - Title IX and the College prohibit any type of sexual violence. Examples of sexual violence include sexual abuse or assault, battery, or coercion; Unwanted

sexual contact that stops short of rape or completed rape; use of force or manipulation of unwanted sexual activity; physical acts where a person is incapable of giving consent or is against a person's will; and domestic violence.

- V. Hostile Work Environment Prohibited - Title IX and the College prohibit hostile work environments based upon sex and any other protected characteristic. A hostile work environment is defined as existing when a discriminatory act has occurred thereby creating an adverse setting; an intimidating or offensive environment that causes a person to be fearful; or a setting that denies, limits, or interferes with a person's ability to participate in or benefit from a program, activity, or job. Hostile work environments are further defined by state and federal law.
- VI. Retaliation Prohibited - Title IX and the College prohibit retaliation of any kind on the basis that a person has rejected sexual or romantic advances or refused to comply with requests for sexual favors. Title IX and the College also prohibit retaliation against anyone for reporting in good faith alleged violations of this policy.

## **SOUTHEAST NEW MEXICO COLLEGE BOARD POLICY**

### **Section C – Human Resources - Policy Number 400 – Duty of Employees to Maintain Workplace Free of Harassment and Reporting Violations**

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- I. Duties To Maintain Work Environment Free of Harassment - All employees owe a responsibility of ensuring that the work environment is free from sexual and other harassment and are responsible for the application and communication of this policy within their work areas. The President, Chief Officer, and all other supervisors and employees should:
  - Encourage employees to report any violations of this policy before the harassment becomes severe or pervasive.
  - Make sure the Title IX Coordinator or the Human Resources Department is made aware of any inappropriate behavior in the workplace.
  - Create a work environment where sexual and other harassment is not permitted.
- II. Procedures For Reporting Sexual Harassment - Employees should report incidents of inappropriate behavior or sexual harassment as soon as possible after the occurrence. Employees who believe they have been harassed, regardless of whether the offensive act was committed by an executives, supervisor, co-worker, vendor, visitor, or student, should promptly notify the College's Title IX Coordinator and/or the Office of Human Resources. If he or she is involved in the incident, or unavailable, the employee should report the incident to another Chief Officer or the President. The College takes claims of harassment seriously, no matter how trivial a claim may appear. All complaints of harassment, sexual harassment, or other inappropriate sexual conduct will be promptly, thoroughly, and impartially investigated by the College. The President may adopt more detailed reporting procedures for alleged violations.
- III. Investigations - The College prohibits retaliation against any employee who reports incidents of sexual harassment, inappropriate behavior, or files or pursues a harassment claim. To the extent possible, all complaints and related information will remain confidential, except to those individuals who need the information to investigate, educate, or act in response to the complaint. All employees are expected to cooperate fully with any ongoing investigation regarding a harassment incident. To protect the privacy of persons involved, confidentiality will be maintained throughout the investigatory process to the extent practicable and appropriate under the circumstances. Investigations may include interviews with the parties involved, and, where necessary, individuals who may have observed the alleged conduct or who may have relevant knowledge. The College may also place an employee (including executives, tenured faculty, faculty, and staff) on administrative leave with pay pending an investigation. It is the College's policy that the alleged victim not be required to come face to face with the alleged perpetrator during any interview during the investigatory phase.
- IV. Violations of Policy - At the conclusion of a harassment investigation, the complainant and the alleged "harasser" will be informed of the determination. Where appropriate, the "harasser" and

the “victim” may be offered mediation or counseling. The College is not, however, required to offer mediation or counseling. The College may take whatever action it deems reasonably appropriate to resolve the allegations and complaint.

If it is determined that a violation of this policy has occurred, the College will act promptly to eliminate the offending conduct, and take such action as is appropriate under the circumstances. Such action may range from counseling to termination; and may include such other forms of disciplinary action (such as, for example, suspension), as the College deems appropriate under the circumstances and in accordance with applicable law. Independent Contractors and Campus Guests who are found in violation of this policy may also have their contract cancelled and/or not be permitted upon campus. The victim sexual discrimination, harassment, and/or violence shall be informed of the outcome of any investigation.

- V. Annual Training and Title IX Compliance - The President shall develop and implement an annual training aimed at preventing sexual discrimination, harassment, and violence in the workplace. All employees shall be required to attend and verify in writing that they attended the training. Records of the completed training shall be maintained as part of the employee’s personnel file. The President shall adopt guidelines and procedures to assure compliance with Title IX and this policy.

## SOUTHEAST NEW MEXICO COLLEGE BOARD POLICY

### Section C – Human Resources - Policy Number 500 – Disability Compliance and Requests for Accommodation

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- I. Introduction - The College prohibits discrimination against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, fringe benefits, job training, and other terms, and conditions and privileges of employment. This policy does not alter the College's right to hire the best-qualified applicant, but it does prohibit discrimination against a qualified applicant or employee because of his or her disability, or because of a perceived disability. The President shall adopt guidelines and procedures to assure compliance with the law and this policy.
- II. Definitions - An applicant or employee is "disabled" if he or she (1) has a physical or mental impairment that substantially limits one or more major life activities; (2) has a record or past history of such an impairment; or (3) is regarded or perceived (correctly or incorrectly) as having such impairment. A "qualified employee or applicant with a disability" is an individual who satisfies the requisite skill, experience, education, and other job-related requirements of the position held or desired, and who, with or without reasonable accommodation, can perform the essential functions of that position.
- III. Available Accommodations for Disabled Employees - Qualified applicants or employees who are disabled should request reasonable accommodation from the College if an accommodation is needed to perform a particular job. If you are disabled and you desire such reasonable accommodation, contact the office of Human Resources. If they are unavailable, non-responsive, or if you are simply uncomfortable making such a request, then please contact any Executives or the President. On receipt of your request the College will meet with you to discuss your disability. The College may ask for information from your health care provider(s) regarding the nature of your disability and the nature of your limitations or take other steps necessary to help the College determine viable options for reasonable accommodation. The College will then work with you to determine whether your disability can be reasonably accommodated, and if it can be accommodated, the College will explore alternatives with you and endeavor to implement a mutually agreeable accommodation.

Please know that the College does not have to provide an accommodation if doing so would cause undue hardship to the College. A reasonable accommodation may take many forms and it will vary from one employee to another. The College also does not have to provide the exact accommodation you want, and if more than one accommodation works, the College may choose which one to provide.

All requests for accommodation should be made in a courteous and professional manner.

- IV. Prohibition Against Discrimination and Retaliation - The College prohibits discrimination and retaliating against any employee who requests a reasonable accommodation.

## **SOUTHEAST NEW MEXICO COLLEGE BOARD POLICY**

### **Section C – Human Resources - Policy Number 600 – Pregnancy and Breast-Feeding Accommodations**

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- I. Introduction - Consistent with this policy the College shall accommodate individuals who are pregnant or breast-feeding. The President shall adopt guidelines and procedures to assure compliance with this policy.
- II. Pregnancy Accommodation - If you are pregnant, or have given birth within six months, the College shall provide you a right to request and receive a reasonable accommodation. To activate accommodations, you must submit a pregnancy accommodation request to Human Resources or the College's Title IX Coordinator. The President shall develop procedures for evaluating and determining requests.
- III. Breast Feeding Accommodations - Employees who wish to express milk during the work period shall keep supervisors informed of their needs so that appropriate accommodations can be made to satisfy the needs of both the employee and the College. Breastfeeding employees are allowed to breastfeed or express milk during work hours using their normal breaks and meal-times. For time that may be needed beyond the usual break times, employees may use personal leave or may make up the time as negotiated with their supervisors. A private room (not a toilet stall or restroom) shall be available for employees to breastfeed or express milk. The room will be private and sanitary, located near a sink with running water for washing hands and rinsing out breast pump parts, and have an electrical outlet. If employees prefer, they may also breastfeed or express milk in their own private offices, or in other comfortable locations agreed upon in consultation with the employee's supervisor.
- IV. Employee and Student Storage of Breast Milk - Expressed milk can be stored in refrigerators designated by the College. Provided, the College is not liable or responsible for storage or refrigeration of breast milk.



## **SOUTHEAST NEW MEXICO COLLEGE BOARD POLICY**

### **Section C – Human Resources - Policy Number 700 – Prohibition Against Age Discrimination**

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- I. Age Discrimination Prohibited – It is the policy of the College to adhere to the Age Discrimination in Employment Act of 1967 (ADEA) which protects individuals who are 40 years of age or older from employment discrimination based on age. The ADEA's protections apply to both employees and job applicants. Under the ADEA, it is unlawful to discriminate against a person because of his/her age with respect to any term, condition, or privilege of employment including, but not limited to, hiring, firing, promotion, layoff, compensation, benefits, job assignments, and training.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on age; for filing an age discrimination charge; or for testifying or participating in any way in an investigation, proceeding, or litigation under the ADEA.

The President shall adopt guidelines and procedures to assure compliance with the ADEA and this policy.

## **SOUTHEAST NEW MEXICO COLLEGE BOARD POLICY**

### **Section C – Human Resources - Policy Number 800 – Hiring and Classification of Employees**

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- I. Quality Hiring - The quality of any educational institution's program is dependent on the skills, commitment, and enthusiasm of its employees. The College seeks to employ only the most outstanding personnel available. In return, the College expects all its employees to accept and support the institution's mission and strategic goals. All employees are expected to be aware of and adhere to the policies, procedures, and programs of the College; to devote their professional services and individual skills to the realization of the institution's objectives; and to discharge their duties in such a manner as to reflect credit upon the College.
- II. Definition - As used in this Policy the term “employee” shall include all employees including the College’s faculty (tenured and non-tenured) and executives unless otherwise clearly defined.
- III. Qualifications - No person shall be eligible for employment by the College in any position for which the person is not qualified by criteria of uniformly applied standards, nor shall a person be eligible who does not otherwise meet the job requirements of the position as prescribed by these policies or other administrative provision.
- IV. Compliance with Law and President’s Duty to Develop Hiring Guidelines - The College shall comply with all existing and applicable federal and state laws and regulations in all its personnel actions. It is the policy of the College to provide for equal opportunity in recruitment, employment, compensation, benefits, transfers, layoffs, returns, institutionally sponsored education, training, tuition assistance, social and recreational programs, staff development opportunities and advancement, and all other personnel practices without regard to race, color, religion, sex, national origin, physical and mental disability, age, genetics, sexual orientation, gender identity, or veteran’s status. Consistent with this policy the President shall develop and implement guides and procedures for hiring.
- V. Hiring of Vice President Positions - The President shall establish guidelines and procedures for the recruitment and hiring of Vice Presidents subject to the following:
  - a. The President shall adhere to all applicable policies of the College when drafting the guidelines and procedures.
  - b. The President shall establish a search and review committee for purposes of searching for and reviewing each candidate’s qualification. The committee shall have at least one representative from the Faculty Senate, the Administrative Staff Council, and the Classified Staff Council.
  - c. Searches shall allow for external applicants.
  - d. Internal candidates, including interims, shall be allowed to apply for the position.
  - e. External and internal candidates will be treated equally. There is no assumed preference for internal applicants.

- f. A contract between the College and any Vice Presidents shall be for a term of one year. Provided, the contract may be renewed for an unlimited number of one-year terms, and the President may also seek Board approval for administrative contract exceeding one year. The President may also elect to waive any probationary period for the Vice Presidents.
  - g. The President may select and hire interim executives to fill a vacancy in an Administrative Office. Provided, no interim position shall exceed one year without Board Approval and there must be continuous efforts at filling the position permanently.
- VI. Criminal Background Checks - In order to maintain a safe and productive educational environment, the Board authorizes the president to develop and implement policies and procedures to conduct criminal background investigations prior to final appointment, hiring, or promotion decisions for all employees.
- VII. Prohibition on Requiring Passwords - The College may obtain any information about a prospective employee that is in the public domain. However, the College shall not require any prospective employee to provide a password in order to gain access to the prospective employee's account or profile on a social networking website or to demand access in any manner to a prospective employee's account or profile on a social networking website. Provided, nothing in this section shall limit the College's right to: a) have policies regarding workplace internet use, social networking site use and electronic mail use; and b) monitor usage of the employer's electronic equipment and the employer's electronic mail without requesting or requiring a prospective employee to provide a password in order to gain access to the prospective employee's account or profile on a social networking web site. This provision shall also not be construed to prohibit federal, state or local law enforcement agencies from conducting background checks as required by law.

## **SOUTHEAST NEW MEXICO COLLEGE BOARD POLICY**

### **Section C – Human Resources - Policy Number 900 – Employment Classification, Terms, and Workloads**

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- I. Regular Employee - Regular employees are hired to fill regular full-time position and successfully completed his or her probationary period. Regular employees do not include executives or faculty.
- II. Executive and Faculty - An executive employee is an employee employed in a full-time executive capacity. A faculty member is a member of the faculty and includes all tenured, non-tenured, and tenure track employees.
- III. Adjunct Faculty - A faculty member that is hired to teach a specific course or subject on a part-time basis.
- IV. Temporary or Part-Time Employee - A temporary employee is hired to fill a full- or part-time position for usually a short and specific period of time such as seasonal workers. A part-time employee is an employee that works less than twenty (20) hours per week.
- V. Probationary Employee - All new hires, including newly hired regular employees, executives, and faculty, shall have a probationary period unless waived as set forth herein. The probationary period is an essential part of the employment process and is used as an assessment period for the employee. During the probationary period the employee may be terminated with or without cause. The College's progressive discipline and adverse employment processes do not apply to any employee within his or her probationary period including executives and faculty who have not completed his or her probationary period. However, if a probationary employee feels he or she has been a victim of any type of illegal discrimination or act, then he or she should immediately report the allegation to the Title IX Coordinator and/or the Human Resources Department.

The probationary period for all regular employees shall be the first six months of employment with the College. For all executives and newly hired faculty the probationary period shall be the first year of employment unless modified by the President. The President shall have discretion to waive the probationary period for newly hired regular employees, faculty, and executives. This probationary period shall run concurrently with any tenured track faculty probationary period.

- VI. Employment Classifications - The President shall establish and adopt guidelines for classification of all employees into appropriate employment categories (Administrative and Classified) in compliance with the Fair Labor Standards Act and New Mexico law.

## **SOUTHEAST NEW MEXICO COLLEGE BOARD POLICY**

### **Section C – Human Resources – 1000 Promotion and Tenure Policy**

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- I. Statement of Policy - The mission of Southeast New Mexico College is to provide students the resources necessary for them to fulfill their educational potential so that they may help meet the needs of their community as well-trained, well-educated, and productive citizens.

The College provides open access to quality education, to support economic and cultural life in Eddy County and New Mexico, and to provide workforce development and contract training in support of economic and community development. Southeast New Mexico College provides traditional liberal arts education, career and technical training, contract training, community interest classes, and developmental education. Every effort is made to keep programs and curricula flexible in order to accommodate varied and expanding community educational needs. As the primary role of Southeast New Mexico College's faculty is teaching that leads to student learning, more emphasis is placed on teaching and related activities than the other criteria in the evaluation process.

Promotion and tenure are a mechanism for the College to reward and retains its most valued teachers, sustain excellence in its instructional disciplines, and fulfill its mission to advance knowledge. The quality of faculty accomplishments in teaching and related activities, scholarship and creative activities, extension and outreach, leadership, and service largely determine the quality of the College as a whole. The granting of tenure or promotion to faculty represents a prediction by the College that the individual concerned will continue to make substantial contributions to the profession and Southeast New Mexico College.

- II. President's Duty to Establish Tenure Guidelines and Procedures for Tenure - A tenured appointment is an indefinite appointment that can be terminated only for cause or under extraordinary circumstances such as financial exigency and program discontinuation. The President shall adopt criteria, guidelines, and procedures for tenure. The criteria, guidelines, and procedures must rely upon basic principles to be effective. The processes must be fair, transparent, and participatory. The President shall set processes for faculty involvement. These values mean that decisions must be made without regard to race, national origin, gender, gender identity, age, disability, political beliefs, religion, marital status, sexual orientation, special friendships, or animus towards candidates, taking care to avoid conflict of interest, structural, institutional, or habitual thoughts and patterns that could lead to discrimination. Southeast New Mexico College values the richness that inquiry based upon intellectual and cultural differences brings to the College community.

The criteria, guidelines and procedures established must be clear and readily available to all participants and must be followed by all participants at each level of the promotion and tenure process. Therefore, it is imperative that clear standards for annual performance evaluation, promotion, and tenure be articulated and broadly publicized. Faculty members are not entitled to

promotion in rank or tenure based merely on years of service. Applicants for tenure or promotion must be judged on their performance of the duties assigned to them, following agreed-upon allocations of effort.

- III. Tenure Track Faculty - Faculty on tenure track serve six consecutive probationary years. The probationary period begins with the first year of the contract. During the sixth year, a case for tenure and/or promotion is made by the faculty member and considered by the college.

Those achieving tenure are awarded a continuous contract at the end of their sixth year, while those not awarded tenure are given a one-year terminal contract for their seventh and final year of employment at SENMC. There may be exceptions, however, to shorten or lengthen the normal six-year probationary period.

- IV. Non-Tenure Track Faculty - Are full time faculty employed on an annual contract.
- V. Positions originally established as non-tenure track can be converted to tenure- track with the approval of the Vice Chief Academic Officer and President.

## **SOUTHEAST NEW MEXICO COLLEGE BOARD POLICY**

### **Section C – Human Resources - Policy Number 1100 – Employee Records**

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- I. Introduction - The Human Resources Director is designated as the custodian of personnel records of the faculty and staff and the records of applicants seeking employment at the College.
- II. Inspection Policy - Any authorized person and in the performance of their job duties, who wishes to inspect the contents of a personnel file or applicant file may do so upon approval of the Human Resources Director.
- III. Release of Information - Except as required for use by the president in the discharge of official responsibilities, the custodian of records shall release personnel file contents only upon authorization, in writing, from the employee affected, or the president, or upon order of a court of competent jurisdiction.
- IV. President's Duty to Establish Guidelines and Procedures - The President shall establish and maintain guidelines and procedures for maintenance and inspection of employee records. The guidelines and procedures shall be consistent with these policies.

## **SOUTHEAST NEW MEXICO COLLEGE BOARD POLICY**

### **Section C – Human Resources - Policy Number 1200 – Employee Evaluations, Recognitions, and Awards**

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- I. Philosophy - The Board adopts the concept that recognition of meritorious work through a strong evaluation system will result in improvement of performance.
- II. Evaluation System - The President, in conjunction with the applicable committees, shall develop and maintain appropriate evaluation systems for salaried and hourly staff, executives, and all full-time and adjunct faculty members and cause these evaluation systems to be made available to all employees.
- III. Recognition - Southeast New Mexico College recognizes the contributions made to the institution by employees for years of service. A program of recognition will be established by the College to acknowledge outstanding performance of faculty and staff members.
- IV. Awards - The President, working in conjunction with faculty and staff, will develop transparent criteria for annual awards celebrating excellence in teaching and in service, as well as staff excellence. Awards will be determined by a committee including appropriate members (including former award winners and applicable executives).



## SOUTHEAST NEW MEXICO COLLEGE BOARD POLICY

### Section C – Human Resources - Policy Number 1300 – Family Medical Leave and Request Procedures

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- I. Introduction - The College understands the need for employees to take time off work when they have a serious health condition, when their spouse, children or parents have a serious health condition, when they are caring for a new baby or an adopted or foster child, and when they are impacted by military deployment or other military activity associated with being called to active duty. The College has established this policy to address those concerns for employees and to comply with the Family and Medical Leave Act (FMLA).

Employees who are determined to be eligible under the terms of the FMLA are allowed up to 12 weeks of unpaid leave within a 12-month period for family- or health-related reasons or 26 weeks in a single 12-month period to care for a covered military service member with a serious injury or illness if the employee is the spouse, son, daughter, parent or next-of-kin of the covered service member. An employee who takes FMLA leave will be reinstated to the same or equivalent position with equivalent pay and benefits when they return to work following the leave period.

Employees who experience a catastrophic illness or who have an emergency, such as COVID or an accident, but have insufficient leave accrued shall be eligible for a pool of hours. For details, see Section C, Part 7.

The terms and requirements of this Policy shall adapt and change in accordance with the FMLA and any other applicable law.

- II. Definitions - When used in this policy, the terms or phrases below shall have the following meanings:
  - a. *Call to active duty* - Leave taken because of a qualifying exigency refers to a Federal call to active duty. State calls to active duty are not covered unless under order of the President of the United States, pursuant to one of the provisions of law identified in 29 CFR § 825.126(b)(2) of the FMLA regulations.
  - b. *Continuous Leave* - Leave taken for circumstances when an employee needs to be out for an extended, continuous period of time such as when they are caring for a baby or child.
  - c. *Covered Military Member* - A member of the Regular Armed Forces while on duty during the deployment of the member with the Armed Forces to a foreign country. It also is a member of the Reserve components of the Armed Forces (members of the National Guard and Reserves) while on duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation.

- d. *Employee* - Employee is any member of the College workforce: all staff (regular full-time, regular part-time, term, temporary, probationary and sensitive position); all student employees; all faculty (full-time, part-time, adjunct and probationary); all executives, including interim; all contract employees.
- e. *In Loco Parentis* - Means demonstrating the intent to and accepting the responsibility for acting as a parent to another.
- f. *Intermittent Leave* - Short, recurring periods of required leave such as when a medical condition requires ongoing treatment of a short duration.
- g. *Health Care Provider* - Provider of services as defined in the Social Security Act, of medical or health services.
- h. *Health Care Provider Certificate* - Is the certification of a serious health condition issued by a Health Care Provider on an approved form.
- i. *Reduced Leave* - Leave taken when an employee needs to work on a shorter schedule than normal because of their medical condition.
- j. *Serious Health Condition* - An illness, injury, impairment, or physical or mental condition that involves inpatient care.
- k. *Son or Daughter* - A biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and "incapable of self-care because of a mental or physical disability" at the time that FMLA leave is to commence.
- l. *Son or Daughter of Covered Service Member* - A covered service member's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered service member stood in loco parentis, and who is of any age.
- m. *Son or Daughter of Covered Active Duty or Call to Covered Active Duty Status* - The employee's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood in loco parentis, who is on covered active duty or call to covered active duty status, and who is of any age.
- n. *Spouse* - Husband or wife as defined or recognized under State law for purposes of marriage in the State where the employee resides, including common law marriage in States where it is recognized. Spouse also includes Domestic Partners.

III. Eligibility - To be eligible for benefits and leave under FMLA, an employee must have been employed by the College for at least 12 months and must have worked at least 1,250 hours over the previous 12-month period. The 12 months need not be consecutive but must otherwise meet time requirements. The 1,250 hours must have actually been worked. Therefore, paid annual leave, sick leave and leave under FMLA are not included in the 1,250 hours. The leave period is calculated as 12 months going forward from the date the first FMLA leave begins.

IV. Reasons for Allowed Leave - Eligible employees are allowed up to 12 weeks of unpaid leave in a 12-month period for the following reasons:

- a. For the birth and care of a newborn child if the leave is taken within the first 12 months after the birth of the child.
- b. For the placement and care of an adopted or foster child who is under the age of 18 unless the child over the age of 18 is unable to provide self-care due to mental or physical disability which must be concluded within 12 months of the placement;
- c. To care for a spouse with a serious health condition;
- d. To care for a child, which includes adult children (i.e., one who is 18 years of age or older) with a mental or physical disability which renders the child incapable of self-care because of that disability, a foster child, a step child, or a legal ward with a serious health condition.
- e. To care for a biological parent, or person who stood in loco parentis to an employee when the employee was a son or daughter (parents-in-law generally are not within this definition) with a serious health or medical condition.
- f. To take medical leave when the employee is unable to work because of a serious health condition, or
- g. To take care of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation.
- h. To care for a covered service member with a serious injury or illness, the employee is entitled to take FMLA leave for up to a total of 26 weeks in a single 12-month period if the employee is the spouse, son, daughter, parent or next of kin of the covered military service member.
- i. While the employee's spouse, son, daughter or parent (the "covered military member") is on active duty or call to active-duty status, the employee may request FMLA for qualifying exigencies as defined in the FMLA regulations:
  - i. short notice deployment
  - ii. military events and related activities
  - iii. childcare and school activities
  - iv. financial and legal arrangements
  - v. to attend counseling
  - vi. rest and recuperation
  - vii. post-deployment activities.

- j. For parental care, the parent of the military member must be incapable of self-care and must be the military member's biological, adoptive, step, or foster father or mother, or any other individual who stood in loco parentis to the military member when the member was under 18 years of age.

V. Types Of Leave - This policy and the FMLA provide for different types of leave.

- a. *Continuous Leave* - Employees may take continuous leave when there is a need for extended continuous time off. Continuous FMLA leave will be granted if it is medically necessary for an eligible employee's own serious health condition, to care for a family member with a serious health condition, or to allow for time to work exigencies related to a family member's active duty or call to active duty status. An employee requesting such leave will be required to provide certification setting out the need for the leave.
- b. *Intermittent and Reduced Schedule Leave* - Employees may take recurring leave for a few days or a few hours (in increments of no less than a half hour each) or on a reduced schedule in certain circumstances. Any request for intermittent leave or a reduced schedule must be approved by the supervisor. The supervisor, prior to determining whether to accept such a schedule, shall work with the Office of Human Resources and the employee to determine whether the workload can be adjusted to accommodate the employee's request.

Intermittent leave or leave on a reduced schedule will be granted if it is medically necessary for an eligible employee's own serious health condition, or to care for a family member with a serious health condition or to allow for time to work exigencies related to a family member's active duty or call to active duty status. An employee requesting such leave will be required to provide a health care provider certificate setting out the need for the leave on an intermittent basis or for leave on a reduced schedule. If an employee requests leave on an intermittent or reduced leave basis, the College may require the employee to temporarily transfer to an alternative position for which the employee is qualified that has equivalent pay and benefits and that better accommodates recurring period of leave than the employee's existing position

VI. Employee's Duty To Request Leave - Employees should submit a request for FMLA leave to the Office of Human Resources at least 30 days in advance of the date the leave is expected to begin. In cases where the need for leave is for a serious health condition of the employee or the spouse, child or parent of the employee and the need for leave is foreseeable, the employee should make a reasonable attempt to schedule the treatment so as not to unduly disrupt the operations of the College. The employee should consult with and obtain the approval of their health care provider in determining what is reasonable.

In cases where the date of the treatment requires leave to begin in less than 30 days, the employee should request the leave as soon as possible. If the leave is required as a result of an

emergency situation, the employee or a representative of the employee should notify the Office of Human Resources as soon as possible, but, in any case, within three working days of the emergency.

When a supervisor becomes aware an employee requires leave that qualifies under FMLA, the supervisor must notify the Office of Human Resources immediately, and a representative will coordinate with the employee to complete the necessary paperwork. FMLA leave may be initiated in any event, even in the absence of an employee request.

- *Required Forms for Requesting Leave* - Forms for requesting leave shall be provided by the Office of Human Resources. The President shall ensure that such forms are developed and available. The form will include the anticipated start and end dates of leave requested and the reason for the leave. The application form and a health care provider certification form are required prior to Human Resources approval. The Office of Human Resources will notify the employee within two days of receiving the completed request whether or not the employee qualifies for FMLA leave.
- When the need for FMLA leave *is foreseeable at least 30 days in advance* and an employee fails to give timely advance notice with no reasonable excuse, the College may delay FMLA coverage until 30 days after the date the employee provides notice. The need for leave and the approximate date leave would be taken must have been clearly foreseeable to the employee 30 days in advance of the leave.
- When the need for FMLA leave is foreseeable *fewer than 30 days in advance* and an employee fails to give notice as soon as practicable under the particular facts and circumstances, the extent to which the College may delay FMLA coverage for leave depends on the facts of the particular case.
- When the need for FMLA leave *is unforeseeable* and an employee fails to give notice as soon as possible (either personally or via a representative) the College may delay the onset of FMLA leave.
- Spouses Maximum Combined Leave - Spouses who are both employed by the College each are entitled to a maximum non-concurrent leave of 12 weeks during any 12-month period if the leave is taken to care for a newborn or an adopted or foster child, or if it is to care for a child or parent with a serious health condition. Parents who are active co-parents of a newborn or an adopted or foster child, or a child with a serious health condition, are also entitled to consecutive 12-week periods of family medical leave under the same conditions as married parents.

VII. Health Care Provider Certificate Required - At the time the leave is requested, the College will require employees to provide a health care provider certificate from their health care provider if the FMLA leave they request is for a serious health condition. The information required will depend on the type of leave requested but generally must include.

- the date on which the serious health condition began.
- the likely duration of the condition or required treatment;
- a statement that due to the serious health condition the employee is unable to perform the functions of their employment; and
- a detailed description of any limitations (e.g., sitting, standing, lifting, etc.) the employee may have.

The certificate does not need to include general information about the employee's general health or information about health conditions unrelated to the serious health condition for which leave is requested. If the leave requested is to care for a spouse, child or parent with a serious health condition a statement that the employee is needed to care for that individual and an estimate of the duration of that need. If the leave is foreseeable, the employee should provide the certificate before they begin their leave. If the leave is not foreseeable, the certificate should be requested within two business days after the leave begins and must be provided to the Office of Human Resources within 15 calendar days after the request, or as soon as reasonably possible. Employees who are unable to obtain a certificate from their healthcare provider after making reasonable attempts to acquire one should advise the Office of Human Resources.

- If the College has reason to doubt the validity or adequacy of the health care provider certificate provided by the employee, the College may direct the employee to obtain supplemental information from the employee's provider. Alternatively, the College may, at the College's expense, request that the employee obtain the opinion of a second health care provider designated or approved by the College to certify the need for the requested leave. The designated or approved health care provider shall not be an individual employed on a regular basis by the College. If the second opinion materially differs from that provided in the original health care provider certificate, the College may require that the employee obtain, at the College's expense, the opinion of a third health care provider, designated or approved jointly by the College and the employee. The opinion of the third health care provider will be final and binding on the College and the employee.
- College may require that employees submit a recertification form upon request for extension of the leave and in case of substantial change of circumstances. The Office of Human Resources will notify the employee if another health care provider certificate is required. The employee must furnish the recertification within 15 calendar days after the College's request, unless it is not practicable to do so. The health care provider recertification will be at the employee's expense.
- Certification of Covered Service Member:

- When leave is taken to care for a covered service member with a serious injury or illness the employee will be required to obtain a Certification for Serious Injury or Illness of Covered Service Member for Military Family Leave completed by an authorized health care provider of the covered service member.
- When leave is taken due to a qualifying exigency, the employee will be required to submit a completed Certification of Qualifying Exigency for Military Family Leave.
- The employee must provide the requested certification to the College within 15 calendar days after the College's request, unless it is not practicable under the circumstances to do so. If the employee does not produce the requested health care provider certification within 15 calendar days after receiving notice from the College that health care provider certification will be required, the College may delay the taking of FMLA leave until the required certification is provided, and the employee may forfeit the employee's rights and benefits under the FMLA, such as reinstatement to the same or equivalent position and reinstatement of benefits

- VIII. Substitution of Paid Leave - Although employees are allowed up to 12 weeks or 26 weeks of unpaid leave under this policy, if they have any accrued, unused annual leave, or sick leave, they must first use that leave prior to taking leave without pay.
- IX. Outside Employment - Employees who are approved to receive FMLA leave for their own serious health conditions may not work during their normally scheduled SENMC working hours for outside employers while they are on FMLA leave.
- X. Donated Leave - The College allows other SENMC employees to donate their accrued annual leave to a fellow employee in some circumstances. If an employee would like to request donated leave while on authorized and approved FMLA leave, the employee should request donated leave specifying the reasons and number of days requested to the Office of Human Resources. Any employee requesting donated leave must first use all of their own accrued leave, which includes both sick and annual leave. Employees who are receiving donated leave because of their own serious health conditions may not work for outside employers while receiving donated leave.
- XI. Restored to Position - When an employee returns to work after taking leave under this policy, they will be restored to the position they held prior to taking the leave or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment. An employee who returns from FMLA leave does not have any greater entitlement to reinstatement or to any other benefits provided to College employees than if the employee had not taken FMLA leave. Furthermore, an "equivalent job" means a job that is virtually identical to the original job in terms of pay, benefits, and other employment terms and conditions (including shift and location)

- XII. Negative Employment Decisions for Use of FMLA Prohibited - While on leave, the employee is subject to being evaluated on the same criteria as active employees for salary adjustment, work reassignment (upon return) and reductions in force, as if they were present in the workplace. However, under no circumstances may the fact that the employee is on FMLA leave be considered as a basis for an employment decision.
- XIII. Continuation of Benefits - An employee will not lose any employment benefit while away on leave but employment benefits such as vacation or annual leave will not accrue while they are away on leave without pay status. Employees on FMLA leave without pay status are not eligible for holiday pay. The College will maintain coverage for the employee under its group health plan and other benefit plans. Employees are responsible for their normal share of their health care and other benefit premiums during their leave.
- XIV. Fitness for Duty - The employee is required to provide a certificate from their health care provider stating they are fit for duty when they return to work. This certificate may, at the choosing of the employee, include recommendations for accommodation under SENMC Policy.
- XV. Interaction With Other Laws - The FMLA may coincide with other federal and state laws. For example, employee's workers' compensation absence may be due to an on-the-job injury or illness that also qualifies as a serious health condition under the FMLA. In this scenario, the workers' compensation absence and FMLA leave may run concurrently. Although an employer may offer the employee a light duty position under workers' compensation rules, the FMLA does not require the employee to accept the light duty position. The employee may decline the light duty position and continue on FMLA-protected leave until able to return to the same or equivalent job he or she left. If the employee does not accept the light duty position, however, he or she may lose workers' compensation benefits.
- XVI. Guidelines, Procedures, and Amendments - The President shall adopt guidelines and procedures for family medical leave. The President shall also have authority to modify and amend this policy and procedures set forth herein to be consistent with any modifications or changes in the law.



## **SOUTHEAST NEW MEXICO COLLEGE BOARD POLICY**

### **Section C – Human Resources - Policy Number 1400 – Military Leave**

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- I. Introduction and Scope - Introduction - The College will provide short-term or full-time military leave to all employees (including probationary employees), executives, and faculty, who are serving in the armed forces or other service in the uniformed services, as appropriate and in compliance with federal and state law and mandates.
- I. Military Leave Procedures - Employees are required to give advance written or verbal notice to their supervisor and Human Resources of an absence for military leave unless the military prevents it or it is otherwise impossible or unreasonable.
  - a. Short-Term Military Leave - Full-time employees who are members of any reserve branch of the United States Armed Forces are entitled to a leave of absence with full pay, not to exceed a total of 15 working days per fiscal year, for active duty training. Employees must be placed on military orders for the training and must provide copies of the orders through the supervisor to the Human Resources leave coordinator as soon as the employee receives the orders and before the date of training.
  - b. Full Time Military Leave - College employees who are drafted, volunteer for, or are called into active service will be granted a leave without pay for the duration of full-time military duty, not to exceed five years, plus up to an extra ninety days for reinstatement of employment. The ninety-day reinstatement period may be extended up to two years if an individual is hospitalized or convalescing from an injury caused by active duty. Full-time, regular employees returning to work on or before the expiration of military leave and having completed their active duty service shall receive prompt reinstatement without undue delays subject to the following.
    - i. The employee will be entitled to the same or similar position and pay rate, as was held before active military duty.
    - ii. The College will pay the employee a salary which includes average increases received by other persons in similar positions during the leave.
    - iii. The employee shall also be entitled to the sick and vacation leave accrued to their credit at the time the military leave began.
    - iv. The College will restore the employee as if the employee had been in the continuous employment of the College during active military duty with no loss of promotions, length of service, or other position attributes that would have occurred had the employee remained.
    - v. Tenure-track faculty entering active military duty will have the tenure clock stopped with no penalty for the period of absence.

- vi. Upon reinstatement, federal law protects a returning employee from being discharged except for cause for: a period of six months if the military service was between 30 days and 181 days; and one year if the military service was more than 180 days.
  - vii. The College should provide all employment related notices to those on active military leave if possible.
  - viii. The College will provide reasonable accommodations to employees returning from active duty with service-connected disabilities. If with reasonable accommodations an employee is still unable to perform the essential function of a position, SENMC will place the employee in an equivalent position in terms of seniority, status, and pay, for which the employee is qualified. If no such position is available, the College shall place the employee in the nearest approximate position.
- II. Insurance - The College will continue medical, dental, and life insurance benefits at the same level as the time of the call to active military service for 30 days beyond the date the employee begins active military duty. To extend salary during these 30 days, the employee may use short-term military leave or accrued vacation or both. Beyond these 30 days, the College will treat other basic employee benefits as any other employee taking a leave of absence without pay. Employees may continue health insurance benefits by paying the premiums for such benefits under the COBRA continuation provisions.
- III. Retirement - The College will give retirement benefit accruals for the period of military leave to employees enrolled in a College retirement plan and whose employment is interrupted by active military service. The College will pay retirement premiums for employees called to active duty for a cumulative period not to exceed five years and up to an extra 90 days for reinstatement of employment. The College will pay premiums at the approved rate, and based upon the employee's compensation at the time of entry into active military service. Provided, the individual must return to employment at the College upon receiving an honorable discharge from military service to qualify for state retirement plan accruals and may be required to validate the discharge by presenting verification forms from the armed services.
- IV. Guidelines, Procedures, and Amendments - The President shall adopt guidelines and procedures for military leave. The President shall also have authority to modify and amend this policy and procedures set forth herein to be consistent with any modifications or changes in the law.

## **SOUTHEAST NEW MEXICO COLLEGE BOARD POLICY**

### **Section C – Human Resources - Policy Number 1500 – Workers Compensation**

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- I. Introduction - Workers Compensation laws are in place to protect the employer and the employees. The College provides Workers Compensation insurance to all employees in case of work-related illnesses and injuries. The College conducts and oversees all activities related to this policy in compliance with all state and federal requirements.
- II. Duty To Maintain Notice - The Office of Human Resources (OHR) shall post and maintain notices about the availability of Workers Compensation insurance for work-related illnesses and injuries.
- III. Duty To Report - Employees shall report all work-related illnesses and injuries to their supervisor and the Human Resources immediately upon occurrence. A failure to make a timely report may result in discipline including termination.
  - a. Employees and supervisors shall thereafter complete appropriate reports; and
  - b. Employee shall see a physician as required and shall follow their instructions regarding work limitations. Physician orders regarding work limitations are to be provided to the Office of Human Resources.
- IV. Guidelines, Procedures, and Amendments - The President may adopt additional reporting procedures and guides that are consistent with this policy and the law. The President shall further the cause by calling for the Office of Human Resources to post annual notices and report to the state and federal authorities as provided by the regulations.

## **SOUTHEAST NEW MEXICO COLLEGE BOARD POLICY**

### **Section C – Human Resources - Policy Number 1600 – Prohibition on Improper Relationships**

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- I. Introduction - Appropriate relationships among employees and students are valuable, and can include roles such as mentor, advisor or informal counselor. Thus, employees are expected to demonstrate respect for everyone within the College community and do their jobs free of improper considerations related to interpersonal relationships.
- II. Prohibited Relationships - All employees are prohibited from:
  - a. Having a romantic or sexual relationship with a student under the age of 18.
  - b. All employees are prohibited from having interpersonal relationships with co-workers and students that substantially interfere with their job performance.
  - c. All employees are prohibited from allowing personal feelings about someone to influence their job performance.
  - d. All employees are prohibited from evaluating the work of a near relative or of someone with whom they are in a romantic or sexual relationship or if potential exists for such a relationship.
- III. Procedure for Exceptions - A faculty member may obtain an exception to the prohibitions in this Policy at Paragraph II, (d) if the faculty member's supervisor and the Chief Academic and Student Officer agree that:
  - a. There is a compelling academic interest involved, such as the class is required to complete a course of study;
  - b. After inquiry with the faculty member, student or both, there is no reasonable cause to believe that coercion exists, and the faculty member's supervisor is satisfied that criteria for grading and measures to address any other potential conflicts of interest have been sufficiently discussed with the student, the faculty member; and
  - c. Consideration has been given to having another faculty member assigned to grade the student's work.
  - d. A faculty member may also seek approval from the Chief Academic Officer to allow a student to enroll in the class of a faculty member with whom the student has a consensual relationship or is a near relative of the student if the class is a noncredit course or is being audited and the faculty member will not perform any formal evaluation of the student's work.

## **SOUTHEAST NEW MEXICO COLLEGE BOARD POLICY**

### **Section C – Human Resources - Policy Number 1700 – Employee and Campus Expectations/Code of Conduct**

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- I. Introduction - The College requires all employees to adhere to the following standards of conduct in dealing with other employees, including staff and faculty, students, visitors, and the community. Any employee found in violation of this Policy may be subject to appropriate discipline including termination.
- II. Standards of Conduct and Expectations - The President, executives, faculty, staff (hereafter jointly referred to as “employee/employees”), along with campus guests and contractors, shall adhere to the following standards of conduct and expectations where applicable:
  - a. Act with honesty and integrity at all times. For example, employees are required to be truthful, to maintain accurate records and to ensure that they meet the accounting, legal and ethical requirements set out by the College. Any fraudulent activity will be promptly investigated by the College.
  - b. Avoid conflicts of interest. A conflict of interest may make it difficult or impossible for an employee to perform employment-related duties effectively or to act in the College’s best interests. Thus, employees must avoid any situation that may give rise to a conflict of interest, including financial conflict of interest. Employees must be diligent to ensure that they avoid even the appearance or potential for a conflict of interest to arise.
    - i. All employees should take appropriate measures to avoid any situation in which they have, or may be perceived to have, a conflict of interest arising out of a relationship with another employee, a student, a contractor or a vendor. Employees must avoid situations in which they would supervise or be supervised by another employee with whom they have, or have had, a personal, commercial, financial, familial or other significant relationship.
    - ii. No employee who has authority to make recommendations or decisions regarding contracts with other business entities shall accept outside employment with, have a financial interest in, or accept gifts or favors from any business entity that has a contract with or is under consideration for a contract with the College.
    - iii. All employees, especially faculty, must ensure that they do not find themselves in situations that would put them in a position of having to teach or supervise a student with whom they have, or have had, a personal, commercial, familial or other significant relationship. If an employee becomes aware that a conflict of interest exists, or that there is a reasonable potential for a conflict of interest to occur in the course of their employment duties, the employee must notify their supervisor. The supervisor may consult with the person they report to and the Office of Human Resources to determine the best course of action to either

prevent a conflict of interest from occurring or to institute changes so that the conflict of interest is diminished or eliminated.

- c. Employees may not accept any gift that is offered based on the position that they hold at the College when it could reasonably appear that the gift is intended to influence their decision regarding any business or financial decision of the College.
- d. Employment of Near-Relatives should be carefully scrutinized. SENMC is committed to equal employment opportunity in hiring and appointing individuals to positions within the College based on their experience, credentials and expertise. The College allows the hiring of near-relatives, under certain circumstances, provided that conflict-of-interest safeguards are in place. An employee may not, directly or through the chain of command, supervise his or her near relative or a person with whom he or she has a consensual romantic relationship. The President may approve an exception to this prohibition under extraordinary circumstances, such as when a competitive hiring process has failed to find an equally qualified candidate. If a near-relative is applying for a job at SENMC, employees should make that relationship known to the Human Resources Department.
- e. The College discourages employees from being accompanied by friends, family, or children while working; including leaving children on campus in office areas while they are at work. This does not eliminate periodic, short visits from friends, family and children as appropriate. Anything other than short visits is not permitted due to safety and other workplace concerns. And, although SENMC strives to be a family friendly place of business to all employees as well as to students; the workplace is not the appropriate place for childcare. Even during short periodic visits, children must not be left unattended. If an employee is faced with unusual circumstances regarding visitors at work, the employee should speak with their immediate supervisor.
- f. Employees must not allow inappropriate relationships to develop. The integrity of the faculty-student relationship is vital to the mission of the College. Faculty should make every effort to encourage learning and foster academic growth in their students. Employees with instructional responsibilities should demonstrate respect for students and use their best efforts to promote the highest standards of academic conduct. Any exploitation, harassment or discriminatory treatment of students is prohibited. The unequal power inherent in the faculty-student relationship heightens the student's vulnerability and increases the potential for coercion or inappropriate conduct. The instructional role sometimes goes beyond educator and evaluator and may include acting as a mentor, trusted adviser or counselor. While such extended contact can be valuable, it also increases the necessity of ensuring that employees respect and maintain the integrity of the relationship. If an employee is responsible for academic or any other supervision of a student, a personal relationship of a romantic or sexual nature even if consensual is inappropriate. Any such relationship jeopardizes the integrity of the educational process.

No employee who is romantically involved with a student may teach or supervise that student.

- g. If an employee engages in employment outside of SENMC, they must ensure that their outside work does not interfere with their expected shifts assigned or in any way compromise their ability to perform their responsibilities to the College. If an employee is in a position that requires flexible hours or shift work, they must be available to perform their duties at the College as needed. Employees must also ensure that any outside work they engage in does not create a conflict of interest with employment at the College. If an employee has any concern that a conflict may exist or are aware that the appearance of a conflict may exist, they must immediately report the situation to their supervisor. If a supervisor becomes aware or concerned that an employee has a conflict of interest related to outside employment, the College reserves the right to require that the supervisor and employee take appropriate measures to remedy the situation.
- h. Employees should not represent themselves as speaking on behalf of the College unless expressly authorized to do so. The position of official spokesperson is usually reserved for the President and the Director of Marketing and Public Relations. Therefore, an employee must make clear when there is reasonable ambiguity that they are not acting as a representative of SENMC but speaking as a private citizen. Being mindful that the community may form a judgment about SENMC based on employees' public statements, employees must take care to present College information honestly, accurately and respectfully.
- i. All employees are strictly prohibited from discriminating against or harassing any other person. Employees are expected to treat peers, subordinates, supervisors, students, executives, board members and the members of the greater community with respect. Prohibited discrimination includes actions made on the basis of race, age, religion, color, national origin, ancestry, sex, sexual orientation, gender identity, physical or mental disability or handicap, serious medical condition, veteran's status or spousal affiliation, and any other basis prohibited by law.
- j. Faculty, in the exercise of their academic duties, must maintain and competently demonstrate expertise in their field. Faculty must ensure that materials introduced are relevant to the subject of the class. Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject.
- k. Employees must safeguard confidential information belonging to students, employees and the College. Employees must respect the privacy of students and fellow employees and must protect the College's confidential information. Confidential information includes student records, personnel records and information related to the operations of the College. Employees may not disclose or use information not available to the general public for personal benefit, or for the benefit of another person or business entity.

Employees should be aware that the public has the right to access some information retained by the College. Assistance in determining what is considered public information and what is confidential information should be sought from the President's Office.

- l. Employees shall make efficient, effective and ethical use of all College property. Employees may not use College property for personal use. Campus telephones, computers and other office equipment are owned and maintained by the College solely for its educational and administrative purposes. Employees may not use College property for personal use except in occasional and/or brief situations, in which case the use must not interfere with College operations or with job duties. If an employee requires assistance in determining what constitutes appropriate use of College equipment, they should ask their supervisor for clarification.
- m. Offices are College property. Employees do not have a right to the expectation of privacy within the office space assigned for their use or in any computer, cell phone, or other property owned by the college provided for the employee's use. Employees may display personal items such as pictures or other small decorative pieces in personally designated office or work space. All displays shall be appropriate and must not damage or interfere with College property or operations.
- n. All students, staff, faculty and others who use College computers, electronic equipment and other information systems must do so in a responsible, ethical and legal manner. Acceptance and use of access to computers carries with it an agreement to accept this policy and comply with all other security requirements. Employees may not make use of computers, networks, or other information resources in a manner that may result in damage to any system, database, or operation. Unauthorized entry into or tampering with computers, networks, or other information resources is prohibited. Because the College seeks to project a professional image to the community and outside agencies, email signature lines should be limited to name, job title, and business contact information, such as email and mailing addresses and telephone number. The College reserves the right to monitor internet usage to its users, in accordance with procedures, to review the content of internet communications and/or the extent to which the service is used. Communications, information, and data transmitted via SENMC's computer system are SENMC's property and may be considered public records. Information and Communications Technology (ICT) is authorized to physically observe and electronically monitor, log and track the use of computer equipment and data without the knowledge or consent of the user. Therefore, computer users do not have the right to the expectation of privacy to any communications, information, or data stored or transmitted on SENMC's computer system.
- o. Use of computers for accessing pornography is strictly prohibited. If an employee is conducting research needs to access sites that may contain pornographic material, written permission from their supervisor is required.



- p. All employees are required to present a professional image to students, other employees and the general public by dressing appropriately. Employees are expected to wear clean and neat attire appropriate to the type of job they perform. If an employee is required to wear a uniform, it must be clean and neat when the employee reports for duty. If a supervisor believes an employee is dressed inappropriately, the supervisor will meet with the employee and discuss that issue.
- q. Smoking is prohibited inside all College buildings. There are designated outdoor smoking areas identified on Campus. If an employee notices anyone violating the non-smoking policy they should inform them that smoking is not permitted. If an employee feels uncomfortable doing this, they should inform a supervisor or the Campus Security staff who will take appropriate action.
- r. Students, employees, and the public are prohibited from bringing animals on campus except for 1) Service Animals that assist an individual with a disability, 2) animals used for instructional purposes or educational programming with the approval of the appropriate Academic Department Chair and Chief Academic Officer, and 3) animals accompanied by an owner visiting the campus as noted below. The Service Animals of students and employees must be registered with the Office of Disability Services or the Office of Human Resources. Dogs brought on campus to attend an approved dog obedience class or for other pre-approved special events or educational training are allowed. Animals brought onto the campus parking lot for purposes of utilization of Ocotillo Trail shall be under the control of the owner and on leashes at all times; shall maintain a distance of at least 10 feet from all persons except those persons accompanying the animal; and shall not be permitted within 100 feet of any campus building or outdoor campus event without the approval of a campus official. Animal owners are responsible for cleaning up after their animals. Under no circumstances shall any person bring onto campus any animal known to be vicious, aggressive, or having a communicable disease capable of being transmitted to humans.
- s. The College strives to maintain a safe work environment for all employees. Employees are expected to be fit for duty while in active work status and are responsible for ensuring that they are capable of performing their job alertly, safely and effectively. If employees are ill, they should coordinate with their supervisor and make arrangements to take sick leave or make other appropriate work adjustments. Employees are not required to disclose the underlying nature of their illness, but they must be prepared to discuss any adjustments to job duties or to explain the probable duration of sick leave so that their supervisor can make appropriate adjustments. The College may require an employee to provide additional medical information sufficient to determine fitness for duty. Employees must not report for work under the influence of illegal drugs or alcohol. If an employee is taking prescription medication prescribed by a physician, they must ensure that they are able to properly, competently and safely perform regular duties while using

that medication. If an employee has an illness, injury or takes medication that interferes with the performance of job duties or causes a safety concern, they should not report to work or maybe required to leave campus.

- t. The College is committed to providing an environment that supports the educational pursuits of the College community and promotes the good health and welfare of its members. The College prohibits the possession, use, dispensing, distribution and manufacture of any illegal substance both on campus and at any College-hosted function held off campus property. The College also prohibits the possession, use, dispensing, distribution and manufacture of alcohol on campus. The President may make an exception by granting prior written consent. All laws relating to the sale, purchase and distribution of alcohol must be observed, including age limits.
- u. The College is committed to providing a safe and welcoming environment in which its students and employees can learn and work. Although violence in the workplace cannot always be prevented, the College is committed to providing a workplace as free from violence as possible for its students and employees. Violence, including verbal or physical threats, coercion and intimidation are prohibited. All employees are advised to report any threats or intimidating behavior immediately to Campus Security and/or Human Resources or a Member of the Executive Team. The College is committed through its communications and actions to be supportive and keep any domestic violence, sexual assault and stalking information confidential to the extent permitted by law and College policy. The College will actively provide information and strengthen support to employees who are victims of such abuse. Employees, students and visitors to the College are prohibited from carrying or using any type of weapon, including firearms, and explosives, on campus or to any College-hosted function off College property except when expressly authorized by the President in writing.
- v. Employees must carry out their duties safely and in strict compliance with all safety policies and laws. If an employee has a concern about the safety of the environment they work in, or while performing specific job duties, they should stop working immediately and report their concern to their supervisor. A review of the condition or activity will be undertaken by the supervisor and the Human Resources Department. If there is a legitimate safety concern, the employee will not have to continue that activity until the situation is remedied. The employee must return to their duties once the issue has been addressed to the satisfaction of the College.
- w. Gambling of any kind, including computer gambling, is strictly prohibited on campus.
- x. An employee's conduct outside of work may result in discipline if it brings discredit to SENMC or casts significant doubt on the employee's reliability, trustworthiness or ability to work safely and securely. Examples of such unacceptable conduct include the harassment of other employees off site or after hours, illegal possession of controlled

substances or proven criminal misconduct of a nature so serious as to bring the College into disrepute.

- y. The College encourages public involvement and responsible participation in civic activities and in fulfilling one's responsibilities as a citizen. The decision to participate and the extent of participation in political and civic activities is completely up to each individual. If an employee chooses to participate in civic or political activities, they must not imply that they are acting on behalf of the College. If an employee decides to contact a member of the SENMC Board or a political official, they must do so in a way that makes it clear that they are doing so as an individual and not as a representative of the College. The use of College stationery, employee job title, and the use of College equipment to make such a contact is prohibited. As private citizens, employees are free to make political contributions. However, employees are strictly prohibited from soliciting or receiving political contributions on College property or while on working status, or providing or using any College-owned equipment to engage in political activity.
- z. Employees should report for work fit for duty, which means able to perform their job duties in a safe, appropriate, and an effective manner free from the adverse effects of physical, mental, emotional and personal problems. Unauthorized absences from work and/or not showing up fit for duty may be grounds for discipline and may lead to termination.

III. Rules, Presidential Orders, and Guidelines - The President may adopt additional rules, orders, and guidelines concerning employee conduct that are consistent with this policy and the law.

## **SOUTHEAST NEW MEXICO COLLEGE BOARD POLICY**

### **Section C – Human Resources – Policy Number 1800 - Managing Inadequate Performance, Discipline, and Termination of Regular, Temporary, and Part-Time Employees**

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- I. At-Will Employees - All regular, part-time, and temporary employees are considered at-will employees, and although the College has a progressive discipline policy, any regular, temporary, or part-time employee may be terminated at any time with or without cause. Severe conduct for which immediate termination is appropriate without progressive discipline may include, but is not limited to the following.
- Engaging in gross unprofessional conduct or acts of moral turpitude.
  - Committing fraud in securing appointment.
  - Exhibiting incompetency in their work.
  - Exhibiting inefficiency in their work.
  - Serious neglect of duties.
  - Engaging in repeated acts of insubordination.
  - Engaging in acts of child abuse or child molestation.
  - Engaging in acts of dishonesty.
  - Being under the influence of alcohol while on duty.
  - Engaging in the use, possession, or distribution of narcotics or habit-forming drugs.
  - Unexcused absence from work including unexcused absence from mandatory trainings, meetings, and work related events.
  - Engaging in willful disobedience.
  - Being involved in misuse or unauthorized use of school property.
  - Being involved in excessive absenteeism.
  - Possessing alcohol on school-owned property.
  - Carrying or possessing a weapon on school grounds unless they have obtained specific authorization from the appropriate school executives.
  - Engaging in ethical misconduct by inappropriate touching, sexual harassment, discrimination or intended behavior to induce a child into engaging in illegal, immoral or other prohibited behavior.
  - Racialized aggression defined as any aggressive act which can be characterized, categorized or which appears as such to be racial in nature. Such aggression is prohibited.
  - Violation of law that substantially related to the employee's fitness for duty.

- Any willful violation of policy that if committed could potentially result in the College having liability.

An employee may be disciplined or terminated even if the prior disciplinary actions were issued by a different supervisor or for different job performance issues. No employee may be disciplined for reasons that violate the law.

Notwithstanding the provisions of this Policy, any executive (including the President) and supervisor may immediately suspend and remove from the work environment any employee who poses a clear and present danger to himself/herself or to others; who is committing or has committed a criminal act; or who otherwise is incapable of fulfilling the obligations of a job. In such cases, the employee may be asked to leave the work site. A determination will be made as to whether the suspension time will be deemed paid or unpaid.

- II. Regular Employees - A regular employee who has satisfied the probationary period may receive progressive discipline depending on the severity of the offense. The Progressive Discipline process should provide the employee with notice when job performance or conduct standards are not met and of the action needed to improve the deficiency; If a situation warrants corrective action, the progressive discipline process may include.

1. Initial verbal warning;
2. Written warning with a possible corrective action or performance improvement plan and/or mandatory training;
3. Reassignment, Suspension without pay, or demotion from employment; or
4. Termination.

Each step need not be taken in each case. Depending upon the circumstances, the College may take any appropriate disciplinary action starting at any step, including termination; or may impose other appropriate discipline. The College may also place a Regular Employee on paid leave while it investigates whether violations of policy occurred.

- III. Discipline Resulting in Adverse Action Against Regular Employee - Any proposed adverse disciplinary action against a regular employee will be reviewed and approved by the President prior to imposing such action. This requirement is solely for purposes of making sure policy is being followed; and this requirement shall not be interpreted as a determination by the President that discipline is warranted. Adverse action shall be defined as: A) Suspension without pay; B) Demotion resulting in loss of pay; C) Discharge; and D) Requiring employee make payment for intentionally or negligently damaging College property. If such discipline is recommended and the employee believes the discipline violates his or her rights, then the affected employee will be given the opportunity to participate in a pre-disciplinary hearing, the purpose of which is to provide the employee with ample opportunity to rebut the recommended action consistent with the minimum standards of due process. It is the responsibility of the Regular Employee against whom adverse action is proposed to request a hearing within forty-eight (48) hours of receipt of

the notice of adverse action. It is not mandatory that a Regular Employee avail himself or herself of the right to a pre-determination hearing. Employees will not be required to appear for a hearing. However, failure to appear at such hearing after requesting a hearing shall be deemed an acceptance of the discipline, and a waiver and abandonment of all rights to contest the discipline.

The pre-disciplinary hearing shall be presided over in an impartial and unbiased matter by the President or the President's designee. The hearing shall be informal in nature and shall not require adherence to the rules of evidence. The hearing shall be recorded - and documents submitted into evidence preserved.

Both sides will be given opportunity to present evidence, testimony, and argument in support of their positions. The supervisor, chair, or executive recommending adverse action, or his or her designee, shall present the evidence, testimony, and argument that forms the basis for the proposed adverse action. The affected employee may be represented at the hearing by a person of his or her choice. The affected employee may present evidence, testimony, and argument to rebut the proposed adverse action. Cross examination will be allowed, but examinations shall not be in an overly aggressive, harassing, or hostile form. The Parties shall set a general goal of completing the hearing within 60 minutes; and shall not engage in unnecessary delays, arguments, presentations, or examinations. Within five (5) working days after the hearing, the President or the President's designee will issue a written determination either affirming, reversing, or modifying the original recommendation for adverse action. The affected employee will be provided a copy of the written determination prior to the imposition of any adverse action and such letter shall be kept in the employee's personnel file.

The right to a pre-disciplinary hearing shall not alter, amend, or modify the at-will status of the Regular Employee. The purpose of the pre-disciplinary hearing is solely to provide a check and balance on adverse action so that employee's rights are not violated.

- IV. Letter of Exception - Any employee may submit a letter of exception to the imposition of discipline, disputing the grounds for the decision, to be included in the employee's personnel file.
- V. Confidential Information and Student Data - Any hearing or portions of a hearing that will involve student testimony, or testimony that confidential information including student information must be closed and not open to public.
- VI. Defects In Notice - Any minor deficiency in the notice provided pursuant to this policy shall not be grounds for reversal of the discipline.
- VII. Non-Application to Part-Time and Temporary Employees - Progressive discipline and the adverse employment processes shall not apply to part-time and temporary employees.

## **SOUTHEAST NEW MEXICO COLLEGE BOARD POLICY**

### **Section C – Human Resources – Policy Number 1900 – Discipline and Termination, and Non-Renewal of Executives**

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- I. Definitions - As used in this Policy, the term “terminate” shall mean termination of employment during and prior to expiration of the written employment contract. The term “non-renewal” shall mean a non-renewal of the faculty member’s or executive’s contract. The term “employee” shall refer to executives.
- II. Requirement of Contract - All executives who are not within the probationary period are required to have a written employment contract. Executive contracts should not exceed one-year in length. Any contract exceeding one year is discouraged and shall require Board approval. The College has no obligation to renew any employment contract. No employee, including the President, has any authority to guarantee employment beyond the current contract period; nor shall any employee have any expectation of employment beyond the contract period.
- III. Progressive Discipline Not Applicable to Non-Renewal Decisions - The progressive discipline set forth herein is not applicable to any decision to now renew an executive’s contract. In other words, no executive may argue that he or she did not receive progressive discipline prior to a decision to not renew his or her contract. The renewal of any executive contract is at the will of the College.
- IV. Executive Progressive Discipline - An executive who has satisfied any probationary period may receive progressive discipline depending on the severity of the offense. The Progressive Discipline process should provide the employee with notice when job performance or conduct standards are not met and of the action needed to improve the deficiency. If a situation warrants corrective action, the progressive discipline process may include.
  1. Initial verbal warning;
  2. Written warning with a possible corrective action or performance improvement plan and/or mandatory training;
  3. Reassignment, Suspension without pay, or demotion from employment; or
  4. Termination

Each step need not be taken in each case. Depending upon the circumstances, the College may take any appropriate disciplinary action starting at any step, including termination; or may impose other appropriate discipline.

The following behaviors that may result in immediate termination without progressive discipline include but are not limited to:

- Engaging in unprofessional conduct or acts of moral turpitude.
- Committing fraud in securing appointment.
- Exhibiting incompetency in their work.

- Exhibiting inefficiency in their work.
- Serious neglect of duties.
- Engaging in repeated acts of insubordination.
- Engaging in acts of child abuse or child molestation.
- Engaging in acts of dishonesty.
- Being under the influence of alcohol while on duty.
- Engaging in the use, possession, or distribution of narcotics or habit-forming drugs.
- Unexcused absence from work including unexcused absence from mandatory trainings, meetings, and work related events.
- Engaging in willful disobedience.
- Being involved in misuse or unauthorized use of school property.
- Being involved in excessive absenteeism.
- Possessing alcohol on school-owned property.
- Carrying or possessing a weapon on school grounds unless they have obtained specific authorization from the appropriate school executives.
- Engaging in ethical misconduct by inappropriate touching, sexual harassment, discrimination or intended behavior to induce a child into engaging in illegal, immoral or other prohibited behavior.
- Racialized aggression defined as any aggressive act which can be characterized, categorized or which appears as such to be racial in nature. Such aggression is prohibited.
- Violation of law(s) substantially related to the fitness of the executives of faculty member to engage in teaching, research, service/outreach and/or administration.
- Any willful violation of policy that if committed could potentially result in the College having liability.

An employee or executives may be disciplined or terminated even if the prior disciplinary actions were issued by a different supervisor or for different job performance issues. The College may also place an employee on paid leave while it investigates whether violations of policy occurred.

Notwithstanding the provisions of this Policy, any executive (including the President) and supervisor may immediately suspend and remove from the work environment any executive or faculty member who poses a clear and present danger to himself/herself or to others; who is committing or has committed a criminal act; or who otherwise is incapable of fulfilling the obligations of a job. In such cases, the employee may be asked to leave the work site. A determination will be made as to whether the suspension time will be deemed paid or unpaid.

- V. Discipline Resulting in Adverse Action - Any proposed adverse action will be reviewed and approved by the President prior to imposing such action. This requirement is solely for purposes



of making sure policy is being followed in proposing the discipline; and this requirement shall not be interpreted as a determination by the President that the discipline is warranted. Adverse action under this policy is defined as: A) Suspension without pay; B) Discharge or termination of contract prior to expiration; and/or C) Requiring employee make payment for intentionally or negligently damaging College property. No adverse action shall be imposed against the executive until he or she has been afforded the opportunity for a pre-disciplinary hearing before the President or the President's designee.

- VI. Pre-Disciplinary Hearing - If such adverse action is recommended and the employee believes the discipline violates his or her rights, then the affected employee will be given the opportunity to participate in a pre-disciplinary hearing, the purpose of which is to provide the employee with ample opportunity to rebut the recommended action consistent with the minimum standards of due process. It is the responsibility of the employee against whom adverse action is proposed to request a hearing within forty-eight (48) hours of receipt of the notice of adverse action. It is not mandatory that the employee avail himself or herself of the right to a pre-determination hearing. However, failure to request a hearing shall be deemed an acceptance of the adverse action, and a waiver and abandonment of all rights to contest the discipline.

The pre-disciplinary hearing should occur within ten (10) days of the employee's request. A copy of the recommendation and all evidence supporting the recommendation shall be provided to the employee at least two (2) days in advance of the scheduled hearing. The hearing shall be presided over in an impartial and unbiased matter by the President or the President's designee. The hearing shall be informal in nature and shall not require adherence to the rules of evidence.

Both sides will be given opportunity to present evidence, testimony, and argument in support of their positions. The supervisor, chair, or executive recommending adverse action, or his or her designee, shall present the evidence, testimony, and argument that forms the basis for the proposed adverse action. The affected employee may be represented at the hearing by a person of his or her choice. The affected employee may present evidence, testimony, and argument to rebut the proposed adverse action. Cross examination will be allowed, but examinations shall not be in an overly aggressive, harassing, or hostile form. The Parties shall set a general goal of completing the hearing within 90 minutes; and shall not engage in unnecessary delays, arguments, presentations, or examinations.

Within five (5) working days after the hearing, the President or the President's designee will issue a written determination either affirming, reversing, or modifying the original recommendation for adverse action. The affected employee will be provided a copy of the written determination prior to the imposition of any adverse action and such letter shall be kept in the employee's personnel file. Provided, the hearing officer shall be without power to increase the discipline or impose different discipline than what was recommended.

The right to a pre-disciplinary hearing shall not alter, amend, or modify the status of the employee and no employee shall have any expectation of employment beyond his or her contract term. The purpose of the pre-disciplinary hearing is solely to provide a check and balance on adverse action so that employee's rights are not violated.

- VII. Appeal Rights - If the discipline imposed after the pre-disciplinary hearing remains adverse, then the employee may submit a written statement to the President requesting a hearing before the President or other appropriate Presidential designee. The employee will then be given the opportunity within ninety (90) days to appear before the President or appropriate designee to appeal the adverse action. On appeal, both the College and the employee will be given fifteen (15) minutes each to present oral argument and cite matters of record from the pre-disciplinary hearing. The President or designee presiding over the hearing shall have discretion to extend this time upon request made at least five (5) days prior to the hearing. Examinations and testimony will not be permitted. The affected employee may be represented at the hearing by legal counsel of his or her choice who may orally argue on behalf of the employee. The College may also be represented by legal counsel at the hearing. The President or Presidential designee will issue a determination to uphold or reverse the adverse employment action within ten (10) days of the conclusion of the appeal hearing.
- VIII. Standard of Review on Appeal - On appeal, the hearing officer's primary function will be to determine whether policy was followed in taking adverse action against the employee. The employee is not entitled to any de novo appeal of the facts relied upon by the College in taking adverse action.
- IX. Letter of Exception - An employee may submit a letter of exception to the imposition of discipline, disputing the grounds for the decision, to be included in the employee's personnel file.
- X. Confidential Information and Student Data - Any hearing or portions of a hearing that will involve student testimony, or testimony that confidential information including student information must be a closed and not open to public.
- XI. Defects In Notice - Any minor deficiency in notice provided pursuant to this Policy shall not be grounds for reversal of the discipline.
- XII. Right to Request Record of Pre-Disciplinary Hearing - The employee may request from the College a copy of the pre-disciplinary recording and all evidence. The College may charge the employee its standard and customary charges for copies and recordings.
- XIII. Non-Renewal of Executive Contract - The College has no obligation to renew any executive employment contract. Executives who are not having his or her contract renewed shall receive advance notice of non-renewal. Advance notice shall not be less than ninety (90) days prior to expiration of the contract period.

## **SOUTHEAST NEW MEXICO COLLEGE BOARD POLICY**

### **Section C – Human Resources – Policy 2000 - Discipline, Termination and Non-Renewal of Non-Tenured Faculty Appointments**

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- I. Definitions - As used in this Policy, the term “terminate” shall mean termination of employment during and prior to expiration of contract or annual appointment. The term “non-renewal” shall mean a non-renewal of the annual appointment or contract. The term “employee” shall refer to full-time faculty and tenured track faculty who have not yet achieved tenure.
- II. Requirement of Appointment Contract - No employee under this policy shall have any expectation of employment or appointment beyond one year. Any contract or appointment exceeding one year is discouraged and shall require Board approval. The College has no obligation to renew any employment contract or annual appointment. No employee, including the President, has any authority to guarantee employment beyond the current contract or appointment period; nor shall any employee have any expectation of employment beyond the contract or appointment period.
- III. Adjunct Faculty - The progressive discipline and the adverse employment processes shall not apply to adjunct faculty. Adjunct faculty shall serve at the will of the College, may be terminated at any time, and have no rights to have any contract or appointment renewed.
- IV. Full Time Faculty and Tenured Track Faculty - An employee who has satisfied any probationary period may receive progressive discipline depending on the severity of the offense and based upon their probationary status. The Progressive Discipline process should provide the employee with notice when job performance or conduct standards are not met and of the action needed to improve the deficiency. Tenured track faculty may receive progressive discipline consistent with the tenured track guidelines and policies. If a situation warrants corrective action, the progressive discipline process may include:
  1. Initial verbal warning;
  2. Written warning with a possible corrective action or performance improvement plan and/or mandatory training.
  3. Reassignment, Suspension without pay, or demotion from employment; or
  4. Termination

Each step need not be taken in each case. Depending upon the circumstances, the College may take any appropriate disciplinary action against faculty and tenured track faculty starting at any step including termination; or may impose other appropriate discipline.

The following behaviors that may result in immediate termination without progressive discipline include but are not limited to:

- A. Falsification of documents.

- B. Threatening, assaulting, or abusive behavior towards a supervisor, student, employee, guest or customer of the university.
- C. Sexual harassment of an employee, student, guest or customer of the university on or off campus which may explicitly or implicitly affect an employee's performance or unreasonably interferes with a person's employment or academic endeavors.
- D. Jeopardizing the safety or health of an employee (including one's self), student, guest or customer of the university.
- E. Dishonesty or intentional fabrication of events.
- F. Negligent, incompetent, inefficient or unacceptable performance of duties.
- G. Willful disregard of reasonable directives or policies or a defiant attitude of noncompliance toward regulations, directives or policies applicable to an employee.
- H. Conduct that interferes with the efficient operation of the university.
- I. Inability or unwillingness to perform the duties required of a position.
- J. Possession or use of alcohol or illicit drugs, reporting to work under their influence, or being under their influence while on the job.
- K. Possession of drug paraphernalia or stolen property.
- L. Conviction or admission of a felony or certain misdemeanors.
- M. Careless, negligent, improper, unauthorized, or malicious use of, or theft of, property, equipment, or funds.
- N. Abuse of privileges.
- O. Failure to report for work or to timely report justifiable reason for absence to the department head or immediate supervisor.
- P. Repeated tardiness or poor attendance.
- Q. Misconduct which adversely affects the interest or reputation of the university or its employees.
- R. Any repetition of offenses which resulted in a reprimand, warning, demotion, notification of unacceptable performance or suspension.
- S. Job abandonment.
- T. Any willful violation of policy that if committed could potentially result in the College having liability.

An employee may be disciplined or terminated even if the prior disciplinary actions were issued by a different supervisor or for different job performance issues. The College may also place an employee on paid leave while it investigates whether violations of policy occurred.

Notwithstanding the provisions of this Policy, any executive (including the President) and supervisor may immediately suspend and remove from the work environment any employee who poses a clear and present danger to himself/herself or to others; who is committing or has committed a criminal act; or who otherwise is incapable of fulfilling the obligations of a job. In such cases, the employee may be asked to leave the work site. A determination will be made as to whether the suspension time will be deemed paid or unpaid.

- V. Discipline Resulting in Adverse Action - Any proposed adverse action will be reviewed and approved by the President prior to imposing such action. This requirement is solely for purposes of making sure policy is being followed in proposing the discipline; and this requirement shall not be interpreted as a determination by the President that the discipline is warranted. Adverse action under this policy is defined as: A) Suspension without pay; B) Termination or discharge prior to expiration of contract term; and/or C) Requiring employee make payment for intentionally or negligently damaging College property. No adverse action shall be imposed against the executive until he or she has been afforded the opportunity for a pre-disciplinary hearing before the President or the President's designee.
- VI. Pre-Disciplinary Hearing - If such adverse action is recommended and the employee believes the discipline violates his or her rights, then the affected employee will be given the opportunity to participate in a pre-disciplinary hearing, the purpose of which is to provide the employee with ample opportunity to rebut the recommended action consistent with the minimum standards of due process. It is the responsibility of the employee against whom adverse action is proposed to request a hearing within forty-eight (48) hours of receipt of the notice of adverse action. It is not mandatory that the employee avail himself or herself of the right to a pre-determination hearing. However, failure to request a hearing shall be deemed an acceptance of the adverse action, and a waiver and abandonment of all rights to contest the discipline.

The pre-disciplinary hearing should occur within ten (10) days of the employee's request. A copy of the recommendation and all evidence supporting the recommendation shall be provided to the employee at least two (2) days in advance of the scheduled hearing. Provided, any recommendation to not to renew the employee's contract and grounds therefore shall be given at least thirty (30) days prior to the end of the contract term. The hearing shall be presided over in an impartial and unbiased matter by the President or the President's designee. The hearing shall be informal in nature and shall not require adherence to the rules of evidence.

Both sides will be given opportunity to present evidence, testimony, and argument in support of their positions. The supervisor, chair, or executive recommending adverse action, or his or her designee, shall present the evidence, testimony, and argument that forms the basis for the proposed adverse action. The affected employee may be represented at the hearing by a person of his or her choice. The affected employee may present evidence, testimony, and argument to rebut the proposed adverse action. Cross examination will be allowed, but examinations shall not be in

an overly aggressive, harassing, or hostile form. The Parties shall set a general goal of completing the hearing within 90 minutes; and shall not engage in unnecessary delays, arguments, presentations, or examinations

Within five (5) working days after the hearing, the President or the President's designee will issue a written determination either affirming, reversing, or modifying the original recommendation for adverse action. The affected employee will be provided a copy of the written determination prior to the imposition of any adverse action and such letter shall be kept in the employee's personnel file. Provided, the hearing officer shall be without power to increase the discipline or impose different discipline than what was recommended.

The right to a pre-disciplinary hearing shall not alter, amend, or modify the status of the employee and no employee shall have any expectation of employment beyond his or her contract term. The purpose of the pre-disciplinary hearing is solely to provide a check and balance on adverse action so that employee's rights are not violated.

- VII. Appeal Rights - If the discipline imposed after the pre-disciplinary hearing remains adverse, then the employee may submit a written statement to the President requesting a hearing before the President or other appropriate Presidential designee. The employee will then be given the opportunity within ninety (90) days to appear before the President or appropriate designee to appeal the adverse action. On appeal, both the College and the employee will be given fifteen (15) minutes each to present oral argument and cite matters of record from the pre-disciplinary hearing. The President or designee presiding over the hearing shall have discretion to extend this time upon request made at least five (5) days prior to the hearing. Examinations and testimony will not be permitted. The affected employee may be represented at the hearing by legal counsel of his or her choice who may orally argue on behalf of the employee. The College may also be represented by legal counsel at the hearing. The President or Presidential designee will issue a determination to uphold or reverse the adverse employment action within ten (10) days of the conclusion of the appeal hearing.
- VIII. Standard of Review on Appeal - On appeal, the hearing officer's primary function will be to determine whether policy was followed in taking adverse action against the employee. The employee is not entitled to any de novo appeal of the facts relied upon by the College in taking adverse action.
- IX. Letter of Exception - An employee may submit a letter of exception to the imposition of discipline, disputing the grounds for the decision, to be included in the employee's personnel file.
- X. Confidential Information and Student Data - Any hearing or portions of a hearing that will involve student testimony, or testimony that confidential information including student information must be a closed and not open to public.
- XI. Defects In Notice - Any minor deficiency in notice provided pursuant to this Policy shall not be grounds for reversal of the discipline.

- XII. Right to Request Record of Pre-Disciplinary Hearing - The employee may request from the College a copy of the pre-disciplinary recording and all evidence. The College may charge the employee its standard and customary charges for copies and recordings.
- XIII. Notification Requirements on Non-Renewal of Contract - Full-Time Faculty and Tenured Track Faculty who are not going to have his or her contract renewed shall receive notice of non-renewal by the following deadline:
- a. Those having been employed less than a year shall receive a minimum of three (3) month notice prior to the expiration of his or her appointment or contract.
  - b. Those having been employed over a year shall receive a minimum of six (6) month notice prior to the expiration of his or her appointment or contract.

## **SOUTHEAST NEW MEXICO COLLEGE BOARD POLICY**

### **Section C – Human Resources – Policy 2100 – Discipline and Termination of Tenured Faculty**

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- I. Definitions - As used in this Policy, the term “terminate” shall mean termination of employment at any time.
- II. Grounds for Disciplining Tenured Faculty - A tenured faculty member is employed on a continuous contract and is granted academic freedom as set forth in the College’s tenure policy, guidelines, and handbooks. Nevertheless, a tenured faculty member still has responsibility to behave in an ethical and professional manner. A tenured faculty member may be discipline for any one or more of the following acts:
  - A. Falsification of documents.
  - B. Threatening, assaulting, or abusive behavior towards a supervisor, student, employee, guest or customer of the university.
  - C. Sexual harassment of an employee, student, guest or customer of the university on or off campus which may explicitly or implicitly affect an employee’s performance or unreasonably interferes with a person’s employment or academic endeavors.
  - D. Jeopardizing the safety or health of an employee (including one’s self), student, guest or customer of the university.
  - E. Dishonesty or intentional fabrication of events.
  - F. Negligent, incompetent, inefficient or unacceptable performance of duties.
  - G. Willful disregard of reasonable directives or policies or a defiant attitude of noncompliance toward regulations, directives or policies applicable to an employee.
  - H. Conduct that interferes with the efficient operation of the university.
  - I. Inability or unwillingness to perform the duties required of a position.
  - J. Possession or use of alcohol or illicit drugs, reporting to work under their influence, or being under their influence while on the job.
  - K. Possession of drug paraphernalia or stolen property.
  - L. Conviction or admission of a felony or certain misdemeanors.
  - M. Careless, negligent, improper, unauthorized, or malicious use of, or theft of, property, equipment, or funds.
  - N. Abuse of privileges.
  - O. Failure to report for work or to timely report justifiable reason for absence to the department head or immediate supervisor.
  - P. Repeated tardiness or poor attendance.
  - Q. Misconduct which adversely affects the interest or reputation of the university or its employees.



- R. Any repetition of offenses which resulted in a reprimand, warning, demotion, notification of unacceptable performance or suspension.
- S. Job abandonment.
- T. Any willful violation of policy that if committed could potentially result in the College having liability.

III. Types of Discipline - A tenured faculty member may receive progressive depending upon the severity of offense. The Progressive Discipline process should: (1) provide tenured faculty member with notice when job performance or conduct standards are not met and of the action needed to improve the deficiency; and (2) provide appropriate documentation to ensure consistent application of policies, administrative rules and/or procedures. Any disciplinary action taken must be fair and proportionate to the seriousness of the violation. If a situation warrants corrective action, the progressive discipline process may include a combination of the following disciplinary measure in no particular order or progressive process.

- Verbal reprimand
- Written reprimand
- Mandatory training
- Increased supervision
- Foregoing salary increase
- Required to pay restitution
- Reassignment of duties
- Suspension with or without pay.

In cases of serious wrongdoing, or where attempts at discipline have not successfully remedied performance concerns, a tenured faculty member may be subject to adverse action. Adverse action shall mean: A) Suspension without pay. B) Demotion resulting in loss of pay; C) Requiring employee make payment for intentionally or negligently damaging College property; D) Loss of tenure; and/or E) Termination.

Notwithstanding the provisions of this Policy, any executive (including the President) and supervisor may immediately suspend and remove from the work environment any tenured faculty member who poses a clear and present danger to himself/herself or to others; who is committing or has committed a criminal act; or who otherwise is incapable of fulfilling the obligations of a job. In such cases, the employee may be asked to leave the work site. A determination will be made as to whether the suspension time will be deemed paid or unpaid.

IV. Discipline Processes for Offenses Where Adverse Action Is Recommended - Any proposed adverse action will be reviewed and approved by the President prior to imposing such action. This requirement is solely for purposes of making sure policy is being followed in proposing the

discipline; and this requirement shall not be interpreted as a determination by the President that the discipline is warranted.

If such adverse action is recommended and tenured faculty member disagrees with the proposed adverse action, or believes the proposed adverse action violates his or her rights, then the tenured faculty member will be given the opportunity to participate in a pre-disciplinary hearing. No adverse action shall be imposed against a tenured faculty member until he or she has been afforded the opportunity for a pre-disciplinary hearing before the President or the President's designee who shall preside over the hearing in an unbiased and impartial manner.

- a. Hearing Procedures - To request a hearing, the faculty member must submit a written request for hearing to the President. The hearing should occur within ten (10) days of the request. Both sides will be given opportunity to present evidence, testimony, and argument in support of their positions. The supervisor, chair, or executive recommending adverse action, or his or her designee, shall present the evidence, testimony, and argument that forms the basis for the proposed adverse action. The affected employee may be represented at the hearing by a person of his or her choice. The affected employee may present evidence, testimony, and argument to rebut the proposed adverse action. Cross examination will be allowed, but examinations shall not be in an overly aggressive, harassing, or hostile form. The Parties shall set a general goal of completing the hearing within 120 minutes; and shall not engage in unnecessary delays, arguments, presentations, or examinations.

Within thirty (30) working days after the hearing, the President or the President's designee will issue a written determination either affirming, reversing, or modifying the recommendation for adverse action. Provided, the hearing officer shall be without power to increase the discipline or impose different discipline than what is recommended. The affected employee will be provided a copy of the written determination prior to the imposition of any adverse action and such letter shall be kept in the employee's personnel file.

- V. Appeal Rights - The faculty member shall have three (3) business days to appeal the decision to a hearing officer designated by the Chairman of the Board. The faculty member shall submit a notice of appeal to the President who shall forward the request to the Chair of the Board of Trustees. The Chair shall designate a hearing officer within ten (10) days of receipt. The appeal shall toll enforcement of the proposed discipline until the appeal is heard. The appeal must be heard within forty-five (45) days of the request.

The faculty member or his/her representative shall be given the opportunity to appear before the hearing officer to orally argue the faculty member's appeal of the decision. The faculty member or his/her representative shall be allowed twenty (20) minutes of oral argument and may reserve time for rebuttal. The charging party or its representative shall have twenty (20) minutes to rebut

the argument of the employee. The hearing officer's primary function is to determine whether policy was followed in disciplining the faculty member; and to review the pre-disciplinary hearing to determine whether grounds existed to impose the discipline. The hearing officer should differ to the factual findings made following the pre-disciplinary hearing unless there appears to be a gross and material error in the factual findings. The decision of the hearing officer to uphold or reverse the adverse action is final and there are no other appeals available.

- VI. Letter of Exception - Any faculty or executives may submit a letter of exception to the imposition of discipline, disputing the grounds for the decision, to be included in the employee's personnel file.
- VII. Confidential Information and Student Data - Any hearing or portions of a hearing that will involve student testimony, or testimony that confidential information including student information must be a closed and not open to public.
- VIII. Defects In Notice - Any minor deficiency in notice provided pursuant to this Policy shall not be grounds for reversal of the discipline.
- IX. Right to Request Record of Pre-Disciplinary Hearing - The employee may request from the College a copy of the pre-disciplinary recording and all evidence. The College may charge the employee its standard and customary charges for copies and recordings.

## **SOUTHEAST NEW MEXICO COLLEGE BOARD POLICY**

### **Section C – Human Resources – Policy 2200 – Community Learning and Training**

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## **SOUTHEAST NEW MEXICO COLLEGE BOARD POLICY**

### **Section C – Human Resources – Policy 2300 – Benefits**

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Southeast New Mexico College provides arrays of benefits to employees. The benefits include health coverage such as medical, prescription, dental, vision, pre-tax premium plan, flexible spending accounts and life & disability insurance. Other benefits include retirement, paid leave and holidays and tuition remission.

#### **PART 1: TUITION REMISSION**

With appropriate administrative approval from the immediate supervisor and the appropriate Chief Officer, regular employees and non-regular employees in a term appointment are entitled to take course(s) at SENMC, or if preferred, other colleges and universities in accordance with an established agreement, with costs totaling no more than the highest cost of New Mexico Resident tuition rate for six (6) credit hours (supported by regular I & G funding) each semester (summer included). The dollar amount will be determined annually by the SENMC Human Resources (HR) Department and outlined on the Tuition Remission Procedures Form. This benefit could also include additional training required for job certifications, continuing education credits (CEUs) and certificate programs, and will be awarded at the discretion of the Chief Business and Finance Officer and the HR Director.

- A. The legal spouse or domestic partner of the eligible employee may also utilize the benefit if not used by the employee in a semester. This benefit is not transferable to another college employee nor is it available for an employee eligible for a free course.
- B. Employees who take a course during working hours may be required to make up the time spent away from the workstation (or take annual leave) unless enrollment is a requirement for continued employment.
- C. Once the Tuition Remission benefit is initiated, the student must remain in good academic standing to continue to receive the benefit in a subsequent semester at the same college or university.
- D. This benefit may be subject to social security, federal, and state tax implications.
- E. In exchange for this benefit, continuous employment with SENMC is strongly encouraged, excluding summer semester for 9-month faculty.

#### **PART 2: REGISTRATION**

Registration follows the same procedures governing all students. Requests for Tuition Remission will be made via form and submitted to the SENMC Business Office after required signatures have been obtained. Changes to class schedules require a new request to be submitted to ensure the class or classes are covered by the tuition benefit. This benefit will pay out once proof of registration (class schedule) and account statement are submitted to SENMC Business Office for processing. Following the initially enrolled semester, and each semester thereafter, final grades must be submitted in order to continue utilizing the benefit.

### PART 3: CONFLICTS OF INTEREST AND RESOLUTION OF CONFLICTS OF INTEREST

Employees must take care to avoid any conflict of interest when taking courses at SENMC and use the benefit in an ethical manner. Faculty members with other SENMC employees enrolled in their courses will be expected to maintain professional and ethical standards. If at all possible, spouses and dependents should not enroll in courses offered by a familial faculty member. If there are no other options, the faculty member should be cognizant of the appearance of a conflict of interest and diligently avoid it.

### PART 4: RETIREE BENEFITS

Retirees of SENMC are eligible for tuition remission benefits for SENMC courses only. A Retiree Tuition Remission form must be completed and submitted to the SENMC Business Office each semester (summer included) the retiree chooses to participate in this benefit. Changes to class schedules require a new form to be completed and submitted to ensure the class or classes are covered by the tuition benefit. Retiree spouses/qualified domestic partners are eligible to take one class if the retiree does not take any classes in the session/semester. Surviving spouses of retirees are not eligible for this benefit.

### PART 5: DEPENDENT CHILDREN TUITION REMISSION BENEFIT

- A. The tuition remission benefit is available to biological children, adopted children, legally dependent stepchildren, or any other qualified dependent as determined by HR, under age 25 and unmarried, of regular employees and non-regular employees in a term appointment.
  - a. The student's status and the employee's employment status on the college's census date (currently the third Friday of the semester or last day to add or register for summer session courses) will determine participation eligibility.
  - b. If the employee's status changes before the census date, the student will no longer be eligible, and the charges will be recalculated.
    - 1. If the student reaches his/her 25th birthday before the census date, the student will no longer be eligible, and the charges will be recalculated.
- B. Students must be enrolled at SENMC.
- C. Courses eligible for a grade will be included in this program; audited courses and challenged credits will be excluded.
- D. The student must remain in good academic standing to continue to receive the benefit in a subsequent semester.
- E. It is the student's responsibility to inform the Office of Financial Aid of a student's participation in this program. A reduction of the student's financial aid package may result from the reduced tuition. Information on the possible effect of this program on the student's financial aid package should be obtained from the student's financial aid advisor prior to submission of the Tuition Remission form.

- F. All eligible dependents enrolled at SENMC will automatically be granted the benefit upon request, with properly submitted documentation, except those receiving the Lottery Scholarship or who otherwise do not meet the eligibility criteria.

#### PART 6: HOLIDAYS

- Full-time regular employees working thirty-eight (38) or more hours per week shall have paid holidays approved by the Board as may occur during their term of employment.
- Regular Part-time employees working less than thirty-eight (38) hours per week are paid on a pro-rated basis for the Winter Break, but are not compensated for other holidays.
- Temporary, emergency, and student workers are not eligible for holiday pay.

##### Holidays Observed:

Except as may be otherwise approved by the Board, the following shall be the College holiday schedule.

If the holiday falls on a Saturday, Friday is observed; if the holiday falls on a Sunday, the following Monday is observed:

- Martin Luther King Day (One day)
- President's Day (One day)
- Spring Holiday (One day)
- Memorial Day (One day)
- Independence Day (One day)
- Labor Day (One day)
- Thanksgiving Break (Three Day)
- Winter Break (Ten Days- Inclusive of New Year's Day)

#### PART 7: COMPASSIONATE CARE LEAVE

##### Purpose:

The purpose of this policy is to provide a safety net for faculty who transferred their employment from New Mexico State University Carlsbad (NMSUC) to Southeast New Mexico College (SENMC) on April 1, 2022, in order to account for the loss of accrued hours of faculty leave during this transfer, so they can continue using the Faculty Care Leave hours they accrued as employees of New Mexico State University after they have used all hours accrued as employees of Southeast New Mexico College.

##### Action:

Southeast New Mexico College will create a pool of 1000 hours of Compassionate Care Leave each academic year. These hours will be referred to as the "Bank" in this policy.

##### Eligibility:

Faculty and staff members are eligible to use hours from the bank only if they are eligible to use Faculty

Care Leave or Sick Leave (based upon employment type) and they have exhausted hours accrued during their employment with Southeast New Mexico College.

Procedure:

This policy makes a provision for all employees to have a safety net in case of serious illness. In all cases, employees are required to provide a doctor's note and/or medical records documenting the need for their extended absence from work.

Employees will need to pay back hours used from the bank using a calculation of  $\frac{1}{2}$  of the accrual or 2 hours per pay going to the bank, and 2 hours going to the employee's personal sick leave or Faculty Care leave balance. If an employee leaves employment before the bank is paid back, the employee will be required to reimburse the bank. The exception to this is employees hired prior to April 1, 2022.

For these employees, should they need to use Compassionate Care Leave, they will be eligible to use up to the number of hours they had accrued during their employment at New Mexico State University Carlsbad minus their current Faculty Care or Sick Leave balance including the two hundred hours grandfathered in via Southeast New Mexico College without need of reimbursing the Bank. For example, if an employee covered by this exception accrued 600 hours at New Mexico State University Carlsbad and used the initial 200 hours accrued as a transferred employee at Southeast New Mexico College plus 100 hours accrued as an employee of SENMC, then the employee is eligible for  $600 - 300 = 300$  hours from the bank.

Southeast New Mexico College will keep a record of the number of hours used by employees in Compassionate Care Leave and report to the faculty member the number of hours remaining in the bank for future use.

Part 8: ANNUAL LEAVE

Newly hired full-time regular staff employees working thirty-eight (38) or more hours per week shall earn 10 days of annual leave (3.34 per pay period over 24 annual pay periods). For each year of continued employment, full-time regular employees will earn one additional day of annual leave up to a maximum of 20 days total.

Part 9: BEREAVEMENT LEAVE

Up to five (5) working days for attending to funeral related matters in the case of the death of a parent, spouse, brother, sister, child (includes steps or halves of the same relationship), grandparent, grandchild, parent-in-law, brother-in-law, sister-in-law, domestic partner, step-parent, daughter or son of the employee's spouse or domestic partner, and any other person who resides in the employee's household. Upon request, the supervisor may authorize up to an additional two days of bereavement leave with pay for extenuating circumstances, such as extended travel. Total bereavement leave with pay, including additional leave for extenuating circumstances, shall not exceed seven (7) working days.



Up to two (2) working days in the case of the death of an aunt, uncle (to include the aunt or uncle of a spouse or domestic partner), niece, and nephew. Upon request, the supervisor may authorize up to an additional two days of bereavement leave with pay for extenuating circumstances, such as extended travel. Total bereavement leave with pay, including additional leave for extenuating circumstances, shall not exceed four (4) working days.

At the discretion of an employee's supervisor, an employee may be granted bereavement leave with pay up to one-half of a working day to attend the funeral service of other relatives, associates, or close friends.

## **SOUTHEAST NEW MEXICO COLLEGE BOARD POLICY – SECTION D**

### **Section D – Business Services and Finances – Policy 100 - Purpose and Overview**

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- I. Purpose and General Responsibilities - The finances of SENMC shall be used to facilitate, maintain, enhance, and support the mission and endeavors of Southeast New Mexico College and its faculty, staff, and students.
- II. Roles and Responsibilities - The following is a list of roles and responsibilities in relation to finances.
  - a. The Chief Business and Finance Officer shall be responsible for the development and implementation of procedures, fiscal standards, and business guidelines that will ensure a reliable, stable, and transparent business operation. Procedures shall be established to ensure that the College is compliant with federal and state law. Business practices will be conducted in accordance with that established by applicable regulatory agencies and the College Board. Accounting practices shall be in accordance with Generally Accepted Accounting Principles and the pronouncements set forth by the Governmental Accounting Standards Boards.
  - b. The President shall delegate the responsibility to prepare a budget of revenues and expenditures for Southeast New Mexico College on a fiscal year basis to the Chief Business and Finance Officer. This budget shall be developed in accordance with the guidelines set forth by the New Mexico Higher Education Department. The budget shall be developed to advance the College in its mission and vision by taking into account the short-term and long-term financial needs of the College, using a collaborative approach and a system of information and analysis. The Board shall adopt a budget in a timely manner in order to meet the budget submission deadline required by the New Mexico Higher Education Department.
  - c. The Chief Business and Finance Officer is authorized, through the President, to reallocate the budget between the various line items, exhibits, and functions or to adjust transfers among funds, provided that the changes in budget items are reported to the Board. Any increase in total expenditures for all funds from the original Board approved budget requires prior approval by the Board.
  - d. The Board shall set the tax rate for the Southeast New Mexico College District for both operating and all debt service requirements. The tax rates may not exceed the amount approved pursuant to state statute, including yield control.
  - e. The College's financial reporting period shall be based on the fiscal year consisting of a twelve- month period beginning on July 1 in each year and ending on June 30 of the next calendar year.
  - f. The College Board will solicit and contract with a New Mexico licensed Certified Public Accountant approved by the State Auditor for an annual financial audit. The audit shall be

compliant with the guidelines set forth by the New Mexico Higher Education Department, the State Auditor, the American Institute of Certified Public Accountants, and Generally Accepted Auditing Standards. The report will be submitted to the Southeast New Mexico College Board after approval and release by the New Mexico State Auditor.

- III. Bequest, Donations, and Gifts - Solicitation and receipts of gifts, bequests, and donations must be made in accordance with established procedures and in the spirit of donor intent and will not be administered in such a manner as to be unlawful or discriminatory.
- IV. Depository of Funds - All funds controlled by the College shall be handled using federally insured financial institutions. The president and Chief Business and Finance Officer may collectively seek financial institutions with whom to conduct business.
- V. Disbursement Authorizations - The President, Chief Officers, and if deemed necessary, a Director-level or higher staff member as designated by the President, are authorized and empowered by the Board to sign checks for lawful expenditures incurred on behalf of Southeast New Mexico College.

## **SOUTHEAST NEW MEXICO COLLEGE BOARD POLICY**

### **Section D – Business Services and Finances – Policy 200 – Purchasing and Procurement**

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- I. General Policy - Expenditure of Southeast New Mexico College resources for the procurement of supplies, materials, contracted services, equipment, and reimbursement of employees for business related expenses shall be made in accordance with applicable federal and state laws and regulations, including the New Mexico Procurement Code (see 13-1-28 et seq NMSA (1978) or most recent update) and the Anti-Donation clause (Article IX § 14) of the New Mexico State Constitution. All financial resources of the College should be accounted for and expended through the College's accounting systems in accordance with applicable Board policies. All College funds must be deposited in a College account. No other bank accounts may be set up without the approval of the Board. The Chief Business and Finance Officer, with the approval of the President, shall supplement this policy with specific purchasing procedures that ensure compliance with applicable federal and state regulations, seek the optimum quality in goods and services at the lowest possible cost, and provide managers flexibility in the performance of their duties (which includes obtaining maximum benefit from College resources entrusted to managers) while ensuring adequate stewardship and accountability for the expenditure of public funds.
- II. Expenditure Authority - The following procurement amounts shall be authorized as follows:
  - a. The Board of Trustees shall authorize all expenditures of the College that exceed \$75,000.
  - b. The president may authorize all expenditures of the College that are \$75,000 or less. The president may authorize expenditures above the \$75,000 as approved during the annual budget process.
  - c. The Chief Business and Finance Officer may authorize all expenditures of the College that are \$50,000 or less. The Chief Business and Finance Officer, with the approval of the president, may develop and administer additional procedures for expenditures of the College that are less than \$50,000.
- III. Prohibition On Conflict of Interest - It is unlawful and against Board policy for any Board member or College employee to participate directly or indirectly in procurement when the employee knows that 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.

## SOUTHEAST NEW MEXICO COLLEGE BOARD POLICY

### Section D – Business Services and Finances – Policy 400 – Copyright and Patent Ownership

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- I. Shared Use of Instructional Material - The College encourages its faculty and staff to create reusable learning materials in any format in support of classes taught at the College. The College does not claim exclusive ownership of such materials and will not limit their portability for use at other institutions at which faculty or staff may be employed after leaving Southeast New Mexico College. Likewise, the College reserves the right to use such materials in its classes after the employee who created them leaves the institution. The College reserves the right to modify such materials at its discretion.
- II. Rights Statements - Employees have the right to copyright any literary material (including printed, electronic, audio, or video), to patent any inventions, and copyright any data processing programs unless their employment contract or program agreement charges them with the duty of producing materials for the College for copyright purposes, to develop an invention for the College to patent, or to create data processing programs to complete administrative, instructional, or public service tasks.
- III. Independent Works - The employee shall be entitled to all profits earned from copyrighted materials or patented inventions developed, provided that the employee has produced the work on personal time and with personal equipment and without the use of College facilities.
- IV. Supported Work - Profits earned from copyrighted material, patented inventions developed totally or partially on College time with the use of College facilities, equipment or with College funding, shall be shared no less than equally with the College as provided by a contract between the employee and the College.
- V. Rights Agreement - The President, in coordination with the Faculty Senate, shall establish procedures to ensure that any College employee creating works for copyright or patent with College support shall enter into a contract with the College providing either:
  - a. That the employee assigns ownership rights to the College; or
  - b. For a fair and equitable arrangement for shared ownership, sharing of royalties, or reimbursement to the College of its costs and support. In any case where a copyrightable or patentable work is created with College support, the contract shall provide that the College will have a five-year license to use the work without further compensation. The creator of the work will have the right to use it after employment or the period designated above.
- VI. Applicable Funding - In the case of works created under developmental grants from governmental or foundation sources prescribing ownership rights, the conditions of such grants, rather than this policy, shall govern. An exception to the policy shall preside where shared

College and external grant funding exists in which a contract will then be enacted to reflect that the shared funding support will be executed.

- VII. License or Sale of College Works - The president, in conjunction with Legal Counsel, shall establish procedures to protect the copyright and patent interests of the College in the sale, lease, or licensing to others.

## **SOUTHEAST NEW MEXICO COLLEGE BOARD POLICY**

### **Section D – Business Services and Finances – Policy 500 – Investment and Fund Balances**

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- I. Investments Objectives - The primary objectives, in priority order, of the College's investment activities shall be:
  - Safety - Safety of principal is the foremost objective of the investment program. Investments of the College shall be undertaken in a manner that ensures the preservation of capital in the overall portfolio. At no time will the safety of the portfolio's principal be impaired or jeopardized. Safety is defined as the certainty of receiving full par value plus accrued interest at the securities' legal final maturity.
  - Liquidity - The College's investment portfolio will remain sufficiently liquid to enable the College to meet all operating requirements. Portfolio liquidity is defined as the maturity or ability to sell a security on a short notice near the purchase price of the security.
  - Return on Investments - The College's investment portfolio shall be structured with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the College's investment risk constraints and the cash flow characteristics of the portfolio.
- II. Delegation of Authority - Management responsibility for the investment program is hereby delegated to the Chief Business and Finance Officer, who shall be responsible for the implementation of the investment program and the establishment of investment procedures consistent with this policy. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Chief Business and Finance Officer. The Chief Business and Finance Officer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials.
- III. Standards of Care - The following standards of care shall be used with handling College investments and monies:
  - Prudence - The standard of prudence to be used by investment officials shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio.
  - Investments shall be made with judgment and care under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

- IV. Ethics and Conflicts of Interest - Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program or that could impair their ability to make impartial decisions. Employees and investment officials shall disclose any material interests in financial institutions with which they conduct business. They shall further disclose any large personal financial/investment positions that could be related to the performance of the investment portfolio. Officers and employees involved in the investment process shall not accept any payment, gratuity, or recognition of any kind from any person or entity that is seeking or is receiving investment monies from Southeast New Mexico College.
- V. Internal Control and Compliance - Internal control and compliance should be assured through the College's annual independent audit. Procedures shall also be developed by the President and the Chief Business and Finance Officer to assure appropriate internal control.
- VI. Suitable and Authorized Investments - Consistent with the GFOA Policy Statement on State and Local Laws Concerning Investment Practices, the following investments will be permitted by this policy and are those defined by state and local law where applicable.
- U.S. Treasury obligations which carry the full faith and credit guarantee of the United States government and are considered to be the most secure instruments available.
  - U.S. government agency and instrumentality obligations that have a liquid market with a readily determinable market value.
  - Certificates of deposit and other evidence of deposit at financial institutions fully insured by the FDIC and/or fully collateralized.
  - Commercial paper rated in the highest tier (e.g., A-1, P-1, F-1, D-1 or higher) by a nationally recognized rating agency.
  - Investment-grade obligations of state, provincial, and local governments and public authorities.
  - Repurchase agreements whose underlying purchased securities consist of the aforementioned instruments.
  - Money market mutual funds regulated by the Securities and Exchange Commission and whose portfolios consist only of dollar-denominated securities.
- VII. Maximum Maturities - To the extent possible, the College shall attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the College will not directly invest in securities maturing more than five (5) years from the date of purchase or in accordance with state and local statutes and ordinances. The weighted average maturity of the College's investment portfolio shall not exceed three (3) years.
- VIII. Reporting - The investment officer shall prepare an investment report at least quarterly for review by the College Board of Trustees. The report shall include:
1. Listing of individual securities held at the end of the reporting period



2. The cost and market value of each security, and
  3. The maturity date of each security
- IX. Policy Exceptions - Any deviations from this policy must be approved in advance by the College President, Chief Business and Finance Officer, and one officer of the Board of Trustees. Such approval should be documented in writing no later than one week after the transaction (trade date) has occurred. Exceptions must also be reported at the next regular meeting of the Board of Trustees.
- X. Banking Institutions - For liquid investment monies or Certificates of Deposit, the investment officer shall attempt to use local banking institutions when their rates of return are equal to or greater than non-local banking institutions.
- XI. Fund Balances - It is the position of the Board that as long as the Instruction and General expenditures of the College are at least equal to that year's state Instruction and General appropriation, including credit taken by the state of New Mexico higher education funding formula, any unexpended funds at year end have been derived entirely from local taxes. Such funds are to be held in the appropriate fund balance until transfers are approved by the Board. Guidelines for each fund's balance shall be as follows:
- Current Fund: Includes Instruction and General Operations, auxiliary enterprises, independent operations, and public services. The fund balance at the end of a fiscal year shall equal no less than one-fourth (i.e. the average of three months of expenditures) of the approved operating budget for the subsequent fiscal year. Use of fund balance is subject to Board approval and will be limited to non-recurring uses including, but not limited to:
    - Coverage of outstanding encumbrances being carried-forward into a new fiscal year
    - Capital projects
    - Facilities repairs or upgrades
    - Non-routine furniture, fixtures, and equipment purchases
    - Non-routine technology purchases
    - Program start-up costs
  - Plant Funds: Includes capital project, renewal and replacement, and debt services. The capital project balance will reflect accumulations for Board approved future construction projects (matching or total funding) based on the College's facility master plan requirements. The minimum renewal and replacement balance shall reflect three percent (3%) of the book value of all property, plant, and equipment. The debt service balance will at all times be sufficient to guarantee full payment of upcoming principal and interest charges on all outstanding debt obligations.

## **SOUTHEAST NEW MEXICO COLLEGE BOARD POLICY**

### **Section D – Business Services and Finances – Policy 600 – Contracts and Sponsored Projects**

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- I. Approval to Request Grant Funds - Only the President or the President's designee is permitted to approve grant applications.
- II. Funding - The President, or President's designee, is authorized to make application on behalf of the College to private or governmental agencies for funding. Prior approval of the Board is required for any grant application (1) in support of new facilities construction; or (2) where the terms of the application require specific Board approval.
- III. Contract Authority - Delegation of contracting authority normally vested in the Board is appropriate within specified guidelines for the timely, efficient administration of the College. Certain officials of the College are hereby expressly authorized and empowered to contract in the name of Southeast New Mexico College, as follows:
  - a. The president may contract for any lawful purpose of the College provided the obligation of the College thereby incurred does not exceed \$75,000.
  - b. The president may approve a capital improvement "change order" involving an expenditure of \$75,000 or less.
  - c. The president may contract for any lawful purpose of the College provided the obligation of externally funded projects is consistent with the award agreement/contract.
  - d. The Chief Business and Finance Officer may contract for any lawful purpose of the College provided the obligation of the College thereby incurred does not exceed \$50,000.
  - e. The Chief Business and Finance Officer may contract for any lawful purpose of the College provided the obligation of externally funded grant funds are consistent with the award agreement/contract and does not exceed \$50,000.
  - f. The Chief Business and Finance Officer may approve a capital improvements "change order" involving an expenditure that does not exceed \$50,000.
  - g. The vice president for Business and Finance, with the approval of the president, may develop and administer additional procedures related to delegation of authority regarding contracts for the College that are less than \$50,000.
- IV. Signatory Authority - Unless the authorizing action of the Board specifically provides otherwise, any contract approved by the Board shall be executed on behalf of the College by either the president or the Chief Business and Finance Officer.

## **SOUTHEAST NEW MEXICO COLLEGE BOARD POLICY- SECTION E**

### **Section E – Academics and Instruction – Policy 100 - Purpose and Overview**

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- I. Purpose and Process - The purpose of Academics is to foster educational excellence through high quality, engaging instruction, career and technical training, and academic support. Current programs, dynamic, dedicated delivery, and personalized support prepare students to reach their individual goals as well as contribute to the economic vitality of the region. The College's Academic programs should utilize best practices and evidence-based assessment in partnership with the community to produce nationally recognized programs, outstanding student completion and retention results, and leadership in economic development.
- II. Education - The types of education to be provided under the umbrella of a quality, caring, comprehensive College to address both educational goals and distinctive non-instructional education support goals include:
  - Transfer education
  - Associate degrees (AA, AS and AAS)
  - Certificates
  - Technical/Occupational certificates and degrees
  - Community learning
  - Workforce training
  - Internships, apprenticeships, and service learning
  - Dual credit in partnership with county high schools
  - Adult Education and English as a Second Language education
  - Developmental education

The College will also provide a variety of instructional options and academic support services to increase student access, retention, and goal completion. These services will include:

- Learning Assistance Center with a variety of support programs (e.g., tutoring, retention, supplemental instruction)
- Online courses and degrees with related learning technology support
- Library instruction and services, including digital searching and resources
- Grants with student support objectives and innovations
- Non-credit programs and enrichment activities
- Activities in the arts and music
- Activities to broaden cultural awareness and mutual understanding

Academics will engage in a comprehensive program of student learning outcomes assessment activities as part of providing the highest quality education. That assessment will include a review of course, program, general education, and common student learning outcomes. Program reviews will provide an additional and comprehensive method for reviewing the full range of instruction and services provided through our academic programs.

- III. Partnerships - The College will work in partnership with other Colleges and universities, business and industry advisory groups, schools, and others in the community as a foundation for continuous quality improvement. Best practice information from regional and national sources will be utilized to ensure program currency and support adoption of the most promising practices to help our students be successful in their educational and career pursuits.

## **SOUTHEAST NEW MEXICO COLLEGE BOARD POLICY**

### **Section E – Academics and Instruction – Policy 200 – Academic Freedom**

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- I. Policy - SENMC can best foster growth in a democratic society when both student and teacher can freely participate in the process of sifting and weighing traditional approaches and creating and evaluating new ones. Through the community and the community College, society should provide an academic atmosphere in which questioning is encouraged, where alternatives can be explored, and where one may follow where inquiry leads. It is, therefore, imperative that the educator enjoy full freedom in the discussion of his or her subject and related matters both in and beyond the classroom, the ultimate purpose of such freedom being the pursuit of truth. In his or her work, the teacher is governed by the policy statements of the College. He/she is entitled to freedom in the classroom in discussing his/her subject, but the teacher should be careful not to introduce into his/her teaching controversial material that has no relation to the subject. As a teacher, his/her right to express himself or herself on matters of College policy and procedure shall not be denied or abridged, nor should such an expression jeopardize his/her academic position as long as he/she expresses himself/herself in a professional and ethical manner. When the teacher speaks or writes as a citizen, he/she should be entirely free from institutional censorship or discipline, but his/her special position in the community obliges him/her to remember that the public may judge the teacher's profession and the institution by the validity of his/her opinions and the way he/she expresses them. When he/she speaks or writes as a citizen, he/she should indicate that he/she is not an institutional spokesperson.

Academic freedom, as it relates to faculty, is independent of employee evaluations and re-employment contract offers. The Academic Freedom Policy does not protect faculty from the consequences of violations of these policies or rules of the College; nor does it protect faculty from the consequences of dishonesty, libel, slander, plagiarism, or intentional misrepresentation.

## **SOUTHEAST NEW MEXICO COLLEGE BOARD POLICY**

### **Section E – Academics and Instruction– Policy 300 – Curriculum Development and Revision**

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- I. Curriculum Development and Revision - All programs of Southeast New Mexico College will be assessed on a regular basis to assure that the offered courses and programs meet the needs of the community, transfer institutions, and students. Faculty leadership in curriculum development is essential.
- II. Course and Program Revisions - Course, certificate, and program revisions are an expected part of maintaining the currency and quality that are hallmarks of Southeast New Mexico College.
- III. Program Discontinuation - A course, certificate, or degree program may be discontinued when it ceases to meet all applicable criteria. Decisions by the Chief Academic Officer, made in conjunction with the department chairs, in light of Curriculum Committee actions, will be sufficient to discontinue courses. Discontinuation of a certificate and/or degree program is final only after review by the president and approval of the Board.
- IV. Rules, Presidential Orders, and Guidelines - The President may adopt additional guidelines, rules, orders, and procedures for curriculum development and revisions that are consistent with this policy and the law.

## **SOUTHEAST NEW MEXICO COLLEGE BOARD POLICY – SECTION F**

### **Section F – Student Services and Conduct – Policy 100 - Purpose and Overview**

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- I. Purpose - Southeast New Mexico College is not only dedicated to the advancement of knowledge and learning, but also has a concern for the development of responsible, personal, and social conduct. By registering at Southeast New Mexico College, a student assumes the responsibility for becoming familiar with and abiding the general rules of conduct. Students who are also employees of the College are expected to comply with both employee policies related to his or her job, and student policies relating to his or her enrollment, conduct and administrative appeal rather than such student policies.
- II. Overview - Students at Southeast New Mexico College (SENMC) neither lose the rights nor escape the responsibilities of citizenship. Students are expected to obey both the criminal and civil statutes of the state of New Mexico and the federal government and the College's policies, procedures, rules, and regulations. Students may be penalized by the College for violating its standards of conduct even though they are also punished by the state or federal authorities for the same act. Any student in violation of these policies and/or codes of conduct shall face appropriate discipline.

## **SOUTHEAST NEW MEXICO COLLEGE BOARD POLICY**

### **Section F – Student Services and Conduct – Policy 200 - Equal Opportunity for Students and Prohibition Against Discrimination, Harassment, and Bullying/Hazing**

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- I. Equal Opportunity and Non-Discrimination - SENMC is committed to equal opportunities for its students. Students will not be illegally discriminated against or treated unequally in violation of the law. If a student is concerned about discrimination or unequal treatment then he or she should seek assistance through the campus Title IX coordinator, Human Resource Office, or as further set forth in these policies or student handbook.
- II. Sexual Harassment Prohibition - SENMC does not tolerate sexual harassment in any form. Offenders will be disciplined appropriately. For general policy purposes, sexual harassment may be described as unwelcome sexual advances, requests for sexual favors, harassment due to sexual preference or orientation, and other physical and verbal behavior of a sexual nature where:
  - Submission to sexual conduct is made either an explicit or implicit term or condition of student's employment or education;
  - Submission to or rejection of sexual conduct is made by a student as the basis for academic or employment decisions affecting the student; or
  - When sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature have the purpose or effect of unreasonable interference with a student's academic or professional performance or creates an intimidating, hostile, or demeaning employment or educational environment.

Any student who feels he or she has been sexually harassed should promptly report such incidents without fear of reprisal. All such reports, whether written or made orally, will be seriously reviewed. Confidentiality cannot be guaranteed but will be maintained to the extent possible.

The circumstances, the nature, and the context in which the sexual harassment allegedly occurred will be investigated. Please see Section C for further information and reporting procedures.

- III. Prohibition Against Bullying and Hazing - SENMC does not tolerate bullying or hazing of its students. The term "bullying" and "cyberbullying" is any act or omission (irrespective of motive) committed with the intention of intimidation or causing emotional distress or harm to another person. Bullying is typically directed toward a person perceived to be vulnerable or less powerful, but may also be directed at a group of individuals. Bullying is prohibited regardless of how it is carried out (e.g., verbally, physically, through third parties, or using social media or other electronic or technological means). The term "hazing" is defined as conduct connected to membership in SENMC sanctioned organizations (e.g., club, intramural team, unit or other group officially affiliated with SENMC) which creates an unreasonable risk of emotional or physical harm, causing actual emotional or physical harm, or interfering with an individual's academic



endeavors, progress or environment. Examples of such behavior include but are not limited to misusing authority by virtue of one's class rank or leadership position, striking another student by hand or with any instrument, depriving a person of sleep, requiring the consumption of liquids or solids, requiring standing for unreasonable amount of time, requiring a violation of SENMC policy or state or federal laws. It is not a defense that the person (or group) hazed consented to, or acquiesced to, the behavior in question. Having firsthand knowledge of the planning of such activities or firsthand knowledge that an incident of this type has occurred and failing to report it to appropriate SENMC will be considered a hazing violation.

Any student that feels he or she is being bullied or hazed or is aware of bullying or hazing on or off campus, is encouraged to immediately report the conduct to the College's Title IX Coordinator, Student Services, and/or the Human Resource Office.

- IV. Rules, Presidential Orders, and Guidelines - The President shall adopt additional rules, orders, and guidelines for students that provide detail procedures for reporting illegal discrimination, harassment, and other misconduct. These rules, orders, and guidelines shall be consistent with these policies, Title IX, and other applicable laws.

## **SOUTHEAST NEW MEXICO COLLEGE BOARD POLICY**

### **Section F – Student Services – Policy 300 - Clery Act Compliance and Reporting**

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- I. Introduction - The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998 (“Clery Act”) is a federal law requiring institutions of higher education that receive federal funding to collect and publish statistics about reports of certain crimes that occur on or adjacent to campus, or in other areas owned or controlled by the institution and frequently used by students. In addition, institutions are required to adopt and publish policies related to campus safety and security. The purpose of this policy is to ensure the College’s compliance with the requirements of the Clery Act. Any changes in the Clery Act requirements will supersede the relevant provisions of this policy.

The Clery Act requires the College to separately collect and publish statistics for the College Campus and areas owned or controlled by the College and frequently used by students. The President shall have designated staff members (“Clery staff”) who are responsible for fulfilling the requirements of the Clery Act.

- II. Requirements of the Act - In order to comply with the requirements of the Clery Act, the College must:
- a. Compile statistics of reported Clery Act crimes that occur on at the College campus, the immediately adjacent streets and sidewalks surrounding the College campus, and in remote classroom and other facilities some distance away from the Campus that are owned or controlled by the College and frequently used by students for educational purposes. These areas constitute the “Clery geography.”
  - b. Collect reports of Clery Act crimes made to the Campus Security (if any), the New Mexico State Police, the Eddy County Sheriff Office, and the City of Carlsbad Police Department.
  - c. Publish and distribute to all students and employees by October 1st of each year an Annual Security and Fire Safety Report (Clery Report) which includes crime data for reports of Clery Act crimes, fire incident data for the Campus, security policies, and procedures in place to protect the College community and information on the handling of threats, emergencies, and dangerous situations on Campus.
  - d. On an annual basis, report Clery Act crime statistics and fire incident statistics to the U.S. Department of Education as required.
  - e. Identify executives and faculty to serve as Clery Staff, and on a regular and ongoing basis and notify these individuals of their obligations under the Clery Act to report any and all Clery Act crimes that they witness or are reported to them.
  - f. Provide mandatory training for all Clery Staff during the first year they serve as Clery Staff.

- g. Maintain a daily crime log that includes all criminal incidents and alleged criminal incidents that are reported to the Campus Security, the New Mexico State Police, the Eddy County Sheriff Office, and the City of Carlsbad Police Department.
- h. Maintain a fire log that records all reported fires occurring on Campus.
- i. Issue timely warnings to alert the campus of Clery Act crimes that occur in Clery geography and pose a serious or continuing threat to the applicable campus community. Timely warnings will be disseminated throughout the community as soon as pertinent information is available and will provide information that will allow members of the campus community to protect themselves and prevent similar crimes from occurring.
- j. Issue emergency notifications for any significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on or within the Clery geography.
- k. In the event that a student residing in College student housing (if any) is reported as missing, the City of Carlsbad Police Department shall be notified as well as the persons designated by the allegedly missing student as his or her missing student contacts within 24 hours.

III. Clery Act Crimes - The crimes identified by the Clery Act to be reported annually to the College community include: murder and manslaughter; forcible and non-forcible sex offenses; robbery; aggravated assault; burglary; motor vehicle theft; arson; dating violence; domestic violence; and stalking. If any of the above offenses were reportedly committed as “hate crimes,” that must be separately indicated in the annual Clery Report statistics. A hate crime occurs when the offender is motivated by bias against the victim. Under the Clery Act” bias” is a preformed negative attitude or opinion towards a group of persons based on their race, gender, religion, disability, sexual orientation, or ethnicity/national origin. In addition to the above crimes, if any of the following offenses were motivated by the offender’s bias against the victim, they must be included in the annual Clery Act statistics: larceny--theft, simple assault, intimidation, or destruction/damage/vandalism of property. Reports of attempts of any of these types of crimes are also considered to be Clery Act crimes; for example, an attempted sexual assault must be included in the statistics for forcible sex offenses. The final element of Clery Act crimes that must be reported in the annual Clery Report are arrests and referrals for College disciplinary actions for: liquor law violations, drug law violations, and weapons law violations. For more information and definitions of Clery Act crimes, see pages 34-72 of the US Department of Education’s “The Handbook for Campus Safety and Security Reporting.”

IV. Annual Reporting - By October 1st of each year the Clery Report must be published and distributed to all currently enrolled SENMC students and employees. The Clery Act permits institutions to distribute the Clery Report by posting it online and sending individual notification to each student and employee announcing the availability of the report, briefly describing the information contained and the exact URL address where the complete Clery Report is posted.

The President or his/her designee is responsible for posting the annual Clery Report. The Clery Report must also be provided to prospective students and employees upon request. Online and written materials for prospective students and employees should include the exact URL address. All supporting records must be kept for three years following the publication of the last Clery Report to which they apply. Thus the records retention period is seven years after the date an incident was reported because each annual Clery Report includes data from the past three years. Records to be maintained include, but are not limited to, copies of crime reports; the daily crime logs; records for arrests and referrals for disciplinary action; timely warning and emergency notification reports; documentation, such as letters to and from local police having to do with Clery Act compliance; letters to and from CSAs; correspondence with the U.S. Department of Education regarding Clery Act compliance; and copies of notices to students and employees about the availability of the annual Clery Report.

- V. Record Retention - All supporting records must be kept for three years following the publication of the last Clery Report to which they apply. Thus, the records retention period is seven years after the date an incident was reported because each annual Clery Report includes data from the past three years. Records to be maintained include, but are not limited to, copies of crime reports; the daily crime logs; records for arrests and referrals for disciplinary action; timely warning and emergency notification reports; documentation, such as letters to and from local police having to do with Clery Act compliance; letters to and from Clery Staff; correspondence with the U.S. Department of Education regarding Clery Act compliance; and copies of notices to students and employees about the availability of the annual Clery Report.

## **SOUTHEAST NEW MEXICO COLLEGE BOARD POLICY**

### **Section F - Student Services – Policy 400 – Drug Free Campus**

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- I. Drug Free Campus - SENMC is a drug-free campus. Drug and alcohol abuse on campus poses a serious threat to the health and welfare of faculty, staff, and students; impairs work and academic performance; jeopardizes the safety and well-being of other students and members of the general public; and conflicts with the responsibility of SENMC to foster a healthy atmosphere for the pursuit of education and service. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited on the premises of SENMC, including but not limited to its campus grounds, facilities, vehicles, or any activity held on the College premises. As a condition of enrollment, all students of SENMC shall abide by the terms of the Drug-Free Campus Policy.

Students and employees engaged in unlawful possession, distribution, or use of controlled substances may be subject to expulsion or termination of employment and referral for prosecution. Discipline and legal sanctions will be imposed accordance with these policies along with all applicable local, state, and federal laws.

SENMC may provide referral services to those requesting assistance with a drug and/or alcohol addiction. For inquiries, students and staff should contact Honor Medina, LMFT, at [honor@senmc.edu](mailto:honor@senmc.edu).

## SOUTHEAST NEW MEXICO COLLEGE BOARD POLICY

### Section F – Policy 500 - Family Education Right to Privacy Act (FERPA)

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- I. Policy and Purpose: The Family Educational Rights and Privacy Act (FERPA), codified at 20 U.S.C. § 1232 (g), protects the privacy of SENMC students' educational records, absent (1) the student giving proper written consent for disclosure or (2) circumstances which meet one of the exceptions in the law warranting disclosure without prior consent. This rule is intended to provide guidance to the various SENMC entities to assist them in protecting students' right of privacy consistent with FERPA and corresponding regulations published in 34 CFR Part 99.

FERPA also provides students and eligible parents the right to access and review educational records, as well as the right to seek amendment and/or supplement the student's Education Records in the event they are alleged to be inaccurate, misleading or otherwise in violation of the student's rights. This rule provides the rules and procedures by which SENMC students and eligible parents may invoke these rights, and notice of how to file a complaint should they believe their right under FERPA are not being honored.

II. Definitions:

- *Directory Information:* Directory Information is defined for purposes of this rule as the student's name; SENMC ID number; class; College and major; dates of attendance; degree(s) earned; honors and awards received, honorary organization, or the GPA range for the selection; address; local or contact telephone number; SENMC electronic mail address; most recent previous educational institution attended; participation in officially recognized activities and sports; and the weight and height and age of members of athletic teams. Directory Information also includes the following student employment and assistantships information: title; department, and departmental address and telephone number.
- *Education Records:* Education Records are records that are maintained by SENMC in any form or format (e.g. paper, electronic, digital image, film, video, audio tape) which contain information directly related to a student and are personally identifiable to a student. Education Records do not include:
  - Personal records of College employees that are in the sole possession of the maker (i.e. notes of conversations), are used as a personal memory aid, and are not accessible or revealed to any individual except to a successor in the position held;
  - Records of the College police department (if any) used for law enforcement purposes;
  - Student medical and counseling records maintained and used only in connection with provision of medical treatment or counseling of the student and are made available only to the individuals providing the treatment;
  - Employment records unrelated to the student's status as a student;
  - Records created or received after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student (i.e. alumni records); or
  - Grades on peer-graded papers before they are collected and recorded by a faculty member.

- Legitimate Educational Interest: In the context of this rule, refers to the work related and authorized need for access to an educational record (by a designated School Official) within the course and scope of the individual official's employment or contract.
- School Official: School Official means:
  - An employee, agent or officer of the College acting in the employee's official capacity;
  - A person serving on College committees, boards, and/or councils, including an individual serving on a disciplinary or grievance committee.
  - Another educational institution that requests records for a particular student who seeks or intends to enroll or where the student is already enrolled provided the disclosure is for purposes related to the student's enrollment or transfer; and
  - A person or company with whom the College has contracted (e.g. internship and clinical facilities, attorney, auditor, or collection agent) but limited to only the specific student information needed to fulfill the contract. The contracting entity, as the agent for SENMC, is required to protect the student's educational records in compliance with FERPA's regulations on the control, maintenance, use and re-disclosure of the information provided to it.
- Student: means an individual who is or has been in attendance at SENMC. For the purposes of this rule, "attendance" begins on the first day of class for any type of course or program offered by SENMC. It also includes any period during which an individual is working under a SENMC work-study program.

### III. Procedures for Student Inspection of Educational Records

- a. SENMC Student Services has been designated by SENMC as the records custodian for student educational records. The Office responds to requests from students, eligible parents and others for access to and inspection of Student Education Records. Students are encouraged to submit their requests to view their educational records in writing to the SENMC Records Office. Inspection shall be permitted as soon as practical and not more than 45 days from the date of the written request. If the student is not able to review the records at SENMC, the records will be mailed or emailed to the student. Students may be charged a reasonable copying fee, unless the fee would prevent the student from obtaining the copy, in which case, there shall be no charge.
- b. As provided by FERPA, students shall not be permitted to inspect the following records:
  - Financial information submitted by their parents;
  - Confidential letters and recommendations associated with admissions, employment or job placement, or honors to which they have waived their rights of inspection and review; or
  - Education Records containing information about other students, in which case the institution will permit access only to that part of the record which pertains to the inquiring student.

### IV. Procedures to Amend or Supplement Educational Records

- a. Procedures: If a student or eligible parent believes an educational record is inaccurate, misleading, or otherwise in violation of the student's rights, they may request an amendment of the record. If the proposed amendment is denied, the student or eligible parent may request a hearing by submitting to Student Services a Request for Hearing to Amend or Supplement Educational Record. Student Services will schedule a hearing within twenty (20) business days from receipt of a request for hearing, absent extenuating circumstances. Student Services will give the student or eligible parent five (5) business days advance notice of the date, time and place in of the hearing. The Hearing Officer shall be the College President or his/her designee who does not have a direct interest in the outcome of the hearing. The student or eligible parent shall receive a fair hearing, meaning that they will be given the opportunity to present evidence relevant to the issues raised. The student or eligible parent may, at their own expense, be assisted or represented by one or more individuals of the student or eligible parent's choice, including an attorney. The hearing officer shall consider solely the evidence the evidence presented at the hearing, including any evidence which may be offered by College representatives, and deliver a written decision within fifteen business days from the date of the hearing. The written decision shall include a summary of the evidence and the reasons supporting the decision.

V. Student Consent Required to Release Educational Records (Circumstances)

- a. General Rules: The general rule is that student consent is required before a student's educational records may be accessed or disclosed to a third party. This Section V describes how a student may provide that consent; Section VI describes when consent student is NOT REQUIRED.
- b. Deemed Consent: SENMC officials, through Student Services, may disclose student educational records with the student's consent. A student is deemed to have consented to disclosure when:
  - A student is deemed to have consented to disclosure of limited information, referred to as Directory Information, unless the student opts out of the College's Directory (See above definition of "Directory Information").
  - Additionally, a student may wish to allow third parties access to student educational records, for a variety of reasons. A form to facilitate documentation of the student's consent and waiver of privacy rights under FERPA is located at Student Services and online.
- c. Consent NOT Required: FERPA permits the disclosure of educational records without the student's consent when certain exceptions apply. These exceptions are described below:
  - SENMC may release student educational records without the student's consent provided it is Directory Information (See above definition of "Directory Information") and the student has not opted out of the directory. To opt out of the Directory, students must notify Student Services in writing. SENMC will not disclose Directory information without consent for students who have provided such written notice to Student Services.
  - SENMC may release student educational records without the student's consent to College officials who have a Legitimate Educational Interest. The phrase "Legitimate



Educational Interest” is defined herein in Section II. If releasing educational records to a contractor of the College, SENMC shall ensure that:

- The contractor performs an institutional service or function for which SENMC would otherwise use employees;
  - That the contractor is under the direct control of SENMC with respect to the use and maintenance of Education Records; and
  - That the contractor shall be subject to FERPA’s use and re-disclosure requirements relating to personal identifiable information from student Education Records.
- SENMC may also release student educational records without the student’s consent, if one of the additional exceptions set forth in the FERPA regulations applies. (34 C.F.R. §§99.31) Depending upon the exception, briefly described below, SENMC may be required to make a reasonable attempt to notify the student in advance or to notate in the student’s educational record the details relating to a nonconsensual disclosure. *The additional exceptions set forth in the regulation are summarized as:*
    - Disclosure to another College or school in which the student seeks or intends to enroll, provided the disclosure is for purposes related to the student’s enrollment or transfer;
    - Disclosure in connection with financial aid for which the student has applied or which the student has received, as necessary and for certain purposes provided for in the Act;
    - Disclosure to parents of dependent students as defined in section 152 of the Internal Revenue Code of 1986;
    - Disclosure to protect the health and safety of any student or others in a health or safety emergency;
    - Disclosure to accreditation organizations or agencies;
    - Disclosure to authorized representatives of the US Comptroller General or the US Attorney General, the US Secretary of Education, state and local educational authorities for audit or evaluation of federal or state supported educational programs, or for the enforcement of or compliance with federal legal requirements that relate to those programs;
    - Disclosure to comply with a lawful judicial order or lawfully issued subpoena, provided that the College first makes a reasonable effort to notify the student or eligible parent of the order or subpoena, in advance of compliance, so that the student or parent as applicable may seek protective action, *unless pursuant to 34 C.F.R. 99.31(a)(9)(ii) (A)-(C), the subpoena orders non-disclosure of the existence or contents of the subpoena, or information furnished in response;*
    - Disclosure to support legal action in court as may be relevant to the issues being litigated;
    - Disclosure to organizations conducting studies for, or on behalf of, educational agencies or institution for the purpose of 1) developing,

validating, or administering predictive tests; 2) administering student aid programs; or 3) improving instruction; provided the study is conducted pursuant to a written data sharing, use and destruction agreement as required by 34 C.F.R. §§ 99.31 (6) (iii) (C) (1)-(4);

- Disclosure of events involving drugs or alcohol to parents of students under the age of 21
- Disclosure to Parents and guardians if the student is determined by the College to be a danger to himself or herself, to others, or to property.
- Disclosure of the final result of a student judicial proceeding to the alleged victim in which the alleged perpetrator/student was charged with violating SENMC policies or rules relating to a crime of violence or non-forcible sex offense;
- Disclosure of the final result of a student judicial proceeding to a third party related to charges filed and associated with a crime of violence or non-forcible sex offense, if the student was found to be responsible for violating the College's rules or policies. Disclosure is limited to the name of the violator, the type of violation found to have occurred, and the sanction imposed by the College; and
- To disclose information about sex offenders and other individuals required to register under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 14071, and the information was provided to the College under 42 U.S.C. 14071 and applicable federal guidelines.

#### VI. Reporting Requirements After Disclosure Without Prior Consent

- a. General Guidelines for Reporting After Disclosure Without Prior Consent - FERPA require schools to record all requests for access to, and all disclosures of personal identifiable information (PII) from student educational records, EXCEPT FOR 1) disclosures to School Officials with Legitimate Educational Interest; 2) disclosures in response to certain judicial orders or lawfully issued subpoenas; 3) disclosures of Directory Information for students who have not opted out of the directory; and 4) disclosures directly to the student or eligible parent.
  - SENMC shall maintain the disclosure records with the student's Education Records for as long as the student's records are maintained.
  - The recorded information shall include the parties who have requested or received student educational records and their legitimate interests in requesting or obtaining the information.
  - Students and eligible parents have a right to inspect and review the record of disclosures. See 34 CFR § 99.32 for the full list of recordation requirements.

#### VII. Prevention of FERPA Protected Data and Protocol in Event of Breach

- a. Data Security - SENMC shall establish and maintain information security policies and procedures to protect the privacy of student educational data.

- b. Training - SENMC shall ensure that its administration, faculty, staff and contractors as appropriate, receive FERPA and data security training at least biennially in order to raise awareness of this rule and the College's obligation to meet the requirements of FERPA and its regulations.
- c. Data Breach or Compromise - SENMC employees and contractors who access student educational records and data in the course and scope of their employment shall report any suspected, minor, accidental or other data compromise that they know about, or reasonably should know about, to Student Services or IT Officer for proper review and resolution. Upon receipt of a report of a possible or actual data security breach, preliminary review and analysis will be conducted by the IT and appropriate action will follow. Depending upon the nature of the breach, such action may involve a formal investigation, which shall be conducted in an objective, prompt and thorough manner. The factual findings of the preliminary review and the formal investigation, if any, shall be documented, and proper notifications made to affected individuals and internal and/or external entities, as appropriate, including but not limited to the Family Policy Compliance Office (FPCO) of the U. S. Department of Education.

#### VIII. Grievance Procedure for an Alleged Violation

If a student or eligible parent is denied access to inspect student educational information; information is wrongly released or disclosed without consent or exception from the requirement for consent; a request to supplement or amend the student's educational record is denied; or any other violation of FERPA is alleged, the student or eligible parent may file a complaint with: 1) the SENMC President's Office, or 2) The federal Office of Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Ave. SW; Washington D.C. 20202-5901 (202) 260-3887.

# **SOUTHEAST NEW MEXICO COLLEGE BOARD POLICY**

## **Section F – Policy 600 – Admissions and Registration**

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- I. Admissions - Southeast New Mexico College (SENM) is an open admissions postsecondary institution. Prospective students who have graduated from an accredited high school, have earned a high school equivalency, are transfer or visiting students, or are dual enrolled in high school and college or pursuing a high school equivalency may apply. Prospective students who are 18 or older and did not graduate from high school or the equivalent may be admitted as non-degree until ability to benefit has been met. Admission to the College does not guarantee admission or enrollment into a particular course or program of study.

A student may be accepted for undergraduate admission to SENMC as a:

- Degree-seeking student
- Certificate-seeking student
- Non-degree seeking student

General admission requirements and program admission requirements will be outlined by the President in the College Catalog and Student Handbook. General admission procedures shall be under the direct supervision of Student Services. SENMC is committed to providing equal access to all students who make use of College programs and services. Southeast New Mexico College will comply with federal and state laws and regulations, including the Title VII Civil Rights Act of 1964 and 1990, Executive Order 11246 Section 504 of the 1973 Rehabilitation Act, the Age Discrimination Act of 1967, the Americans with Disability Act of 1990, as amended, the Vietnam Era Veteran's Readjustment Act of 1974, and Title IX of the Educational Amendments of 1972. If an applicant feels that he/she has been unjustly denied admission to the College, he/she shall follow an appeal process as outlined in the College Catalog.

II. Registration

- a. The President shall ensure that registration activities and procedures are developed in accordance with College policies.
- b. Pre-registration procedures shall be developed to maximize student planning, advisement, and placement into appropriate classes.
- c. It is the policy of the College to offer equal access to courses and programs being offered for all students who have any needed prerequisites, subject to enrollment limits and deadlines.

- III. Tuition and Fees - The Board shall establish, at the recommendation of the President, tuition rate for both credit and non-credit classes. The President shall establish guidelines for tuition and fee refunds paid to the College. SENMC will comply with state laws and regulations in regard to establishing residency for tuition purposes, including NMSA 1978, Section 21-1-4 and all

applicable published guidelines from the State of New Mexico Higher Education Department, including the option of allowing nonresidents to pay New Mexico resident rates 1) during the summer term, and 2) when enrolled in up to six credit hours during a fall or spring term.

## **SOUTHEAST NEW MEXICO COLLEGE BOARD POLICY**

### **Section F – Policy 700 – Institutional Review Board**

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The Institutional Review Board has institutional responsibility for:

1. Assurance of protection of human subjects involved in research or related activities;
2. Assurance that the college fulfills its contractual and federally mandated obligations relative to protection of human subjects, if applicable; and
3. Maintenance of policies and procedures for protection of human subjects which are, at a minimum, in accordance with applicable regulations of funding and regulatory agencies.

The SENMC Institutional Review Board shall be composed of a minimum of five members including the lead for Institutional Research, a faculty member, a student services staff member, the Chief Student Officer, and a designee of the President. The lead for Institutional Research will serve as the convener and chair.

Any undertaking in which an SENMC faculty member, staff member, or student investigates and/or collects data on human subjects for research or related activities may be construed as "involving human subjects". It is the responsibility of each investigator to seek review by the Institutional Review Board of any proposed study involving human subjects prior to initiation of the project. Also, it is the responsibility of each investigator to ensure that research is implemented and records are maintained as stated in the project proposal.

The specific responsibilities of the designated Institutional Review Board are to:

1. Review all research (or related activity) projects involving human subjects.
2. Recommend appropriate action on these projects within the guidelines set forth by the applicable federal granting and regulatory agencies, if applicable, as well as any applicable SENMC Policy.
3. Review all proposed changes in previously approved research studies and recommend appropriate action on these changes within the guidelines set forth by the applicable federal granting and regulatory agencies and the SENMC Institutional Review Board.
4. Respond to reports of unanticipated problems and allegations of noncompliance concerning protection of human subject regulations and, in cases where corrective action is needed, recommend appropriate actions to the SENMC President.
5. When participating in a cooperative project with another entity, enter into a joint arrangement, rely upon the review of another qualified Institutional Review Board or Human Subject Review Board, or make similar arrangements in accord with guidelines set forth by the applicable federal granting and regulatory agencies and SENMC policy.

## **SOUTHEAST NEW MEXICO COLLEGE BOARD POLICY**

### **Section F – Policy 800 – Student Complaints and Grievances**

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- I. Student Complaint and Grievance Process - The process for the resolution of student complaints and grievances is governed by SENMC policies, procedures, and, in certain instances, external bodies such as the New Mexico Higher Education Department and the U.S. Department of Education. An overview of the student complaint and grievance process is available on the SENMC website under Student Services. This site serves as a reference point for the filing of all complaints, including academic and non-academic complaints, as well as those related to federal financial aid, online degree and certificate programs, and Title IX. The SENMC Student Handbook also provides additional guidance for students and anyone assisting them with the resolution of their concern.
- II. Student Complaint and Grievance Questions - Questions about any complaint or grievance, including assistance with the process to be followed, should be directed to the SENMC Chief Student Officer.
- III. Appeals to the New Mexico Higher Education Department - In accordance with Federal Program Integrity rules, the New Mexico Education Department (NMHED) reviews complaints regarding public and private post-secondary institutions in New Mexico. NMHED will receive complaints that were unable to be resolved through the institution's internal complaint process. Generally, in order to file a complaint with NMHED, students must have already filed with and received a response from the institution.

The New Mexico Higher Education Department

2044 Galisteo Street, Suite 4

Santa Fe, NM 87505-2100

505-476-8400

<https://hed.nm.gov/students-parents/student-complaints>

## **SOUTHEAST NEW MEXICO COLLEGE BOARD POLICY - SECTION G**

### **Section G – Facilities and Security – Policy 100 - Purpose and Overview**

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SENMCM ensures the management, operation, repair, renovation, and construction of the fixed physical assets of the College. All construction activity on College-owned facilities is mandated by state law to be done in accordance with applicable building codes. Only those entities licensed and acceptable to the Construction Industries Division and to SENMCM shall be allowed to perform construction-related activities. Some construction projects may also require approval of the Higher Education Department and the State Board of Finance.

#### **Campus Master Plan**

The President working in conjunction with the Chief Business and Finance Officer are charged with the responsibility for the development and maintenance of facility master plan:

1. All capital projects that fall under the following categories must be submitted to the Board of Trustees for approval:
  1. Purchases of real property
  2. Any project which results in the addition of square footage, whether from the construction of a new facility or of building addition or of purchase or portable buildings;
  3. Any proposal to issue bonds;
  4. Any major alteration or site improvement and
  5. Any demolition of an existing building.
2. Any change in the size of the project of 10 percent or over 1,000 net assignable square feet, whichever is larger; a 10 percent change in the type or purpose of planned space; or a change in the total project cost of 10 percent or \$100,000, whichever is larger, shall be resubmitted to the Board of Trustees for approval prior to authorizing the additional expenditure.

#### **Contract Projects Construction Contract Award**

The Board of Trustees authorizes construction contracts to be awarded to the lowest responsible bidder consistent with applicable law.

#### **SELECTION OF ARCHITECTS, ENGINEERS, LANDSCAPE ARCHITECTS AND SURVEYORS**

To assist the Chief Business and Finance Officer in the selection of an architect and/or engineer for a capital outlay project, a selection committee may be established to screen potential firms through a request for proposal (RFP) process or a selection may be made through a cooperative procurement agreement when the RFP is issued. This shall be in accordance with New Mexico procurement code (13-1-28 through 13-1-199 NMSA 1978). The members of the selection committee will send individual evaluation sheets to the Chief Business and Finance Officer for the three most qualified firms. The Chief Business and Finance Officer will review the assessments of the selection committee members and



develop a final tabulation sheet, which will be available for public review. The Chief Business and Finance Officer will then select a firm to design the capital outlay project with approval of the president.

The Board of Trustees authorizes the SENMC administration to select professional design firms to design small public works projects on campus. A small public works project shall be defined as one with fees between \$50,000 and \$100,000. The selection of these firms shall be through the same procedure as above and the number of firms selected shall be in accordance with NMSA 13-1-153 and NMSA 13-1-154. Utilization of services under these awards shall be administered through a College professional service contract for each project and approved by the director of procurement services and the Chief Business and Finance Officer or their designee(s). These firms will be selected through the same procedure as detailed above and in accordance with New Mexico Procurement Code (13-1-28 through 13-1-199 NMSA 1978).

Architects and engineers may also be employed for small maintenance remodel projects via professional service contracts as specified in the New Mexico Procurement Code (13-1-28 through 13-1-199 NMSA 1978) when approved by the director of procurement services and the Chief Business and Finance Officer.

The Board of Trustees authorizes the College administration to negotiate architect's and/or engineer's fees in all cases. The Chief Business and Finance Officer, in coordination with the President reserve the right to terminate any capital project contract for nonperformance of duties.

#### Academic Space Utilization

Academic facilities are owned by SENMC, and operated to meet SENMC teaching, research, and service missions. The Academic Affairs' Office working in conjunction with Registrar are ultimately responsible for effective academic facilities management, including the authority to assign, to relieve from assignment and to reassign academic space as necessary.

#### INFORMATION MANAGEMENT AND DATA SECURITY

This Rule defines appropriate and inappropriate use of SENMC-owned and controlled resources, such as electronic devices, software, computer systems and networks that are directly, or through a third party, used to transmit, receive, process or store information or data such as computers, servers, databases, Personal Data Assistants (PDAs), telephones, wireless devices, e-mail systems, voice messaging systems and internet connectivity. Also included is the use of non SENMC-owned electronic resources storing or connecting to SENMC data. In addition, the Rule defines privacy of data, copyright/intellectual property rights to data, and data ownership and access.

#### ACCEPTABLE USE OF ICT EQUIPMENT AND RESOURCES

Ownership and Use: SENMC computing equipment and resources are owned and/or administered by

the Board of Trustees of SENMC. Access to SENMC equipment and resources is a privilege granted to students and employees to facilitate instruction/learning, research and administration. All users of SENMC computing equipment and resources are required to affirm the following:

I have read the Acceptable Use Rule, and I understand and agree to abide by the terms of the Rule. I also understand that my use of SENMC equipment and resources must be in accordance with the Rule. I recognize that violations of this Rule may cause restriction or elimination of my access to SENMC computer resources, other disciplinary action, or civil or criminal penalties.

#### PURPOSE

This Rule specifies the approval requirements for the purchase of software systems that interact with College data. The acquisition of any software system that interacts with College data or has enterprise-wide impact requires approval by the appropriate College data custodian(s), Procurement Services Office and the College's central computing department, ICT. Failure to do so shall result in one of the following:

1. Delay of the software system's implementation and integration with the College's central systems
2. Postponement of related technology project
3. Exclusion of the system from connectivity to College systems and data

Practices such as "vendor exercising," which is the practice of inviting vendors to demonstrate their products prior to Procurement Services Office's involvement in the product's purchase, violate SENMC purchasing guidelines and are prohibited.

#### THE PROCESS

The acquisition and implementation of software systems Rule process, Security Guidelines, details the software systems evaluation, notification of potential software systems acquisition, and the acquisition approval process.

SENMC contracts with a security company to provide its security needs.

## **SOUTHEAST NEW MEXICO COLLEGE BOARD POLICY**

### **Section G – Facilities and Security - Policy 200 - Web Privacy Policy**

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Protecting the privacy of visitors to our website is important to us. This policy was developed to accomplish the following:

- To educate users of our site about privacy topics relevant to the web.
- To inform users of the standards and guidelines employed on the SENMC public website to protect their privacy.

SENMC complies with all state and federal regulations including but not limited to, Health Insurance Portability and Accountability Act (HIPAA) and the Family Educational Rights and Privacy Act (FERPA), which prohibits the release of health and education records without student permission. For more information, view the US Department of Health and Human Services HIPAA website

(<https://www.hhs.gov/hipaa/for-individuals/guidance-materials-for-consumers/index.html>) and

Department of Education FERPA website

(<https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>).

Southeast New Mexico College maintains its websites on a continual basis, but it does not represent or guarantee that all information provided is accurate, complete, or current. Southeast New Mexico College renounces any and all liability for claims or damages that may result from its websites or information contained within it, including any third-party websites linked to or from Southeast New Mexico College websites, the third-party providing the information holds the responsibility. Links from Southeast New Mexico College websites in no way imply endorsement of those sites by Southeast New Mexico College.

This privacy policy covers any sites hosted on the senmc.edu domain and any subdomains.

#### Information Used or Gathered on the SENMC Website

Every effort is made to ensure that confidential information is secure and that any information gathered is used appropriately. The following describes what information is used or collected and how it is protected.

#### Personal Information

SENMC collects Personally Identifiable Information (PII) only when the visitor provides this information directly to SENMC, such as by voluntarily submitting a form, creating an account, registering for classes, responding to surveys, or completing the online admission application. SENMC may also collect information through voluntary interaction with SENMC's social media platforms.

SENMC may use PII to communicate with you about academic programs, events, and other news at

SENMC. SENMC may partner with outside vendors to provide certain services on our behalf, such as but not limited to, email and mail distribution, fulfillment, and shipping. These third-party vendors will have access to the information needed to perform their functions but may not use that information for any other purpose.

Any time that a user logs into SENMC resources with their SENMC account, the username and password entered are secured. Similarly, any transfer of private information on SENMC websites is secure. This means that any data sent from the user's cyber space browser to SENMC servers and cloud software (and vice versa) is encrypted.

#### Information Used to Analyze Web Traffic Patterns

Southeast New Mexico College uses Google Analytics to collect various data about visitors to SENMC websites. It is only used to assist Southeast New Mexico College in determining areas of interest and usability of SENMC websites. Examples of this information include, but are not limited to:

- The IP address from which you access our website.
- The name of the domain from which you access our website.
- The pages, files, documents, and links that you visit.
- The type of browser that you used to access our website.
- The date and time you accessed our website.
- The website address that referred you to our site by clicking on a link

#### Cookies

Cookies are small files that are downloaded to your device when you visit a website. These files are used to improve the user's experience on a site or customize information for individual users. Cookie data is not used to collect personally identifiable information of visitors to SENMC websites. Southeast New Mexico College uses Google Analytics, Google Advertising, Google Signals, Google Tag Manager, Google Search Console, and other relevant Google Analytics Advertising Features. To learn more about Google Analytic Cookies or Google Advertising Cookies visit the Google Analytics Safeguarding Your Data webpage (<https://support.google.com/analytics/answer/6004245>). Users have the option to opt-out and can read more on the Google Analytics Opt-out process webpage (<https://tools.google.com/dlpage/gaoptout/>).

#### Remarketing and Conversion Pixels

Remarketing and conversion pixels are placed on Southeast New Mexico College's website for the use of digital advertisements, including in-app advertisements and paid keyword searches. In addition, these pixels allow Southeast New Mexico College to advertise to past website visitors. Southeast New Mexico College's digital advertisements are served to users through third-party vendors (including, but

not limited to, Facebook and Google AdWords) and ads may be seen on sites across the Internet. These third-party vendors may use cookies to serve you more relevant advertisements based on information about your visit to our website or other websites. Visitors to the Southeast New Mexico College website can opt-out of third-party vendors' use of cookies through the Network Advertising Initiative opt-out feature (<https://optout.networkadvertising.org/?c=1>).

#### Chat Feature

SENMCM makes some chat features available to its users. Any information shared through a chat feature could become public information. Therefore, please do not disclose any personal information in these areas.

#### Surveys

Surveys may be found on SENMCM websites at any time. Unless indicated otherwise, any confidential information gathered in a survey is only used for the purposes of the research being conducted. Unless otherwise noted, responses given in a survey are not connected to individual users in any way. Aggregate data from surveys may be shared with external third parties.

#### Contact Information

For any questions regarding Southeast New Mexico College's Privacy Policy, please email [webmaster@senmc.edu](mailto:webmaster@senmc.edu).