

**New Mexico State University
Administrative Council Minutes
July 8, 2008**

The meeting was chaired by Waded Cruzado in President Martin's absence.

1. **Minutes of June 10, 2008**

The minutes of June 10, 2008 were approved as distributed.

Old Business

2. **Proposed Changes to HR Policy [Jennifer Taylor & Deb Weir]**

Jennifer Taylor said they did not receive any input following last month's discussion of the five policy manual sections listed on the agenda, so the items are being presented for a vote today. Elizabeth Titus said she sent a 2-3 page memo to Jennifer and Dr. Cruzado about these items. Jennifer said she had not personally seen the memo but extended an invitation to Elizabeth to discuss her concerns with the Council.

7.08–Employee Assistance Program: Elizabeth did not have her copy of the memo with her but said her main concern was with the mandatory wellness policy under item 7.08. Jennifer said the revised policy mandates rather than suggests that an employee visit with Employee Assistance under certain circumstances. Elizabeth said this puts the institution more at risk and in conflicting positions. Deb Weir said that this would be used under very limited circumstances and specific procedural guidelines would be developed. Elizabeth said she understands the intent but asked if the policy accomplishes that. Does the individual really get help? Does mandatory mean they either get help or they are terminated? Carmen Gonzales said they currently do have the authority to mandate that the individual get help, but a lot of employees go on their own.

Elizabeth said it is important for the employee to want to get help. She asked how would we measure success? Scott Moore said there is only so far we can go as an institution. We have to measure behavior and work performance. There is a psychological risk assessment in each case. Jennifer said the policy documents the right of the employer and provides a mandatory step be taken before termination. Brenda Shannon said if no harm is caused, then it would be better to take this step to protect the institution. Bob Moulton asked if our peer institutions do this. Deb said a number of them do, as well as the county and the city. Elizabeth asked if the university would bear the cost in a rape case where the individual needs a counselor. She asked if we are equipped to handle this. Jennifer said we bear the cost of all the cases we refer. Scott Moore said our counselors are Ph.D. state licensed psychologists and they can handle all cases. Elizabeth asked if the university would cover the cost if a problem needed referral to an outside agency. Scott said he will get further information to share with the Council. The item was tabled until additional information can be provided.

8.15.10–Employee Recognition Program: Elizabeth Titus asked why HR's approval was needed if the recognition was within the policy rules. Jennifer said interpretations vary and we want to be certain the recognition is within the rules and to have a certain standardization in our compensation philosophy. HR's approval ensures that the recognition is within the parameters of the institution. Dr. Cruzado said HR's approval ensures consistency. The policy was approved as presented.

4.30.05–Employee Background Review Policy: Walter Zakahi said the College of Arts and Sciences has had discussions with HR about the cost of the background reviews for departments that have a large number of student employees. Jennifer said the cost issue was raised during the training. She said they can interpret the policy more strictly as written than what was presented in the training. As a result, a lot of students would not be required to have a background review. Walter said one of the areas requiring a background review is when an employee has access to toxins, such as in their labs. Jennifer said she will meet with Dr. Cruzado tomorrow to discuss some of the budgetary concerns and the interpretation of who will require the background review. Jennifer said the policy itself was already approved by the Council. All that is before the Council today is to require a background review if someone discloses a felony. Elizabeth asked what the penalty is if they do not disclose a felony. Deb Weir said the employee could be terminated. The policy was approved as presented.

7.05–Educational Opportunities; Recognition for Employees Earning Degrees: Jennifer said this change will liberalize when an employee can receive a salary increment. She said as with all of these changes, we will negotiate separately with the union to include these changes in their contract. Elizabeth asked if the language could be tightened to tie the performance evaluation to the **most recent** performance evaluation. The policy was approved including the above clarification.

3.40–Drug Free Workplace: Deb Weir said this is a minor revision to make the policy consistent with the law that the threshold for grants and contracts was raised from \$25,000 to \$100,000 for those receiving the grant or contract. Also, the administrator would be changed from the Vice President of Student Success to HR Services. The policy was approved as presented.

New Business

3. Proposed Changes to HR Policy [Jennifer Taylor & D’Anne Stuart]

Jennifer Taylor asked Deb Weir to provide the Council with a summary of the three revised HR policies being reviewed today. These policies all relate to staff. There are parallel policies for faculty which the Faculty Senate will review and then they will be brought to this Council in September or October. The goal is to streamline the appeals and grievance process, to be sure we have appropriate steps for due process, to eliminate going back and forth unnecessarily, and to be sure the process is very clear. We are also using Industry Best Practices to determine if something should be formally grievable or if it should be handled through an informal process.

4.05.11–Appeals/Grievance - Non-discrimination-based Staff, Applicable to All Regular Non-Probation Employees: The proposed changes clarify what a grievance is, what an appeal is, and details non-grievable items. The proposed change removes the Provost’s approval at stages one and two that deal with the due process issue since the Provost has final approval on any recommendation from the HR Review Board, which is the final step in any appeal. The proposed change would also streamline the appeal process by eliminating the extra step of reconsideration by the Provost in step two. Currently, this step allows the parties to provide new/additional information directly to the Provost. However, in the past, no new information was provided and this adds an extra week in the process. The proposed change would also remove the performance evaluation appeal and grievance from this section and move it into chapter 8.50 as a separate appeal stage with a different review board. This is consistent with most other peer institutions and industry. The final change is to add the Director of the Office of Institutional Equity as an ex officio member of the HR Review Board for exempt and nonexempt appeals, which is consistent with our practice. Garrey Carruthers said he would like the Associate Deans’ Advisory Council to have an opportunity to review these changes. Jennifer said they will send it to them. Bob

Moulton said he is very happy to see that performance evaluation is being considered for removal. Elizabeth Titus asked if there was a way to tighten the timeline or to be sure we stick with the timeline so we do not end up with two-year grievances. Jennifer said once this policy is approved, they will present a timeline that will show how the process will take place from start to finish. That will be part of the procedures. Questions or concerns should be sent to Jennifer. This item will come back to the Council for approval.

8.30–Disciplinary Action/Involuntary Termination Policy for Staff: Deb Weir said they are requesting to remove the requirement for the Provost’s approval from all types of disciplinary action. Since the Provost is making the decision at every step, it does not afford our employees true due process consideration.

8.50–Performance Evaluation/Probationary Period for Staff: Deb Weir said this change will establish an informal grievance process for individual ratings that are unsatisfactory or needs improvement. Currently this is the process we are using, but it is not clearly defined. It is basically a mediated, informal process between the employee and the immediate supervisor. There would also be an administrative review process for evaluations that have an overall unsatisfactory rating. The grievance/appeal process described in section 4.05.11 would be eliminated. Elizabeth Titus said some employees have asked to change certain words on their performance evaluation. Deb said that would be an informal discussion with the supervisor, but the wording used on the evaluation is up to the supervisor’s discretion.

All three of the above items will be sent to the Associate Deans’ Advisory Council for their review and input before being voted on by this Council. Dr. Cruzado asked that the associate deans be informed that Deb Weir will visit with them about these changes if they would like.

4. NMSU Hazing Policy [Scott Moore & Angela Arvizo]

Scott Moore introduced Angela Arvizo, Student Judicial Services Coordinator, who deals with all non-academic misconduct. Scott said he thinks it is important that we have a philosophical statement that deals with this issue. Angela distributed a handout on the prohibition of student hazing at NMSU. Angela said they collaborated with Greek Life and Athletics and also looked at policies at other universities on language to define what hazing is and what is not allowed. The language was also reviewed by our legal counsel and the University Disciplinary Committee, which includes students, faculty and staff. The State of New Mexico does not have an anti-hazing statute. Most states do. Elizabeth Titus asked if Item 6 should not only indicate that we investigate but will also prosecute if necessary. Angela said they can only investigate. The courts would be the ones to prosecute. Scott Moore said it would be handled through the appropriate administrative, civil and/or criminal sanctions. Linda Lacey said she would like the associate deans to be aware of the policy. She was concerned that the language is not strong enough to protect the institution from lawsuits. Bruce Kite said he thinks this language is better than not having it addressed at all. There is no language that will ever prevent us from being sued by parents. As long as we have our policies and we follow them, that is the best ammunition possible. The policy will be revised to indicate the all substantiated violations will be subject to various administrative, civil and/or criminal sanctions, and it will be forwarded to the associate deans for their information. It will return to this Council for approval. Any proposed amendments and/or comments should be sent to Scott Moore at smoore@nmsu.edu.

University-wide Information/Announcements

5. Introduction of New American Indian Program Director, Justin McHorse [Carmen Gonzales]

Carmen Gonzales introduced Justin McHorse, new director of our American Indian Program. Justin said he was very excited to return to his home state of New Mexico following a ten-year absence. He said he looks forward to working with the Council members and will arrange to meet individually with them if they would like.

6. New NMSU Voicemail System Presentation [Shaun Cooper & Norma Grijalva]

Norma Grijalva said several months ago they did a voice mail survey and they received approximately 770 responses. Those responses were used to send out the new voicemail RFP. The new voicemail system will be in place this fall. The new system can mimic our current system if desired. Voicemail can be setup to mimic email. There are three versions of the new voicemail: fully integrated, IMAP, and an unlicensed version where there is a link to a page where the voicemail resides. In the fully integrated voicemail, the mail does not reside on a voicemail server. It resides wherever the individual's email resides and the voicemail becomes an email. Bruce said this means it could be subject to the inspection of public records requests and subject to eDiscovery through the Federal courts. Different users can have different interfaces. With IMAP another separate voicemail mailbox is created. Voicemails in this system are not deleted due to space but by time.

Shaun Cooper said added features, such as converting a voicemail to an email, will have an additional monthly cost. Questions may be sent to Norma at norma@nmsu.edu.

7. Division of Student Success: Plan of Action [Carmen Gonzales]

Carmen Gonzales distributed an executive summary of the Plan of Action from the Division of Student Success. She said NMSU's Living the Vision document provided the foundation for their division, unit, and department goals and learning outcomes. Their division motto is "Student success is everybody's business." Their Plan of Action will be on their webpage shortly and on the Plan-to-Plan webpage.

8. Update on Domenici Conference [Garrey Carruthers & Christina Chavez Kelley]

Christina Chavez Kelley thanked those who had already registered for the conference. She said they have some donors who have agreed to provide sponsored registrations, which means that the registration fee would be waived. At this time, there are 225 registrants. The goal is to have 400 registrants.

Christina also said the free Randy Travis concert will be on Friday, August 22 from 1-3 p.m. All seats will require a ticket. All tickets will be issued by the Pan American Center Ticket Office beginning July 22. Those who have registered for the conference will automatically receive a reserved ticket for the concert.

Christina and her staff are now housed in Room 217 in Branson Hall (the old library).

Garrey Carruthers said he spoke with Steve Bell, Senator Domenici's Chief of Staff, this morning. Steve is working on the Thursday evening speaker. That is the only gap in the program. Nick Franklin, Garrey and others will be fundraising in the next 30-45 days for this event.

9. Worker Injury Report for January-June 2008 [Katrina Doolittle]

Katrina Doolittle distributed the Worker Injury Report for January-June 2008. Last year she distributed an annual report indicating that the number of lost work days had decreased by more than half. In this six-month report, the number of recordable claims has decreased by 52 percent; the number of claims with lost time has decreased by 64 percent; and the number of lost work days has decreased by 72 percent. The new worker's comp coordinator began on December 2007, and we are seeing a dramatic change in our claims management. She said our injury rate has an impact on our worker's comp premium. It is part of the formula. Just last week, Katrina learned that it also has an impact on our grant awards. If our work-related accident rate is too high, we will not be eligible for certain grants.

She also distributed the Quarterly Incident Report organized by department that indicates the incident date, job title, specific activity, injury cause description, total days away from work, and total restricted days. This report also reflects a great improvement.

10. Executive Vice President/Provost's Report [Waded Cruzado]

Dr. Cruzado said they held their first Summer Leadership Retreat with our community college presidents and chief academic officers and deans. They reviewed goals from their spring retreat to see if we are making progress in our "One University" concept. They came up with a very detailed action plan that will guide us through the academic year. The chart will be distributed shortly.

Next week the Board of Regents Retreat will be held in Ruidoso.

Other:

Waded Cruzado welcomed Virginia Higbie, NMSU retiree and current interim dean of the College of Health and Social Services.

Waded also welcomed Russell Hardy, new president of our Carlsbad campus.

Tim Nesbitt asked if the Administrative Council minutes will be posted on the President's webpage or on ACAP's webpage. They will be posted on the President's webpage shortly.

Joe Pfeiffer said Faculty Senate will propose five nominations for the Presidential Search Committee. Three will be faculty members from our Las Cruces campus and two will be from our community colleges. Two will be selected from the Las Cruces campus and one will be selected from the community colleges. Only the Faculty Senate Chair served on the previous presidential search committee.

Ricardo Rel said he is preparing some talking points for November's General Obligation Bond issue for use in speaking with various groups.

Next Meeting: Tuesday, August 12, 2008, 8:30 a.m., Corbett Center, Colfax Room #210