

New Mexico State University

Audit Services

Audit of Resolution of No-Confidence Proposition 04-21/22

January 24, 2022

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EXECUTIVE SUMMARY

To: Dr. Ammu Devasthali, Chair Regents Audit and Risk Committee

From: Audit Services

Through: Rick Rivas, Interim Chief Audit Executive 

Subject: Audit of Resolution of No-Confidence

On behalf of the Board of Regents Audit and Risk Committee (RARC), Audit Services has conducted an audit to build an understanding of completeness, accuracy, and validity of the items included in Faculty Senate Proposition 04-21/22: A Resolution of No-Confidence in the President and Provost of New Mexico State University - Appendix A: Misappropriation of University Funds, Appendix B: Unethical Hiring and Promotion Practices, Appendix C: Deliberate Circumvention of Due Process, Appendix D: Rejection of Principles and Practices of Shared Governance, and Appendix E: Broader Impacts of Systemic Failure of Leadership.

The requested audit reviewed the facts, circumstances, applicable policies, and procedures relevant to the violations alleged in the above-referenced proposition, in accordance with international internal auditing standards promulgated by the Institute of Internal Auditors (IIA).

Audit Services **did identify** instances of non-compliance with NMSU policies, rules or procedures, and lack of adequate oversight, resulting in some **findings and observations**. In addition, areas of improvement are noted herein. Audit Services purview includes university processes, policies, and adherence to such but does not duplicate efforts and investigations conducted by the Office of Institutional Equity (OIE) pursuant to the policy applicable to OIE's role and responsibilities.

After review, analysis, and research of the topics covered by this Audit, Audit Services summarizes the outcomes as follows:

Appendix A: Misappropriation of University Funds

- Exorbitant Number of Associate/Vice Provosts

Outcome: *Audit Services determined the claim of an exorbitant number of Associate/Vice Provost positions was unsubstantiated.*

Technology and Other Academic Packages Purchased

Outcome: *Audit Services found that the misappropriation of university funds in reference to Technology and Other Academic Packages was unsubstantiated. The outcome reflects information gathered and reviewed by Audit Services during the audit timeframe but does not encompass all existing material or evidence.*

- Department Scorecard

Outcome: *The claim of propagated return on investment/NMSU goals/scorecard measure as a punitive tool of human capital measures was found to be unsubstantiated.*

Appendix B: Unethical Hiring and Promotion Practices

- Graduate Faculty Fellow Position/Interim Associate Dean Hiring Action

Outcome: *Audit Services found the Graduate Faculty Fellow/Interim Associate Dean Position hiring claim to be substantiated due to **non-conformance, lack of enforcement, and internal control weakness of HRS processes**. Non-conformance to HRS processes by the Provost Office is shown to be more of a control breakdown rather than human error.*

Promotions and/or Hires

Outcome: *Audit Services found that the non-advertisement claims for promotions and the Visiting Advisor hire to be unsubstantiated; however, noted **non-conformance to HRS processes**.*

- Quid Pro Quo Promotion to Full Professor

Outcome: *Audit Services found the quid pro quo claim to be unsubstantiated.*

Appendix C: Deliberate Circumvention of Due Process

- Library Information Request

Outcome: *Audit Services found the claim of mishandling of library information requests to be unsubstantiated.*

- Accountability & Responsibility to Faculty Constituents

Outcome: *Audit Services found the claim of lack of accountability and responsibility to faculty constituents to be unsubstantiated.*

- Faculty and Human Resources/Employee & Labor Relations

Outcome: *Audit Services found that the claim of Deliberate Circumvention of Due Process in relation to the faculty and human resources/employee and labor relations process to be partially substantiated due to the absence of written procedures and process steps. In addition, fragmentation of the faculty grievance process across multiple university units (i.e., OIE, Human Resources, ELR) caused inefficiencies to the grievance process and process breakdowns.*

Appendix D: Rejection of Principles and Practices of Shared Governance

- College of Education and College of Health and Social Services Merger

Outcome: *Audit Services found that rejection of principles and practices of shared governance as referenced to the College of Education, College of Health and Social Services merger to be unsubstantiated with recommendations, which can be attributed to shared governance and policy weaknesses. This reflects information gathered and reviewed by Audit Services during the audit timeframe but does not encompass all existing material or evidence.*

- Safety & Security Concerns on Campus

Outcome: *Audit Services found safety and security concerns on campus to be unsubstantiated.*

- Creation and Perpetuation of an Adversarial Relationship

Outcome: *Audit Services substantiated that adversarial conditions exist. This is incumbent on all to resolve.*

Appendix E: Broader Impacts of Systemic Failure of Leadership

- Blanket policy prohibiting Las Cruces students from enrolling in branch campus online courses

Outcome: Audit Services found that the blanket policy prohibiting Las Cruces students from enrolling in branch campuses may negatively impact students to be unsubstantiated.

- Additional Systemic Impacts

Outcome: Audit Services found that Additional Systemic Impacts to be substantiated, which is incumbent on all to resolve. The lack of trust and adversity may result in potential financial loss and reputational harm to the University.

Audit Services would like to thank and acknowledge Faculty and Staff for their cooperation and assistance throughout this audit.

This report was based on the review and research results conducted by Robert Doyle, Interim Chief Privacy Officer and IT Compliance Officer, John Frye, Staff Auditor, and Nova Pena, Associate Auditor. Audit Services is available to answer questions regarding this report.



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Interim Chief Privacy Officer and IT Compliance Officer



John Frye,
Staff Auditor



Nova Pena,
Associate Auditor

c: Adam Cavotta, Chief of Staff, NMSU Board of Regents
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PURPOSE AND SCOPE

The purpose of the audit is to build an understanding of the completeness, accuracy, and validity of the items included in Faculty Senate Proposition 04-21/22: A Resolution of No-Confidence in the President and Provost of New Mexico State University. The scope encompasses Appendix A: Misappropriation of University Funds, Appendix B: Unethical Hiring and Promotion Practices, Appendix C: Deliberate Circumvention of Due Process, Appendix D: Rejection of Principles and Practices of Shared Governance, and Appendix E: Broader Impacts of Systemic Failure of Leadership. In addition, the audit will verify compliance with University and department policy.

BACKGROUND

Faculty Senate put forth a resolution of no confidence for President John Floros and Provost Carol Parker based upon a systemic failure of administrative leadership and dereliction of duty to uphold the institution's land-grant mission and Hispanic-serving mission.

On behalf of the Board of Regents Audit and Risk Committee, Audit Services has conducted an audit to build an understanding of completeness, accuracy, and validity of the items included in Faculty Senate Proposition 04-21/22: A Resolution of No-Confidence in the President and Provost of New Mexico State University.

PROCEDURES AND RESULTS

Audit Services identified policies and procedures applicable to this audit, documented processes and procedures, and evaluated data in Banner. Audit Services performed limited analysis utilizing data analytics. Auditors conducted interviews reviewed reports and documentation. Results revealed non-compliance with departmental procedures, control standards, or best practices, which resulted in observations. Additionally, some ***opportunities for improvement*** are provided for consideration. A description of the work performed, findings, observations, and identified opportunities for improvement are detailed within this report.

FINDINGS AND OBSERVATIONS

Appendix A: Misappropriation of University Funds

Exorbitant Number of Associate/Vice Provosts

Audit Services analyzed the Office of the respective Provost Organizational structures of New Mexico State University (NMSU) and University of New Mexico (UNM), which resulted in the following:

The administrators hired, excluding the Visiting Senior Advisor, are not new positions and appear to be replacements; We noted that the NMSU Provost leadership team is similar to UNM's. Not included in the total is the bonus of \$59,000 awarded to the Provost at UNM and the initial \$10,000 moving expense allowance for the NMSU Provost; UNM salaries obtained from <https://sunshine.unm.edu/salary-book/salary-by-job-title.html>.

Outcome: Audit Services determined the claim of an exorbitant number of Associate/Vice Provost positions was unsubstantiated.

Recommendation: None

Technology and Other Academic Packages Purchased

Audit Services conducted an independent review of Information Technology (IT) acquisitions purchased to determine if misappropriation of University Funds (including state and tuition monies) occurred. The review included examination of the applications and systems, the documentation provided by Information & Communication Technologies (ICT), ICT Help Desk, College IT, Marketing and Communications, ICT financial services, ICT Directors, and the Provost's webpage; as a result, determined the following:

Audit Services has determined that the IT acquisitions follow the spirit of the Morrill Act of 1862 (12 Stat. 503; 7 USC 301 et seq.), sponsored by Senator Justin Morrill of Vermont. "An Act Donating public lands to the several States and Territories which may provide Colleges for the benefit of agriculture and the Mechanic arts" marked the first federal aid to higher education. The national system of land-grant colleges and universities developed since then is recognized for its breadth, reach, and excellence in teaching, research, and extension. Land-grant institutions are located in every US state and many territories. These institutions educate the next generation of farmers, ranchers, and citizens and form the backbone of a national network of agricultural extension and experiment stations. Legislation has also expanded the land-grant system to include historically black colleges and universities (HBCUs) and tribal colleges and universities (TCUs). Additional institutional categories are recognized for specific programs. These categories include non-land-grant colleges of agriculture (NLGCAs), *Hispanic-serving agricultural colleges and universities (HSACUs)*, and cooperating forestry schools. NMSU follows the three pillars of a land-grant institution - teaching, research, and extension, which are evident with the alignment with NMSU LEADS 2025 Strategic Plan:

Goal 1 - Building a foundation for success, [about student success]

Goal 2 - Bringing NMSU's vision into focus, [about research]

Goal 3 - Service, Outreach, and Extension: NMSU helps everyone, [about outreach]

Goal 4 - NMSU LEADS 2025: The final goal, [about building a robust university]

Audit Services is aware that multiple administrative, academic, and research units utilize the applications and systems listed. The actual usage may vary depending on the reports, queries, and data received for student success, research, and community outreach. Therefore, there is no way to determine the return on investment (ROI) based upon information obtained within this audit. Data retrieved by the units for teaching, research, and extension is determined by least privilege access, data classifications, and the need to know.

Note – The Senior Vice President of Finance & Administration is the only person at NMSU who holds the delegated authority to sign NMSU contracts and licenses that disburse revenue.

1. Academic Analytics

[Academic Analytics - HOMEPAGE](#)

Academic Analytics aligns with Goal 2 and assists in obtaining the R1 Carnegie designation. Faculty Insight enables scholars, administrators, and students to identify collaborators on campus and throughout the nation by searching for expertise within their extensive database of scholarly works. Scholars control their profiles and can access targeted funding and honorific award opportunities.

- Academic Analytics helps identify subject matter experts based on research outputs.
- It helps discover honorific award opportunities based on scholar-specific characteristics.
- It helps explore funding opportunities relevant to research interests and experience.
- It receives notifications on upcoming funding opportunities, recent activities by colleagues, and honorific award deadlines.

Cost – Partially funded by a grant

	<u>FY22</u>	<u>FY21</u>	<u>FY20</u>
Academic Analytics			
NMSU			79,068

ICT Help Desk Tickets, FY19 – FY21 – 0

College IT Help Desk Tickets, FY19 – FY21 – 0

2. AdAstra

[Higher Education Course Scheduling & Collaboration Tool - Ad Astra \(aais.com\)](#)

AdAstra aligns with Goal 1 and Goal 4 and assists in increasing student retention and graduation, creating a more robust university. The system assists with scheduling and class assignments and schedules. AdAstra can also project future course demand to assist with scheduling courses when students most need them (supporting timely graduation progress).

Cost –

	<u>FY22</u>	<u>FY21</u>	<u>FY20</u>	<u>FY19</u>	<u>FY18</u>
Ad Astra					
NMSU	61,000	57,120	54,400	54,400	54,400

DACC		15,750	15,000	15,000	15,000
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ICT Help Desk Tickets, FY19 – FY21 – 0

College IT Help Desk Tickets, FY19 – FY21 - 0

Some examples of training/user guides - [How-to-see-available-rooms-in-Astra user-guide.pdf \(nmsu.edu\)](#)

3. Watermark Faculty Success (formerly Digital Measures)

[Watermark + Faculty Success \(formerly Digital Measures\) | Watermark \(watermarkinsights.com\)](#)

Watermark Faculty Success aligns with Goal 3 and Goal 4 and assists in increasing Extension and Outreach, creating a more robust university. Utilizing a streamlined, centralized approach for capturing and reporting faculty information, Faculty Success (formerly Digital Measures) supports the following activities:

- Credentialing.
- Annual review.
- Promotion and tenure.
- Faculty web profiles.
- Accreditation reporting.
- Grant applications.

Cost –

	<u>FY22</u>	<u>FY21</u>	<u>FY20</u>	<u>FY19</u>	<u>FY18</u>
Digital Measures					
NMSU	83,157	59,798	52,866	45,933	39,000
EvaluationKit	25,550				

ICT Help Desk Tickets, FY19 – FY21 – 2

College IT Help Desk Tickets, FY19 – FY21 – 0

Audit Services identified some examples of training/user guides - [Watermark Faculty Success | New Mexico State University \(nmsu.edu\)](#)

4. NMSU Analytics (Cognos) & Decision Support

(includes Department Scorecard and the Cost Study-University of Delaware)

[NMSU Analytics \(Powered by IBM Cognos\) - Comprehensive Instructional Guide](#)

NMSU Analytics (Cognos) & Decision Support aligns with Goal 2 and Goal 4 and assist in increasing research, creating a more robust university. The Cognos Enterprise Reporting system is an integral part of the day-to-day operations at NMSU. The current version of Cognos Business Intelligence (BI) v10.2.2 was upgraded to a newer version: Cognos Analytics (v11). In its current state, NMSU's Cognos environment consists of portal tabs and portlets for an improved user viewing experience with limited dashboards and self-service features. With the new version of Cognos Analytics, NMSU will rebrand the environment as "NMSU Analytics" to emphasize university analytics and less on the software. With this upgrade and enhancement to the BI environment, NMSU will be able to:

- Drive data-based strategies with a new modern experience with dynamic self-service analytic functionality and enhanced dashboards.
- Monitor and measure operational efficiencies using metrics accessible in a robust reporting and analytics environment.
- Track progress towards NMSU System Strategic Goals-per NMSU LEADS 2025 Strategic Plan.

Cognos BI 10.x reached the End of Support in April 2018; however, NMSU maintains no-cost Continuing Support through an active Software Subscription and Support Contract.

Cost –

	<u>FY22</u>	<u>FY21</u>	<u>FY20</u>	<u>FY19</u>	<u>FY18</u>
Cognos					
NMSU	170,228	154,884	154,823	134,082	114,094
Upgrade Prof Svc		39,911			
Additional Development Licenses Needed					7,000

ICT Help Desk Tickets, FY19 – FY21 – 110

College IT Help Desk Tickets, FY19 – FY21 – Audit Services noted very few user inquiries related to the Cognos application; the majority of user inquiries were related to server outage events and user access requests. These requests were sent to the central ICT help desk as College IT does not have the level of application access to assist these users fully.

Audit Services identified some examples of training/user guides - [NMSU Analytics \(Powered by IBM Cognos\) - Comprehensive Instructional Guide.](#)

5. Curricular Analytics & Faculty Role in Student Success - Curricular Analytics tool
[Curricular Analytics & the Faculty Role in Student Success | New Mexico State University - Be Bold! Shape the Future. \(nmsu.edu\)](#)
[CSU MSU NDSU NMSU OSU SDSU UI UNR USU UW Curricular-Analytics-and-Equity2.pdf](#)
[Curricular Analytics](#)

Curricular Analytics & Faculty Role in Student Success aligns with Goal 1 and assists in increasing retention, graduation rates, and social mobility within the student population. Curricular Analytics is a free tool purchased through an Association of Public & Land-Grant Universities (APLU) grant. Student progress towards a degree is the most direct measure of student success—however, there are many possible pathways to consider and particular challenges associated with each. Curricular analytics allows users to quantify the complexity of curricula, simulate student progress under various scenarios, and create degree plans that maximize students’ chances to complete their degrees on time.

Curricular analytics facilitates:

- Identification of bottlenecks and key courses in curricula.
- Data-informed curriculum reform/revision efforts.
- Program review and peer institution comparisons.
- Personalization of degree plans optimized for individual students.
- Creation of 2 to 4-year articulation pathways.

Cost – APLU Grant \$0

ICT Help Desk Tickets, FY19 – FY21 – 0

College IT Help Desk Tickets, FY19 – FY21 – 0

Some examples of training/user guides - [Faculty Role in Student Success | New Mexico State University - Be Bold! Shape the Future. \(nmsu.edu\)](#)

6. Navigate and Faculty Role in Student Success

[Navigate | Student Success Management System | EAB](#)

Navigate and Faculty Role in Student Success aligns with Goal 1 and assists in increasing student retention, graduation rates, and social mobility. Navigate is EAB's Student Success Management System, the first enterprise-level technology for student success in higher education. Navigate brings together students, administrators, advisors, faculty, and other staff in a collaborative network to holistically support students across the college journey.

Cost –

	<u>FY22</u>	<u>FY21</u>	<u>FY20</u>
EAB			
Navigate	1,262,680	1,251,720	1,199,200
Navigate Postage	76,226	72,687	69,256
Navigate Media	46,217	43,417	41,143
Navigate List	154,225	149,732	145,372
Adult Learner	320,579	200,000	
Adult Learner Postage	30,696	29,802	28,934
Adult Learner Media	79,514	77,199	62,450
YouVisit	46,350	55,500	
DACC CC Executive Forum	21,742	21,345	
Academic Affairs Forum			29,256

ICT Help Desk Tickets, FY19 – FY21 – 33

College IT Help Desk Tickets, FY19 – FY21 – 0

Some examples of training/user guides - [Navigate Training Center | New Mexico State University \(nmsu.edu\)](#) / DACC provided Navigate training for all faculty members on multiple events.

7. Slate

[Slate Features | Functionality | Technolutions](#)

Slate aligns with Goal 1 and assists in increasing enrollment. In addition, slate is a platform for managing student recruitment and admissions, including undergrad and graduate students.

Cost – Audit Services could not obtain the cost of ownership data within the limited time afforded for this audit.

ICT Help Desk Tickets, FY19 – FY21 – 2
College IT Help Desk Tickets, FY19 – FY21 – 0

Audit Services identified some examples of training/user guides - [Microsoft Word - 2-10-2020 Meeting Minutes.docx \(nmsu.edu\)](#).

8. Cascade

[Cascade CMS - Hannon Hill](#)

Cascade aligns with Goal 4 and assists in creating a more robust university and a more secure web presence. Due to the scale of our web presence, the reduction in workforce and developer expertise at NMSU, and the vulnerabilities in third-party plug-in usage or external libraries, NMSU's current Content Management System is not a sustainable solution for growth. Thus, the purchase of an on-premise license of Cascade CMS is a more robust Content Management System (CMS) and fits well in the overall NMSU technology landscape.

Cascade CMS provides NMSU with the following benefits:

- It allows testing and exploring a solution with a predictable cost of ownership.
- Compatible with our current templated framework (Bootstrap).
- Includes a marketing and analytics tool to provide more opportunity and insight into our advertising and content marketing strategy.
- Includes website support and training.
- Provides workflows within content publishing.
- Provides shareable content across the NMSU system, such as photo assets or news content.
- Provides unlimited domains, sites, and users.
- Cascade supports Section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794d), requires all federal departments and agencies to ensure that their information and communications technology is accessible to people with disabilities compliance guidelines are met across our most visited websites.
- Helps supports marketing and advertisement investments.
- Provides brand consistency and credibility by efficiently updating and sharing content across websites with different owners.
- Replaces an application developed in-house that is currently unsupported (NMSU Newscenter and Experts Guide).

Cost –

	<u>FY22</u>	<u>FY21</u>	<u>FY20</u>	<u>FY19</u>	<u>FY18</u>
Hannon Hill					
Cascade Subscription	7,254	7,254	7,254	7,254	66,106
User Training			1,500		

ICT Help Desk Tickets, FY19 – FY21 – 6
College IT Help Desk Tickets, FY19 – FY21 - 0

Some examples of training/user guides - [Cascade Internal Training Part 2 | New Mexico State University - All About Discovery! \(nmsu.edu\)](#) / [OPEN LABs | New Mexico State University - BE BOLD. Shape the Future. \(nmsu.edu\)](#) / [Editing a Page | New Mexico State University - BE BOLD. Shape the Future. \(nmsu.edu\)](#)

Outcome: *Audit Services found that the misappropriation of University Funds in reference to Technology and Other Academic Packages was unsubstantiated. The outcome reflects information gathered and reviewed by Audit Services during the audit timeframe but does not encompass all existing material or evidence.*

Recommendations:

- *ICT should complete an enterprise-wide system cost of ownership initiative (the true cost of ownership for ICT resources current and projected and a comprehensive assessment of information technology or other costs across enterprise boundaries over time).*
- *ICT should review the Help Desk processes and systems used regarding Central ICT, College ICT, and other support units (Community Colleges, NMDA, PSL, and siloed units.).*

Department Scorecard

Audit Services conducted an independent review of Department Scorecards. The review included examination of emails, the documentation provided by Faculty Senate, Faculty Senate Chair, Associate Provost, Vice President of Research and the Provost's webpage, as a result, determined the following:

- At the time of this audit, the Department Scorecard system had not been implemented. It is currently in a developmental phase.
- The work on the Department Scorecards, to date, had not been used in decision-making for budgeting or personnel decisions.
- The proposed system of Department Scorecards includes peer, Department Head, and Dean input, as demonstrated in the presentation to the Faculty Senate Committee on Research and Creativity dated October 19, 2021.
- A response from the Faculty Senate Committee on Research and Development of Faculty concerns is currently being developed. However, it has not been submitted to Dr. Cifuentes, Vice President of Research and Dean of the Graduate School, as of the date of this audit.
- Faculty are assessed using current ARP guidelines and not Department Scorecards.

Audit Services has determined that the Department Scorecards have not been used in a punitive manner and have not negatively impacted people of color, at NMSU, to date.

Outcome: *Audit Services found the claim of propagated return on investment/NMSU goals/scorecard measure as a punitive tool of human capital measures to be unsubstantiated.*

Recommendation: *Administration should conduct a follow-up review of Department Scorecards to ensure that upon implementation, the concerns of the Faculty Senate of the potential for discrimination are reevaluated.*

Appendix B: Unethical Hiring and Promotion Practices

Graduate Faculty Fellow Position/Interim Associate Dean Hiring Action

Audit Services conducted an independent review of the hiring action for the Graduate Faculty Fellow Position. This review included interviews with Human Resources Services (HRS), Search Committee Chair, Committee Member, Associate Provost, Faculty Senate Chair, Faculty Senator, and examined hiring artifacts and emails provided; as a result, discovered the following:

- All search committee members must take an orientation within 12 months of the first activities of the committee. Audit Services obtained evidence of search committee members training from the Center of Learning and Professional Development. Documentation shows non-compliance with this process, as some members had never taken the orientation as required, and some members training lapsed.
- A signed Declarations Statement from each search committee member was not executed.
- One candidate scored higher in the ranking, from the search committee rubric, than the only candidate interviewed. Response from the search committee Chair Luis Cifuentes, Vice President of Research and Dean of the Graduate School, was, *“My recollection the candidate, coming from Engineering Technology which does not have a Ph.D. program, would not be the best fit.”*
- Contact with the candidate selected for hire was made by Luis Cifuentes via email before the HRS permission to offer was obtained.
- The offer letter was executed by Luis Cifuentes before the HRS permission to offer was obtained; as a result, HRS was unable to complete its vetting process fully. When Audit Services asked why the process was not halted, the Director of Employment & Compensation Services stated, “HRS did not complete a standard review, and the offer was made prior to our notification. When this occurs, we document that an executive decision was made and our standard process was not completed.” Audit Services inquired if the Assistant Vice President of Human Resource Services was notified of this situation; to date, Audit Services has not received a response.
- The terms of the position and economic compensation changed, and the faculty member was hired in the role as a 1.0 FTE (100% time).
- The offer letter was rescinded for this position (Graduate School Faculty Fellow), and the hired candidate was appointed Interim Associate Dean of the Graduate School.
- Audit Services noted that the Graduate Faculty Fellow Position and Interim Associate Dean of the Graduate School fall under the purview of Luis Cifuentes.
- Faculty postings in People Admin require routing to the Provost Office for approval prior to posting; in addition, this hiring was approved by Carol Parker.

Outcome: *Audit Services found the Graduate Faculty Fellow/Interim Associate Dean Position hiring claim to be substantiated due to **non-conformance, lack of enforcement, and internal control weakness of HRS processes**. Non-conformance to HRS processes by the Provost Office is shown to be more of a control breakdown rather than human error.*

Recommendations:

- *HRS should identify mechanisms to strengthen hiring and promotion internal process controls.*
- *HRS should provide mandatory training to the HRS Processes on a regular basis (i.e., annually.)*

- *HRS should establish a robust procedure for handling exceptions to the HRS process, including but not limited to strong criteria, justification of exception, and final approvals from both Assistant Vice President of Human Resource Services and Vice-Chancellor.*

Promotions and/or Hires

Associate Provost for Academic Administration Hiring

Audit Services conducted an independent review of the hiring action for the Associate Provost for Academic Administration Position. This review included interviews with Human Resources Services, Associate Provost, Faculty Senate Chair, Faculty Senator, and examined hiring artifacts and emails provided, as a result, discovered the following:

- All search committee members must take an orientation within 12 months of the first activities of the committee. Audit Services obtained evidence of search committee members' training from the Center of Learning and Professional Development. Documentation shows non-compliance with this process, as some members had never taken the orientation as required, and some members' training lapsed.
- A signed Declaration Statement from each search committee member was not executed.
- Provost Carol Parker executed the offer letter before the HRS permission to offer was obtained; as a result, HRS was unable to complete its vetting process fully. There was a notation in the HR system stating "that HR standard review process was not conducted and based on an executive decision by Provost."

Vice Provost for Digital Learning Hiring

Audit Services conducted an independent review of the hiring action for the Vice Provost for Digital Learning Position. This review included interviews with Human Resources Services, Associate Provost, Faculty Senate Chair, Faculty Senator, and examined hiring artifacts and emails provided, as a result, discovered the following:

- Provost Carol Parker executed the offer letter before the HRS permission to offer was obtained; as a result, HRS was unable to complete its vetting process fully. There was a notation in the HR system stating "that HR standard review process was not conducted and based on an executive decision by Provost."

Associate Provost Re-classifications

Audit Services conducted an independent review of the Associate Provost for Program Development & Accreditation reclassifications, Associate Provost for Curriculum & Assessment, Associate Provost for Student Success, and Associate Provost for Faculty Development Positions. This review included interviews with Human Resource Services, Associate Provost, and examined hiring artifacts and emails provided; as a result, discovered the following:

- Audit Services found that HRS did not receive reclassification actions submitted electronically through PeopleAdmin; the HRS standard review was not conducted timely on reclassifications.
- The reclassification request memorandums for three of the four reclassifications included the individual for which the request was made. Reclassification requests should not include the

incumbents on reclassification requests. Incumbents will receive a notification upon a final determination made by HRS. This is specified in the Administrative Guidelines for Compensation Management for Exempt Staff on Reclassifications section, pg. 11.

- The HRS process does not require advertising or posting for in-place promotions.

Senior Visiting Advisor Position Hiring

Audit Services conducted an independent review of the hiring action for the Senior Visiting Advisor Position. This review included interviews with Human Resources Services, Associate Provost, and examined hiring artifacts and emails provided; as a result, discovered the following:

- The offer letter was executed by Carol Parker before the HRS permission to offer was obtained; as a result, HRS was unable to complete its vetting process fully.
- The HRS process does not require advertising for term position hires.

Outcome: *Audit Services found that the non-advertisement claims for promotions and the Visiting Advisor hire to be unsubstantiated, however noted some **non-conformances to HRS processes**.*

Recommendation:

- *HRS should identify mechanisms to strengthen hiring and promotion internal process controls.*

Quid Pro Quo Promotion to Full Professor

Audit Services conducted an independent review of the claim of Quid Pro Quo. This review included interviews with Associate Provost, President, Faculty Senate Chair, Chief of Staff President and examined hiring artifacts and emails provided, as a result, concluded:

- The NMSU policy ARP 9.35 – [Effective AY 18/19] Faculty Promotion and Tenure Reviews: Procedural Guidelines and Timeline, Part 2-C applies here. On May 25, 2021, the candidate submitted a request to the Departmental Promotion and Tenure Committee members to expedite the request for appointment review for Interim Dean. A request was made outside the typical faculty promotion policy timeline, and the request was denied.
- There is no evidence to support “quid pro quo” or that “promises of promotion” improperly influenced the hiring decision.
- Audit Services was able to interview the President and Provost on December 17, 2021, and Dr. Pichon, Interim Dean of College of Health, Education, & Social Transformation (HEST) on December 22, 2021, to help gain an understanding of whether a mutual agreement was established.

Outcome: *Audit Services found the quid pro quo claim to be unsubstantiated.*

Recommendation: *None*

Appendix C: Deliberate Circumvention of Due Process

Library Information Request

Audit Services conducted an independent review of the claim of mishandling Library Information Requests. This review included interviews with the Interim Dean of the Library, Associate Provost, Faculty Senate Chair, Faculty Senator, examined emails provided, and compared the redacted and full reports; as a result, discovered the following:

- The initial Inspection of Public Records Act (IPRA) request revealed that it was sent on April 20, 2021, for the Library Audit Report.
- Audit Services noted that separate outside legal counsel sent a request for the Library Audit Report on May 11, 2021.
- The Library Audit Report was issued on May 15, 2021.
- A redacted Library Audit Report was forwarded to the Interim Library Dean on May 18, 2021.
- The Interim Dean was authorized to release the redacted Library Audit Report to Library Staff on May 21, 2021.
- The NMSU Records Custodian requested that a new IPRA request be made on May 21, 2021.
- The Full Library Audit Report was forwarded to the requester's separate legal counsel on May 26, 2021.

Audit Services noted the following; no significant content was redacted from the full report where only personally identifiable information (PII) was removed. Thus, the context was not impacted; in addition, based on the timeline from report issuance from effective IPRA date (clock start date), the release of the full report was within an 11-day window, May 15, 2021 – May 26, 2021.

Outcome: *Audit Services found the claim of mishandling of library information requests to be unsubstantiated.*

Recommendation: *None*

Accountability & Responsibility to Faculty Constituents

Audit Services conducted an independent review of the claim of Lack of Accountability & Responsibility to Faculty Constituents. This review included interviews with Employee & Labor Relations, Associate Provost, President, Faculty Senate Chair, Vice Senate Chair, Vice-Chancellor, President. In addition, it examined artifacts and emails provided, as a result, concluded:

- During the months of March-August 2021, senior administration planned a strategic governance initiative, and a contract was put into place with Teibel Educational Consultants to provide a framework for an NMSU Engagement. A plan was produced to host an August retreat for faculty during this time period.
- On June 29, 2021, Associate Provost for Academic Administration met with Senate Leadership to discuss policy & faculty governance. Audit Services confirmed that emails indicated that communications regarding discussions related to policy and faculty governance prior to the meeting date were sent.

- On July 9, 2021, Associate Provost for Academic Administration sent out a follow-up, which included a document to Faculty Senate President “Ideas from Shared Governance/Policy Meeting.” On the same day, Associate Provost for Academic Administration also sent out an update to Senate Leadership on the new college merger advisory committee and communication and engagement ideas which referenced the “Ideas from Shared Governance Public Meeting.”
- On July 7, 2021, Teibel Education Consultant sent a “Preparing for our gathering” notice to NMSU stakeholders in reference to relevant conversations to consider for gathering in August and requests to respond to the question posed by a consultant.
- On August 29, 2021, Teibel Education Consultants provided “Pre-Gathering” requests to those participating in the arranged presentation.
- On August 31, 2021, Teibel Education Consultants presented to faculty leadership “Building a Shared Governance Mindset.”
- On September 1, 2021, the Teibel Education presentation slides were shared with members who participated in the retreat.
- On September 13, 2021, the Chancellor sent out “Thank you and next steps” to members who participated in the retreat session.
- On September 17, 2021, Post Retreat Next Steps were provided by Teibel Education Consultants to senior administration.
- In November 2021, Teibel Education Consultants Phase II planning was completed, and a contract was signed for this Phase with the Consultants.

Outcome: *Audit Services found the claim of lack of accountability and responsibility to faculty constituents to be unsubstantiated.*

Recommendation: *NMSU should continue to strengthen and identify areas for Shared Governance via the Teibel Shared Governance Engagement and other mechanisms. Communication, trust, transparency, and other collaboration between faculty and administration should also be strengthened; benchmarking and periodic surveys should be used to measure progress over time.*

Faculty and Human Resources/Employee & Labor Relations

Audit Services conducted an independent review of the Faculty and Human Resources/Employee & Labor Relations process. This review included interviews with Human Resources Services, Associate Provost, Faculty Member and examined hiring artifacts and emails provided; as a result, discovered the following:

- On July 1, 2020, a formal announcement was made by Provost Carol Parker to University Administrative Council Members regarding academic Affair reorganization, effective the same date.
- On November 8, 2020, the Provost office officially took over faculty personnel responsibilities.
- Effective November 9, 2020, a Faculty Employee Relations Process was established, which outlines ELR and Provost office roles and processes.
- To date, no policy has been updated to recognize this transition, no Statement of Procedure (SOP) and documented process have been created; however, audit services were told this is in process.

- When a complainant brought forward concerns on July 21, 2021, and July 22, 2021, neither Employer Labor Relations nor Rebecca Campbell, Associate Provost of Academic Administration, provided formal instructions on the grievance process related to the Graduate Faculty Fellow Position.
- There is no supporting documentation to indicate that the complainant was provided formal instructions regarding the complaint process for concern regarding the faculty fellow position hiring process.
- The Associate Provost of Academic Administration instructed the complainant to file an OIE complaint to address discrimination concerns on August 23, 2021.
- Provost and President were out on leave during the time of the complaint, and Dr. Cifuentes, Vice President of Research and Dean of the Graduate School, was designated as acting President July 12, 2021 – July 28, 2021, which created a conflict of interest.
- On August 19, 2021, the Associate Provost of Academic Administration sent an email response in reference to the faculty fellow hiring concern to the complainant. This communication includes that upon examining the documentation that the search was flawed and a brief explanation as to why the position was changed.
- On August 22, 2021, the complainant responded, stating areas of concern, including that due process was not offered.
- On August 23, 2021, Associate Provost of Academic Administration responded that OIE addresses discrimination concerns. On the same day, the complainant responded, stating that other concerns brought to the attention of the Associate Provost of Academic Administration were not addressed. On August 25, 2021, the Associate Provost of Academic Administration responded to the complainant that OIE addresses alleged discrimination and asks for clarification on how the complainant was denied rights.
- No further communication or documentation regarding this complaint was produced.
- The complainant filed an OIE complaint on July 23, 2021. Per the complainant to date, they have not received a response from OIE regarding their filed complaint.

Audit Services did investigate the Graduate Fellowship position hire as stated in Appendix B above: Unethical Hiring and Promotion Practices. As stated, Audit Services found instances in which policy and guidelines were not executed and not aligned with HR policy. In addition, faculty HR policy and other recommendations are listed in this report's Opportunities for Improvement section.

Outcome: Audit Services found that the claim of Deliberate Circumvention of Due Process in relation to the faculty and human resources/employee and labor relations process to be partially substantiated due to the absence of written procedures and process steps. In addition, fragmentation of the grievance process across multiple university units (i.e., OIE, Human Resources, Employee & Labor Relations) caused inefficiencies to the grievance process and process breakdowns.

Recommendations:

- *NMSU Administration should consider shifting all Faculty HRS and Faculty Labor Relations to the central HRS department and refining and documenting faculty labor relations and faculty HRS functions.*
- *The University should strengthen all partnerships between Faculty, HRS, OIE, Labor Relations, and ICT.*

Appendix D: Rejection of Principles and Practices of Shared Governance

College of Education and College of Health and Social Services Merger

Audit Services conducted an independent review of the College of Education and College of Health and Social Services Merger (HEST). This review included interviews with Provost, Associate Provost Academic Administration, Faculty Senate Chair, Faculty Senator, General Counsel, Interim Dean of HEST, examined artifacts, Regents meeting recording and emails provided, and discovered the following:

- August 13, 2020, Interim Dean Cooper discusses with the College of Health and Social Sciences Dean's Advisory Council (alumni and donors) that the proposition is being contemplated. Unable to verify dates due to retirement of Interim Dean.
- August 20, 2020, Provost presents "Repositioning, Health, Education, Social Services and Social Science for Maximum Impact and Future Growth" <https://provost.nmsu.edu/provost-office-projects/hes/HES%20Intro%208.20.pdf>.
- August 24, 2020, Provost sends an email to the members of the NMSU community announcing the concept of creating a new college and research center at NMSU; at the same time, Provost publishes project on a webpage, Provost Proposal: <https://provost.nmsu.edu/provost-office-projects/hes/proposal.html>.
- August 25, 2020, Academic Deans Council discusses proposal.
- On September 1, 2020, Provost launched Task Force, chaired by Dean's Cooper, Pichon, and Pontelli, charged with executing listening sessions, focus groups, and surveys in order to gather thoughts, ideas, and concerns about the proposed concept. Proposed concept: <https://provost.nmsu.edu/provost-office-projects/hes/index.html>.
- On September 1, 2020, the Provost sent out a memorandum to the Task Force Invitees. In the memorandum, the Provost states: "You are charged with collecting input from the NMSU Community with respect to the suggestion that NMSU administratively combines several academic units within the Colleges of Arts and Sciences, Social Sciences Division; Education; and Health and Social Services, in order to create a new College. I am interested in: (1) input on the opportunities and challenges the proposal presents, (2) potential names of the new college, and (3) ideas for how to improve upon the concept if possible. Feel free to use small working groups, listening sessions, surveys, etc. The input you collect should be organized and provided to the Provost's Office by October 16, 2020. I will use it to prepare a formal Bill for submittal to the Faculty Senate seeking its review and recommendation, per APR 2.15. I must submit the Bill no later than October 27, 2020, for it to be introduced at the November 5, 2020 meeting." <https://provost.nmsu.edu/provost-office-projects/hes/Memo-to-Launch-Task-Force-9.1.201.pdf>
- On September 18, 2020, the Taskforce met and selected dates for listening sessions.
- On September 25, 2020, and September 30, 2020, the Task Force conducted listening sessions in order to gather input from faculty and staff in the three impacted colleges.
- On October 1, 2020, October 2, 2020, October 5, 2020, and October 6, 2020, Task Force conducted Focus Group sessions.
- October 6, 2020, the Task Force launched the survey to seek faculty input and position on the merger. On October 12, 2020, the Task Force Closed the survey with 184 responses.
- On October 16, 2020, the Task Force presented the Executive Summary to Provost. <https://provost.nmsu.edu/provost-office-projects/hes/Task-Force-Report-10.16.20.pdf>

- October 19, 2020, Interim Dean Cooper discussed the proposal with the College of Health and Social Sciences Dean's Advisory Council (alumni and donors). In addition, in the Fall Semester, the Interim Dean held several meetings within the College of Education to discuss the proposal: (1) TPAL, (2) Executive Council, (3) support services, and (4) everyone associated with the college Fall Semester.
- Dean of the College of Arts and Sciences held several meetings within the College of Arts and Sciences to discuss the proposal: (1) separate department meetings and (2) separate meetings with relevant department heads. Unfortunately, the Dean was unable to verify exact dates.
- November 5, 2020, the Provost presented at the Faculty Senate Town Hall to discuss the proposal with Deans Cooper, Pichon, and Pontelli. [Recorded Video Link](#)
- On November 19, 2020, Provost met with the Faculty Senate Leadership committee to discuss the proposal.
- November 20, 2020, The Interim Dean discussed the proposal with the College of Education Dean's Advisory Council (donors).
- The ranked-choice voting survey was distributed on January 14, 2021, and was not made available until January 22, 2021, and ranked. Audit Services requested the Choice Survey data to review for correctness, completeness, and accuracy and subsequently verified the analytics provided by Institutional Analysis.
- On January 26, 2021, a formal Proposition was submitted to the Faculty Senate Leadership Committee.
- On January 28, 2021, the Provost discussed the proposition with the Faculty Senate Leadership Committee.
- On January 28, 2021, the Provost submitted a proposition to The Faculty Senate to approve and recommend to the Board of Regents to administratively combine the College of Education, the College of Health and Social Services, and the Department of Sociology, thus creating a new college to be named the College of Health, Education, and Social Transformation (HEST), effective July 1, 2021.
https://faculty senate.nmsu.edu/wp-content/uploads/sites/10/2021/01/14-2021-College-of-Health-Education-and-Social-Transformation-HES_1.28.21.pdf
- On January 28, 2021, the Faculty Leadership Council was assigned the proposition and moved it forward to the Faculty Senate agenda for February 4, 2021. However, on February 4, 2021, Senate Leadership returned the Bill to the sponsor due to a lack of required documentation.
- The Provost sought advice from general counsel; subsequently, the Provost moved forward with the proposition.
- On February 25, 2021, the President met with faculty senate leadership to discuss support of the proposition.
- On March 16, 2021, the Faculty Senate communicated to the faculty regarding a third survey from Senate that was going to be submitted.
- On March 22, 2021, the President, Provost, and Deans held a webinar with faculty. Subsequently, on March 25, 2021, they held the second webinar.
- On March 25, 2021, the Provost met with Senate Scholastic Affairs Committee passing the Proposition as amended.
- On April 1, 2021, the Faculty Senate recommended 'do not pass.'
- The Provost presented the merger to the Board of Regents on May 14, 2021; the University General Counsel assessed the process and determined that the proposal was appropriately in

front of the board. Regent Romero made a motion, and a second was heard to vote on the proposal and passed by the Board of Regents. The approval was to create a new college named the College of Health, Education, and Social Transformation, with an effective date of July 1, 2021. <https://provost.nmsu.edu/provost-office-projects/hes/proposal.html>

- On May 27, 2021, the Provost named an Interim Dean for HEST effective July 1, 2021.
- On July 2021, a Transition Advisory Committee for the College of Health, Education, and Social Transformation was formed. The committee membership was made up of 14 members consisting of faculty, staff, and students, inclusive of all departments and units within the new college. The Transition Advisory Committee has held meetings on the following dates; September 1, 2021, October 15, 2021, and December 6, 2021.
- November 8, 2021, the Graduate Student Council Survey was completed. Information collected by Audit Services shows survey dates as October 25, 2021 – November 4, 2021. Audit Services has a concern on who was surveyed and how the sample was selected; Audit Services could not confirm if the sample was truly random or whether an attempt to include all the graduate students in the survey was done.

Audit Services noted that the ARP 2.15 - Modifying Academic Units policy does not coincide with Appendix - ARP 2.15-A – Academic Units (Procedures for Changes), nor provides any significant content in relation to ARP 2.15. Therefore, Audit Services' is of the opinion that ARP 2.15-A be updated to align with and complement ARP 2.15. Also, it is recommended to strengthen the current policy and clearly define the process for modifying an academic unit.

<https://arp.nmsu.edu/wp-content/uploads/sites/26/2018/01/Appendix-2-15-A.pdf>.

Outcome: *Audit Services found that rejection of principles and practices of shared governance as referenced to the College of Education, College of Health and Social Services merger to be unsubstantiated with recommendations, which can be attributed to shared governance and policy weaknesses. This reflects information gathered and reviewed by Audit Services during the audit timeframe but does not encompass all existing material or evidence.*

Recommendations:

- *Both Administration and Faculty should fully document business process flow and conduct value stream analysis; Process/Value Stream Mapping is a way to identify waste, reduce process cycle times, and implement process improvement. In addition, this methodology helps facilitate information flow, along with other important related data.*
- *NMSU's Administration and Faculty should strengthen communication and transparency bilaterally by informing all stakeholders timely, addressing questions and concerns, including rationale, impact, and value; align communication and actions with the unit and University's mission.*

Safety & Security Concerns on Campus

Audit Services conducted an independent review of the Safety and Security Concerns on Campus. This review included interviews with Employee & Labor Relations and faculty. Audit Services examined emails and documents provided by the Faculty Senate, Faculty Senate Chair, Associate Provost, and Employee & Labor Relations, as a result, determined the following:

- An incident of social media harassment occurred on September 14, 2021, between two faculty members (further incidents ensued).
- The Conduct Assessment/Response and Education (CARE) Committee develops and implements a Safety Plan for the faculty member on September 15, 2021.
- An additional incident occurs, of a person, unaffiliated with NMSU interrupting a class on campus demanding to be heard on September 16, 2021. Campus Police were called to the classroom to remove the individual. (It is not known if the two incidents are related).
- The President released a Safety Memo email on September 16, 2021, notifying NMSU affiliates of the occurrence.
- The CARE Committee updated and implemented a new Safety Plan to include police presence at faculty members' classrooms and residence to ensure the health and welfare of the faculty member involved in both instances.
- The Safety Plan was handed-off to Employee & Labor Relations to oversee on September 23, 2021.
- At the faculty member's request, the Safety Plan was updated on November 11, 2021, i.e. Police presence was no longer necessary.

Audit Services has determined that timely, appropriate, and effective measures were taken to ensure the health and welfare of the faculty member.

Outcome: *Audit Services found safety and security concerns on campus to be unsubstantiated.*

Recommendation: *Audit Services has identified an opportunity for improvement by the Provost's Office to update policies to reflect the current practice of the Provost's Office role in the CARE Committee process of handling faculty safety.*

Creation and Perpetuation of an Adversarial Relationship

Based on the documentation, emails, and interviews with staff, administration, and faculty, Audit Services noted adversarial conditions within faculty and between faculty and administration. This adversity may result in potential financial loss and reputational harm to the University, which may cause a negative impact on the students and all others who use university resources.

Outcome: *Audit Services substantiated that adversarial conditions exist. This is incumbent on all to resolve.*

Recommendations:

- *Both Administration and Faculty should initiate team building, strengthening bilateral trust, and diversity awareness training.*
- *NMSU should initiate skip level one-on-one meetings and 360 feedback programs across all units.*

Appendix E: Broader Impacts of Systemic Failure of Leadership

Blanket policy prohibiting Las Cruces students from enrolling in branch campus online courses

Audit Services conducted an independent review of the impact on students by a policy that prohibits Las Cruces students from enrolling in branch campus online courses, including courses needed for completion and/or not offered by the Las Cruces campus. This review included interviews, emails, and examination of artifacts provided by Associate Provost, President's Chief of Staff, Vice President Student Success, and University Registrar. As a result, the review concluded that there is not a blanket policy but a system-wide process to ensure main campus students take courses on the main campus. Therefore, a primary campus registration restriction was made throughout the NMSU system in July 2020; as a result, Audit Services determined the following:

- NMSU student registration for courses on another campus termed "swirling" was enacted in November 2014.
- Swirl Committee Meetings initially took place on or around July 9, 2019, about a week before the Provost started her appointment. A Swirl Committee was formed to provide a solution to prioritize retention of main campus students and address Higher Learning Commission Standards implicated by allowing "swirling."
- On August 13, 2019, the committee determined to forfeit the original swirling process in order to address student support services, accreditation standards, and revenue loss.
- Registration changes directly correlate to the Higher Learning Commission Standards 3.B2 & 3.C.2.
- Revenue loss reported by the Vice President of Student Success during the Spring 2019 reported a loss of \$2,504,360, Fall 2019 reported loss of \$2,370,888, Spring 2020 reported loss of \$2,137,593 and Fall 2020 reported a loss of \$2,197,844. It was reported to Audit Services that the impact of the decision would be most evident in the Spring 2021 and Fall 2021 data that will be reported soon.
- On July 30, 2020, and July 31, 2020, the announcement is made to staff and faculty that effective immediately, course registration changes would go into effect for main campus students for the Fall semester of 2020.
- Data indicates that 25 exception requests have been approved for main campus students into branch campuses for the Fall of 2021. Denied requests data is not available or tracked. Audit Services was told that denials are made if the same course was available on the main campus and it had available seats.
- There is an exception to the registration restriction and a process for students to request an exception. The procedure for requesting an exception to the Branch Campus Restriction is located in the University catalog and is available on the NMSU Student Records website.

Outcome: *Audit Services found that the claim that the policy prohibiting Las Cruces students from enrolling in branch campuses may negatively impact students to be unsubstantiated.* Audit Services noted that a robust document retention process and flow to retain all requests for exceptions approved or denied is not implemented.

Recommendation: Fully Document the policy prohibiting Las Cruces students from enrolling in branch campuses and Implement a robust document retention process and flow to retain all requests for exceptions approved or denied.

Additional Systemic Impacts

Collectively NMSU's first responsibility is to the students and all others who use university resources. In meeting their needs, everything we do must be of high quality. We must constantly strive to provide value and maintain education and research excellence in the short and long term. We are responsible for the communities in which we learn, live, and work. Research must be carried on, innovative programs developed, investments made for the future.

Outcome: Audit Services found that Additional Systemic Impacts to be substantiated, which is incumbent on all to resolve. The lack of trust and adversity may result in potential financial loss and reputational harm to the University.

OPPORTUNITIES FOR IMPROVEMENT

During the course of the review, Audit Services identified areas of opportunity for future review and consideration by management:

- The faculty promotion process should be augmented to include an expedited/emergency process with strong process controls around justification and well-defined criteria, which must include Chancellor final approval and realistic timelines.