

ACAP
Advisory Council on Administrative Policy
REVISED AGENDA
May 14, 2009
Zuhl Library-Associates Room

3:00 PM

Call to order

Approval of Minutes from April 9, 2009

Old Business

- ACAP Records Archival Task Force
- Police Department Demonstration (rescheduled to June 11th)
- Alternative Dispute Resolution (ADR) policy
- Recommendation regarding Interims

Committee Reports (Attached)

New Business

- Legislative Update – Ricardo Rel, Assistant Vice President for Research and Senior Director For Government Relations
- NM Higher Education Staff Association
- Messages from staff on ACAP email
- New Items from Council Members

Report from the Chair

- Board of Regents – May 8, 2009
- Administrative Council – May 12, 2009

All primary ACAP Members are reminded that if they are unable to attend the meeting to contact an ACAP alternate to substitute for them. If the primary member does not arrange for a substitute, the member will be counted absent.

Next Regular meeting

June 11, 2009 3:00 PM Skeen Hall Room 200

**THE ADVISORY COUNCIL ON ADMINISTRATIVE POLICY
DRAFT
MINUTES OF REGULAR MEETING**

April 9, 2009

Gerald Thomas Hall, Room 297

MEMBERS PRESENT: Mike Abernethy, Kurt Anderson, Roseanne Bensley, Ellen Bosman, Kelly Brooks, Alicia Carabajal, Tim Chappell, Lydia Duran, Woods Houghton, Mohammed Hussain, Norma Ledesma, Lori McKee, Anthony Parra, Nancy Qualkenbush, Karla Thompson

EX-OFFICIO: Cathy Thomas for Cherri Lambeth

ALTERNATES PRESENT: Mack Adams, Linda Beavers, Jaime Marujo, Soum Sanogo

GUESTS: Ben Gabriel, Denise Welsh

CALL TO ORDER AND MINUTES: Kelly Brooks called the regular monthly meeting of the Advisory Council on Administrative Policy (ACAP) to order at 3:03 p.m. The meeting minutes for March 12, 2009 were presented and approved.

-Motion to accept the minutes was made by Woods Houghton

-Seconded by Kurt Anderson

-Motion was passed unanimously

OLD BUSINESS

ACAP Records Archival Process:

The task force has not met. It was determined that Ellen Bosman would lead this task force.

ACAP Listserve:

Anthony Parra set up this listserv. The address is ACAP_L@nmsu.edu. Kelly will send out a test message to members.

Alternative Dispute Resolution (ADR) policy:

Diana Quintana is still working on this issue and will present it to the Committee soon.

Recommendation regarding Interims:

Faculty Senate has sent out a memorial regarding academic administrators recommending that interims should be eligible to apply for the position they are filling. It has been approved by President Cruzado and is on its way to the Regents.

-Motion was made by Kurt Anderson to endorse this recommendation but recommend to the president to broaden the scope from academic to apply to all administrators.

-Seconded by Norma Ledesma

-Motion was passed unanimously

ICT Policy:

A copy of the revised ICT Policy which will be presented to the Administrative Council next week was provided to the Committee members. Ellen brought up the following issues:

- Section 1 is regarding internal policy and should not be in the NMSU Policy Manual;
- NMSU has no copyright policy;
- Questioned whether or not students will read the NMSU Policy Manual regarding their agreement to the Ownership and Use policy;
- ICT should not have the authority to “block access to information alleged to be in violation of copyright laws.” Only NMSU Counsel should have this authority;
- Item 3.75 is bad policy;
- There is no definition of pornography;
- Should use the wording “should be in compliance with all the laws”

Tim Chappell expressed concern that some of these issues may leave the University open to possible law suits. Anthony suggested that ACAP be very specific regarding its recommendations and present them to President Cruzado and Bruce Kite.

- Motion was made by Woods Houghton to recommend to the President that this policy be tabled by Administrative Council to allow further review due to the seriousness of some of these issues
- Seconded by Kurt Anderson
- Motion was passed unanimously

COMMITTEE REPORTS

The Executive Council has decided that Kelly will go through the entire list of committees at each ACAP meeting and ask for the highlights of any meetings that were held.

The Campus Planning Committee met and agreed to purchase a digital sign for the Herschel Zohn Theater. They will hold an open meeting on April 28, 2009 from 5:30-6:30 pm in Corbett Center’s New Mexico Room.

Tim Chappel reported that Faculty Senate met and the Extended Learning College will be requesting monies from ASNMSU.

Tim’s term on Faculty Senate expires this month, but he is willing to continue to serve.

- Motion was made by Kurt Anderson for Tim to continue as ACAP’s representative to Faculty Senate
- Seconded by Anthony Parra
- Motion was passed unanimously

Denise Welsh serves on the Climate Sustainability Committee and reported that plans are being made to establish community gardens for family housing. They are also taking steps to make the campus greener.

Anthony Parra reported that the Business Office has submitted its recommended tuition increase to the Board of Regents and it was approved.

NEW BUSINESS

Police Department Demonstration:

The Police Department was not available for this meeting.

Messages from staff on ACAP email:

One concern was received from a return to work retiree regarding the sunset date of 2012 for the return to work program. It's too late to make a recommendation regarding this issue since the legislative session has concluded for this year, however, it was recommended that we visit this issue and the impact to existing return to work employees. Kelly has asked Ricardo Rel to provide a legislative update at our May ACAP meeting.

New Items from Council Members:

- Ben Gabriel is in charge of Outdoor Recreation at the Activity Center. He reported that May is Bike Month. May 12 is Bike to Work day. A kick off celebration will be held at Presidio Park with a group ride at noon. Roseanne Bensley added that city developers are working to connect different areas of the city to the bike path on Triviz. Lori McKee requested that ACAP introduce a proclamation to President Cruzado regarding NMSU's endorsement of Bike Month.

- Motion for ACAP to endorse this proclamation and recommend approval to President Cruzado was made by Kurt Anderson

- Seconded by Ellen Bosman

- Motion was passed unanimously

- Lori reported that the Wellness Committee agreed with Kurt's recommendation that NMSU retirees should not be charged for using the Activity Center and amended the proposed fee structure in the Wellness Strategic Plan submitted and previously approved by ACAP.

- Lori requested \$500 of ACAP funds for the purchase of water and healthy snacks for the May 12th Bike Day Event. The amount of funds available and any possible restrictions of the funds were discussed. Roseanne recommended that the Executive Committee of ACAP develop guidelines and/or procedures for expenditure of ACAP funds brought before ACAP for approval.

- Motion to provide these funds if available and allowable was made by Kurt Anderson

- Seconded by Ellen Bosman

- Motion was passed with 1 no vote

REPORT FROM THE CHAIR

Board of Regents:

The Board approved an increase in tuition, as well as housing and meal plans. The Presidential search was postponed until the new Board members were confirmed. ACAP will be represented on the search committee.

Administrative Council:

no information to report

Kelly indicated that the Executive Committee of ACAP met with President Cruzado and she is very supportive of ACAP and will continue to meet with them on a regular basis. The President will attend ACAP's May 14th meeting.

The May meeting is scheduled for Thursday, May 14, 2009 at 3:00 pm in the Associates Room of Zuhl Library.

The motion to adjourn was made by Kurt Anderson and seconded by Mike Abernathy. The motion passed unanimously. The meeting adjourned at 4:20 pm.

Retiree Insurance Committee Meeting
Minutes for Special Meeting February 25, 2009
Dove Hall Conference Room

Members Present: Quentin Ford, Gerald Burke, Denise Welsh

Alternates Present: Greeley Myers, Jane Boykin

Members Not Present: Jacky Ryberg, George Roberts, Herman Garcia

Others/Guests: Rene Yoder, Employee Benefits and Lori Bell, BCBS

Call to order: Denise Welsh, Secretary called the meeting to order at 2:10pm

Rene Yoder called for this special meeting to get an update from Lori Bell of Blue Cross Blue Shield (BCBS) since the addition on Sept. 1, 2008 of a Medicare Part D to the plan.

Lori first handed out materials (which were returned to her) showing the experience for the past 5 months for the under 65 group which includes dependents. The per person costs were higher than predicted, based on the average from last year. However according to Rene costs traditionally are higher in the winter months. The end of the coverage year will give us the actual costs. It is possible that a large claim could be in these calculations and large claims are removed for the trending at the end of year.

Rene told the group we will need to look at the numbers again by summer since this is a renewal year and an RFP will be sent out to about 5 companies for a bid on the plan.

Lori continued with a second handout with the experience of the over 65 group which is also covered with Medicare and the Medicare part D for prescription coverage. These figures are only for medical coverage.

Gerald Burke raised a concern; he believes the under 65 group has higher medical costs compared to the over 65, and feels the over 65 group is subsidizing the under 65 group with their premiums. In part he feels this because the university pays 60% of the premium of the under 65 group where only 30% is paid of the 70 and over group. Lori stated even though medical costs are sometimes lower prescriptions costs are much higher. Rene said now with Medicare part D the medical and prescription costs will be compared once we have a year's worth of Medicare part D to look at and there is a possibility of a shift in premiums. Lori also suggested we might want to look at a tiered plan so a less expensive option could be offered.

Lori shared a new service offered by BCBS called Blue Access for Members (BAM) which has partnered with providers nationwide and offer complimentary alternative medicine like massages, discounts on vitamins, supplements, hearing aids, acupuncture, Curves fitness studios, and vision services. This is available to those on BCBS and their family members.

Rene suggested a meeting in April, the 15th was selected at 2:00pm. Lori will give us another update which will include a couple more months in hopes of better predicting the overall costs for the year.

The meeting ended at 3:10pm

Kelly L. Brooks

Subject: FW: Committee Reports

From: Parra,Anthony [mailto:anthony@ad.nmsu.edu]
Sent: Monday, May 11, 2009 6:01 PM
To: Beckie Taulbee; Kelly Brooks
Subject: Committee Reports

Committee Reports

Budget Committee has not met so there is nothing at this time to report. The next meeting is May 15th.

Employee Climate Survey

There has been 2 meetings so far for the Employee Climate Survey. The first meeting was with the Provost who outlined for the steering group to create a survey tool with adequate input from the community and in an effort to survey campus by Fall 09. Copies of the old survey and the results were distributed and we were asked review each. We were asked to find a new survey tool or improve on the previous survey tool that NMSU used. The current group consists of Jon Juarez Chair of Committee, Deb Weir, Pam Hunt, Diana Quintana, Carmen Santana-Melgoza and myself.

The group met again May 8th and discussed methods for surveying the campuses including on-line as well as hard copy, data collection methods, security of the survey, and confidentiality of the survey. In addition the group decided to expand by adding another member, Dario Silva, to the group. The group is currently looking at the possibility of adding an additional Data Analyst person from IRPOA to help guide in the development of the survey. The group is also collecting data regarding best practices and different employee surveys that we can use for guides as we develop our survey.

Anthony J. Parra
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Kelly L. Brooks

Subject: FW: ACAP task force report

From: Bosman, Ellen [mailto:ebosman@ad.nmsu.edu]
Sent: Monday, May 11, 2009 1:21 PM
To: Beckie Taulbee
Subject: ACAP task force report

Beckie,
the following is the report of ACAP's Records Archival task force to be distributed with the agenda/minutes at the next meeting.

Thanks,
Ellen

The Records Archival task force met on May 1 with University Archivist Martha Andrews. Martha explained that the Archives contained very little ACAP materials. She knows there are some ACAP memos received as a result of receiving presidential papers. She explained state regulations with regard to the type of records the Archives should be receiving from ACAP. According to NM Statutes (Section 14-4-2 NMSA 1978) this includes:

"all books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics, made or received by any agency in pursuance of law or in connection with the transaction of public business and preserved, or appropriate for preservation, by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the government, or because of the informational and historical value of data contained therein."

See: <http://www.nmcpr.state.nm.us/nmac/parts/title01/01.020.0003.htm>

ACAP is primarily affected by the portion concerning the transaction of public business as evidence of organizational function, decision making, etc. Essentially, any of ACAP's official records -- minutes, agendas, attachment to agendas, correspondence received and created, etc.-- are state property. Anything more than 5 years old belongs in the Archives, although more recent material will be accepted. Typically, the Archives makes a digital copy of any paper documents submitted.

As a result of our discussions and in order to comply with state regulations, The Task Force recommends the following steps in this order:

1. Immediately add the Univ. Archivist to the ACAP mailing list (univrec.lib.nmsu.edu)
2. Issue a call via hotline & abcd for people to send any ACAP materials to the chair of the archival task force. The Task Force will work with the Univ. Archivist to organize and transfer any documents received in accordance with the Archives procedures. See: <http://archives.nmsu.edu/rghc/Transfer/instruct.htm>
3. Modify ACAP Constitution ARTICLE II - FUNCTIONS, Section B to include the Univ. Archivist to include a statement about the duties of each officer

4. Modify ACAP Bylaws Section 3 OFFICERS' AND REPRESENTATIVES' DUTIES for ACAP secretary to include:

- a. forwarding all official communication to the Univ. Archivist on July 1 of every year
- b. making an annual back up of the ACAP website as it appears on July 1
- c. ensuring that the Univ. Archivist is part of the email distribution list

5. Include in the ACAP Constitution a section concerning records preservation and public access. (Example: ACAP recognizes the importance of preserving ACAP's Committee's actions as public records. ACAP will comply with Section 14-4-2 New Mexico Statutes Annotated 1978 by annually depositing official ACAP materials with the University Archivist.)

6. ACAP advise the President that all committees and sub-committees at NMSU add the archive email to their distribution/email lists, modify secretarial duties to work with the University Archivist, and update their by-laws accordingly to assure adequate receipt and data management of official communication.

Fringe Benefits Committee Summary Report for ACAP – May 14, 2009

The regular meeting of the Fringe Benefits Committee was convened on Thursday, March 19, 2009, at 2:30 p.m. The motion to accept the minutes from the 10/16/08 meeting was passed.

New members (re-elected) were introduced to the Committee: Brenda Garcia, Charles Pfeifer, Gretchen Van Doren. By acclamation, Cherri Lambeth was re-elected Chairperson and Cathy Thomas was elected Secretary.

The Committee received a request to consider implementing the Bicycle Commuter Act recently allowed by the IRS. The Act calls for the employer to reimburse the employee (on a tax-free basis) for qualified expenses associated with commuting to work on a bicycle. After reviewing the request and associated IRS publication, the Committee discussed several issues associated with offering the program: funding, tracking/administration, cost efficiency for all employees. A motion was made and passed that no action be recommended to ACAP.



MEMORANDUM

TO: President Cruzado
FROM: Kelly Brooks, ACAP Chair
DATE: April 21, 2009
SUBJECT: Recommendation from ACAP

At the April 9th ACAP meeting Lori McKee, on behalf of the NMSU Wellness Committee, requested the support of ACAP on a proclamation to establish May 2009 as National Bike Month at NMSU. The bicycle is an environmentally friendly form of transportation and is a great source of exercise and as this endeavor aligns perfectly with the NMSU “Year of Sustainability” initiative, ACAP members voted unanimously to recommend approval.

Additionally, Mrs. McKee requested financial support in the amount of \$500 from ACAP in assisting with the implementation of an NMSU Bike Day event planned for May 12, 2009. As ACAP does not receive financial support, it was discussed that perhaps funds raised from previous NMSU employee picnics coordinated by ACAP might be a potential source of funds to support this initiative. ACAP members voted to support this financial assistance if the funds are still available and allowable for this purpose. I am working with the Executive Committee of ACAP to determine the amount and availability of these funds as well as to establish procedures for utilizing these funds with your support.

Attached please find a draft copy of the proclamation submitted by Mrs. McKee as well as information regarding the NMSU Bike program. Mrs. McKee will be meeting with you to request the support of your office for this initiative as well as for support for an NMSU bike day scheduled for May 12th. As I indicated previously, ACAP recommends approval and is supportive of this important initiative.

Thank you for your consideration of ACAP’s recommendation.

/klb

Attachments





MEMORANDUM

TO: President Cruzado
FROM: Kelly Brooks, ACAP Chair
DATE: April 13, 2009
SUBJECT: Recommendation from ACAP

At the February 19 meeting of ACAP, we reviewed the proposed ICT policy as submitted by Shaun Cooper to Admin Council on February 10, 2009. I responded to Shaun on February 25, 2009 and provided him detailed information regarding serious concerns shared by ACAP members related to certain portions of this policy.

A revision of the proposed ICT policy was completed and the revision was submitted to Admin Council on April 8, 2009 to be considered for approval at tomorrow's meeting. ACAP reviewed the revised version of this proposed policy at our April 9 meeting and still noted serious concerns as the policy still seeks to violate and/or restrict academic freedom as outlined in the NMSU Policy Manual 5.05.

As this policy is on the Admin Council agenda for Tuesday, April 14, 2009, ACAP voted to recommend that approval of this policy be tabled to allow ACAP sufficient time to provide detailed information on the concerns related to this proposed policy.

I will make this motion directly at the Admin Council meeting as I assume this is the accepted method to provide input from ACAP. I just wished to provide you advance notice of our concerns.

I have attached a copy of the revised policy with preliminary comments for your review. As I stated, I will work to refine and detail input and recommendations from the membership of ACAP. Thank you for your consideration of ACAP's recommendation.

/klb

Attachment

Dear NMSU Community,

In anticipation of our Board of Regents meeting tomorrow, I realize there are many questions regarding our Presidential Search and I want to provide an update.

Our goal is to select a president who will build upon our momentum as a leading research university, as well as someone who will be dedicated to top-level teaching and learning and will uphold our commitment to service and outreach.

In order to achieve this goal, we are taking the following steps. First, we will select a top national search firm that will bring strong candidates to campus and will provide expert advice for all aspects of the search. A number of proposals have been received and importantly, we commit to keep expenses as low as possible. A search committee will be appointed that is smaller in number and made up of a diverse group of university and community leaders who are recognized for having the highest level of integrity.

Dr. Waded Cruzado will resume her position as NMSU Executive Vice President and Provost and leave open the possibility of considering an application or nomination for the permanent appointment as NMSU President. During her time as Interim President, Dr. Cruzado has served NMSU with distinction. Her accomplishments have made us a better institution. We deeply appreciate her dedication to our mission and her willingness to serve.

Although we need to move quickly, we also want to move smartly. The immediate next steps are to finalize the contract with a search firm and name the search committee next week. We also will name an Interim President to serve only until we select our next leader. The campus community will be able to follow the search progress through a Web site that is under construction and we will strive to gain input from all interested parties.

It is critical that we attract applicants from all areas of higher education. When we select our next President, we need to know that we have chosen the best individual from a wide field of candidates. We hope you will join us in this important challenge.

Blake Curtis, Chair
Board of Regents

Dear NMSU Community,

Good morning. As I am sure you are all aware, New Mexico State University has launched a search for our next president. We have finalized the complete Presidential Search Committee, which is made up of a diverse group of university and community leaders. The committee members are recognized for having the highest level of integrity and they are all committed to a fair process. Below is a list of those who have agreed to serve:

Adelmo "Del" Archuleta, Albuquerque, Chair
Garrey Carruthers, Las Cruces, Dean, NMSU College of Business and Vice President for Economic Development
Felicia Casados, Grants, President, NMSU Grants
Dolores Connor, Las Cruces, Las Cruces City Council
Travis Dulany, Las Cruces ASNMSU President
Chris Erickson, Las Cruces, NMSU Faculty Senate Chair
Paul Gutierrez, Santa Fe, Executive Director of the New Mexico Association of Counties
Lou Henson, Las Cruces, Legendary Collegiate Basketball Coach
Bruce Hinrichs, Clovis, Eastern District Director, NMSU Cooperative Extension Service
Michael Johnson, Nambé, President, Johnson Performance
Delano Lewis, Las Cruces, NMSU Senior Fellow and Director of the International Relations Institute
Tim Nesbitt, Las Cruces, Assistant Dean and Director, College of Agricultural, Consumer and Environmental Sciences
Elba Serrano, Las Cruces, Biology Professor, College of Arts and Sciences

A presidential search Web site is available at
<http://www.nmsu.edu/presidentialsearch/index.html>

This site will be updated as new information is available. The site also is intended to provide the opportunity for input, so please submit your comments to the committee chair at this site.

Thank you for your support of this important process.

Regards,
Blake Curtis, Chair
Board of Regents

Kelly L. Brooks

From: Kelly L. Brooks
Sent: Thursday, May 14, 2009 8:54 AM
To: 'Denise Welsh'
Subject: FW: Question for ACAP to consider

Hi Denise,

We have received the following question through ACAP. Can you please review with the insurance committee and respond back to ACAP at the June Meeting?

Thanks.

Kelly Brooks
ACAP Chair

Kelly L. Brooks, Business Director
Dona Ana Community College/NMSU
PO Box 30001, MSC 3DA
Las Cruces, NM 88003-8001
phone: (575) 527-7745
fax: (575) 527-7600
email: kebrooks@nmsu.edu

-----Original Message-----

From: Nesbitt, Tim
Sent: Thursday, May 14, 2009 8:35 AM
To: Kelly L. Brooks
Cc: rrede@nmsu.edu
Subject: FW: Question for ACAP to consider

Kelly:

Could you get this to the insurance committee?

Thanks Kelly!

Tim

-----Original Message-----

From: Robert J. Rede [<mailto:rrede@nmsu.edu>]
Sent: Wednesday, May 13, 2009 2:24 PM
To: tnesbitt@nmsu.edu
Subject: Question for ACAP to consider

Tim,

I don't know if this inquiry goes to insurance committee or fringe benefits committee. My question is: Since retiree's are provided the opportunity to continue health insurance coverage why can't we (retiree;s) have the same opportunity to be covered under the delta dental plan just like the regular employees. Could you see if the university would be able to include retirees on their delta dental plan?

