

Proposition: 08-08/09 Revised 12/5/08 – FINAL VERSION

Title: Memorial Concerning the Search for a Permanent President of NMSU (12/4/08 version)

Co-Sponsors: Brown (A&S), Bejarano (A&S), Buckholtz (Carlsbad), Hubbell (A&S), Oliver (Business), Schultz (HSS), and Winn (A&S)

Proposed Committee Assignment: Emergency Legislation

Background

NMSU has recently undertaken a search for permanent President of NMSU, and this search was abandoned after most or all of the candidates withdrew. Some cited the “sunshine” law of New Mexico that requires at least five finalists to have their name released publically prior to being hired (**New Mexico Statutes, Chapter 4, Article 2, Inspection of Public Records** in the specific law involved; a copy is attached to this memorial). Allegations have also been made that the support that Interim President Waded Cruzado enjoyed on campus may have negatively impacted the entire search process. As the NMSU Board of Regents moves forward on future efforts to hire a permanent President, the Faculty Senate share some specific recommendations to help guide this process.

Language of the memorial

WHEREAS, the position of President of NMSU has great importance to students, faculty, and staff at NMSU for years to come, and

WHEREAS, State Law requires that the process of hiring a new permanent university President in New Mexico be an open process whereby five finalists must agree to have their names shared publically prior to being hired, and

WHEREAS, serious concerns have been raised as to how the previous search process may have been impacted by the perceptions of outside candidates concerning the manner by which NMSU handled this process.

THEREFORE, The NMSU Faculty Senate hereby formally and respectfully requests the following conditions be adhered to as the Board of Regents executes its duty to interview, select, and hire a permanent President of NMSU:

- The Board of Regents should operate fully in compliance with the State Law (**New Mexico Statutes, Chapter 4, Article 2, Inspection of Public Records**) that requires that at least five finalists must agree to have their names shared publically prior to being hired. We strongly discourage any attempts to have this law changed that would reduce

public scrutiny or transparency, as this law helps insure an open and legitimate process so necessary to a University operating in civil society.

- The search should be open to all candidates, including the Interim-President if she desires, not just those from outside the University. The restriction against this from occurring is an internal NMSU Policy, not a State Law; therefore, it can be waived. Precedent exists for such a waiver as it has been granted in previous searches, and we request that the Regents exercise such a waiver in the renewed search for a permanent President.
- The upcoming search should be handled in as open and transparent a manner as possible. Furthermore, every effort should be made to insure that all outside candidates know that this is a legitimate search that does not presuppose any inside candidate having an undue advantage. The search should be handled in this manner by any newly seated Regents who may be named and confirmed by the NM Senate during the period of the search.
- Faculty representation should be increased on the search committee. By the nature of faculty appointments, the tenure of faculty working at NMSU tends to be much longer than other interest groups. Faculty members also have considerable experience in a range of administrative and academic issues that Presidents routinely handle. Added representation by faculty on the search committee would provide a greater opportunity for this experience to inform and guide the search process.
- No voting member of the Board of Regents should serve on the newly comprised search committee, as this poses at the very least, the appearance of introducing bias into the overall process. The job of the search committee is to conduct the search, interact with the candidates, and forward the names of acceptable candidates to the Regents. At this point in the process, the Regents exercise their administrative duty in selecting a final candidate to whom the position is offered. The integrity of the overall process is best protected by having the committee recommendations separate from the decision making authority of the Regents.