

Proposition: 08-22/23

Proposal Type: Bill Resolution Memorial Joint Proposition Other

(If Joint proposition, also select type)

Title: A Resolution to Send a Letter of Concern to NMSU Leadership Regarding the Contract Renewal of the NMSU Athletic Director and the Lack of Adherence to the University's Mission, Vision, and Values.

Date Submitted: May 1, 2023

Faculty Sponsor(s): Fasenکو (ACES), Allred (NMSU-A), Hamzeh (HEST), Lara (HEST), Lehnhoff (ACES), Papesh (A&S), H. Badawy (ENGR), J. Hoffman (BUS), M. Darapuneni (ACES), W. Fedio (NTT/ACES), A. Lanasa (A&S), K. Plawecki (ACES), C. Steele (ACES), N. May (HEST), J. Dalager (A&S), S. Gherardi (HEST), I. Ray (ACES), W. Corbett (A&S), J. Haynes Writer (HEST), J. Xu (A&S), M. Tellez (HEST), L. Vaughn (DACC), T. Cleveland (A&S)

Additional Sponsor(s): NMSU Employee Council, Aswad (ASNMSU Senator, A&S), Ben Ali (ASNMSU Senator, A&S), Camarena (ASNMSU Senator, A&S), Choate (NMSU Undergrad Student-A&S), Hicks (ASNMSU Senator, A&S), I. Moreno-Carrillo (ASNMSU Senator, A&S), Pugh (NMSU Undergrad Student-BUS)

Proposed Committee: Emergency Legislation

Prior Approvals:

Proposal: Send a letter from Faculty Senate to NMSU Leadership regarding the contract renewal of the NMSU Athletic Director and the lack of following NMSU's Mission, Vision, and Values.

Rationale:

The mission, vision, and values statements provided below are taken verbatim from the NMSU website:

<https://nmsu.edu/about/mission.html>

University Mission:

The mission of the New Mexico State University system is to serve the diverse needs of the state through comprehensive programs of education, research, extension and outreach, and public service. As the state's land-grant and space-grant university, and as a Hispanic-Serving Institution, NMSU fosters learning, inquiry, diversity and inclusion, social mobility, and service to the broader community.

University Vision:

By 2025, the NMSU system will excel in student success and social mobility for our diverse student populations, achieve the highest Carnegie research status (R1), and maintain our Carnegie Community Engagement classification.

University Values:

*Leadership, excellence, access, diversity & inclusion and student-centered make up NMSU's core values and are encapsulated as **BE BOLD**. Shape the Future.®*

Everything that NMSU faculty and staff do is in alignment with the above Mission, Vision, and Values to provide a high-quality education for our students. The toxic culture and subsequent serious issues within the NMSU Athletics Department (under the leadership of the current NMSU Athletic Director) over the past year, are in direct opposition to NMSU's Mission, Vision, and Values. Therefore, Faculty Senate is providing a letter outlining deep concerns about the contract renewal of the NMSU Athletic Director. We are also respectfully asking the current Academic Leadership to hold true, through their actions, to the NMSU Mission, Vision, and Values from the date of this letter moving forward.

Letter: (see following page)



Faculty Senate

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New Mexico State University
P. O. Box 30001
Las Cruces, NM 88003-8001
575-646-2593
faculty senate.nmsu.edu

DATE: May 1, 2023

TO: NMSU Board of Regents
Interim Chancellor Gogue
Provost and Chief Academic Officer Shoho

From: Faculty Senate

SUBJECT: Deep concern regarding the contract renewal of the NMSU Athletic Director and the lack of following of NMSU Mission, Vision and Values.

The announcement on April 7, 2023 that the current NMSU Athletic Director's (AD) contract was renewed (on the same day as the former Chancellor's last day at NMSU) was both astonishing and deeply disheartening. It is irrational why the former NMSU Chancellor would so handsomely reward an individual when the non-academic unit they supervise (Athletic Department) was almost single handedly responsible for diminishing NMSU's reputation on a national level over the past year. If the desire was to afford this individual an opportunity to prove they have the leadership skills to turn the Athletic Department culture around from one of dysfunction to dignity, there was no need for a contract renewal; there was still a year left on the AD's contract. This illogical act sent a message that rippled throughout campus about what is valued at NMSU; and the message was that it is not faculty or staff, and especially not students that are priorities. Substantially rewarding the AD after multiple very serious incidents resulting from a clear lack of accountability within the culture of the Athletics Department, sends a message to current and future students that their bravery in coming forward to report horrific acts of (alleged) sexual assault will be minimized.

In the attached Appendices of this memo are sections of the previous and current AD's contracts (Appendix 1 and 2, respectively.) In both contracts it clearly states that:

Appendix 1 (Previous Contract): *Director's inability to control the behavior of the Coaches and staff, as represented by significant (as determined by the President) or repeated violations of the Rules is a breach of this Agreement.*

Appendix 2 (Renewed (Current) Contract): *Any failure by Director to control the behavior of the Coaches and staff, as represented by significant (as determined by the Chancellor) or repeated violations of the Rules is a breach of this Agreement.*

Further, both the previous and current employment contracts for the AD state:

Appendix 1 (Previous Contract): *5.3 Termination by NMSU for Cause. NMSU may, at its option and discretion, terminate this Agreement for cause, upon the occurrence of **any one** or more of the following incidents or events:*

a) **Director's neglect or inattention to the duties set forth in this Agreement**

Appendix 2 (Current Contract): *5.3 Termination by NMSU for Cause. NMSU has a right, at its option and discretion, to terminate this Agreement for cause, upon the occurrence of **any one** or more of the following incidents or events:*

a) **Director's neglect or inattention to the duties set forth in this Agreement**

The AD responsibilities are clearly outlined in both contracts and multiple breaches of the responsibilities of the AD are highlighted in both the previous and current contracts in Appendix 1 and 2 of this document.

Over time NMSU has drifted from following our mission, vision, and values.

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Nowhere in the above mission, vision, or values statements does it say that the importance of athletics at NMSU can, will, or must supersede said mission, vision, or values of the university, which are all focused on our land-grant mission. An institution of higher learning can thrive and survive without a nationally competitive athletic program; a college athletic program cannot exist without a university.

Further evidence of what is currently valued at NMSU is provided by the fact that the AD received guaranteed yearly salary increases throughout his new five-year contract with the first year's increase being an extreme **25.643%** (Appendix 2) which equates to a **\$71,800** raise from 2022 to 2023. This in the context of NMSU Faculty and Staff receiving a 6% across the board salary increase, and no further guarantee of raises from 2024 through 2027. These guaranteed raises for the AD do not include bonuses provided if particular achievements are realized by various NMSU sports teams.

To put the **\$71,800 salary increase** the AD received in perspective, the lowest **yearly salary** (minimum) of some faculty (both College and Tenure Track) who **are** fulfilling the mission, vision, and values of NMSU, is thousands of dollars **lower** than the \$71,800 raise given to the AD (see Appendix 3

for Faculty salary data.) Further, the current median yearly salary for college and tenure track faculty at certain ranks is also lower than this \$71,800 raise (Appendix 3).

Clearly, as an academic institution, we have lost our way. Collectively, we need to get our priorities straight and stay true to our mission, vision, and values. This will take time and a renewed commitment by everyone in the NMSU community to a high standard of integrity. This cannot be accomplished when those who (through their actions or inactions) create a culture that has (allegedly) put the safety of students at risk, and has deeply damaged the reputation of NMSU.

When NMSU's reputation and stability as a highly respected academic institution is damaged, we all suffer the consequences, but it is mostly our students who are hurt by this. Recruitment of highly qualified new academic administrative leaders, faculty, staff, undergraduate, and graduate students is made more difficult. Attrition of current faculty and staff increases. The ability to attract colleagues from other institutions or to convince industry partners to contribute and/or collaborate on grants and research is made more challenging. And philanthropic donations go elsewhere - not to NMSU. Faculty are exhausted and disillusioned by not only the continued lack of accountability, but the actual rewarding of individuals who create a toxic workplace and learning environment.

To conclude, Faculty Senate would like to deeply thank Interim Chancellor Gogue, as well as Provost and Chief Academic Officer Shoho for still believing in NMSU. You both started your tenure as leaders at NMSU by transparently providing your values and vision for NMSU. In Dr. Gogue's first statement to NMSU he provided his "Values and Principles" document which stated:

"The foundation of all human relationships is integrity. Relationships among people are governed by mutual respect, but integrity is most fundamental. There will be differing views on the various topics we address, yet we will value each view because it is offered in the context of mutual trust and respect with integrity as our foundation."

Faculty deeply value honesty, trust, and responsibility – thus, we value integrity. The comment from Provost Shoho's opinion piece in the Las Cruces Sun News on April 11, 2023 profoundly aligns with how faculty want to serve the university:

"Our challenge is to work as a team and create a culture where everyone can live our tagline, 'Be Bold. Shape the Future'."

Thus, we hope you will thoughtfully consider and take bold action based on the information provided in this memo and associated appendices. We also ask that this pattern of ignoring or handsomely rewarding egregiously unethical behavior, dereliction of job duties, and ineffective, toxic leadership at NMSU **stop. Immediately**. It is long overdue for this institution to hold people accountable so that NMSU can grow and thrive into the university that our students and our community deserve, and our faculty and staff can be proud to work at.

Respectfully,

NMSU Faculty Senate

Appendix 1

Pertinent sections of Employment Agreement between the Regents of New Mexico State University and the current NMSU Athletics Director for the period of July 1, 2019 to June 30, 2024

Page 2 of the Employment Agreement between the Regents of New Mexico State University and the current NMSU Athletics Director for the period of July 1, 2019 to June 30, 2024 states that:

1.2 Director's Duties. Within the authority granted to the Director by NMSU, and subject to the instruction of President, **Director will faithfully perform the customary duties of a Director of**

Athletics, including managing and **supervising the entire Program**, and will perform such other duties on behalf of NMSU, consistent with his status as Director of Athletics, as the President reasonably may assign.

Director's responsibilities include the following:

- a) Director will devote his best efforts full-time to the leadership, **supervision** and promotion of the Program, and to the performance his duties under this Agreement.
- b) Director will operate the Program within the budget established by the President, as approved by the Board of Regents.
- c) Director will lead the fundraising efforts for the Program and is responsible for meeting fundraising goals to be established annually.
- d) Director is **responsible** for the direction, **enforcement**, interpretation and review of NMSU's intercollegiate athletics policies and programs, and for recommending improvements.
- e) Director is **responsible** for developing and implementing programs and procedures that **assure the welfare of student athletes** and which encourage student athletes to maintain a high level of academic achievement and progress toward graduation.
- f) Director is **responsible** for compliance with all NMSU policies and rules (NMSU Rules) including all academic regulations, as well as the policies, rules and directives of the National Collegiate Athletic Association (NCAA) and the Athletic Conference {Conference} of which NMSU is a member (collectively Athletic Rules).
- g) Director will conduct himself with honesty and good sportsmanship at all times, and **require the same conduct from all who report to him**, so that the Program will represent the honor and **dignity** of fair play and the generally recognized high standards associated with competitive sports.
- h) Director is **responsible** for supervising and using his best efforts, **ensuring that all Coaches and Program staff are in compliance with NMSU Rules** and the Athletic Rules.

Page 4 of the Employment Agreement between the Regents of New Mexico State University and the current NMSU Athletics Director for the period of July 1, 2019 to June 30, 2024 states that:

1.6 Sportsmanship and Social Conduct. Director will use best efforts to **ensure that both all Program staff and student-athletes** exhibit good sportsmanship and **engage in appropriate social conduct at all times**. Director is **responsible** for providing leadership and using his best efforts to **ensure that student athletes abide by NMSU's Student Athlete Code of Conduct**.

Director's inability to control the behavior of the Coaches and staff, as represented by significant (as determined by the President) **or repeated violations of the Rules is a breach of this Agreement.**

Page 7 of the Employment Agreement between the Regents of New Mexico State University and the current NMSU Athletics Director for the period of July 1, 2019 to June 30, 2024 states that:

5.3 Termination by NMSU for Cause. NMSU may, at its option and discretion, terminate this Agreement for cause, upon the occurrence of **any one** or more of the following incidents or events:

a) Director's neglect or inattention to the duties set forth in this Agreement or abandonment of job duties for a period of 3 or more days without reasonable justification or approved leave of absence, or Director's refusal, unwillingness or inability to perform such duties in good faith after reasonably specific written notice has been given to Director by the President or President's designee, and Director has continued such neglect, inattention, refusal, unwillingness or inability during a subsequent period specified in the notice by NMSU.

Appendix 2

Pertinent sections of Employment Agreement between the Regents of New Mexico State University and the current NMSU Athletics Director for the period of July 1, 2023 to June 30, 2028

Page 1 of the Employment Agreement between the Regents of New Mexico State University and the current NMSU Athletics Director for the period of July 1, 2023 to June 30, 2028 states that:

Base Annualized Salary:

<u>AS OF:</u>	<u>AMOUNT:</u>
July 1, 2023	\$351,800 = 25.643% increase over 2022 Base Annualized Salary of \$280,000
July 1, 2024	\$371,800 = 5.69% increase from 2023

July 1, 2025	\$391,800 = 5.38% increase from 2024
July 1, 2026	\$400,000 = 2.10% increase from 2025
July 1, 2027	\$425,000 = 6.25% increase from 2026

Page 2 of the Employment Agreement between the Regents of New Mexico State University and the current NMSU Athletics Director for the period of July 1, 2023 to June 30, 2028 states that:

1.2 Director's Duties. Some of duties and responsibilities under this Section are more fully delineated further below. Within the authority granted to the Director by NMSU, and subject to the instruction of the Chancellor, Director must faithfully perform the customary duties of a Director of Athletics, including managing and supervising the entire Program, and must perform such other duties on behalf of NMSU, consistent with Director's status as Director of Athletics, as the Chancellor reasonably may assign.

Director's responsibilities include the following:

- a) Director must devote Director's best efforts full-time to the leading, supervising and promoting the Program, and to performing Director's duties under this Agreement.
- b) Director must operate the Program within the budget established by the Chancellor, as approved by the Board of Regents.
- c) Director must lead the fundraising efforts for the Program and is responsible for meeting fundraising goals to be established annually.
- d) Director is responsible for the directing, enforcing, interpreting and reviewing of NMSU's intercollegiate athletics policies and programs, and for recommending improvements.
- e) Director is responsible for developing and implementing programs and procedures that assure the welfare of student athletes, and encourage student athletes to maintain a high level of academic achievement and progress toward graduation.
- f) Director is responsible for compliance with NMSU Rules including all academic regulations, as well as Athletic Rules.
- g) Director must engage in conduct with honesty and good sportsmanship at all times, and require the same conduct from all who report to Director, so that the Program represents the honor and dignity of fair play and the generally recognized high standards associated with competitive sports.
- h) Director is responsible for supervising and using Directors best efforts, ensuring that all Coaches and Program staff comply with Rules.

Page 4 of the Employment Agreement between the Regents of New Mexico State University and the current NMSU Athletics Director for the period of July 1, 2023 to June 30, 2028 states that:

1.7 Sportsmanship and Social Conduct. Director must use best efforts to ensure that both Program staff and student-athletes exhibit good sportsmanship and engage in appropriate social conduct at

all times. Director is **responsible** for providing leadership and using Director's best efforts to **ensure that student athletes abide by NMSU's Student Athlete Code of Conduct.**

Appendix 3

NMSU Las Cruces Campus Faculty Minimum and Median Salaries Based on Academic Rank
Effective March 2023

Number of Faculty and minimum and median salary in each faculty category.

(Las Cruces campus, regular full time, CES included – salary scaled to 9-month, 1.0 FTE; Effective March 2023)

Faculty Rank	Number of Faculty	Minimum salary	Median Salary
College Track			
Instructor	20	36,411	38,953
Assistant	90	40,245	61,578
Associate	35	51,071	65,740
Full	26	65,803	83,580
Tenure Track			
Instructor	0	-	-
Assistant	171	41,595	69,508
Associate	182	47,960	77,950
Full	220	61,515	102,838