

Proposition: 04-21/22

Proposal Type: Bill Resolution Memorial Joint Proposition
(If Joint proposition, also select type)

Title: A Resolution of No-Confidence in the President and Provost of New Mexico State University

Date Submitted: 09/28/2021

Submitting Sponsors: Jamie Bronstein (Arts and Sciences), Ken Hammond (Arts and Sciences), Robert Smits (Arts and Sciences), William Walker (Arts and Sciences), Neal Rosendorf (Arts and Sciences), Michael Hyman (College of Business), Stephen Hanson (Colleges of ACES), Susan E. Beck (Library)

Proposed Committee: Diversity, Equity, and Inclusion

Prior Approvals: None

Rationale:

We, the above signed, put forth the 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 land-grant mission, Hispanic-serving mission of the institution.

As detailed on the NMSU website: Under the provisions of the Morrill Act of 1862 and subsequent federal legislation, the special mission of the land-grant institutions has been to provide a liberal and practical education for students and to sustain programs of research, extension education, and publication service. The Morrill Act was intended to provide a broad segment of the population with a practical education that had direct relevance to their daily lives.

The misaligned, misdirected, and deleterious foci of the President and Provost have detracted from the land-grant mission denying students, faculty, and other stakeholders' provisions and protections under the Morrill Act of 1862.

This is based on the following:

(1) Misappropriation of University Funds (including state and tuition monies)

Whereas the budget of New Mexico State University should serve its land-grant, Hispanic-serving mission, allocating funds to projects, practices, and people who further that mission, the President and Provost have:

- Authorized the hire and appointments of eight administrators for a total of \$1,153,496 at the same time that: (1) graduate students and part-time faculty are ineligible for healthcare and paid unlivable wages; (2) administrative support staff has been significantly downsized; and (3) faculty received either no raises or nominal cost of living adjustments (1.5%) inconsistent with inflation rates (around 4.17% as per the personal consumption expenditure deflator);
- Used significant monies to buy or upgrade expensive technology packages (i.e., Slate, AdAstra, Academic Analytics, NMSU Analytics [Cognos], Watermark and Faculty Success, Curricular Analytics with Delaware Cost Study, Navigate, Cascade), without offering substantive, on-going, and/or supplemental training or support to its users or considering its effects on the community, which include: (1) broad application system failures resulting in loss of enrollment; (2) inaccurate information about research faculty used to assess their contributions; (3) a significant increase in time used on learning systems at the expense of the primary work of the university [teaching, research, and outreach]; and (4) negative reputational impact and retaliatory data climate;
- Propagated Return on Investment (ROI)/NMSU Goals/Scorecard measures as a punitive tool of human capital measurement to rank people in Colleges based on arbitrarily decided variables devoid of department head input, without taking into account promotion & tenure service requirements, launched during COVID-19, disproportionately negatively impacting people of color, and without integrating the land-grant, HSI-missions of the institution; and
- See Appendix A

(2) Unethical Hiring and Promotion Practices

Whereas federal and state law and NMSU’s own Human Resources (HR) guidance as well as Regents Policy Manual 6.00 require fair and equitable hiring practices and treatment of all employees, premised on finding the best qualified person for each job, the President and Provost have:

- Hired individuals to positions without advertising or conducting appropriate searches;
- Hired individuals into positions and once hired, the terms of the position and economic compensation were changed *without* reposting the position;
- Made promises of promotion that circumvent approved review processes, undermine faculty procedure, and create retaliatory climates between administrators and faculty;
- Used personal relationships rather than community or disciplinary standards to make hiring and promotion decisions;
- See Point #3 for further clarification on Provost’s revised HR politicking; and
- See Appendix B

These actions conflict with NMSU ARP 6.70, which states that hiring university administrators above the rank of department chair requires a posted job advertisement, a search committee, and interviewing of more than one person for a job. ARP 6.70 also states “The provost and senior vice president for academic affairs will inform the chair of the Faculty Senate about non-academic administrative searches, and the chair may request similar faculty representation.”

(3) Deliberate Circumvention of Due Process

Whereas Employment & Labor Relations in the State of New Mexico requires that employees' interests are represented fairly, accurately, and without bias in cases of labor dispute, the President and Provost have:

- Shifted administrative review of all faculty human resource-based grievances (non-discrimination based) under the direct purview of the Provost who, as the supervisor of said faculty, creates a potential conflict of interest as well as hostile work environment/retaliatory climate;
- Replaced experts trained, skilled, and educated in Human Resources with an Associate Provost of Academic Administration (also supervised by the Provost);
- Eliminated due process, recourse for human resource complaints, formal investigations into faculty grievances, expectations of confidentiality (with regards to employee labor relation pursuits), and ethical considerations regarding such grievances;
- Created conflict of interest, insofar as once there is a redress of a discriminatory-based grievance through the Office of Institutional Equity, due to the change made in the HR structure/process, the disciplinary sanction(s) (if any) go to the Associate Provost of Academic Administration (the Provost's Office); and"
- See Appendix C

(4) Rejection of Principles and Practices of Shared Governance

Whereas the accrediting body for the New Mexico State University, the Higher Learning Commission, *requires* that accredited universities practice shared governance, the President and Provost have:

- Refused to use formal processes to review proposals with stakeholders across the University;
- Refused to adequately communicate with stakeholders and constituents, which is especially egregious as related to safety and security concerns on campus;
- Refused to follow procedures outlined by the Administrative Rules and Procedures (ARP);
- Inculcated a retaliatory climate and hostile work environment in response to critical feedback (required by processes and procedures documented in ARP); and
- See Appendix D

Whereas, the accrediting body for the New Mexico State University, the Higher Learning Commission, *requires* that accredited universities practice shared governance (5.A.):

- ◇ Through its administrative structures and collaborative processes, the institution's leadership demonstrates that it is effective and enables the institution to fulfill its mission.
- ◇ Shared governance at the institution engages its internal constituencies—including its governing board, administration, faculty, staff, and students—through planning, policies, and procedures.

- ◇ The institution’s administration uses data to reach informed decisions in the best interests of the institution and its constituents.
- ◇ The institution’s administration ensures that faculty and, when appropriate, staff and students, are involved in setting academic requirements, policy, and processes through effective collaborative structures.

(5) Broader Impacts of Systemic Failure of Leadership

1. Not supporting, implementing, or embracing the land-grant, HSI-mission
2. Consistent and constant breakdown of communication and information sharing
3. Financial/fiscal mismanagement
4. Mis/distrust of central administration due to lack of integrity and ethics
5. Continued pattern of a lack of transparency and disreputable behaviors
6. Inability to safeguard safety, security, and wellbeing of campus stakeholders
7. Potential loss of enrollment based on negative reputational optics
8. No processes that allow for access to trained, skilled, unbiased Human Resource personnel for faculty
9. Low morale inhibiting retention of faculty, staff, and students
10. Unfair, discriminatory hiring practices resulting in an unsupportive work environment
11. Perpetuation of a climate of retaliation, fear, and hostility

We have NO CONFIDENCE the President and Provost are able to fulfill their duties as the administrative leaders of the University. They are grossly negligent in their abilities to effectively or sustainably lead in an ethical, shared governance, transparent, or communicative manner. Their reckless spending on administrative salaries and promotions directly opposes their charge to make sound fiscal decisions, which deleteriously impact the research, teaching, service, and outreach missions of the University. Moreover, through their actions, inactions, and failed governance, they have demonstrated an inability to fulfill the functions of presiding over a land-grant, Hispanic Serving institution – one that is worthy of leaders who care about consistently refining their capabilities and skills to secure a safe, educative, and collaborative learning and working environment for all.

Therefore: The faculty senate of New Mexico State University hereby resolves that we have NO CONFIDENCE in President John Floros and Provost Carol Parker.

We request that the Board of Regents:

- (1) Protect our state’s land-grant university by publicly stating their commitment to shared governance, ensuring that NMSU administrators follow written policies and procedures outlined in the RPM and ARP, by seeking required transparent, collective channels of communication with NMSU faculty, staff, and students.
- (2) Direct Chancellor Arvizu to remove President John Floros and Provost Carol Parker from their posts immediately, thus reducing the financial burden on the institution by \$840,887.

- (3) Promise the stakeholders of this institution you will not duplicate the bloated administrative structure of a Chancellor (\$571,684), Vice Chancellor (\$322,668), President (\$536,387), Provost (\$304,500), and six Associate/Vice Provosts (\$738,060) or costs associated with hiring personal friends as consultants: Senior Visiting Advisor (\$250,000).
- (4) Return to a limited central administrative structure, like our sister institution The University of New Mexico, of a Chancellor/President, Provost, a Vice President for Diversity, Equity, and Inclusion, and economized number of Associate Provosts thereby reducing the financial burden on the University by hundreds of thousands of dollars and allowing us to invest in faculty, staff, and students who promote and embody the core land-grant, Hispanic-serving mission of the university.

Appendix A
Misappropriation of University Funds

Example 1 – Administrative Hires & Promotions/Exorbitant Number of Associate/Vice Provosts

1a. Administrative Hires since April 2021

1. Dr. Patrick Turner*, internal promotion (with no advertised position), promoted April 2021, \$99,389
2. Dr. Rebecca Campbell*, hired May 2021, \$125,000
3. Dr. Carol Flinchbaugh, May 2021, (flawed, abrogated hire, see Appendix B) Graduate Faculty Fellow converted to Interim Associate Dean of the Graduate School, \$165,436
4. Dr. Shafik Dharamsi*, friend hire from UTEP (with no advertised position) July 2021, \$250,000

*= in list below

Total = \$639,825

1b. Six Associate/Vice Provosts, Interim Associate Dean of Graduate School, & Senior Advisor

1. Associate Provost for Program Development & Accreditation - Shelly Stovall, \$126,875
2. Associate Provost for Curriculum & Assessment - David Smith, \$121,800
3. Associate Provost for Student Success - *Patrick Turner**, \$99,389
4. Associate Provost for Faculty Development - Tara Gray, \$107,671
5. Associate Provost for Academic Administration - *Rebecca Campbell**, 125,000
6. Vice Provost for Digital Learning - Sherry Kollmann, \$157,325
7. Interim Associate Dean of the Graduate School - *Carol Flinchbaugh**, \$165,436
8. Senior Visiting Advisor - *Shafik Dharmasi**, \$250,000

Total = \$1,153,496

Example 2 – Technology and Other Academic Packages Purchased/Upgraded in Last Few Years

1. [Academic Analytics](#)
2. [AdAstra](#)
3. [Watermark Faculty Success](#) (formerly Digital Measures)
4. [NMSU Analytics \(Cognos\) & Decision Support](#) (includes Department Scorecard and the [Cost Study-University of Delaware](#))
5. [Curricular Analytics & Faculty Role in Student Success](#) - [Curricular Analytics tool](#)
6. [Navigate and Faculty Role in Student Success](#)
7. [Slate](#) - Roundup Article: [New graduate application process stirs faculty concern](#)
8. [Cascade](#)

Appendix B

Unethical Hiring and Promotion Practices

Example 1: Graduate Faculty Fellow Position

Dr. Luis Cifuentes, Dean of the Graduate School, posted an internal position of a Graduate Faculty Fellow for .25 FTE (25% time) for a stipend of \$7500 on or around 4/13/2021 for the Graduate School at NMSU. Dr. Carol Flinchbaugh was hired (see NMSU Hotline advertisement on May 27, 2021). Soon after, 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) with a salary at \$165,436. By changing the position after she was hired and the position had closed, they denied equal opportunity and access for other qualified internal applicants to apply for the position at NMSU.

NMSU's Employee Labor and Relations was contacted by phone about this issue on late July 21, 2021. The issue was rerouted to Dr. Rebecca Campbell (as faculty have no recourse with HR/ELR at this time because the Provost moved HR under her purview). On July 23, 2021, Dr. Flinchbaugh's title was changed to Interim Associate Dean of the Graduate School. The decision was made by Dr. Luis Cifuentes, Dr. Carol Parker, Dr. Rebecca Campbell, and in consultation with the General Counsel. According to Dr. Campbell, the Provost can appoint someone in an "interim" role without any guiding policy. Dr. Flinchbaugh's qualifications for the position have yet to be disclosed or determined.

According to an email dated August 19, 2021 from Dr. Campbell stated, "Upon examining the documentation related to the posting and the search, we had determined that the search was flawed. We had abrogated the GSFF search and the position for this academic year. Further, after examining the 1.0 position responsibilities, it was determined that the description aligned more closely with the position of Associate Dean of the Graduate School and was not consistent with the intended purpose for faculty fellows. Therefore, an Interim Associate Dean of the Graduate School appointment was made."

However, if the search was flawed (and it is yet to be revealed by what factors it was flawed) and therefore abrogated, how could it reason to use that same "flawed and abrogated" search to appoint an Interim Associate Dean for the Graduate School.

This indicates that the flawed completed process and the person selected from said flawed completed process was the chosen candidate to fill this position. This pathway forward was selected as opposed to a transparent process of redefining the duties for a faculty fellow consistent to the expectations for the position, reposting the position, and/or reopening a process of transparency for the interim associate dean position. Thus, it is impossible "determined that the description aligned more closely with the position of Associate Dean of the Graduate School and was not consistent with the intended purpose for faculty fellows." These issues cast suspicion of the practices for approval of positions at NMSU and how decisions are rescinded and/or appointed with/out transparency. Moreover, these processes deny access and opportunity for other qualified internal applicants to apply for this 1.0 FTE position on campus. Dr. Cifuentes should have reposted the position once the terms of the position, economic compensation, and

benefits changed. Instead, he (along with others) decided to change the title to undermine any grievance process. However, the unethical process denying access and opportunity still remains.

It is important to note this is another example by the Provost of circumnavigating policy and procedures yet again, only weeks after the feedback from the Board of Regents regarding the importance of following policy and procedures, shared governance, increased transparency between stakeholders, and better communication.

The President is responsible for supervising the Provost, providing guidance, as well as remediation and interventions when needed. He needs to be held accountable for these failures of leadership as well.

Example 2: Non-Advertised Promotions and/or Hires

2a. Dr. Patrick Turner was promoted to Associate Vice Provost for Student Success in April 2021. He is being paid \$99,389. There was no discussion of him being moved from his previous position to this current one. There was no advertisement for this position, no competitive process for hiring, and no review of applications for a selective, fair process. The President is responsible for supervising the Provost, providing guidance, as well as remediation and interventions when needed. He needs to be held accountable as well.

2b. Dr. Shafik Dharamsi joined NMSU in a visiting position July 1, 2021. He is being paid \$250,000. He was appointed by the Provost to serve as a Senior Advisor to the Provost on interprofessional and transdisciplinary initiatives for the next year. He is a friend of Provost Parker's from UTEP. Again, there was no advertisement for this position, no competitive process for hiring, and no review of applications for a selective, fair process. The President is responsible for supervising the Provost, providing guidance, as well as remediation and interventions when needed. He needs to be held accountable for these failures of leadership as well.

Subject: Introducing Dr. Shafik Dharamsi

Good morning.

I am writing to let you know that on July 1st, Dr. Shafik Dharamsi will be joining NMSU in a visiting position for the coming year. He will serve as Sr. Advisor to the Provost on interprofessional and transdisciplinary initiatives for the next year. He will help us move forward with several initiatives that have languished due to a lack of champions. First on the list of many is to build and strengthen collaboration with the Burrell School of Osteopathic Medicine, starting with joint degrees. I'm sure your paths will soon cross. I know you will enjoy meeting him. P.S. We will be getting him an NMSU email very soon.

My best regards, Carol

It is important to note this is another example by the Provost of circumnavigating policy and procedures yet again, only weeks after the feedback from the Board of Regents regarding the

importance of following policy and procedures, shared governance, increased transparency between stakeholders, and better communication.

Example 3: Quid Pro Quo Promotion to Full

ARP 9-35 is clear about the steps needed for promotion to Professor, the need to follow the functions and criteria statements of departments, the collection of outside letters, recommendations by internal committees, and the overall timeline.

The Provost attempted to accelerate the promotion process for a favored co-worker, Interim Dean Pichon, who had previously violated policies and procedures to hasten the merger, and together they pushed for many of the steps of the promotion process to occur in one month's time, the month of June – outside the regular work-year for 9-month faculty. Selective processes were most likely to be skipped. This kind of action undermines faculty trust that the tenure and promotion process is governed by fundamental fairness rather than favoritism and cronyism.

Moreover, the President was made aware of this issue and insinuated the Provost was doing Interim Dean Pichon a favor by *giving* her Full Professor, since Interim Dean Pichon *gave* Provost Parker her merger. He stated verbatim: “The Provost was thinking... ‘Maybe we can help you, [Henrietta Pichon] as you are helping us.’” Essentially, admitting to the quid pro quo.

While the expedited promotion to Full of the internal, interim Dean did not go through, it is important to note this attempt by the Provost to circumnavigate policy and procedures yet again, only weeks after the feedback from the Board of Regents regarding the importance of following policy and procedures, shared governance, increased transparency between stakeholders, and better communication.

The President is responsible for supervising the Provost, providing guidance, as well as remediation and interventions when needed. He needs to be held accountable for these failures of leadership as well.

Appendix C

Deliberate Circumvention of Due Process

Example 1 – Library Information Request

The Provost's handling of information requests has been particularly concerning. The Provost contracted for an audit of the library to be performed by outside auditors specifically to inform the search for a new library dean. After the audit was completed, the Provost asserted that external audits are not public records, then distributed a redacted version of the audit to members of the library dean search committee, and finally, she only released the unredacted report after an IPRA request accompanied by the threat of legal action.

The President is responsible for supervising the Provost, providing guidance, as well as remediation and interventions when needed. He needs to be held accountable for these failures of leadership as well.

Example 2 – Lack of Accountability & Responsibility to Faculty Constituents

Whereas when faculty senators raised these concerns, the Provost sent Associate Provost Rebecca Campbell to meet with five faculty senators, including the Senate Chair and former Vice-Chair, to discuss these issues. Campbell explained that the Provost's position is the following:

If the policy manual does not in plain language prohibit the provost from doing something that she perceives as necessary, then she is allowed to do it. Faculty are too hung up on policy, at the expense of creating necessary change.

The President is responsible for supervising the Provost, providing guidance, as well as remediation and interventions when needed. He needs to be held accountable for these failures of leadership as well.

Example 3 – Faculty and Human Resources/Employee & Labor Relations

RPM 6.00A Purpose states: NMSU seeks to attract and retain a highly qualified workforce, to provide for fair and equitable treatment of all employees, and to ensure compliance with laws and regulations governing the workplace. To accomplish these goals, NMSU shall maintain comprehensive rules and procedures implementing this human resource policy.

RPM 6.00C Authorization for Specific Human Resource Rules and Procedures states: The administration is directed to ensure that NMSU adopts and maintains specific rules and procedures providing for the following:

1. Grievance procedures or review/appeal processes for non-discrimination based complaints, including rules establishing the types of matters which may be grieved.
2. Hiring and separation, including the establishment of employment categories.
3. Employee conduct and discipline.
4. Compensation, subject to budget approval by the Board of Regents.

5. Performance evaluation and changes in job status.
6. Benefits and leaves, subject to the restrictions set forth in Section D of this policy.
7. Professional development.

The mission of Employee & Labor Relations states: Employee & Labor Relations serves as a trusted resource to all NMSU employees, as well as a strategic partner to supervisors, managers, and department heads. We promote an environment of fair treatment and respect, in which all employees can be productive and successful. We ensure university policies are followed consistently. In all of our work, we are guided by our desire to exemplify Human Resource Services core values of Accountability, Customer Focus, Excellence, Continuous Improvement, Collaboration, High Performance, and Diversity & Inclusion.

Employee & Labor Relations provides consultation, guidance, and oversight in the following areas including:

- **Employee & Supervisor Consultations**
- **Conflict Resolution**
- Behavioral and performance related issues
- **Policy violations**
- **Employee & Labor Relations Grievances/Appeals**
- Employee Disciplinary Action/Improvement Plans
- Ethics Point Investigations
- Facilitation/Mediation Assistance
- **Labor Relations**
- Union Contract
- Labor Management Committee
- **General matters and dispute resolution**
- **Investigations (guidance) & Corrective Action**
- Non-Renewals of contracts/dismissal
- Layoffs/RIF's
- Unemployment Claims
- **Conflict of Interest Reporting**
- Annual Performance Evaluations (Staff)
- Employee Exit Interviews
- Transfer Assistance
- Drug Testing Compliance & Training

Until January 2021, all NMSU employees, including faculty, had recourse to the separate services of the Employee and Labor Relations department on campus. The Provost moved all faculty-related Human Resources (HR) functions under her purview in January 2021. This change was made without any announcement to the faculty, and without a clear rationale. As such, faculty are rerouted to Dr. Rebecca Campbell, the Associate Provost for Academic Administration and the right-hand of the Provost. Essentially, faculty who have non-discriminatory employment concerns are routed to the Provost. This is a conflict of interest. This means that faculty lack a neutral party to speak to with regards to employment concerns; have no confidential sounding board; and are being denied their right to HR services. Additionally, the listing of topics for operational rules and procedures is not intended to exclude other rules or

procedures on human resource topics which the administration may deem necessary and appropriate for the benefit of the institution.

The President is responsible for supervising the Provost, providing guidance, as well as remediation and interventions when needed. He needs to be held accountable for these failures of leadership as well.

Appendix D

Rejection of Principles and Practices of Shared Governance

Example 1: College of Education and College of Health and Social Services Merger

1a. The Provost created a proposal to merge the colleges of Health and Social Services and Education. NMSU ARP 2.15 states “Any proposal to create, reorganize, relocate or eliminate an academic unit must be submitted for review and recommendation by the Faculty Senate, the Academic Deans Council, and the Chancellor to the Board of Regents for their consideration and action.” Provost Parker initially asserted that as the rule administrator of ARP 2.15 she was not required to consult the Faculty Senate.

NMSU ARP 2.15 also states that an academic unit can be relocated only when “The faculty and administrators directly affected are in agreement.” This was not the case with the merger. Faculty in the merging departments were asked to vote on the issue. Of a total of 128 faculty, 62 voted “yes,” 33 voted “no,” 12 abstained and 21 did not vote. Notably, the entire department of Counseling and Educational Psychology, voted against, as did a majority of the department of Public Health. Focus groups held about the merger generated caveats, concerns, and alternate proposals that did not receive due consideration. Students were neither polled nor consulted about the merger.

Provost Parker believed 2.15-A is not applicable to the case of this merger. And in an email/memo sent prior to a Faculty Senate Leadership meeting, she explained that as the “Responsible Owner” of the APR 2.15-A, she could choose not to follow this process. Furthermore, Provost Parker explained that signatures by Deans and Department Heads were not reliable given their conflict of interest (as her subordinates) and any vote by faculty would not be dispositive in nature and thus not impact the substance of the proposal.

The President is responsible for supervising the Provost, providing guidance, as well as remediation and interventions when needed. He needs to be held accountable for these failures of leadership as well.

1b. Timeline & Missteps Regarding the New College Merger and Proposition 14-20/21

This timeline outlines the steps that occurred in the approval process of Proposition 14-20/2. Pursuant to NMSU the Administrative Rules and Procedures, ARP 2.15 is the rule for academic units including a new/merged college. ARP 2.15-A has been the approval process for 2.15. Previous proposals and propositions followed this ARP process, i.e., the [College of Education TPAL department merger in 2017](#). Our intent is to verify that ARP 2.15 & 2.15-A is being followed in the New College Merger. We are one of the parties responsible for upholding the integrity of ARP 2.15, including ARP 2.15-A and follow the steps outlined therein.

October 2020

- In October 2020 (October 13-22), the Faculty Senate Leadership Committee (SLC) engaged in a communication about this Proposition when it came to us for review. We noted the importance of faculty voice and voting and said to Provost Parker, “*The*

consensus regarding the New College proposal and process is that following the procedures of [ARP 2.15-A](#) with the serial implications is the recommended route.”

- December 14, 2020, we replied to an email from the Provost with a proposition submission timeline. Of note, propositions must include a Senator as lead sponsor, something that it did not yet include, which was noted in the timeline email.

December 2020

- December 15, 2020, On the last day of classes, the Provost provided a memo to the involved faculty and staff in EDU/HSS/SOC about a ballot for the new college, titled, *[Request for Participation in Ranked Choice Voting on a Proposal to Establish a New College: The College of Health, Education and Social Transformation](#)*.

January 2021

- January 15, 2021 ranked Choice Voting started with emails titled, *[Request to Participate in Ranked Choice Voting on a Proposal to Establish a New College: The College of Health, Education and Social Transformation](#)*. Of note, this was not an anonymous process.
- January 26, 2021, the Provost submitted the proposition the day it was due without a Senator sponsor. We sent the proposition back requesting the requisite sponsoring Senator/s be added allowing for the additional day needed for this.
- January 27, 2021, the Provost resubmitted with two Senator sponsors and added two additional sponsors later. At a later date noted in the February section, a document is submitted to the Faculty Senate titled, [Merger Concerns](#) that includes concerns about three of the four Senators being assistant professors and receiving personal emails at the last minute requesting sponsorship.
- This submission included one of four approval levels needed per ARP 2.15-A, however, we allowed the proposition to move forward.
- January 28, Faculty SLC assigned the proposition to committee and moved forward to the Faculty Senate agenda for February 4, 2021.

February 2021

- February 5, 2021, we began receiving concerns and feedback about not following 2.15-A. We informed the Provost of these concerns and we requested that she provide the requisite documentation needed to verify that she had followed 2.15-A. We also noted that we would postpone the committee meeting until she could do this. *Provost Parker called Chair Parra, **but did not like the rationale she was given and hung up on Chair Parra.**
- On February 7, 2021, Provost Parker proposed:
Departmental and College level approvals:

“I can ask Calixto to disaggregate the vote tallies by department and give the individual department datasets to each DH, and request a signed letter from them (assuming vote disaggregation is what you mean by department delineation).”

Similarly, I can ask Calixto to disaggregate the vote tallies by college and give the datasets to each dean and request a signed letter from them.

I doubt that Calixto can turn this work, and I can get each DH and dean to turn about their letters as well, by the 2/11/21 committee meeting. However, I am pretty certain Calixto and I could provide 'provisional' disaggregated datasets to the scholastic committee which they could proceed with during their 2/11/21 meeting, with the understanding that they will hold their report until all of the signed approvals are returned by the DHs and Deans”

- In this same email, the Provost objected to the need for Dean’s Advisory Council approval (this is referring to ADAC). On February 9, 2021, we later clarified that this is ADAC as there seems to be confusion on this entity.
- On the same day, SLC received a six-page document of concerns from faculty, which was concurrently sent to a Regent. Upon receipt of this document, SLC shared the document with the Provost. The concerns included the failure to secure necessary approvals per 2.15-A. A revised version with updates was sent as a follow up (see [Merger Concerns](#)).
- Upon receipt of this document, the Provost responded:

“I appreciate you conveying the opinions of some. There are inaccuracies in several of these statements, but again, people are entitled to their opinion.

I expect the Senate to do its job and take the matter up for a vote.

Thank you.”

- On February 9, 2021, SLC then sent the proposition back to all of the sponsors requesting that the approval process be formally addressed.
- The sponsors asked for clarification, we provided this on February 10, 2021.
- SLC also started communicating with the previous approval groups - ADC and ADAC who told us that a) 2.15-A is either not relevant as they say it's for academic programs or b) it should have been rewritten when 2.15 was rewritten
- On February 9-10, 2021, Parra researched 2.15 revisions that occurred in June of 2019, when she was new Vice Chair. Edits were minor per the redline document and the [report to the Board of Regents](#). *Provost Parker called Chair Parra. **Provost Parker, did not like the responses she was receiving and hung up on Chair Parra.**
 - Undergrad program changes in Part 11 were 5 lines out of approximately 80 lines that were deleted and there is no indication that 2.15-A became irrelevant based on 5 lines of text.
 - It has been and remains FSLC position that 2.15-A was applicable before 2.15 edits and remains applicable now. We note that there is confusion that needs to be addressed with ADAC and ADC.
 - We note that if the process should have been rewritten, then that rewriting should occur. This does not invalidate that it is the existing process.

- On February 11, 2021, at the Board of Regents Student Success meeting and knowing faculty in the COE were concerned about the merger and asking a litany of questions, Provost Parker in her discussion about the New College Merger, **noted that the College of Education could be in trouble.** *This had never previously been communicated as part of the rationale for the merger.* On Friday, February 19, 2021, Provost Parker shared with an SLC representative and Chair Parra the Ranked Choice Survey results (in relation to February 7 communications_during which the Provost had identified this ranked choice voting as the way she would delineate departmental and college level approvals).
 - This sharing included delineation by discipline; it was noted that the DHs voted in the Ranked Choice Survey.
 - We asked about the February 11 comment about the College of Education being in trouble and were also told that this comment was only referencing TPAL and that she did not want the university at large to know this.
 - When asked how the 2.15-A approval process, i.e., including a signature page, would be followed, the Provost explained that 2.15-A was not being followed.
 - When asked why following 2.15-A was a problem, **she noted that it required her subordinates** to be in a conflict of interest. When we noted that the ranked choice survey was not anonymous and could similarly be a conflict of interest, she explained that the survey was getting opinion and thus not a vote or conflict of interest.
 - Of note, if the ranked choice survey is an opinion, then there is still no record of faculty or department heads voting.
 - The Provost discussed the language of 4.81 and 2.15 as a rationale for why 2.15-A was not applicable. We got to the point where she said “how about now we get legal opinion about the appropriate interpretation.” We explained again the concerns and problems that would occur at the committee level and she said “so vote against it, it doesn’t matter, it’s going to go to the Regents and they’ll decide for me.”
- We note that the SLC representing NMSU faculty asked, recommended, offered organizational assistance, etc. for 2.14-A policy/process to be followed. Understanding the limits of the policy, we contend that *it is the policy/process until it is revised or replaced.*
- On February 25, 2021, SLC received a memo, titled, [Role of ARP Rule Administrators](#) related to Provost’s February 19 indication of getting a legal opinion about the appropriate interpretation of ARP 2.15 and 2.15-A. We would note that this memo refers to the Provost’s capacity to reach out to “my attorneys” (p. 2, last para).
- SLC met with the President at the end of February to discuss concerns regarding the Provost's handling of the merger.

The approval of the merger was deemed conditional proving the administration could follow policy and procedure; engage in meaningful shared governance; involve key stakeholders; and communicate more effectively and transparently. The Board of Regents *did approve* the merger, but censured the administration for failing to uphold shared governance. Specifically, Regent Saucedo said that lack of communication from the administration was an issue that needed to be addressed. Regent Devasthali agreed, and added that policies were not applied equitably and transparently. And Regent Romero, said that the policy interpretation by administration leaves

out key stakeholders, for example – staff and students and faculty; undermines shared governance; and that the NMSU community needs to be brought along during these types of initiatives. Since that BOR meeting on May 14, not only have these issue not improved, they have increasingly gotten worse (see above examples), as have the baseless attacks on the legitimate work of Faculty Senate.

Example 2: Safety & Security Concerns on Campus

**This is an excerpt of a more comprehensive letter on safety and security being sent to the administration and the Board of Regents.*

The Las Cruces Sun News article dated September 22, 2021 by Algernon D’Ammassa ([link to article](#)) detailed violations of NMSU’s ARP policies. Under these hostile work conditions, which contravene NMSU’s own [prohibitions of bullying, hazing, and hostile misconduct](#), we find it nearly impossible to fulfill [NMSU’s mission](#) of fostering learning, inquiry, diversity and inclusion, social mobility, and service to the broader community. Working conditions for staff and faculty are learning conditions for students; thus, ensuring safety in the workplace must be sacrosanct to the core mission of the university. The low morale and dissatisfaction among staff and faculty also threaten the university’s ability to achieve [Goal 4 of NMSU LEADS 2025](#) to build a robust university system. Now is the time for NMSU to put the safety and well-being of its students and employees first; to take a forceful, active stance against abuse, bullying, bigotry, and harassment; and to act on its [stated commitment](#) of “creating settings where respect is a norm, where each person entering our community—in person or virtually—can depend on respectful treatment.”

Therefore, we ask the university to commit to the following:

- Issue a clear statement from university leadership that the university does not tolerate bullying, retaliation, intimidation, harassment, and discrimination
- Conduct a transparent investigation of university leadership’s handling of the entire situation, including whether university policy was adequately followed. In our view, the university failed to adequately enforce [ARP 3.80](#)—Prohibition of Bullying, Hazing and Hostile Misconduct (Non-Discriminatory) and failed to involve the university’s Office of Employee and Labor Relations as stipulated in the policy (see Appendix C).
- We further believe the university failed to adequately enforce [ARP 16.20](#)—Awareness, Assessment and Response to Behaviors of Concern—by downplaying the level of risk posed, inadequately notifying the campus community of the safety concerns arising, and failing to involve the university’s Office of Employee and Labor Relations to provide “collaborative problem-solving assistance to supervisors and employees in the area of conflict resolution in an attempt to address and diffuse tensions caused by interpersonal disputes or other reasons, before disputes in the workplace reach a level at which Violence may erupt,” as stipulated in the policy. The results of this investigation must be disseminated to members of the university community in a timely fashion, and university leadership should be prepared to face and be held accountable to the people of NMSU for their actions and inactions.

Example 3: Creation and Perpetuation of an Adversarial Relationship with Faculty Senate

The Faculty Senate is the voice of the NMSU Faculty and plays a critical role in the shared governance of the institution. The Senate is led by the Chair and Vice-Chair, who both serve on a variety of University committees and councils, which are also policy making bodies. The [Faculty Senate Constitution](#), Article II – Functions and Powers, Section 1 states: The Faculty Senate shall have legislative jurisdiction over policies affecting the university’s academic mission in regard to teaching, research, service, outreach, and extension.

Faculty Senate (FS) is the only amalgamated body that addresses faculty concerns, ideas, and information. Last year, a narrative started to occur regarding how difficult it was to work with Faculty Senate; that we are perceived and often talked about as “working outside of our domain.” The critique was being posited regarding our inefficiencies and deficiencies. For example, the Provost was quite displeased that anything she desired to put through Faculty Senate required a Senator sponsor.

The negative rhetoric that FS is “overstepping their boundaries,” “outside their domain,” “adversarial,” and “difficult to work with” (that the President, Provost, and Dr. Luis Cifuentes continue to perpetuate) is not only lacking in evidence, but is also harmful to the democratic principles and commitment to shared governance (RPM 1.70) upon which a University is premised. We were and remain confused by this description, and why senior-level administrators would propagate a deliberately negative narrative.