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Faculty Senate of New Mexico Tech
Mr. Jacoby Boles – Archivist
Dr. Fred Phillips – Vice Chair
Dr. David Burleigh – Parliamentarian
801 Leroy Place – Socorro, NM 87801

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Re: REVISED Response to your resolution dated 2/5/2013
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Dear Faculty Senate:

In our February meeting, you directed me to inquire about adding New Mexico Tech to bill HJR-09 of the 2013 NM State Legislature. I first made Dr. Lopez aware of your request. Your Regents were also aware of the existence of HJR-09, and it was discussed at the February Regents meeting. In response to a query from Regent Carpenter, Dr. Lopez shared that the bill did not seem to have strong legislative support.

I researched the topic of faculty regents, and found that Western Kentucky University has both Faculty and Staff as voting members of their board of Regents. Numerous other schools (including the University of California) have Faculty Advisory Panels that participate as non-voting members at Regents meetings and are of-counsel, including in Presidential searches. In light of my research, I would characterize HJR-09 as *forward-leaning*. At the time of this writing, HJR-09 appears to be dead in committee.

I also studied the legislative process and realized that the request came too late to be effective in the current legislative session. Should the Senate maintain enthusiasm for this legislation, I suggest that a legislative committee be formed, and, after consulting with Dr. Lopez, work out a plan of action with Rep. Steinborn, and our own Rep. Don Tripp to move a modified bill forward in the 2014 Legislature. I am not, in this report, making this a formal proposal.

In studying the bills before the state legislature, I rapidly discovered HJR-08, and have been told by people I trust that I would be fulfilling the letter of your charge, but not its spirit, should I fail to bring HJR-08 to your attention. This bill is ALSO sponsored by Rep. Steinborn and has been formally endorsed by the NMSU Faculty Senate. It has also been endorsed by the legislative committee of the UNM Faculty Senate (but not by the entire Senate). HJR-08 is very simple:

PROPOSING TO AMEND THE CONSTITUTION OF NEW MEXICO TO PROVIDE

FOR NOMINATING COMMITTEES FOR ALL APPOINTED MEMBERS OF BOARDS
OF REGENTS OF STATE EDUCATIONAL INSTITUTIONS.

HJR-08 does NOT specify who is on the nominating committee, but leaves that to the discretion of the legislature. HOWEVER, a nominating committee process WAS DRAFTED AND SIGNED INTO LAW by Governor Bill Richardson in the final days of his administration (and a copy is provided to you). The process was immediately reversed when Governor Martinez took office. In general, governors do not give away powers lightly. Thus, one would expect that should we choose to support HJR-08 that we would not be popular with our governor.

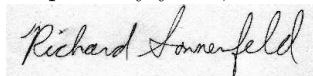
HJR-08 has emerged from committee, and is likely to reach the floor of the state house of representatives. That does not mean that it will also pass the State Senate. HJR-08 refers to ALL state educational institutions, which means it already refers to us at New Mexico Tech. HJR-08 has a strong advocate in Fred Hashimoto, an emeritus distinguished professor at UNM. Dr. Hashimoto has specifically requested NM Tech Faculty Senate support, and says it could have an effect on the success of the bill.

Dr. Hashimoto's argument, which I support, is that a process that assures that Regents are qualified and experienced for their positions will lead to better outcomes for their Universities. He cites as evidence a report by the University of Michigan which showed that states ranked in the bottom five for higher education performance (New Mexico is one) had politically appointed boards of Regents, while three of five states at the top of performance (Minnesota, Massachusetts and Utah) had performance/qualification based nominating committees.

In light of what I have recently learned about HJR-08, I submit to you a possible proposal. *The Faculty Senate of New Mexico Tech endorses HJR08 and supports the concept of having a nominating committee for Regents at state institutions. We assert that a Regent nominating committee and associated vetting process will ensure the selection of well-qualified individuals who are best able to advance the performance of institutions of higher education in New Mexico.*

In closing, I much appreciate your committment to better governance at all levels.

Respectfully yours,



Richard Sonnenfeld, Associate Professor of Physics
Faculty Senate Chair