

**NEW MEXICO HIGHER EDUCATION DEPARTMENT**

**ADVISORY BOARD**

**BYLAWS**

These Bylaws are promulgated and adopted in accordance with the power and authority of the New Mexico Higher Education Department Advisory Board.

**ARTICLE I. THE BOARD**

The name of the organization shall be the New Mexico Higher Education Advisory Board, hereinafter referred to as "Board." The Board shall function, according to NMSA 1978 9-25-10, as an advisory body to the Secretary of the New Mexico Department of Higher Education.

**ARTICLE II. MISSION**

To advise the Secretary on policy matters with an emphasis on increasing college readiness, participation, and completion in New Mexico, particularly among low-income students, first-generation college-going students, and students of color. The Board will also help identify statewide initiatives to promote New Mexico colleges and universities, including assisting with external funding sources and other resources to support the Department's statewide outreach initiatives

**ARTICLE III. MEMBERSHIP**

Pursuant to NMSA 1978 9-25-10, the Board shall consist of fourteen members who are appointed by the Secretary and be comprised of members who are from diverse geographic areas, are culturally diverse and represent types of higher education institutions. Four members, including the student member, shall be appointed for two years, five members shall be appointed for three years and five members shall be appointed for four years. Thereafter all members shall serve four year terms, except for the student member who shall continue to be serve a two year term.

1. A quorum at any meeting of the Board shall be constituted by a majority of the members who have been appointed to their office.
2. With the approval of a two-thirds majority of a quorum present at any scheduled meeting, the Chair may direct the Secretary to recommend the removal of any member for chronic absenteeism or improper conduct. Chronic absenteeism shall normally consist of missing a total of four regularly scheduled Board meetings in any one calendar year.
3. Members are entitled to receive per diem and mileage as provide in the Per Diem and Mileage Act and shall receive no other perquisite, compensation or allowance.

**ARTICLE IV. DUTIES**

The Board is advisory to the Secretary of the Higher Education Department.

1. The Board shall work with the Secretary to further the purpose and duties of the Board.
2. The Board shall identify working groups to meet outside of regular board meetings on projects identified by the Secretary and the Board.

3. The Board may help identify funding sources for new initiatives and statewide training or educational campaigns.
4. The Board shall recommend to the Secretary statutory or regulatory changes necessary to carry out its mission.

#### **ARTICLE V. CONFLICT OF INTEREST POLICY**

The Board has established a conflict of interest policy based on the Governmental Conduct Act, 10-16-1 through 10-16-18 NMSA 1978. Board members shall not engage in any action that could be interpreted as use of position on the Board to further his or her own interest or the interest of any organization with which the member has an influential role. Members shall be familiar with and shall abide by the Governmental Conduct Act, Section 10-16-1 through 10-16-18 NMSA 1978.

#### **ARTICLE VI. OFFICERS**

The officers of the Board shall be a Chair, a Vice-Chair, and a Secretary, each of whom shall be elected at the annual meeting in September by a majority vote of the Board members present.

1. All officers shall take office at the annual meeting at which they are elected
2. The Chair shall preside at all meetings and shall appoint any working groups or committees.
3. The Vice-Chair shall, in the event of the absence or incapacity of the Chair, exercise all powers and duties of the Chair during such absence or incapacity.
4. The Secretary shall call the roll at each Board meeting and shall cause the minutes of each meeting to be kept.
5. The Board may, by a two-thirds majority of the members present at a regular meeting of the Board, recommend to the Secretary that the Board Chair or Vice-Chair be removed from office when, in the judgment of such two-thirds majority, the Chair or Vice Chair has committed nonfeasance (failure to act when there is a duty), misfeasance (negligence), or malfeasance (performance that was improper or illegal).
6. The Board may, by a two-thirds majority vote at any regular meeting, remove the Secretary from that office where such action is, in its judgment, in the best interests of the Board.
7. The Chair may fill a vacancy in the office of the Board Secretary by appointment until the next regular meeting of the Board.

#### **ARTICLE VII. EXECUTIVE COMMITTEE**

The Board shall have an Executive Committee consisting of five members including the officers and two others assigned by the Chair for a term of one year.

1. If any assigned member of the Executive Committee is unable to attend a meeting of that Committee, the Board Chair may appoint another member to serve for that meeting.
2. The Board Chair shall serve as Chair of the Executive Committee.
4. Minutes of all meetings of the Executive Committee shall be distributed to all members prior to the next Board meeting.

#### **ARTICLE VIII. MEETINGS.**

The Board shall hold at least four (4) meetings a year. Ten (10) days written notice of the exact date, time, and location of each meeting of the Board shall be given by the Secretary or the Board Chair to all members and to the public. Any meeting date may be changed by approval of a majority of a quorum of the members present at any regularly scheduled Board meeting, subject to the requirements of the Board's open meeting resolution. Special meetings may be called either by the Secretary, the Board Chair or by petition of a majority of the sitting board members. Three (3) days' notice shall be given to members and the public of such special meetings. Upon receipt of a petition for a special meeting, the Chair shall schedule the special meeting.

1. The Board may designate any location within New Mexico as the place of its meeting.
2. Members must be physically present or present via a telephone connection to vote at all meetings of the Board. Voting by proxy is prohibited.
3. The proposed agenda items for each Board meeting shall be prepared by the Secretary in consultation with the Board Chair and distributed not less than two (2) days prior to each meeting of the Board.
4. Members wishing to place an item on the proposed agenda must notify the Chair not less than one week prior to the Board meeting. In accordance with the Open Meetings Act, board members may add or delete items from the agenda at the Board meeting but may not vote on added items requiring action until the following or subsequent meeting.
5. These Bylaws may be amended or repealed by a majority and new regulations shall be given to all board members. Written notice of any proposed amendments shall be given ten (10) days in advance and shall include the full text of the provision to be changed as well as the new provision.

Adopted this 10th day of December 2019.



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Secretary