

OPERATING AGREEMENT

BETWEEN

THE BOARD OF REGENTS OF NEW MEXICO STATE UNIVERSITY

AND

THE LOCAL SCHOOL BOARDS OF DOÑA ANA COUNTY

DECEMBER 2005

**AGREEMENT
PERTAINING TO THE OPERATION OF THE
DOÑA ANA BRANCH COMMUNITY COLLEGE**

The Board of Regents of New Mexico State University (hereafter called the Regents), Las Cruces, New Mexico, and the Local School Boards of Doña Ana County (hereafter called the Local Board) which is comprised of the Local School Boards of the Gadsden Independent School District, the Hatch Valley Public Schools, and the Las Cruces Public Schools, hereby entered into the following agreement concerning the operation of the Doña Ana Branch Community College of New Mexico State University (hereafter referred to as DABCC) located in Las Cruces, New Mexico.

This operating agreement between the Regents and the Local Board is founded on the belief that quality educational services shall be provided in accordance with the needs of the service area through a cooperative and coordinated effort of New Mexico State University and DABCC.

In accordance with Chapter 21, Article 14, Branch Community Colleges, New Mexico Statutes Annotated (hereafter referred to as NMSA) 1978 the duties and responsibilities of the Local Board in relation to DABCC are as follows:

1. To enter into a written agreement with the Regents, subject to biennial review, and the commentary of the New Mexico Higher Education Department.
2. Act in an advisory capacity to the Regents in all matters pertaining to the conduct of DABCC.
3. Approve the annual operating budget of DABCC for recommendation to the Regents.
4. Certify to the Doña Ana County Commissioners the tax levy.
5. Conduct the election for tax levies for DABCC.

Pursuant to Chapter 21, Article 14, Branch Community Colleges, NMSA 1978, the DABCC education program shall include the first two years of college education and organized vocational and technical curricula of not more than two years' of duration designed to fit individuals for employment in recognized occupations. The full-time-equivalent student population shall include students enrolled in college-level courses and students enrolled in vocational technical courses taught by DABCC.

The Doña Ana County Local School Boards shall designate an advisory board consisting of two board members from each school board to act on their behalf. This representative advisory board will hold scheduled meetings with the administrative staff of DABCC and be responsible for approving the annual operating budget, and keeping their respective school boards advised of the programs and progress of DABCC. The Local Board must act as a single board, inclusive of all local school board members, to certify the tax levy and conduct elections for tax levies of DABCC.

The Regents, through appropriate university representatives, shall have full authority and responsibility in relation to all academic and administrative matters of DABCC. New Mexico State University (hereafter referred to as NMSU), will serve in a supportive capacity to the branch community college.

ADMINISTRATIVE MATTERS:

1. The primary service area of DABCC, will be consistent with the geographic boundaries, also the branch community college taxing district of the Local School Boards.
2. As part of the NMSU system, DABCC will support the overall vision, mission, and strategies of NMSU.
3. The authority of the Regents in this Agreement is hereby delegated to the President of the University, who, in turn, may delegate such authority as appropriate.
4. The Campus Executive Officer will report to the highest ranking academic administrator of NMSU.
5. The Regents' representative to the Local Board shall be the Campus Executive Officer of DABCC who, for the purposes of carrying out the provisions of this Agreement, shall request that the President of the Local Board convene a separate meeting of the representative advisory board at least twice annually and more frequently, if requested by either party, to review matters pertaining to the operation of DABCC.
6. The Campus Executive Officer of DABCC will be responsible for the coordination of any authorized and approved elections, subject to the advise and consent of the Local Board. All expenses necessary for the conduct of such elections shall be the responsibility of DABCC.
7. Individuals employed by DABCC shall be selected by the branch community college administration and approved for hiring in accordance with the policies of NMSU.

ACADEMIC MATTERS:

1. DABCC will be operated in accordance with the standards of the Higher Learning Commission of the North Central Association for the Accreditation of Colleges and Schools.
2. The program offerings of DABCC are those common to community colleges and include:
 - a. Providing the lower division credit courses necessary for the completion of selected certificates and associate degrees in academic, technical and occupational fields with courses applicable to baccalaureate degree completion programs at other colleges and universities.
 - b. Providing non-credit, continuing education courses and opportunities for social, recreational, cultural, vocational and personal enrichment.
 - c. Providing developmental and adult basic education programs.
 - d. Providing other educational services appropriate to the mission of a community college including the establishment of linkages with other organizations.
3. The course of study of DABCC shall be designed to accomplish its stated purposes but shall remain consistent in its lower division academic courses to those of comparable courses at NMSU and shall be implemented in accordance with the academic policies of NMSU.
4. DABCC will endorse the open-door admission concept and will admit, to the limit of its physical and financial resources, new students who wish to attend and who have a high school diploma or equivalent.

5. Pursuant to State law, all credits earned by DABCC students will be honored as though they were earned on the NMSU parent campus.
6. In accordance with State law, agreements may be entered into between DABCC and a local school district for the provision of vocational and academic programs for high school students. These courses may carry credit toward high school graduation and be used also in meeting the requirements for earning a certificate or associate degree at DABCC. The local school district shall transfer to DABCC the tuition and fees for any student who, during the term, is counted in the membership of the public school district and will receive high school credit for coursework at DABCC.
7. DABCC shall have the autonomy to develop new certificate and associate degree programs based on needs assessments of the community as well as the authority to offer course work for all NMSU associate degrees. Associate degrees and certificates are awarded to students who fulfill the requirements of the program.

FINANCIAL MATTERS:

1. DABCC will be financed by a State appropriation, local tax levies, tuition and fees, grants, and gifts. Additional tax levies can be used to generate revenues pursuant to the College District Tax Act, Chapter 21, Article 2A, NMSA 1978 or Chapter 21, Article 14, NMSA 1978.
2. DABCC may borrow money, through college district general obligation bonds, for the purpose of constructing and equipping buildings and to make other real property improvements pursuant to Chapter 21, Article 2A, NMSA 1978. The repayment of district general obligation bonds shall solely be made from bonds received from duly authorized levies and taxes and are the obligation of the District. The Regents shall not have any obligation to repay the bonds.

3. DABCC tuition and fees shall be set by the Regents. New Mexico residents, residing outside of Doña Ana County, will be assessed an out-of-district fee each semester they enroll. Non-residents of New Mexico will be assessed tuition and fees at a higher rate than residents.
4. The Regents may establish and grant gratis scholarships (three-percent state scholarships) to students of DABCC who are residents of New Mexico in accordance with Section 21-14-5, NMSA 1978.
5. In accordance with Section 21-14-9, the New Mexico Higher Education Department shall recommend an appropriation for DABCC based on the college's financial requirements.
6. No funds of NMSU shall be allocated for the support of DABCC although indirect administrative costs may be borne by NMSU. No funds of DABCC shall be diverted to the parent campus or to any other branch campus except for the payment of a budgeted institutional support fee assessed annually by NMSU or for other appropriate purchases of goods and services.
7. Services provided to DABCC by NMSU shall include general administrative and computing services, legal, architectural, library and student services and others as needed to the extent that no direct transfer of funds is required.
8. As part of NMSU, DABCC shall have available liability insurance under the public liability fund administered by the New Mexico State Risk Management Division. Any liability of the branch community college will be governed by the New Mexico Tort Claims Act, Section 41-4-1 *et seq.*, NMSA 1978.
9. The Regents shall be responsible through their appointed representatives for the financial management of DABCC. The local school boards acting individually or collectively through a representative advisory board may review all procedures, reports and all other matters related to the financial management of DABCC.
10. The Campus Executive Officer of DABCC shall prepare and present to the representative advisory board an annual budget including the long range plan of the college and the status of all capital outlay projects.

FACILITY AND FACULTY MATTERS:

1. Limited to the availability of space; DABCC shall share facilities at satellite locations in support of bachelors completion and appropriate graduate programs, and NMSU shall share facilities on the main campus in support of articulated programs.
2. DABCC agrees to provide developmental courses, or other agreed upon general education courses, to NMSU students located on the main campus in support of the freshman experience given the following considerations:
 - a. Limited to the availability of DABCC financial resources and NMSU main campus facilities.
 - b. Faculty salaries will be paid by DABCC.
 - c. Courses will be offered consistent with the NMSU main campus schedule.
 - d. The courses will be submitted for funding through the New Mexico Higher Education Department formula as DABCC courses.
 - e. Students will be charged DABCC tuition and fees for the courses, with the option to include NMSU fees to cover the NMSU activity fee. DABCC will receive DABCC tuition and fee revenue, and NMSU main campus will receive the activity fee revenue.
3. All property, other than any loaned to DABCC by the main campus or leased by DABCC with the approval of the Regents, shall be held in the name of the Regents during the period of this agreement.
4. Facilities of DABCC may be made available for limited use by the community in accordance with the policies of the Regents.
5. Pursuant to State law, DABCC will consider applications of local qualified people before employing teachers of the local school systems.

TERMS:

This Agreement constitutes the entire agreement between the parties and supersedes any prior agreements, contracts or understandings, expressed or implied, oral or written.

This Agreement may be terminated by mutual consent or by either the Local Board or the Regents upon six-months' notice unless there are outstanding general obligation or revenue bonds. Any outstanding bonds must be retired or otherwise provided for in accordance with Section 21-13-24.1 NMSA 1978, prior to the termination of this Agreement.

This Agreement shall be subject to biennial review or upon the request of participating parties; and, may be modified in writing at any time by mutual agreement of the parties.

This Agreement shall be effective on date of signature of the parties, and shall be binding upon the Local School Boards and the Board of Regents of NMSU pursuant to Chapter 21, Article 14, Branch Community Colleges, NMSA 1978.

President, Board of Regents
New Mexico State University

Date

President, Gadsden Independent School District Board

Date

President, Hatch Valley Public School Board

Date

President, Las Cruces Public School Board

Date