

BYLAWS OF THE REGENTS OF THE NEW MEXICO INSTITUTE OF MINING AND TECHNOLOGY

ARTICLE 1 – AUTHORITY, DELEGATION AND AMENDMENT

1.1 Authority: Pursuant to the Constitution and statutes of the State of New Mexico (State), the management and control of the New Mexico Institute of Mining and Technology (NMT) are vested in its board of Regents (Board). [Const Art XII, §§ 11 and 13; NMSA 1978 § 21-11-4] “The proper exercise of this power reasonably includes the exercise of broad discretion.” *Futrell v. Ahrens*, 1975-NMSC-044, ¶ 10, 88 N.M. 284. The Board is authorized by law to cause “all things to be done necessary to carry out the provisions” of the State statutes relating to NMT [NMSA 1978 § 21-11-4] and to “do all and everything necessary . . . with a view of promoting the best interests of” NMT. [NMSA 1978 § 21-11-8] The Board may establish and charge matriculation and tuition fees pursuant to law, [NMSA 1978 § 21-1-2], and remove NMT officers and employees when in the judgment of the Board the best interests of NMT require removal. [NMSA 1978 § 21-11-11]

1.2 Delegation: The Board may as it deems proper delegate authority and functions to officers and subordinate bodies of NMT. [NMSA 1978 § 21-1-10]

1.3 Amendment: The Board may amend or repeal these Bylaws.

ARTICLE 2 – BOARD MEMBERSHIP

2.1 Regular Members: The membership, appointment, qualifications, terms, removal and replacement of regular members of the Board (Regents) are governed by the State Constitution and statutes. [Const Art XII, § 13; Art XX, §§ 2, 3 & 5] Each prospective Regent shall before taking office take an oath to faithfully and honestly discharge his or her duties and strictly and impartially perform such duties to the best of his or her abilities. [NMSA 1978 § 21-1-19]

2.2 No Liability: Regents “shall not be held personally liable in any action at law based upon a claim for damages arising out of any act or failure to act” by the Board. [NMSA 1978 § 21-1-18]

ARTICLE 3 – OFFICERS

3.1 Election: The Board will elect one of its members president of the Board and another of its members secretary-treasurer of the Board. [NMSA 1978 §§ 21-11-5, -6, & -7] The member elected president is referred to in these Bylaws as the Chair to avoid confusion with the President of NMT.

3.2 Duties: The Chair shall preside at meetings of the Board. If the Chair is absent from any meeting, the Board may appoint a Chair pro tem to preside and otherwise perform the duties of the Chair at such meeting. [NMSA 1978 § 21-11-6] The Chair may participate in any discussion of the Board and second and vote on any motion. The secretary-treasurer is the Board’s financial officer. [NMSA 1978 § 21-11-7]

ARTICLE 4 – MEETINGS

4.1 Quorum: A majority of the Regents shall constitute a quorum for the transaction of business. [NMSA 1978 § 21-11-4]

4.2 Participation by Telephone or Similar Equipment: When it is otherwise difficult or impossible for a Regent to attend any meeting of the Board in person, that Regent may participate in such meeting by conference telephone or similar equipment if each Regent so participating can be identified when speaking, all Regents participating are able to hear each other at the same time, and members of the public attending the meeting are able to hear any Regent who speaks during the meeting. [NMSA 1978 § 10-15-1(C)]


4.3 Minutes: The Board shall cause to be kept written minutes of its meetings. The minutes shall at a minimum include the date, time and place of the meeting, the names of the Regents attending and Regents not attending, the substance of the proposals considered, and a record of any decision made and votes taken that show how each Regent voted. [NMSA 1978 § 10-15-1(G)] Draft minutes shall be prepared within ten working days after the meeting and shall be approved, amended or disapproved by the Board at the next meeting where a quorum is present. Minutes are not official until approved by the Board. [NMSA 1978 § 10-15-1(G)]

4.4 Compliance with Open Meetings Act: Notice of meetings, including regular meetings, special meetings, emergency meetings and closed meetings, shall be given, agendas prepared and made available, and meetings conducted, in compliance with the New Mexico Open Meetings Act. [NMSA 1978 §§ 10-15-1 to 10-15-4]



President

Attest:



Secretary-Treasurer of the Board