

How Transparent Are New Mexico's Institutes of Higher Education? (Updated)

By Paul J. Gessing
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Introduction

The Rio Grande Foundation has been at the forefront of efforts to use New Mexico's public records laws. Our primary thrust has been to obtain information that was previously quite difficult to retrieve on the payrolls of various government entities. In recent months, we have requested and (usually) obtained the payrolls of New Mexico's largest cities, all 33 of its counties, and largest school districts.

The thrust of this report is an analysis of the relative transparency of New Mexico's institutes of higher education. We undertook this project by submitting information requests to each of the state's institutes of higher education for payroll information (names, titles, and salaries of all employees).

Where such requests have been received, we have included live links directly to the information. If information has not been successfully received, we have noted and explained what happened. Further, letter grades have been assigned that rate each institute based on compliance with the law. Factors include: clear listing of the name of relevant contact for such requests, speed of response, and compliance in providing the requested information in the requested format.

Recent Transparency Improvements

Government transparency has always been a concern of the Foundation and we were pleased when New Mexico law on public disclosure of government documents was improved dramatically upon the passage of SB 52 during the 2011 legislative session. According to that law, "A custodian shall provide a copy of a public record in electronic format if the public record is available in electronic format and an electronic copy is specifically requested."¹

Prior to the passage of that legislation, government agencies would often make it incredibly difficult for the public to attain purportedly public records in a format useful to them and without paying substantial fees for copies.²

In addition to SB 52, New Mexico law further enhances transparency by requiring that, public bodies covered by New Mexico's Inspection of Public Records Act³ post, in a conspicuous location at their administrative offices, a notice informing the public of the right

¹ New Mexico Legislature, "SB 52," <http://www.nmlegis.gov/Sessions/11%20Regular/final/SB0052.pdf>.

² *Albuquerque Journal* Editorial Board, "Get Record Requests into an Email World," February 12, 2011, <http://www.abqjournal.com/opinion/editorials/1223141opinion02-12-11.htm>

³ IPRA law can be found here: <http://www.nmcpr.state.nm.us/info/14-3NMSA.pdf>

to inspect records and the procedures for copying and inspecting records. With the advent of the Internet, that notice must also appear on the publicly accessible web site of the public body and must contain contact information for the public records custodian.⁴

It is worth noting this last part regarding the need for a contact person to be listed. After all, a college campus is a big place with many different offices. To an outsider, even a public policy expert who requests information from government agencies on a regular basis, the prospect of working through myriad contacts and calling multiple phone numbers can be a daunting one. Too many institutes failed on this basic measure making it impossible to even formulate a request.

In the absence of a clearly-listed IPRA contact (per the aforementioned legal requirement to do so), reasonable efforts were nonetheless made to find a specific point of contact for the information.

Grading Higher Education Transparency

University of New Mexico: F A+

What a turnaround at the University of New Mexico! This paper was written and opinion pieces had been sent out when UNM made its surprise announcement, covered in the *Albuquerque Journal* on May 25, that it had created a sunshine portal for the school that included payroll data.⁵

This is a major shift from mid-April when Anne Murray, JD [wrote in response to our request](#) for UNM's payroll information, "Please be advised that we do not have this information in electronic format, there is no responsive data for your request." The letter which is linked to here directed us to the UNM salary book available at Zimmerman Library.

In other words, UNM went from using weasel-words to undermine New Mexico's duly passed and clearly-worded transparency laws to leading the way for the state's institutes of higher education in terms of transparency.

We are pleased that UNM has so thoroughly shifted direction and urge the rest of New Mexico's institute's of higher education to follow suit.

New Mexico State University: A

Unlike UNM, New Mexico State handled our request "by the book." A contact was clearly listed on the University's website and the information was provided on time and in the format requested.

Eastern New Mexico University: A

Just like NMSU, ENMU had a contact was clearly listed on the University's website and the information was provided on time and in the format requested.

⁴ <http://law.justia.com/codes/new-mexico/2011/chapter14/article2/section14-2-7/>

⁵ Astrid Galvan, "UNM Posts Salaries Online, *Albuquerque Journal*, May 25, 2012, <http://www.abqjournal.com/main/2012/05/25/news/unm-posts-salaries-online.html>.

New Mexico Highlands: A

Just like NMSU and ENMU, New Mexico Highlands performed well in providing full transparency.

Western New Mexico University: A

Like NMSU, ENMU, and Highlands, WNMU succeeded on all counts with a clearly-listed point of contact for IPRA requests and a rapid response to our particular request.

New Mexico Military Institute: A

Like the rest of the highest-performing institutions on this list, the New Mexico Military Institute had a clearly-listed IPRA contact on its website and provided the requested information quickly.

Northern New Mexico College: F A-

After originally assigning the college an “F” grade, the Rio Grande Foundation was contacted by the College. A point of contact on transparency issues is now available on the College’s website and the information requested was made available to the Foundation. Thus, we have revised the College’s grade as reflected above.

San Juan College: A-

San Juan Community College has an information request form available on its website. It is not easy to find, but once we found it and submitted it, the information we requested was sent to us in a timely fashion.

Central New Mexico Community College: B+

We struggled to find a point of contact on the CNM website, but worked with their IPRA contact (contacted initially via telephone) to resolve issues surrounding broken links and the search tool on their website. Eventually, were directed to a document posted on their website and linked to in this post that includes position titles but not employee names. This document is still not easy to find on the CNM website.

Clovis Community College: B

Like New Mexico Tech, Clovis Community College did not have a clearly-noted IPRA contact on its website, however, after a few phone calls, we received the information we requested in a reasonable amount of time once contact was made. Unlike New Mexico Tech, Clovis Community College did not charge for the documents in question and therefore receives a higher grade in this report.

New Mexico Junior College: B

The college did not have a point of contact on its website, but did provide the requested information quickly and at no expense.

Santa Fe Community College: C+

The college did not have a point of contact on its website, but did provide the requested information at no expense. It took longer than 15 days, however.

New Mexico Institute of Mining and Technology: C

New Mexico Tech is a mixed bag when it comes to government transparency. A point of contact for IPRA requests was not found on their website, but after a phone call or two, a point of contact was tracked down. Our request was fulfilled, but we had to pay \$16 for the records. This charge is (unfortunately) legal under New Mexico law, even for electronic records, but the lack of a contact and the fee resulted in a reduced grade.

Mesalands Community College: F

The college did not list a point of contact on its website and we were unable to obtain any records from Mesalands Community College

Doña Ana Community College: F

The college did not list a point of contact on its website and we were unable to obtain any records from Doña Ana Community College

Luna Community College: F

The college did not list a point of contact on its website and we were unable to obtain any records from Luna Community College

Conclusion

The University of New Mexico went from “worst to first” in terms of transparency. Ultimately, however, having payroll and other pertinent information – like annual budgets – posted publicly on the institute’s website should be the goal of policy leaders throughout New Mexico and the leadership of the respective schools.

About the Author:

Paul J. Gessing is President of New Mexico’s Rio Grande Foundation. The Rio Grande Foundation is an independent, non-partisan, tax-exempt research and educational organization dedicated to promoting prosperity for New Mexico based on principles of limited government, economic freedom and individual responsibility.