

**NEW MEXICO  
HIGHER EDUCATION  
DEPARTMENT**

*Fostering Student Success from Cradle to Career*



*Michelle Lujan Grisham, Governor  
Stephanie M. Rodriguez, Cabinet Secretary  
Patricia Trujillo, Deputy Secretary*

statutory provisions cited do not state that the higher education institution is exempt from the Procurement Code, they merely provide that a Board of Regents will control and manage the university. Vested control and management responsibility in an individual political body does not exempt a public higher education institution from the Procurement Code. Our agency consulted and coordinated with the New Mexico Department of Finance and Administration on a thorough review of supporting documentation provided by Western New Mexico University, and while it was noted in the university's letter dated January 19, 2024, that the Board of Regents "establishes purchasing regulations", our legal counsels confirmed that the university must comply with the State's Procurement Code. In addition, Western New Mexico University's own "Procurement and Reimbursement Policy" states that the university must comply with federal and state laws, including the Procurement Code.

As one of New Mexico's original regional comprehensive universities, Western New Mexico University is charged with fostering college access and support with a focus on the residents living in the surrounding communities and within the "Western" region of the state. However, a recent article in the *Santa Fe New Mexican* highlights 47 different trips to 12 different countries in the last five years for recruitment purposes, with the university's own alumni magazine noting international students in the fall only numbered 35, or one percent of the total enrollment. While we value the contributions of international students and welcome these students to New Mexico's colleges and universities, Western New Mexico University's response does not address or provide support for how these trips solidify the university's role as a regional comprehensive university. The university has the responsibility of serving Grant County and surrounding counties. The median income in these areas is approximately \$27,800 and over 35 percent of students attending Western New Mexico University receive need-based federal Pell Grants. The student population at Western New Mexico University is 47.8 percent Hispanic and 29.8 percent Native American. The university's highest funding priority should first and foremost be to the direct benefit of students and the local population that Western New Mexico University was constitutionally established to serve.

My office is cognizant of the authority granted to the Board of Regents in the management and control of the university; however, as stewards of public dollars – both state and federal – the board is responsible for managing the university's financial resources wisely and executing these duties with integrity and ethical conduct. The same is true when it comes to the stewardship of public trust. It is my expectation that the regents will take their role and responsibility earnestly and ensure that Western New Mexico University is compliant and transparent in the New Mexico Higher Education Department's upcoming compliance audit.

If you have any questions regarding this correspondence, please feel free to reach out to General Counsel Peter Kovnat at [REDACTED] or via email at [Peter.Kovnat@hed.nm.gov](mailto:Peter.Kovnat@hed.nm.gov).

Sincerely,

Stephanie M. Rodriguez  
Cabinet Secretary