



HIGHER LEARNING COMMISSION

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February 6, 2019

VIA ELECTRONIC MAIL

Dr. Garnett Stokes, President
University of New Mexico
1 University of New Mexico
MSC05 3300
Albuquerque, NM 87131

Dear President Stokes:

The Higher Learning Commission (HLC or “the Commission”) has reviewed University of New Mexico’s (“the University’s”) response to its November 13, 2018 letter, informing you of the Commission’s intent to assign the Governmental Investigation Designation. As explained in that letter, the intent to assign the designation was based on the initiation of ongoing civil and criminal investigation by the New Mexico Office of Attorney General (“the Attorney General”) as it relates to potentially criminal conduct involving the University’s Athletics department. The Commission received the University’s response on November 30, 2018.

In reviewing the University’s response, it is clear that the University is aware of the ongoing investigation and the fact that, in addition to civil, it is potentially criminal in nature. The University also indicated that the investigation appears tied to a former employee and that it is cooperating with the Attorney General’s office in the investigation. It should be noted, however, that on December 5, 2018, it became public that the Attorney General issued subpoenas to entities affiliated with the University, its athletics department, and the UNM Foundation related to investigation.

During a subsequent teleconference with the Attorney General’s office, which HLC scheduled after receipt of the University’s response, HLC was able to gain confirmation that the basic facts underpinning its consideration of assigning a designation are indeed correct. While the statements of the Attorney General confirm nothing more than what is available publicly, it is clear that from the Attorney General’s perspective, the University cannot be excluded from the current investigation and that the investigation is ongoing. Though the University may contend this investigation is primarily tied to the athletics department, an ongoing investigation of a component of an HLC accredited-institution constitutes an investigation of the University.

Because the purpose of the Governmental Investigation designation is to inform the public of the existence of an investigation that relates to an institution or its various components, the Commission will assign the Governmental Investigation designation in this case. HLC’s rationale, after consideration of the University’s response and further review of statements made by the Attorney

General, is simply that it cannot be disputed that there exists an active, ongoing investigation by that office of the institution.

In assigning the designation, the Commission makes no statement as to the merits or outcome of the investigation, or whether the findings of the investigation, if any, could relate to compliance with the HLC Criteria for Accreditation or other applicable policies. The designation serves to signal to the public that HLC is aware of the investigation and is monitoring its developments.

This designation will remain in place until the Commission determines that removal of the designation is warranted. Once the investigation by the Attorney General concludes, the Commission will review the circumstances and determine what further action the Commission needs to take, if any, including removal of the designation.

Under policy, the Governmental Investigation Designation will appear on the University's Statement of Accreditation Status on HLC's website. The Commission will also post the enclosed Public Disclosure Notice (PDN) on its website as a means to inform students and the public of the basis for the designation. The PDN will be posted within 24 hours of your receipt of this letter.

As stated under Commission policy INST.F.20.010, *Special Monitoring*, typically, a designation will be accompanied by monitoring of the University. However, because the institution will be hosting a comprehensive evaluation in Spring 2019, HLC will await the findings of that comprehensive evaluation before determining what, if any, special monitoring might be warranted. If, at any time, the Attorney General's office issues an Assurance of Discontinuance or other document affirming that the University and/or its components are no longer subject to investigation, the University may provide copies of said correspondence to the Commission at the following link: www.hightail.com/u/hlc-lga. Additionally, depending on developments, the Commission retains the authority to schedule an Advisory Visit or other monitoring regarding this issue if deemed appropriate.

The peer review team conducting the University's March 2019 comprehensive evaluation will have access to the University's accreditation record, which will include information about this designation. The mere existence of a designation, however, does not dictate the findings of a peer review team, and the visiting team will evaluate the University's compliance with HLC's Criteria for Accreditation and Federal Compliance Requirements, as it would in any other instance, based on the available evidence. The visiting team will not evaluate whether the designation should remain in place as part of the comprehensive evaluation. The Commission will review the separate findings of the investigation of the Attorney General, if any, once the investigation is complete to determine appropriate follow-up.

Thank you for your cooperation. If you have questions, please contact your HLC Staff Liaison, Dr. Mary Vanis.

President Stokes, February 6, 2019 3

Sincerely,

A handwritten signature in cursive script that reads "Barbara Gellman-Danley".

Barbara Gellman-Danley, Ph.D.
President

Enc: Public Disclosure Notice

Cc: Joseph Suilmann, Accreditation Program Manager, University of New Mexico
Mary Vanis, Vice President for Accreditation Relations, Higher Learning Commission
Anthea Sweeney, Vice President for Legal and Governmental Affairs, Higher Learning
Commission



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Public Disclosure:
University of New Mexico has received
an “Under Governmental Investigation” designation
Effective: February 6, 2019

The Higher Learning Commission (HLC) has imposed a designation of “Under Governmental Investigation” for University of New Mexico, in Albuquerque, New Mexico. The designation is based on an open and ongoing investigation by the New Mexico Attorney General, which according to the AG in December is a “highly active investigation into financial transactions at UNM.”

The purpose of this HLC designation is to inform the public that the institution is being investigated by a governmental agency. The assignment of a designation does not indicate that HLC has independently evaluated or reached any conclusion about the merits of the investigation or its possible outcome.

What This Designation Means for Students

While under this HLC designation, University of New Mexico remains accredited. HLC will review this designation again when there are further developments in the investigation. The designation remains in place until HLC learns that the investigation has concluded.

Next Steps

As previously scheduled, the institution will host a comprehensive visit in March 2019.

About the Higher Learning Commission

The Higher Learning Commission accredits approximately 1,000 colleges and universities that have a home base in one of 19 states that stretch from West Virginia to Arizona. HLC is a private, nonprofit accrediting agency. It is recognized by the U.S. Department of Education and the Council for Higher Education Accreditation. Questions? Contact info@hlcommission.org or call 312.263.0456.

Date of Action: February 6, 2019