



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE GENERAL COUNSEL

THE GENERAL COUNSEL

March 20, 2024

President Garnett S. Stokes
Office of the President
MSC05 3300
1 University of New Mexico
Albuquerque, NM 87131-0001

Via Electronic Mail

Re: Conclusion of 20 U.S.C. § 1011f Investigation (University of New Mexico)

Dear President Stokes:

This letter is to notify you that the U.S. Department of Education (Department) has completed its investigation of the University of New Mexico's (UNM's) compliance with Section 117 of the Higher Education Act of 1965 (Section 117). The Department opened this investigation on January 15, 2021 to determine whether UNM is in compliance with Section 117, which requires institutions of higher education (IHEs) to report statutorily defined gifts, contracts, and/or restricted and conditional gifts or contracts from or with a statutorily defined foreign source(s) to the Department. Based on the Department's review of UNM's submissions, its review of statutorily required disclosure reports and UNM's attestation and agreement (Enclosure 1), we are pleased to notify you that, as of the date of this letter, this investigation is closed.

We appreciate the collaborative and responsive way in which UNM worked with the Department throughout this investigation. We encourage UNM to continue to work efficiently and diligently to comply with Section 117.

Please contact the Department if you have any questions about Section 117 compliance. We are committed to helping institutions understand and comply with their obligations and would be pleased to provide any assistance that you might seek in the future.

Sincerely,

Lisa M. Brown

400 MARYLAND AVE. S.W., WASHINGTON, DC 20202-1100
www.ed.gov

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

cc: Loretta Martinez
General Counsel
University of New Mexico

Ariadna Vazquez
Deputy University Counsel
University of New Mexico

ENCLOSURE 1

ATTESTATION and AGREEMENT
in the
U.S. Department of Education's Investigation to Determine Whether the University of New
Mexico is in Compliance with Section 117 of the Higher Education
Act of 1965

I, Garnett Stokes, President, University of New Mexico (UNM), hereby attest, under penalty of perjury, that all of the representations below are true and correct to the best of my knowledge and belief:

1. With respect to the investigation initiated on January 15, 2021, by the U.S. Department of Education (Department) into compliance by UNM with Section 117 of the Higher Education Act of 1965 (20 U.S.C. § 1011f) (Section 117), UNM has conducted a reasonable and diligent search for and produced documents and information responsive to the Department's requests as initially posed and as subsequently raised during the course of the investigation, all as described in UNM's production letters and communications to the Department. UNM has produced documents and cooperated with the Department's investigation in good faith.
2. UNM is current in the submission of its Section 117 disclosure reports through the most recent reporting deadline of July 31, 2023, subject to updates it will make to its previous Section 117 disclosure reports to add required descriptions for reported restricted or conditional contracts.
3. UNM has written procedures and systems in place designed to address and achieve compliance with Section 117 requirements, subject to including revisions as proposed in its correspondence with the Department on August 18, 2023.
4. UNM has not knowingly or willfully failed to comply with the requirements of Section 117.
5. If I did not have personal responsibility for particular information addressed in this Attestation, I have discussed it with appropriate officials within UNM who have responsibility for this information, and they have confirmed that the information is true and correct to the best of their knowledge and belief.

Further, I hereby agree to the following, on behalf of UNM:

1. No later than April 1, 2024, UNM will correct the section of its draft policy, *Reporting Foreign Gifts and Contracts at the University of New Mexico*, discussing the valuation of contracts of indeterminate value, as identified in the Department's July 28, 2023 communication with UNM, by including language as proposed by UNM in its correspondence to the Department on August 18, 2023.
2. No later than the next Section 117 reporting deadline of July 31, 2024, UNM will submit additional or revised Section 117 disclosure reports to add required descriptions

for reported restricted or conditional contracts; and

3. To the extent UNM identifies any additional errors or omissions in its reporting, UNM will correct any such errors by the next Section 117 reporting deadline of July 31, 2024. .

Executed on this 17 day of March 2024.

Garnett S. Stokes

Garnett S. Stokes (Mar 17, 2024 14:14 MDT)

Garnett S. Stokes
University President