

FIRST AMENDMENT TO
UNIVERSITY OF NEW MEXICO
RETIREE WELFARE BENEFIT PLAN

WHEREAS, the University of New Mexico ("UNM"), a New Mexico institution of higher education established by the Constitution of the State of New Mexico, has adopted the University of New Mexico Retiree Welfare Benefit Plan (the "Plan");

WHEREAS, Section 6.1 of the Plan reserves to UNM the power to amend the Plan by action of the President of UNM;

WHEREAS, UNM now wishes to amend the Plan;

NOW, THEREFORE, UNM amends the Plan in the following particulars:

1. By adding a new Section 1.01(aa) of the Plan effective as of the date last written below to read as follows:

"(aa) Appeals Committee means the VEBA Investment Committee as established under the Trust."

2. By adding a new Section 3.6 to the Plan, effective June 30, 2015, to read as follows:

"Section 3.6. Life Insurance Coverage.

(a) Date of Hire After June 30, 2015. Employees with an initial date of hire after June 30, 2015 will not be eligible for any post-retirement welfare benefits under this Plan other than basic and supplemental life insurance.

(b) Plan Participation Not Required For Post-Retirement Life Insurance. In the event a Participant elects to terminate participation in this Plan, such termination of participation shall not preclude such individual from purchasing UNM-sponsored group term basic and supplemental life insurance without Plan coverage, subject to the provisions of such insurance contracts and University Administrative Policies and Procedures as are then in effect."

3. By amending Sections 5.3 and 5.4 of the Plan effective as of the date last written below, to read as follows:

"Section 5.3. Powers and Duties of UNM and Appeals Committee.

(a) UNM has the primary responsibility to administer the Plan for the exclusive benefit of the Participants, subject to the specific terms of the Plan. UNM shall administer the Plan in accordance with its terms and shall have the power and discretion to construe the terms of the Plan and determine all

questions arising in connection with the administration, interpretation, and application of the Plan, subject to decisions of the Appeals Committee. Initial determinations of claims hereunder shall be made by UNM, which decisions may be appealed to the Appeals Committee. Subject to decisions of the Appeals Committee, benefits under this Plan will be paid only if UNM decides in its discretion that the applicant is entitled to them. UNM may establish a charter and procedures, correct any defect, supply any information, or reconcile any inconsistency in such manner and to such extent as shall be deemed necessary or advisable to carry out the purpose of the Plan; provided, however, that any procedure, discretionary act, interpretation or construction shall be done in a nondiscriminatory manner based upon uniform principles consistently applied and shall be consistent with the intent that the Plan continue to provide medical benefits under qualified plan under the terms of Code Sections 105 and 106 and group term insurance benefits under Code Section 79 and Applicable Guidance. UNM shall have all powers necessary or appropriate to accomplish its duties under this Plan. UNM shall be charged with the duties of the general administration of the Plan and the powers necessary to carry out such duties as set forth under the terms of the Plan, including, but not limited to, the following:

- (i) the discretion to determine all questions relating to the eligibility of an Employee to participate or remain a Participant hereunder and to receive benefits under the Plan;
- (ii) the authority to review and settle all claims against the Plan. This authority specifically permits UNM to settle disputed claims concerning elections, benefits and any other disputed claims made against the Plan;
- (iii) to maintain all necessary records for the administration of the Plan;
- (iv) to interpret the provisions of the Plan and to make and record such rules for regulation of the Plan that are consistent with the terms hereof; and
- (v) to assist Participants regarding their rights, benefits, or elections available under the Plan.

The Appeals Committee shall hear appeals of any decision of UNM or its delegate, but shall not have the power to overturn a claim or appeal decision of an Insurer, Third Party Administrator, or Independent Review Organization (IRO) under a Component Benefit. UNM or its delegate will provide written or electronic notification of any claim denial. The notice will state:

- (1) The specific reason or reasons for the denial;
- (2) Reference to the specific Plan provisions on which the denial was based;

(3) A description of any additional material or information necessary for the claimant to perfect the claim and an explanation of why such material or information is necessary;

(4) A description of the Plan's review procedures and the time limits applicable to such procedures;

(5) A statement that the claimant is entitled to receive, upon request and free of charge, reasonable access to, and copies of, all documents, records, and other information relevant to the claim;

(6) If the denial was based on an internal rule, guideline, protocol, or other similar criterion, the specific rule, guideline, protocol, or criterion will be provided free of charge. If this is not practical, a statement will be included that such a rule, guideline, protocol, or criterion was relied upon in making the denial and a copy will be provided free of charge to the claimant upon request.

When the Participant receives a denial, the Participant shall have 180 days following receipt of the notification in which to appeal the decision. The Participant may submit written comments, documents, records, and other information relating to the claim to the Appeals Committee. If the Participant requests, the Participant shall be provided, free of charge, reasonable access to, and copies of, all documents, records, and other information relevant to the claim.

The period of time within which a denial on review is required to be made will begin at the time an appeal is filed in accordance with the procedures of the Plan. This timing is without regard to whether all the necessary information accompanies the filing.

A document, record, or other information shall be considered relevant to a claim if it:

(1) was relied upon in making the claim determination;

(2) was submitted, considered, or generated in the course of making the claim determination, without regard to whether it was relied upon in making the claim determination;

(3) demonstrated compliance with the administrative processes and safeguards designed to ensure and to verify that claim determinations are made in accordance with Plan documents and Plan provisions have been applied consistently with respect to all claimants; or

(4) constituted a statement of policy or guidance with respect to the Plan concerning the denied claim.

The Appeals Committee's review will take into account all comments, documents, records, and other information submitted by the claimant relating to the claim, without regard to whether such information was submitted or considered in the initial claim determination. The review will not afford deference to the initial denial.

(c) UNM shall keep a record of all actions taken and shall keep all other books of account, minutes, records, and other data that may be necessary for proper administration of the Plan and shall be responsible for supplying all information and reports to the Internal Revenue Service, Participants, and others as required by law.

Section 5.4. Interpretation and Findings of Fact. UNM, the Appeals Committee, and any third-party administrator, and for insured benefits, any insurance companies providing benefits (to the extent necessary to pay or adjudicate claims with respect to any Component Benefit for which it provides benefits) shall have sole and absolute discretion to interpret the provisions of the Plan. This includes, without limitation, supplying omissions from, correcting deficiencies in, or resolving inconsistencies or ambiguities in, the language of the Plan, determining the rights and status under the Plan of Participants and other persons, to decide disputes arising under the Plan, to make factual determinations, and to make any determinations and findings with respect to the benefits payable and the persons entitled to benefits as may be required for the purposes of the Plan. UNM, the Appeals Committee, and any third-party administrator will interpret this Plan in light of then current UNM Administrative Policies."

IN WITNESS WHEREOF, the President of UNM has signed this First Amendment this 5th day of June, 2015.

UNIVERSITY OF NEW MEXICO

By Robert G. Frank
Its President