

**Faculty Senate Policy Committee**  
**Meeting Agenda**  
April 3, 2013

1. Respectful Campus Policy – 10 minutes (pg.7)
2. Procedures for Lecturer Promotion Reviews – 5 minutes (pg.12)
3. Policy C170 – 30 minutes (pg.20)
4. FMLA – 10 minutes (pg.24)
5. Camping Policy – 10 minutes (pg.33)
6. Criteria for adding/deleting Core Curriculum Courses (Procedures) – 10 minutes (pg.35)
7. Policy A53 Development and Approval of Faculty Policies – 15 minutes (pg.38)

**Faculty Senate Policy Committee  
Meeting Minutes  
March 6, 2013  
3:30 p.m.  
DRAFT**

**Members Present:** Jackie Hood, Richard Holder, Martha Muller, Mindy Tinkle, Carol Stephens, John Taber, Floyd Kezele

**Ex-Officio:** Melanie Baise, Jane Slaughter

**Members Absent:** Christine Sierra

**Staff Present:** Vivian Valencia, Office of the Secretary  
Selena Salazar, Office of the Secretary

**Guest Present:** Bill Uher, Vice President of Development  
Elizabeth Hutchison, Professor, History Department  
Sandy Liggett, General Counsel, UNM Foundation  
Scott Hughes, Professor, School of Law  
Max Minzner, Associate Professor, School of Law

**Meeting began at 3:30pm**

Handouts were distributed. Introductions were made around the table for the guests of the meeting.

**I. SAC Guidelines from Provost's Office:**

Policy Committee Ex-Officio member Jane Slaughter was asked to give background information on the SAC Guidelines from the Provost's Office. She stated that two years ago a Regent's audit was done and two issues related to faculty matters. One was that there is a policy of Special Administrative Components but no real procedures. So a request was made for guidelines. The same thing was asked for STC's (Special Teaching Components) and it was more difficult because it dealt with multiple policies. The work that Ex-Officio Slaughter did will go to the Regents on Friday, March 8, 2013, as part of the report for the audit. SAC's (Special Administrative Components) were found to range from \$.20 cents to \$15,000, with no explanation of why these amounts were being paid. This was seen as an opportunity to do some work with the SAC's. Transparency and fairness needed to be built into the SAC's. There is a SAC policy that comes from Extra Compensation Policy 140, and it relates to extra teaching.

Policy Advisor, Carol Stephens suggests that a third component could be how this information is reported annually and this would be where the transparency would occur. The Sunshine Portal lists base salaries, and does not address SAC's. For the interest of transparency, consistency, and compliance with policy there should be a statement that shows how to create a SAC. This way consistency is built across the university as to what gets a \$10,000 SAC as opposed to a \$.20 SAC. It is Advisor Stephens opinion that the SAC's policy belong in the Faculty Handbook.

The Regents are looking for something very specific from the committee stating why one faculty member gets one level of payment, and other faculty members get a completely different level of payment. Policy Committee member Richard Holder suggested that the committee present guidelines to the Regents on Friday, March 8, 2013 and the Regent's response will give the committee the direction it needs for this project. The SAC's currently amount to \$3 million in faculty salaries.

Policy Committee member Melinda Tinkle stated that the issue regarding SAC policies at the Health Science Center (HSC) is that they instructed that they no longer have SAC's they now call them Administrative Supplements. She stated that each academic unit is required to have Faculty Performance Compensation Plans that include how the unit gives supplements and incentives. There is a section regarding Administrative Supplements (SAC's) and Performance Supplements. She doesn't understand how these rules from HSC interface with the SAC policy. She wants to know if there is a HSC overarching policy that provides guidance to the academic units about what they should be doing. Currently each academic unit defines their Administrative Supplement in a different way and it seems to be at the Deans discretion.

Policy Committee Chair Jackie Hood suggested that the Policy Committee speak with the HSC Council and include an Administrator since the SAC policy and the Administrative Supplement are identical. Policy Committee member Floyd Kezele suggested to add, "Any supplemental compensation of any nature above base salary other than teaching."

Jane Slaughter will bring the SAC Policy to the Policy Committee for approval and it will be added to the Faculty Handbook.

University Secretary Vivian Valencia stated that the Extra Compensation Policy was revised in 2008 and it was approved by the Board of Regents. This will stay a separate policy and will reference extra compensation.

## 2. Policy CI70 Endowed Chair

Two issues are being brought to the committee's attention. The first is when the Academic Freedom and Tenure Committee (AF&T) reviewed Policy CI70 they suggested an additional line in the policy. The committee has looked at this in the past and felt it was not necessary.

Professor of History Elizabeth Hutchison stated that she has been working with Richard Holder and Past Faculty Senate President Tim Ross regarding the adding of a line to the policy. The issue is the question of a conflict, or a perceived conflict between academic freedom and faculty control over hires

and what was perceived to be the demands of the donor and the Archdioceses of Santa Fe. The American Association of University Professors (AAUP) recommends that donors not participate in search committees because of academic freedom. Guaranteeing a faculty majority on a search committee is not sufficient protection, as in the case of the Catholic Studies hire. AF&T wants the policy corrected to better guarantee a barrier to donor influence on the search committee itself. Policy Committee member John Taber stated that there were two search committees. The funding was not in place they only had funding for a visiting Professor for a year. On one of the search committees there were three representatives from the Archdioceses of Santa Fe, and the Catholic Studies Chair. Donors should not be involved in the process of selecting faculty. A policy for external searches for these chairs could not be found during research that put the donor's representatives in the policy. Elizabeth Hutchison posed to the committee her concerns that guaranteeing a faculty majority on a search committee is not sufficient protection, and was not considered sufficient protection in the case of the Catholic Studies hire, because it resulted in the hire in American Studies of the same candidate. She would like to see the policy corrected to better guarantee a barrier to donor influence on the search committee.

John Taber requested to make a motion to strike, "A majority of members of the search committee must be full-time UNM faculty." and to include, "Donor representation be limited on a search committee for Endowed Chair to no more than one voting member and additional non-voting advisory members." Motion died due to lack of second.

The second issue has to do with the Law School in which the way professorships and chairs are being done the same way on both campuses.

School of Law, Professor Scott Hughes stated that every year there are Chairs that need to be renewed every year and the School of Law chooses to not renew and instead rotate Chairs based on their quality of work. The Endowed Chair Policy states, "Selection of faculty for endowed chairs or named professorships will occur through nationally competitive searches or alternative procedures as allowed by the normal faculty appointment processes, overseen by the UNM Office of Equal Opportunity." Professor Hughes pointed out that the "or alternative procedures as allowed" the "or" is limited to the competitive searches and the second part of this statement is equalized to the searches then the first part. In legal interpretation the second part is limited to alternative procedures, "searches". He doesn't understand where in this statement states that a professor gets awarded for good work being done.

Richard Holder stated that this statement could be incorrectly written and asked Scott Hughes to re-write the language to help clarify. Scott Hughes will send this language to the committee for approval.

This statement allows rotating internal chairs and to allow the university to hire a Nobel-Lariat without a search because that person is available and would like to work at the university. Policy Committee Ex-Officio member Melanie Baise requested Scott Hughes to reference to Tier II handbook procedures for what the particular college employs that have their own way of rotating their Chairs.

Carol Stephens will review Riverside's Endowed Chair Policy on internal searches.

The Policy Committee will discuss the suggested language from AF&T and what was requested from Policy Committee member Christine Sierra, “Donor representation on a search committee for an Endowed Chair will be limited to one voting member. Additional donor representation may be extended by the Search committee chair, but additional members should not exceed xxx number.” at next month’s Policy Meeting.

Elizabeth Hutchison stated that in terms of the language that AF&T suggested, Operations (OPS) Committee members Daniel Barkley and Tim Ross do not agree that the donor participation should be limited. Tim Ross proposed that in a more dignified fashion there should be ways to limit donor participation. Elizabeth Hutchison suggested: “That the search committee will be constituted in the usual way” simply be written to be “accept that the faculty senate, Provost, or HSC Chancellor and the donor may suggest one additional member each.” For example, to enshrine the right of donors who have representation on the committee but limited in an alternate way that not the majority full time faculty language that is currently in there.

Elizabeth Hutchison will send the language she suggests to the Policy Committee.

Elizabeth Hutchison asked if this could be sent to the Faculty Senate with sufficient time so that it can be debated at the floor of the Faculty Senate. UNM Foundation, General Counsel Sandy Liggett stated regarding the last sentence in the first paragraph it states, “Before accepting an endowment gift or naming a faculty member to the position the Board of Regents, President, and the Provost or HSC Chancellor will carefully consider the appropriateness of the proposed position.” she suggested replacing, “Regents, President, and the Provost or HSC Chancellor” to, “all decision makers”.

Carol Stephens will make sure to add this revision to the policy.

Jackie Hood stated that the Policy Committee will review the policy once more and will notify Faculty Senate President Amy Neel know the status. She will also keep in communication with the faculty on what the status is and what the outcome will be. This may be voted over email and she will get the information from the Provost to incorporate it into the policy.

### **3. A53 Development and Approval of Faculty Policies**

Vivian Valencia stated that this document will be sent to the Policy Committee for review and asked the members of the committee to keep the SAC Policy information in mind when reviewing this document. She asked if there should be a way to address the policy so that faculty policies are housed in the Faculty Handbook. She hopes to have this policy reviewed and voted on at the next Policy Committee meeting so it can be on the April Faculty Senate agenda.

### **4. Procedure for Lecturer Promotion Reviews**

Associate Provost Michael Dougher approved the funding for the committees suggestion, “as with promotions from an Assistant to an Associate with tenure lectures, will receive \$3000 to \$4000 depending on the promotion level.”

Melanie Baise stated that there were a couple of typos in the document:

*(page 3, item 3 Negative promotion decision, second to last sentence in the first paragraph)*

“A document summarizing this decision will be drawn up and copies will be given to the lecturer, placed in his or her file, and copied to the Dean of the *Ccollege*.”

*(page 3, item 3 Negative promotion decision, first sentence in the second paragraph)*

“During this *two-year* waiting period, the lecturer will retain his or her Lecturer title and benefits, and remain eligible for renewable two-year contracts.” Melanie Baise stated that this should state one-year waiting period.

*(page 1, item A, second sentence in the first paragraph)*

“A newly hired lecturer will have the title of Lecturer on Provisional Appointment.” Melanie Baise asked if the committee will be creating a new title of a Lecturer since there is no Lecturer on provisional appointment status. Jackie Hood stated that the title of Lecturer will continue.

*(page 5, title for item E and first sentence in first paragraph)*

Melanie Baise asked if the transition process will change since it will expire beginning of the Fall semester of 2013. Carol Stephens suggested to put a term from the effective date of a policy so that when it is effective that expiration date continues. Carol Stephens suggested having the transition process expire at the beginning of the Spring Semester 2013.

## 5. Meeting Adjourned 5:00 p.m.

## SUGGESTED AMENDMENTS 23 January 2013

### **Procedures for Reporting and Investigating Complaints of Faculty Bullying In accordance with “Respectful Campus” - Faculty Handbook Policy C09**

These procedures were approved by the Faculty Senate Policy Committee on September 12, 2011 and all subsequent changes must be approved in accordance with processes defined by the Faculty Senate.

#### **1. Initial Complaint**

An initial written complaint pursuant to this policy of bullying shall be brought to the attention of the person who has direct supervisory responsibility over the individual(s) whose actions are in question (e.g., chairperson, supervisor, director, dean, Provost, Chancellor for Health Sciences). Alternatively, an initial complaint may be made using the procedures specified in UBPP Policy 2200

**(WHISTLEBLOWER PROTECTION AND REPORTING SUSPECTED MISCONDUCT AND RETALIATION)**; namely:

- Calling the UNM Hotline 1-888-899-6092 – the call may be anonymous, but doing so may limit a complainant's protection from retaliation and the University's ability to conduct a full investigation.
- Reporting the conduct – orally or in writing – to the Internal Audit Department.

**The complaint must be made within 60 days of the most recent event in the complaint, and should only include those events that occurred no earlier than one year before the date of the complaint.** The complaint should include as much of the following as possible:

- clear specific allegations against the named person or people;
- where possible, dates, times, and witnesses to incidents with direct quotes;
- factual description of events;
- indication of how each incident made the complainant feel;
- documentary evidence; and
- description of any action the complainant or others have already taken.

**Complaints made via the Hotline or to the Internal Audit department will be brought to the attention of the accused’s direct supervisor. Regardless of the mechanism chosen for the initial complaint, a written complaint must be prepared and signed by the preparer. A copy of the written complaint must be provided to the accused, from whom a written response will be solicited within a specified time-frame. The written response from the accused will be provided to the complainant.**

#### **2. Investigation**

The responsible supervisor is charged with initiating the investigation within ten (10) UNM business days of receiving the written complaint. **Prior to the investigation, the investigator should confer with the Office of University Counsel (OUC) for guidance in interpreting the *Respectful Campus Policies* and in formulating the specific steps to be followed in conducting an investigation and stating the investigation’s findings, conclusions, and recommendations. Alternatively, the investigator may contact the Internal Audit (IA) Department to obtain guidance on the conduct of the investigation, or may request that IA conduct the investigation.** The investigation should normally include interviewing of all parties to the complaint, as well as any others who the complainant believes will be able to provide material information relevant to the complaint, recognizing that an investigation will often exclude redundant or immaterial information or information that is not readily available. The responsible supervisor may designate an ad hoc

investigatory committee to conduct or assist in the investigation, if deemed appropriate. **This ad hoc committee should consist of no fewer than three or more than five members, with equal representation by individuals whose UNM status is similar to that of the complainant and that of the accused.** The investigation should normally be completed no later than thirty (30) UNM business days after receipt of the initial complaint. If the investigation cannot be completed within thirty (30) UNM business days, a written notification of the delay, and the reasons for delay, should be provided to the complainant. When the investigation has been completed, a confidential report of the investigation will be sent for appropriate action to the Provost or the Chancellor for Health Sciences, **with a written copy provided to the accused and a summary statement provided to the complainant.**

If the responsible supervisor does not resolve the issue to the satisfaction of the parties to the complaint or within the required time frame, the complaint may be taken to the next higher level individual in the supervisory chain, who will review the record and determine whether the investigation was reasonably conducted and the findings supported by the evidence. The reviewing official may uphold, reverse, or modify the findings or may remand the matter for further investigation. **A written copy of the reviewing official's decision will be provided to the accused and the initial investigator; a summary statement will be provided to the complainant.** If this is not satisfactory to **the complainant or the accused**, a final appeal can be made to the Provost or the Chancellor for Health Sciences, who in his or her discretion may review the record. Absent discretionary review by the Provost or Chancellor for Health Sciences, the decision of the reviewing official shall be final. If the Provost or the Chancellor for Health Sciences reviews the matter, his or her decision shall be final.

### **3. Alternative Procedures**

The procedures set forth in this policy are not exclusive. Although complainants are encouraged to utilize the procedures set forth above, the complaint may also be taken to the Ombuds Dispute Resolution Services for Faculty and Staff, or to the Academic Freedom and Tenure Committee (AF&T), if the complainant is a faculty member and the complaint involves allegations of violations that are within the jurisdiction of the AF&T Committee. If the Ombuds Dispute Resolution office or the AF&T committee is presented with the complaint, and if they decide that it is within their jurisdiction, they will follow the procedures stated in the Faculty Handbook Policies (Policy C345 and Section B, respectively). If AF&T determines that it has jurisdiction and accepts the complaint, its proceedings would supplant the procedures set forth under this Respectful Campus Policy.

### **4. Actions Following Investigation**

If the final determination is that bullying occurred, UNM shall take appropriate action, which may include disciplinary sanctions up to and including dismissal of the person complained of from the University. Regardless of whether UNM determines that bullying occurred, reasonable efforts will be undertaken to ensure that complainants who make allegations of bullying in good faith and others who cooperate in good faith with inquiries and investigations of such allegations are not retaliated against for initiating or participating in the investigation. If relevant, the responsible supervisor will determine whether the complainant's allegation of bullying, or a witness' factual assertion, was made in bad faith. If an allegation is determined to have been made in bad faith, UNM shall take appropriate action, which may include disciplinary sanctions up to and including dismissal of the complainant or witness from the University.

## Notes on Faculty Respectful Campus Procedures with recommended changes

16 January 2013

Jackie,

As a result of a recent HSC investigation of a complaint under the Respectful Campus policies, we have learned some lessons that we would like to pass on to the Policy Committee in the form of recommended amendments to the Procedures document. I have attached the Procedures with the suggested amendments, as well as document that shows the changes in Word-Track Changes. Here I would like to explain the reasoning behind the suggestions.

1. UBPP 2200 allows anyone, including a faculty member, to report any violation of a UNM policy (I guess that would include "Respectful Campus") anonymously as detailed below in excerpts from 2200. I think that UBPP 2200 probably trumps the Policy Committee Procedures document with respect to the ability to complain to IA or via the hotline, and the ability to remain anonymous. Our investigatory committee thought that it was a good thing to allow the complainant to remain anonymous if that was his/her preference. So we added language from UBPP2200 to Section 1.

### UBPP 2200 Excerpts (emphases added)

#### 1. General

*The University of New Mexico strongly encourages all University employees, acting in good faith, to report any suspected misconduct that may be taking place at the University. An employee who interferes with or tries to interfere with the right of another employee reporting suspected misconduct is subject to disciplinary action, up to and including dismissal. The University is committed to protecting employees who report suspected misconduct in accordance with the Whistleblower Protection Act. Misconduct is any on-the-job activity performed by a University employee that violates state and/or federal laws or regulations, local ordinances, or University policy. A more detailed definition is provided in [Section 2](#), below. **For the purposes of this policy the term "employee" is broadly defined and includes all faculty, staff, and student employees; independent contractors; and volunteers.** This policy describes the procedures for reporting and investigating suspected misconduct, interference with reporting suspected misconduct, and retaliation. Nothing in this policy limits the right of any person to seek individual remedies or otherwise proceed under any other state or federal remedy.*

**Misconduct is any on-the-job activity performed by a University employee that violates** state and/or federal laws or regulations, local ordinances, or **University policy**. Misconduct includes, but is not limited to, the examples listed below.

*Employees who are aware of or have reason to suspect misconduct should report the conduct, either orally or in writing using any of the following methods. An employee should report suspected misconduct as soon as reasonably possible, preferably within sixty (60) days from the time the employee becomes aware of the suspected misconduct. Employees should select the reporting method listed below that they are most comfortable with and is most appropriate to the situation.*

- *Report the conduct to your supervisor unless there is reason to believe the supervisor may be involved in the misconduct.*
- *Call the UNM Hotline 1-888-899-6092--call may be anonymous, but doing so may limit an employee's protection from retaliation and the University's ability to conduct a full investigation.*
- *Report the conduct to the Internal Audit Department--suspected misconduct by the Internal Audit Department should be reported to the University President's Office.*
- *Report the conduct to the department responsible for dealing with the conduct in question such as OEO, Campus Police, Risk Management, or HR as outlined in [Section 6.1](#) herein.*

2. Need for time limits. The complaint we dealt with had some instances that went back three years. This seemed inappropriate, so we suggest the language we have added to Section 1:

***The complaint must be made within 60 days of the most recent event in the complaint, and should only include those events that occurred no earlier than one year before the date of the complaint.***

3. Regardless of how complaints are initially made, we agree that they should be brought for action to the supervisor of the accused. So we added the language at the end of section 1. This language also requires that a copy of the complaint be provided to the accused, who will be asked to provide a written response that will be provided to the complainant.

***Complaints made via the Hotline or to the Internal Audit department will be brought to the attention of the accused's direct supervisor. Regardless of the mechanism chosen for the initial complaint, a written complaint must be prepared and signed by the preparer. A copy of the written complaint must be provided to the accused, from whom a written response will be solicited within a specified time-frame. The written response from the accused will be provided to the complainant.***

4. We observed that the person who conducted the investigation really did not know how to do it. We feel that there is a need for specified investigation procedures. Suggested language to be added to section 2:

***Prior to the investigation, the investigator should confer with the Office of University Counsel (OUC) for guidance in interpreting the Respectful Campus Policies and in formulating the specific steps to be followed in conducting an investigation and stating the investigation's findings, conclusions, and recommendations. Alternatively, the investigator may contact the Internal Audit Department to obtain guidance on the conduct of the investigation, or may request that IA conduct the investigation.***

5. We think that, if there is to be an ad hoc committee to conduct an investigation, the makeup of the committee should be specified. So we added some language to Section 2:

***This ad hoc committee should consist of no fewer than three or more than five members, with equal representation by individuals whose UNM status is similar to that of the complainant and that of the accused.***

6. There is a need to require that specific written materials be provided to specific parties. The current Procedures allows for an appeal if either party is dissatisfied with the outcomes, but does not specify how the parties are to be informed of the outcomes. Suggested language to be added to section 2:

When the investigation has been completed, a confidential report of the investigation will be sent for appropriate action to the Provost or the Chancellor for Health Sciences, ***with a written copy provided to the accused and a summary of the report provided to the complainant.***

The reviewing official may uphold, reverse, or modify the findings or may remand the matter for further investigation. ***A written copy of the reviewing official's decision will be provided to the accused and the initial investigator; a summary statement will be provided to the complainant.***

I think we will probably develop some additional language regarding investigative procedures for the HSC campus, but they will be consistent with the language of the Policy Committee document. I will keep you informed.

There are a few additional edits, including corrections of typos, etc.

Thanks for considering these changes.

John



## The University of New Mexico Faculty Handbook

B4: PROC #1--Related Policy: Section B  
"Academic Freedom and Tenure"

Approved By: Faculty Senate Operations  
Committee

Issued:

Last Updated: Draft 12/6/12

# Procedures for Lecturer Promotion Reviews

## PROCEDURES AND GUIDELINES

The following procedures pertain to reviews of lecturers in accordance with [Section B: Academic Freedom and Tenure](#), 2.3.2, 3.4.2, and 4.10.

In addition to the Section B: 4.10 requirements for annual reviews of lecturers, the following procedures will be used when evaluating lecturers on probation and those eligible for promotion.

### A. Year One Review of Lecturers on Provisional Appointment

(1) Year one of a lecturer's appointment serves as a probationary period for the lecturer and the department. A newly hired lecturer will have the title of Lecturer on Provisional Appointment. At the end of one semester, the Lecturer will be responsible for submitting an evaluation package to the Department Chair. The contents of this package will be determined by each department and may include but is not limited to materials such as an updated CV, in-class evaluations by other faculty members, student teaching evaluations, and a personal statement discussing the Lecturer's teaching philosophy and/or plans for professional development.

(2) These materials will be given to the Department Chair and copied to the Dean of the College no later than February 1. The packet will be evaluated by the Department Chair, as advised by other departmental faculty members via that department's normal process of representative consultation. If the lecturer receives a positive rating, the probationary period will end, and the individual will have a formal title of Lecturer. The Lecturer will be eligible for renewable one-year contracts. The Department Chair will communicate the decision regarding the lecturer's status in writing to the lecturer no later than March 31. A copy of this communication will be included in the lecturer's file and will be copied to the Dean of the College.

(3) Negative Evaluation: It is possible for any number of reasons that a Lecturer on Provisional Appointment may receive a negative evaluation. In this case, the lecturer will meet with the Departmental Chair to discuss specific areas where improvement is needed. A document summarizing this discussion will be drawn up, with copies given to the lecturer and placed in

the lecturer's file. At this point the Department Chair may choose not to renew the lecturer's contract, or may choose to allow the lecturer a second probationary year. If the decision is made to offer a second year of probation, the lecturer will then have one year (two regular semesters) upon which to improve. This second year of probation will not count toward years required for eligibility for further promotions. At the end of this time, the lecturer will prepare materials as described in section A(1) above in accordance with the timelines listed in section A(2) above, to be presented to the Chair. If it is determined by the Chair that significant improvement has been made, this second probationary period will end and the individual will have a formal title of Lecturer. If the lecturer does not demonstrate improvement during this second probationary period, his or her employment with the department will be terminated. Obviously, there may be external factors that affect a lecturer's performance, and whether or not exceptions should be made to this policy will be determined by the Department Chair.

The Department Chair's decision is final and the appeal process described in Section F of this document is not available to Lecturers on Provisional Appointments.

#### **B. Year Three Review of Continuing Lecturers**

1. During the fall semester of a Lecturer's third year of service (two years as Lecturer and one year as Lecturer on Provisional Appointment), the Lecturer will be approximately half way to the earliest point at which he or she might seek promotion. Consequently, to assess the Lecturer's progress at this time, he or she will provide the Department Chair with an evaluation package, the contents of which will be determined by each individual department.

2. This evaluation package will be given to the Department Chair and copied to the Dean of the College within the same time frame as described in section A(2) above. This packet will be evaluated by the Department Chair, and the Lecturer will receive a positive or negative rating. The Chair will communicate this decision in writing to the Lecturer, and the Chair and the Lecturer will meet to discuss this evaluation. If the Lecturer receives a positive rating he or she can expect to retain the title of Lecturer, with the assurance that expectations are being met, and that the prospects for promotion are favorable. The Lecturer will continue to be eligible for renewable one-year contracts.

3. Negative Evaluation: If the Lecturer receives a negative rating, the Chair will provide the Lecturer a written description of the areas in which the Lecturer must improve to continue as a member of the faculty. Both the Lecturer and the Chair must sign this document, which will be copied to the Dean of the College. The Lecturer may then be issued a one-year contract, with the understanding that if concerns are not adequately addressed, this contract may be a terminal contract. Alternatively, the Chair may choose not to renew the one-year contract at this time. A lecturer may appeal a negative evaluation using the process described in Section F of this document.

Comment [DoR1]: Terminated vs terminal

### C. Promotion Review of Continuing Lecturers Beginning in Year Five

1. At the end of the Lecturer's fifth year of service (four years as Lecturer and one year as Lecturer on Provisional Appointment), he or she will be eligible to apply for promotion. Beginning in year five, a Lecturer interested in seeking promotion will generate a promotion package in accordance with the time frame discussed in section A(2) above, the contents of which will be determined by each department. Materials appropriate for such a package might include, but are not limited to an updated CV, teaching evaluations, letters of support from other faculty, reports from teaching observations by peers, professional recertification (if appropriate), other evidence of professional development, and a personal statement. Some departments might wish to require lecturers to provide a professional portfolio. A template for the contents of this package is provided as an appendix to this document.

2. Each department within the University will develop a policy dictating how this promotional package) is to be evaluated. This may include input from tenure-track faculty, other lecturers, a promotion committee within the department, and the Department Chair. In all cases, however, a final recommendation for either approval or denial of promotion will be produced in writing by the Department Chair and this recommendation will be forwarded to the Dean of the College. The Dean's decision regarding promotion will be forwarded both to the Department Chair and the Lecturer in writing, within the same time frame as described in section A(2) above. If the promotion is approved, the Lecturer may expect the following.

- Promotion to Senior Lecturer,
- A salary increase that is standard for lecturers across the University, and
- A renewable two-year contract.

Years of service at other institutions of higher learning may be used to meet the years needed to apply for promotion, at the discretion of the Department Chair.

3. Negative promotion decision: In the event of a negative promotion decision the lecturer will retain his or her Lecturer title and benefits. A document summarizing this decision will be drawn up and copies will be given to the lecturer, placed in his or her file, and copied to the Dean of the College. After a two-year period, the lecturer may reapply for promotion.

During this two-year waiting period, the lecturer will retain his or her Lecturer title and benefits, and remain eligible for renewable two-year contracts. Should, however, the lecturer be denied promotion because of poor performance, a serious dereliction of duty or infraction of University policy, the lecturer's contract, at the discretion of the Chair, will not be renewed once it has expired. It is furthermore understood, that if such problems arise at any time, irrespective of whether or not a lecturer is applying for promotion, the Chair may choose not to renew a lecturer's contract. A lecturer may appeal a negative evaluation using the process described in Section F of this document.

#### **D. Promotion Review of Continuing Senior Lecturers Beginning in Year 11**

1. Upon the completion of a minimum of 11 years of service at the University, including six years as a Senior Lecturer, a Senior Lecturer will be qualified to apply for promotion to Principal Lecturer. Beginning in year 11, a Senior Lecturer seeking promotion is responsible for providing a promotion package in accordance with the time frame discussed in section A(2) above. The structure and content of the 11<sup>th</sup> year promotion package will be at the discretion of the individual departments. A template for the contents of this package is provided as an appendix to this document.

2. As described above, each department will have a policy in place, dictating how this promotion package is to be evaluated. Likewise, as described above, the Department Chair's recommendation will be forwarded to the appropriate Dean, who will communicate his or her decision regarding promotion in writing to the Department Chair and the Senior Lecturer. The time frame for these communications will be the same as for the previous promotion to Senior Lecturer. If the promotion is approved, the Senior Lecturer may expect the following:

- The title of Principal Lecturer,
- A renewable three-year contract,
- A salary increase that is standard for lecturers across the University, and
- The opportunity to apply for a one-semester professional development teaching release with pay to pursue other academic and/or professional opportunity activities. A Principle Lecturer will subsequently be eligible to apply for such releases every six years.

Years of service at other institutions of higher learning may be used to meet the years needed to apply for promotion, at the discretion of the Department Chair.

3. Negative promotion decision: In the event of a negative promotion decision the lecturer will retain his or her Senior Lecturer title and benefits. A document summarizing this decision will be drawn up and copies will be given to the lecturer, placed in his or her file, and copied to the Dean of the College. After a two-year period, the lecturer may reapply for promotion. During this two-year waiting period, the lecturer will retain his or her Senior Lecturer title and benefits, and remain eligible for renewable two-year contracts. Should, however, the lecturer be denied promotion because of poor performance, a serious dereliction of duty or infraction of University policy, the lecturer's contract, at the discretion of the Chair, will not be renewed once it has expired. It is furthermore understood, that if such problems arise at any time, irrespective of whether or not a lecturer is applying for promotion, the Chair may choose not to renew a lecturer's contract. The lecturer may appeal a negative evaluation using the process described in Section F of this document.

#### **E. Transition Process Used for Current Lecturers—Expires beginning Fall Semester 2013 :**

The following implementation procedures are designed as a one-time transition and apply only to lecturers employed by UNM on the date this Procedures Document is approved and decisions made prior to the beginning of the Fall Semester 2013. For all new hires, the promotion path will start at Section A with the "Lecturers on Provisional Appointment" status.

The University currently employs lecturers who have been with their departments for varying years of service. Lecturers who have taught at institutions of higher education other than UNM may use these years of service (at the discretion of their Department Chair) to qualify for ad hoc advancement.

All existing lecturers should initially be given the "Lecturer" title. For those lecturers who have served in their departments for five years or more, a one-time ad hoc decision for promotion to "Senior Lecturer" status can be made by the Department Chair or Departmental Tenure and Promotion Committee based solely upon that individual's current employment file. If approved, the benefits detailed in "Year five" above will be applied to that lecturer. Likewise, if a lecturer has been employed by their department for 11 years or more, a one-time ad hoc decision for promotion to "Principal Lecturer" status can be made by the Department Chair or Departmental Tenure and Promotion Committee based solely upon that individual's current employment file. If approved, the benefits detailed in "Year five" or "Year Eleven" promotion sections above will be applied to that lecturer.

#### **Part-Time Lecturers:**

The policy is deemed to apply to those lecturers hired at less than 1.0 FTE by calculating years of service with the following formula: FT service equivalent = Calendar Years of Service x FTE. For example a 0.5 FTE lecturer would be eligible to apply for promotion to Senior Lecturer after 10 years of service (time equivalent to five 1.0 FTE years of service).

Negative promotion decision: A lecturer may appeal a negative promotion decision using the process described in Section F of this document.

#### **F. Appeals Process**

As with tenure-track faculty it is imperative that if a lecturer's evaluation is negative, the lecturer has a defined path for appeal. Upon being informed of a negative evaluation, the lecturer may respond in writing within ten days to the Provost. Copies of this appeal will be sent to the Department Chair and the Dean of the College. The decision of the Provost will be conveyed to the lecturer, the Department Chair, and the Dean within four weeks. If the Provost decides not to overturn the Dean's decision, the lecturer may make a final appeal to the University Academic Freedom and Tenure (AFT) Committee. Such an appeal must be made within ten days after receiving communication from the Provost. The decision of the AFT Committee is final.

## Appendix - Template for Promotional Portfolio materials.

The following is based on submittals provided to the University Teaching Enhancement Committee for consideration of Lecturer and Adjunct Teacher of the Year Awards. This process has been in place for over 20 years and seems to provide a basis for fair evaluation of teaching across all the Schools and Colleges in the University.

Candidates for promotion should provide the information described below for review by the Department.

### A. Personal statement of teaching philosophy and method (*no more than four single spaced pages*).

The engagingly written and reflective statement should include, but is not restricted to, your approaches to these questions:

- How do people learn?
- How do I facilitate that learning?
- What goals do I have for my students?
- Why do I teach the way that I do?
- What do I do to implement these ideas about teaching and learning in the classroom? (i.e., mention some instructional strategies you use)
- Are these strategies working? Do my students meet the goals? (i.e., How is student's learning measured and assessed?)
- How do I know my strategies are working? (i.e., feedback, evaluation of teaching)
- How do I create a learning environment that is inclusive of student diversity in learning styles, gender, ethnicity, cultural heritage, and socioeconomic standing?
- What are my future goals for growth as a teacher?

### B. Supporting documents (*no more than 10 pages*):

These documents provide examples or evidence of teaching that match with the key points of the personal statement. These materials should document your teaching philosophy and method; examples include:

- Course outline and objectives that are provided to students.
- Examples of assessment tools as evidence of assessing student learning.
- Sample handouts or exams that document your teaching method and evaluation of student progress.

### C. Letters of support from students (including alumni).

Please include at least three or no more than 10 such letters. Please understand that students currently enrolled in your classes may feel uncomfortable being approached to provide letters. Encourage your student referees to include how their learning was exceptional in your course(s) compared to other courses they have completed.

#### D. Letters of support from faculty colleagues, chairs, deans, etc.

Please include no less than 3 or more than 5 such letters. The committee also encourages you to think of those colleagues who know about your teaching first hand, perhaps because you have co-taught a course or because they have reviewed or observed your teaching in the classroom. If you have a faculty colleague who advises many students, then they may have a sound second-hand knowledge of the impact of your teaching based on comments from advisees.

#### E. Teaching Evaluation Summaries

Please provide summaries of teaching evaluations by students for the last four teaching semesters. For ICES data, provide *only* the front-page of the summary report. If you use a different evaluation form than ICES or IDEA, please provide only summary data (not responses to every item) with any appropriate explanation that will aid evaluation of the data.

#### F. Service, Research, and Other Scholarly Activities

As each lecturer is expected to participate beyond the classroom, Please provide summaries of service activities, research, and/or other scholarly activities that complement your teaching and provide benefit to the university.

For Service, these may include:

- Participation in Program and Departmental Committees
- Participation in additional committees and/ or other service to the department (ex: Welcome Back Days)
- Participation in University Task Forces and/or projects such as assessment of minors courses
- Participation in the larger community (ex: science fair judge, mentoring students, tutoring students)
- Reviewing textbooks, review articles, journal articles
- Participation in programs that improve teaching
- Non University Community Outreach
- Serve as consultant for a professional organization, school, community group or business
- Serve as board or advisory group member for a professional organization or business

For Research, these may include:

- Publications
- Obtaining Grants
- Presentation of research or creative work at regional, national or international meetings or exhibitions
- Supervision of Graduate Students and/or Undergraduate Students conducting research
- Other

For Scholarly Activities, these may include:

- Publication of textbooks or other scholarly/professional texts
- Publication of lab manuals
- Preparation and/or presentation of creative works
- Present at a regional, national, or international meeting
- Referee a journal article
- Write a review for a professional publication
- Other

COMMENTS TO:  
[handbook@unm.edu](mailto:handbook@unm.edu)

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## Endowed Chairs and Named Professorships

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### POLICY RATIONALE

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Because the strength of a great university resides in its faculty, the identification, recruitment, appointment, and support of faculty members is a major priority of the institution. Endowed chairs and named professorships enable the University of New Mexico (UNM) to attract and retain faculty members who have outstanding records of scholarly work and/or teaching. These positions, secured at least in part by an endowment, are recognized as the most prestigious honor UNM can award its best accomplished faculty.

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### POLICY STATEMENT

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Endowed positions are established and named by the UNM Board of Regents after recommendations by the President, who will consult with the Faculty Senate, and the Provost/Executive Vice President for Academic Affairs or the Chancellor for the Health Sciences Center (HSC), as appropriate. These officers, in turn, will consult with the appropriate dean, department chair, and the faculty in the disciplinary area of the contemplated position. The parameters of the positions will be governed by standard UNM faculty personnel regulations as set forth in the Faculty Handbook, together with a donor agreement negotiated by the UNM Foundation and the donor or donor's estate. Before accepting an endowment gift or naming a faculty member to the position the Board of Regents, President, and the Provost or HSC Chancellor will carefully consider the appropriateness of the proposed position. Not all proposed gifts or names may be appropriate to accept.

Selection of faculty for endowed chairs or named professorships will occur through nationally competitive searches or alternative procedures as allowed by the normal faculty appointment processes, overseen by the UNM Office of Equal Opportunity. The search committees will be constituted in the usual way, except that the Faculty Senate, Provost or HSC Chancellor, and the donor may suggest one or more additional members. Donor representation will be limited, on a search committee for Endowed Chair, to no more than one voting member and additional non-voting advisory members. A majority of the members of the search committee must be full-time UNM faculty. While a donor may suggest potential candidates, UNM retains the responsibility and authority to name the successful candidate and confer the rank and/or tenured status according to its existing standards and by its existing procedures.

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### APPLICABILITY

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All UNM academic faculty and administrators, including the Health Sciences Center and Branch Campuses.

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## DEFINITIONS

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No specific definitions are required for this Policy Statement.

Revisions to the Policy Statement, Policy Rationale, Definitions, and Applicability sections of this document must be approved by the full Faculty Senate. Revisions to the remaining sections of this document may be amended with the approval of the Faculty Senate Policy Committee in consultation with the responsible Faculty Senate Committee listed in Policy Heading.

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## WHO SHOULD READ THIS POLICY

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- Board of Regents
- UNM Foundation officers
- Academic deans and other executives, department chairs, directors, and managers

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## RELATED DOCUMENTS

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### UNM Regents' Policy Manual

Policy [2.11](#) "Naming University Facilities, Spaces, Endowments, and Programs"

Policy [5.18](#) "Endowed Faculty Chairs"

Policy [7.13](#) "Receipt and Investment of Gifts to the University"

### Faculty Handbook, [Section B](#) "Policy on Academic Freedom and Tenure"

### University Business Policies and Procedures Manual

Policy [1020](#) "Naming Facilities, Spaces, Endowments, and Programs"

Policy [1030](#) "Gifts Made to the University"

Policy [7500](#) "Endowments"

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## CONTACTS

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Direct any questions about this policy to the UNM [Office of Faculty Contracts](#).

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## PROCEDURES AND GUIDELINES

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Holding an endowed chair or named professorship does not affect the faculty member's existing UNM appointment, which may therefore be permanent or visiting, probationary or tenured, at an appropriate rank. It is envisioned that most of these honorific appointments will accrue to tenured full professors, although certain temporary or rotating positions are also possible.

Unless the donor agreement specifies otherwise the initial appointment period for endowed chairs and named professorships will be for a specific term, not to exceed five years. Faculty members holding these positions are subject to the normal faculty review procedures as described in the [Faculty Handbook](#). If the cumulative reviews on multi-year accomplishments are satisfactory the appointment may be continued for another

agreed-upon term, which is eligible for further renewal. Otherwise the appointment may be transferred to a new occupant, with the previous occupant, assuming he or she is tenured, retaining his or her normal UNM appointment.

The holder of an endowed chair or named professorship is responsible for fulfilling the duties set forth in the donor agreement at the initiation of the appointment. This will in all cases at least include an annual report of scholarly and/or teaching activities which will be made available to the appropriate chair, dean, Provost or HSC Chancellor, the UNM Foundation, and the Regents upon request.

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## HISTORY

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**Effective:**

Draft—February 5, 2013 – Awaiting approval.

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**Subject:** Fw: Endowed Chair Policy  
**From:** Vivian Valencia <vivianv@unm.edu>  
**Date:** 3/19/2013 4:13 PM  
**To:** Selena Andrea Salazar <ssalaza2@unm.edu>

--Vivian

-----Original message-----

**From:** "Hughes, Scott" <HUGHES@law.unm.edu>  
**To:** Vivian Valencia <vivianv@unm.edu>  
**Sent:** Tue, Mar 19, 2013 21:39:00 GMT+00:00  
**Subject:** RE: Endowed Chair Policy

Dear Vivian:

Please see suggested changes to 2nd paragraph of Policy Statement, bottom of page 1. Specifically:

Add ", " after searches and remove "or" in line #2

Add "search" after "alternative" in line #2 to create parallel structure.

Add ", or through selection of existing faculty as chosen by the appropriate dean or department chair" starting in line three.

Thanks for your help.

Scott

Professor Scott Hughes  
University of New Mexico  
School of Law

-----Original Message-----

From: Vivian Valencia [<mailto:vivianv@unm.edu>]  
Sent: Tuesday, March 19, 2013 1:37 PM  
To: Hughes, Scott  
Subject: Re: Endowed Chair Policy

Thank you Scott!

--Vivian

On 3/19/2013 1:34 PM, Hughes, Scott wrote:

> Dear Vivian:

>

> Thanks for your email. I am just waiting to hear back from my Associate Dean with his comments on a draft I sent him. Let me try to track him down and get back to you shortly.

>

> Scott

>

> -----Original Message-----

> From: Vivian Valencia [<mailto:vivianv@unm.edu>]

**DRAFT OF 3-15-2013**

# Administrative Policies and Procedures Manual - Policy 3440: Family and Medical Leave

Date Originally Issued: 05-05-1995  
Revised: 10-15-1998, 09-25-2002, 06-05-2009, 02-25-2010  
Subject to Change Without Notice

Authorized by Regents' Policy 6.3 ("Privileges and Benefits")  
Process Owner: Vice President of Human Resources

## 1. General

In compliance with the federal Family and Medical Leave Act (FMLA), ~~The~~ the University of New Mexico provides eligible employees up to twelve (12) weeks of job-protected leave within a twelve (12) month period for eligible family and medical reasons, and -because of any qualifying exigency arising out of covered active duty or an impending call or order to active duty in support of a contingency operation. This includes members of the National Guard and Reserves and Regular Armed Forces and requires deployment to a foreign country. The University also provides for ~~and/or~~ up to twenty-six (26) weeks for Military Family Leave subject to the conditions outlined in Section 45.5, herein. This leave is hereafter referred to as FMLA leave.

The University will comply with all provisions of the Act for eligible employees. FMLA leave is job protected leave which means the employee's department will reinstate the employee returning from FMLA leave to the same or equivalent position with equivalent pay, benefits, and other employment terms and conditions. Individuals requiring an accommodation should review Policy 3110 ("Reasonable Accommodation for Employees with Disabilities"). It is illegal for any employee to interfere with, restrain, or deny any right provided by the FMLA to an eligible employee or to discriminate against an employee for requesting FMLA leave. This policy outlines the conditions under which an employee may request FMLA leave.

## 2. Eligible Employees

To be eligible for FMLA leave, an employee must:

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- have been employed for at least twelve (12) months in total in the last seven (7) years, and,
- must have worked at least one thousand two-hundred fifty (1,250) hours during the twelve (12) month period preceding the start of the leave. (All periods of absence from work due to Uniformed Services Employment and Reemployment Rights Act USERRA-covered service is counted in determining an employee's eligibility for FMLA leave.)

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Any employee, including a temporary or on-call employee, who meets the above ~~eriteria~~ criteria, would be eligible for FMLA leave, subject to the provisions of this policy and in accordance with the Act.

### 3. Use of Other Leave Policies

The twelve (12) weeks of FMLA leave will ~~be reduced~~ run concurrently with any catastrophic leave and Workers' Compensation leave used for FMLA qualifying medical conditions of either the employee or a qualified family member. For more information on catastrophic leave and Workers' Compensation refer to Policies 3430 and 3630, respectively. An employee may elect, but is not required, to use accrued annual leave and ~~or~~ sick leave before, after, or simultaneously with -FMLA leave.

### 4. Available Leave Time

#### ~~Events Eligible for FMLA Leave~~

Eligible employees may take FMLA leave up to a total of twelve (12) weeks within a twelve (12) month period for the reasons listed in Sections 4.5.1. through 4.5.4. herein. Eligible employees may take up to twenty-six (26) weeks of FMLA leave for the reasons stated in Section 4.5.5. herein; however, this FMLA leave is reduced by any other FMLA leave taken within the twelve (12) month period. - The University defines the twelve (12) month period as a rolling twelve (12) month period measured backward from the date an employee uses any FMLA leave. The employee must provide required supporting documentation. Failure to provide requested documentation could lead to denial of the requested leave.

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### 5. Events Eligible for FMLA Leave

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#### 4.5.1. Birth, Adoption, or Foster Care

Eligible employees may take FMLA leave to care for a child upon birth or to care for a child placed with the employee for adoption or foster care. FMLA leave must conclude within twelve (12) months of the birth or placement. Employees may use annual leave before going on unpaid FMLA leave, but they are not required to exhaust annual leave banks before requesting unpaid FMLA leave.

If both parents or caretakers are employees of the University, FMLA leave taken to care for a child upon birth or to care for a child placed with the employees for adoption or foster care is

limited to a combined total of twelve (12) weeks. FMLA leave taken for the serious health condition of ~~the an~~ employee or child would not be subject to the combined limit.

#### **4.5.2. FMLA Leave for Family Medical Conditions**

Eligible employees may take FMLA leave to care for a member of an employee's immediate family who has a serious health condition as defined in [Section 56](#), herein. For the purposes of FMLA leave [for family medical conditions](#), immediate family includes [a son or daughter, children, a spouse or domestic partner, or a parent, s, grandchildren, and siblings](#).

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#### **4.5.3. FMLA Leave for Employees's Medical Conditions**

~~An e~~Eligible employees may take FMLA leave when they ~~employee is~~are unable to perform the functions of ~~their his or her~~ positions because of a serious health condition as defined in [Section 56](#), herein.

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#### **4.5.4. ~~Military Military~~ Family Leave for Qualifying Exigency**

Eligible employees are entitled to FMLA leave because of any qualifying exigency arising out of the fact that the spouse or domestic partner, son, daughter, or parent of the employee is on [covered](#) active duty, or has been notified of an impending call to active duty status, in support of a contingency operation [requiring deployment to a foreign country](#).

Categories of qualifying exigencies are:

- Short-notice deployment
- Military events and related activities
- Childcare and school activities
- Financial and legal arrangements
- Counseling
- Rest and recuperation [\(a maximum of 15 calendar days\)](#)
- [Post-deployment activities](#)
- [Parental ~~C~~are ~~L~~ease as defined under the Act](#)
- Additional activities not encompassed in the other categories, but agreed to by the supervisor and employee.

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[Human Resources \(HR\)](#) can provide further clarification regarding qualifying exigencies.

#### **~~4.5.5. Military Military~~ Family Medical Leave**

Eligible employees who are family members of covered service members [including covered veterans who are undergoing medical treatment, recuperation, or therapy for a serious injury or illness](#) will be able to take up to twenty-six (26) weeks of FMLA leave in a single twelve (12)-month period to care for a covered service member who is unable to perform daily activities, or who has a serious illness or injury obtained in the line of duty while on active duty. [A covered veteran is an individual who was discharged or released under conditions other than dishonorable](#)

at any time during the five (5) year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran.

Eligible family members include the spouse or domestic partner, parent, children, or designated next of kin as defined in the Act. The supervisor should contact HR for direction on designation of next of kin. The twenty-six (26) weeks allowed for this leave will be reduced for any FMLA leave taken for events listed in Sections 45.1. and 45.4. herein.

## **56. Serious Health Condition**

### **6.1. What Constitutes a Serious Health Condition?**

A serious health condition means an illness, injury, impairment, or physical or mental condition that results in an inability to work, attend school, or perform other regular daily activities and involves:

- any period of incapacity or treatment connected with inpatient care in a hospital, hospice, or residential medical care facility; or
- any period of incapacity requiring continuing treatment by a health care provider.

### **6.2. What Constitutes Treatment by a Health Care Provider?**

Treatment by a health care provider requires an in-person visit to a health care provider as defined under FMLA. The first initial in-person treatment visit must take place within seven (7) days of the first day of incapacity. A period of incapacity or treatment is defined as more than three (3) consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, which also involves:

- Treatment two or more times within thirty (30) days of the first day of incapacity by a health care provider, or
- Treatment by a health care provider on at least one occasion, which results in a regimen of continuing treatment under the supervision of the provider. This includes treatment for chronic conditions which require periodic visits of at least twice a year for treatment by a health care provider. Such conditions can occur over an extended period of time including recurring or episodic periods of incapacity.

### **6.3. Examples of Serious Health Conditions**

Other examples of a serious health conditions include, but are not limited to:

- pregnancy or prenatal care
- appendicitis, or
- Permanent or long-term conditions or conditions requiring multiple treatments such as:
  - severe respiratory condition,
  - emphysema,

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- o severe nervous disorder,
- o injury caused by a serious accident on or off the job, and
- o back condition requiring extensive therapy or surgical procedures.

Injuries or illnesses for a current service member includes illnesses for a current service member include injuries or illnesses that existed before the beginning of the member's active duty and were aggravated by service in the line of active duty in the armed forces.

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#### **6.4. Examples of Non-Serious Health Conditions**

Treatment for sSerious health conditions does not include routine physical examinations, eye examinations, or dental examinations. A regimen of continuing treatment that includes -the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, and periodontal disease, etc.- are examples of conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave. -short term conditions such as a minor illness that lasts a few days, and surgical procedures that typically do not involve hospitalization and require only a brief recovery period. Contact HR regarding eextenuating circumstances.

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#### **6.7. Request for FMLA Leave**

When the need is foreseeable, such as birth or adoption of a child or planned medical treatment, an employee should advise his or her supervisor thirty (30) days before the start of the leave period, or as soon as possible. When possible, the employee should make efforts to schedule leave so as not to disrupt University operations. When thirty (30) days advance notice is not possible, the employee must provide notice as soon as practicable, and generally must comply with normal call-in procedures.

#### **6.8. Notice to Employees**

Within five (5) business days of an employee's initial request for FMLA leave, the supervisor must provide the employee with a completed Notice of Eligibility and Rights and Responsibilities Form. The employee has fifteen (15) calendar days to provide appropriate documentation in support of FMLA leave. See the **Notice of Eligibility and Rights and Responsibilities** -form for the type of documentation required. If ~~the supervisors~~ does not have sufficient supporting documentation, ~~he or she~~they may request further documentation from the employee before approving or denying FMLA leave. The employee must provide this documentation within seven (7) business days of the request for further documentation. After receiving the requested documentation, the supervisor must confirm or deny the FMLA leave within five (5) -business days. Links to specific forms and letters for these purposes are **listed provided** in **Section 1213**, herein and are also available from HR. An employee is presumed eligible unless the supervisor notifies the employee of ineligibility.

## 89. Medical Certification

The University will require medical certification to support a request for FMLA leave for medical reasons using the form language approved by the US Department of Labor. Forms may be obtained from HR or through the links provided in **Section 4213**, herein. The University may require a second or third medical opinion at the University's expense after an individual has submitted an initial medical certification and periodic recertification at the University's expense. Second and third opinions may be required for military caregiver leave certifications that are completed by healthcare providers who are not affiliated with the Department of Defense, Veterans Administration, or TRICARE. There may also be a requirement for periodic re-certifications. In cases of illness, ~~the employees~~ will be required to report periodically, as instructed by ~~his or her~~their supervisors, on ~~his or her~~their leave status and intentions to return to work.

### 8.19.1. Employees's Health

For ~~the employees's~~ own medical leave, the medical certification must include a statement that the employees are employee is unable to perform the functions of ~~his or her~~their positions.

### 8.19.2. Family Health

For leave to care for a seriously ill family member, the medical certification must include an estimate of the amount of time the employee is needed to provide care.

### 8.19.3. Intermittent ~~Leave and Reduced Work Schedule~~ Leave ~~Schedule~~

If medically necessary for a serious health condition of ~~the employees~~ or ~~his or her~~their family members, or if agreed to by a supervisor, leave may be taken on an intermittent or reduced leave work schedule basis.

If the leave is foreseeable based on planned medical treatment, or if a supervisor agrees to permit intermittent leave or leave based on a reduced work schedule, for the birth of a child, or for placement of a child for adoption or foster care, the University may require the employee to transfer temporarily. The transfer would occur during the period that the intermittent or reduced work schedule is required and be to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position, provided that the position has equivalent pay and benefits. If leave is requested on this basis, the University may require the employee to transfer temporarily to an alternate position that better accommodates recurring periods of absence or a part-time schedule, provided that the position has the equivalent pay and benefits.

The medical certification for intermittent leave, or leave on a reduced work schedule for planned medical treatment, must include the dates on which treatment is expected to be given and the duration of such treatment. The supervisor and employee must agree on the employee's normal schedule or average hours worked each week and document the agreement in writing.

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The employee is not required to take more leave than is necessary to address the circumstances that precipitated the need for the leave provided that the leave is counted using the shortest increment of leave used to account for any other type of leave and that the shortest increment of leave is no more than one hour.

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### **910. Return to Work**

An employee returning to work following a leave of absence due to his or her own serious health condition must submit a physician's statement certifying that the employee can return to work and can perform the essential functions of the job, with or without reasonable accommodations. The University may request the employee provide the physician's statement up to five (5) days in advance of the employee's anticipated return date.

#### **910.1. Reinstatement of Employee**

The employee's department must reinstate the employee returning from FMLA leave, within the approved leave period, to the same or equivalent position with equivalent pay, benefits, and other employment terms and conditions. However, an employee on FMLA leave does not have any greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period. An employee has no right to reinstatement if the employee would not have otherwise been employed at the time of the request for reinstatement. Leave beyond twelve (12) weeks may be granted under [Policy 3420 \("Leave Without Pay"\)](#)-~~Policy 3420, UBP~~, however, the employee's right to return to his or her position is not guaranteed.

#### **910.2. Failure to Return**

If an employee fails to return within three (3) work days after an approved leave, including any approved extensions, the employee will be considered to have resigned. Refer to [Section 2.1. of Policy 3225 \("Separation of Employment"\)](#)-~~Policy 3225, UBP~~.

#### **4011. Benefits Coverage While on FMLA Leave**

While an employee is on FMLA leave, the status of various University-sponsored benefit programs will be as follows:

##### **10-11. Group Insurance Benefits**

The University will continue the employee's group insurance benefits during the period that the employee is on FMLA leave. If the leave is unpaid, the University will bill the employee for that portion of the premium normally withheld from the employee's paycheck.

##### **4011.2. Retirement**

The University does not pay the employer portion of the retirement plan during the period that the employee is on unpaid FMLA leave. The period that the employee is on unpaid FMLA leave does not count as earned service time for retirement formula calculations.

### **1011.3. Annual and Sick Leave**

The employee will not accrue annual and sick leave during the period that the employee is on unpaid FMLA leave.

### **1011.4. Holidays**

For purposes of determining the amount of leave used by an employee, the fact that a holiday may occur within a week taken as FMLA leave has no effect; the week is counted as a full week of FMLA leave. However, if an employee is using FMLA leave in increments of less than one (1) week, the holiday will not count against the employee's entitlement unless the employee was otherwise scheduled and expected to work during the holiday. During the winter break when the University is closed for more than one (1) week, the time will not count against the employee's entitlement unless the employee would otherwise have been scheduled and expected to work during winter break. Employees on unpaid FMLA leave are not eligible for holiday pay.

### **1011.5. Dependent Education Scholarship**

Dependents of employees who were participants in the Dependent Education Scholarship Program before the employee began FMLA leave can continue in the program while the employee is on FMLA leave as long as the dependent remains eligible.

## **1112. Record Keeping Requirements**

Departments are required to keep all documentation pertaining to FMLA leave requests for three (3) years. The documentation must include the following:

- Dates of FMLA leave taken by employees. Leave must be designated as FMLA leave. If FMLA leave is taken in increments of less than one (1) full day, the hours of the leave must be recorded.
- Copies of employee notices of leave furnished to the employer under FMLA and copies of all required general and specific written notices given to employees.
- Records of any dispute between the employer and an eligible employee regarding designation of leave as FMLA leave.

### **1112.1. Confidentiality of Medical Records**

Supervisors must maintain records and documents relating to medical certifications, re-certifications, or medical histories of employees or employees' family members in separate files and treat them as confidential medical records. Supervisors and managers may be informed regarding necessary restrictions on the work and necessary accommodations. First aid and safety

personnel may be informed ~~if a~~ if a medical condition might require emergency treatment. Government officials shall be provided relevant information upon request.

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## **12.2. Genetic Information Nondiscrimination Act**

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GINA prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of employees or their family members with certain exceptions including requests for family medical history to comply with the certification provisions of the FMLA or State or local family and medical leave laws, or pursuant to a policy (even in the absence of requirements of Federal, State, or local leave laws) that permits the use of leave to care for a sick family member and that requires all employees to provide information about the health condition of the family member to substantiate the need for leave." If this exception provision is not applicable in your case, we are asking that you not provide any genetic information when responding to this request for medical information. "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

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## **12.13. Procedures and Forms**

Click [here](#) for applicable forms and to view HR's procedures on applying for and approving FMLA leave.

## **DRAFT OF 3-19-2013**

### **(NEW) CAMPING POLICY**

Authorized by Regents' Policy 7.9 "Property Management"

#### **1. General**

The University is committed to maintaining a clean, aesthetically pleasing, and safe work, educational, and living environment to efficiently carry out its educational mission and business matters. In an effort to protect University property and to protect the health and safety of the University community and public, camping on University property is not permitted, except as stated in Section 3.2 below.

#### **2. Scope**

This policy applies to all employees, students, and visitors.

#### **3. Definitions**

"Visitor" means a person who is not a Regent or a student and is not employed by the University.

"University Property" for purposes of this policy is defined as University owned grounds, buildings, or structures, but not including any residence halls, apartments, or other University housing.

"Camping" for purposes of this policy is defined as any of the following:

- The establishment of, or attempt to establish, temporary or permanent living quarters at any location on University Property;
- Sleeping outdoors or on University Property with or without bedding, pillows, backpacks, tent, hammock or similar device, structure, protection, or equipment between the hours of 10:00 p.m. and 8:00 a.m.;
- Sleeping in any vehicle parked on University Property between the hours of 10:00 p.m. and 8:00 a.m.; or
- Establishing or maintaining outdoors, or in or under any structure not designated for human occupancy, at any time during the day or night, a temporary or permanent place for cooking, storing of personal belongings, or sleeping by setting up any bedding, sleeping bag, mattress, tent, hammock or other sleeping equipment, or by setting up any cooking equipment.

**3.1.** Such activities constitute camping when it reasonably appears, in light of all the circumstances, that the participants, in conducting any of the above activities, are in fact using the area as a living

accommodation regardless of the intent of the participants or the nature of any other activities in which they may also be engaging.

**3.2.** Camping, as defined in this policy, does not include the ordinary use of University Property that has been wholly or in part designated as sleeping or eating areas, nor does it include outdoor events related to University sanctioned research projects or other academic activities.

#### **4. Responsibilities**

**4.1.** The applicable supervisor, department chair, or dean is responsible for addressing non-compliance with this policy by staff and faculty.

**4.2.** The Student Activities Center is responsible for addressing non-compliance with this policy by students.

**4.3.** The UNM Police Department is responsible for addressing non-compliance with this policy by persons other than staff, faculty, or students, and may address violations of this policy by staff, faculty, and students that constitute criminal trespass or any other violation of law.

#### **5. Enforcement**

Any person violating this policy may be subject to:

- Institutional disciplinary proceedings under the Student Code of Conduct if a student, or the Visitor Code of Conduct if a visitor. Violations by faculty or staff will be referred to the appropriate department or academic unit;
- An order to leave the premises or property owned or controlled by the University by the police or a person in charge of the property; or
- Arrest for violation of state law.

**Criteria for adding/deleting Core Curriculum Courses (Procedures)**  
**August 30, 2011**

**Procedures for Adding Courses to the Core Curriculum**

*Documentation required*

Departments wishing to add courses to the UNM Core Curriculum must submit a Form C for each proposed new course. The **Form C** should be accompanied by the following material:

- Identification of the area into which the course will fit (Writing/Speaking, Math, Science, Social/Behavioral Sciences, Humanities, Non-English Language, Fine Arts)
- Rationale for adding the course to the core
  - Justification for adding the course to the Core
    - How will this course benefit UNM students
    - Why does it belong in the UNM Core Curriculum
  - Impact statement on the effect this addition may have upon other departments/courses currently in the Core
  - Current and predicted enrollments for the next three years
  - **Demonstrated example of “Annual Report on Assessment”**
- Budget/Faculty Load statement
  - Budget impact statement
  - Resources (faculty/facilities) that the department has for teaching the course
  - Memo from Dean or College Curriculum Committee regarding financial support for 5 to 10 years
- Student learning outcomes and proposed techniques to assess those outcomes. [See UNM Outcomes Assessment template "[Plan for Assessment of Courses in the UG General Education Core Curriculum Template](http://www.unm.edu/~assess/SupportingFiles/Plan%20for%20Assessment%20of%20Courses-Template.doc)"]
- Documentation of UNM and HED Core Competencies addressed. (Unless the courses are not applicable to HED standards, i.e. Non-English Language UNM Core)]
- Complete syllabus and course schedule including time on topics and suggested text

*Approval procedures*

- Approval by department’s college curriculum committee/dean
- Review by the Faculty Senate Undergraduate Committee
- Approval by Faculty Senate Curricula Committee
- Office of the Provost
- Vote by Faculty Senate

- HED’s “New Mexico Common Core Curriculum Course Evaluation” form and New Mexico Common course number (NMCCN) if one exists.
  - Provost’s Office
- Provost’s Office will inform Registrar’s office of addition to the UNM Core

### *Timeline*

- Departments must submit the Form C to Curriculum Workflow early in the fall semester
- Faculty Senate Curriculum Committee must receive proposal by December 1 for the opportunity for inclusion in the upcoming course catalog

## **Procedures for Deleting Courses from the Core Curriculum**

### *Documentation required*

Departments wishing to delete courses to the UNM Core Curriculum must submit a Form C for each course to be deleted. The **Form C** should be accompanied by the following material:

- Identification of the area into which the course fits (Writing/Speaking, Math, Science, Social/Behavioral Sciences, Humanities, Non-English Language, Fine Arts)
- Rationale for deleting the course from the core
  - Justification for deleting the course from the Core
  - Impact statement on the effect this deletion may have upon other departments/courses currently in the Core
  - Enrollment history for the previous three years
- Budget/Faculty Load statement
  - Budget impact statement
  - Memo from Dean or College Curriculum Committee regarding support for removing this course from the core

### *Approval procedures*

- Approval by department’s college curriculum committee/dean
- Review by the Faculty Senate Undergraduate Committee
- Approval by Faculty Senate Curricula Committee
- Office of the Provost
- Vote by Faculty Senate
- HED’s “New Mexico Common Core Curriculum Course Evaluation” form and New Mexico Common course number (NMCCN) if one exists.
  - Provost’s Office
- Provost’s Office will inform Registrar’s office of deletion from the UNM Core

### *Timeline*

- Departments must submit the Form C to Curriculum Workflow early in the fall semester
- Faculty Senate Curriculum Committee must receive proposal by December 1 for the deletion in the upcoming course catalog



# The University of New Mexico Faculty Handbook

Policy A53 Section: University Faculty

Approved By: Faculty Senate

Last Updated: Draft 01/24/13

Responsible Faculty Committee: Policy

Office Responsible for Administration: Office of the University Secretary

## Development and Approval of Faculty Policies

Comments may be sent to: [\\_\\_\\_\\_\\_@unm.edu](mailto:_____@unm.edu)

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### POLICY RATIONALE

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The Faculty Handbook provides University of New Mexico (UNM) faculty with a written record of faculty policies and procedures and is intended to help faculty members acquire an overview of academic processes and resources. Policies in the Faculty Handbook are unifying documents that describe academic principles, the reasoning behind the principles, and institutional procedures necessary for implementation. Faculty Handbook policies contain governing principles and procedures that mandate or constrain actions and apply to UNM faculty; therefore, the development of policies requires input from faculty members who have extensive knowledge on the subject matter and review by faculty members from a variety of academic disciplines at UNM.

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### POLICY STATEMENT

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This policy describes the process used to develop or amend Faculty Handbook policies, solicit input, and obtain approval.

**1. Proposing a New Policy or Changes to Existing Policy.** Any faculty member wishing to propose a change to an existing Faculty Handbook policy or propose a new policy should send their request to the Office of the University Secretary, who will forward it to the Faculty Senate Policy Committee (FSPC) for consideration. The FSPC will review the request and work the appropriate Faculty Senate committee(s) to determine the most effective course of action. Preliminary draft policies will be circulated with applicable Faculty Senate representatives for review.

**2. Approval.** Proposed new faculty policies and changes to Policy Rationale, Policy Statement, Applicability, and Definitions sections of existing policies will be posted on the Faculty Senate website for review by UNM faculty members. The FSPC will address any comments received from faculty and will forward the final proposed draft to the Faculty Senate for approval. Due to the nature of the policy or previous approval history, a few specific policies will also require approval by University faculty, the UNM Board of Regents, and/or the UNM President and/or Provost. Proposed changes to procedural and information portions of a Policy will be reviewed by the FSPC in consultation with the responsible Faculty Senate Committee(s) listed in the

Policy Heading. After review and consultation, the proposed changes can be made with approval by the FSPC.

**3. Distribution and Notification of New or Amended Policy.** Upon approval, the new or amended policy will be placed on the [Faculty Handbook](#) website and announced to the campus. Deans and department chairs, or their designees, are responsible for:

- informing their faculty members of new policies or changes to existing policies; and
- updating all related departmental processes, procedures, and/or documents to reflect new or amended policies.

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## APPLICABILITY

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All UNM academic faculty and administrators, including the Health Sciences Center and Branch Campuses.

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## DEFINITIONS

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No specific definitions are required for this Policy.

Revisions to the Policy Rational, Policy Statement, Applicability, and Definitions sections of this document must be approved by the full Faculty Senate. Revisions to the remaining sections of this document may be amended with the approval of the Faculty Senate Policy Committee in consultation with the responsible Faculty Senate committee listed in Policy Heading.

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## WHO SHOULD READ THIS POLICY

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- Board of Regents
- Professors and academic staff
- Academic deans and other executives, department chairs, directors, and managers

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## RELATED DOCUMENTS

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[UNM Regents' Policy Manual](#)

[University Business Policies and Procedures Manual](#)

[University Catalog](#)

[Pathfinder](#)

[HSC Policy on HSC Policy](#), which contains procedures specific to the HSC

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## CONTACTS

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Direct any questions about this Policy to the [Office of the University Secretary](#).

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## PROCEDURES AND GUIDELINES

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[Faculty Handbook](#) policies are designed to ensure that policy level portions can only be changed with approval of the Faculty Senate, but also allow for a streamlined approval process for procedural and information oriented sections of the policy to allow for timely updating to reflect new practices and/or information.

1. Faculty Handbook policies are composed of the following sections.

**1.1 Heading.** In addition to policy title and number, the heading of the policy identifies:

- The approving bodies (i.e. Faculty Senate, Provost, President, and/or Board of Regents).
- Responsible Faculty Senate committee(s).
- Office responsible for administration of the Policy.

**1.2 Policy Rational.** Describes the reason for the policy, its relationship to UNM’s academic values and/or mission, and any philosophical, stewardship, legal, regulatory, or other requirements the policy aims to meet.

**1.3 Policy Statement.** Includes the overall intention and direction of the policy and major mandated actions or constraints. It does not include procedures, which are placed in a separate section to allow for greater flexibility when updating is necessary.

**1.4 Applicability.** Identifies which individuals and/or University units are subject to the policy. Some policies may apply to the entire academic community, while others may apply only to Main Campus, the Health Sciences Center, and/or Branch Campuses.

**1.5 Definitions.** Defines terms that have specialized or particular meaning in the policy.

**1.6 Who Should Read This Policy.** Lists individuals who must understand the policy in order to make decisions and/or do their jobs.

**1.7 Related Documents.** Lists related UNM policy documents and other UNM and external documents that provide helpful, relevant information.

**1.8 Contacts.** Contains information to assist faculty members in complying with the policy.

**1.9 Procedures and Guidelines.** Includes procedures and guidelines necessary for policy compliance and outlines how the policy’s requirements will be met.

**1.10 History.** Lists dates of amendments and summary information on changes approved.

**2. Approval process for Policy Level Portions of Faculty Policies.** Changes to policy level portions of the policy (sections 1.2 –1.5, herein) require approval by the approving bodies listed in the policy heading. At a minimum this includes the Faculty Senate and depending on the impact of the policy, approval may also require action by the President or Provost, Board of Regents, and/or University faculty.

**3. Approval process for Procedures, Guidelines, and Information Portions of Faculty Policies.** Changes to procedural and information portions of the policy (sections 1.6 –1.10, herein) can be made with approval by the Faculty Senate Policy Committee (FSPC) in consultation with the responsible Faculty Senate Committee(s) listed in the policy heading.

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## HISTORY

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**Effective:**

Draft—January 25, 2013 – Awaiting approval.

COMMENTS TO:

[FACULTY HANDBOOK HOME](#)

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