

Faculty Senate Policy Committee

Meeting Minutes

June 1, 2016

11:00 a.m. to 3:00 p.m.

Members Present: Martha Muller (Co-Chair), Kimberly Gauderman (Co-Chair), Barbara Hannan, Leslie Oakes, Jamal Martin, and Lee Brown

Ex-Officio: John Trotter, HSC Vice Chancellor Emeritus, and Kimberly Bell, Deputy University Counsel, University Counsel Office, Carol Parker, Senior Associate Provost, Office of the Provost & EVP for Academic Affairs

Members Absent: Marsha Baum and Melinda Tinkle

Ex-Officio Absent: Leslie Morrison, HSC Vice Chancellor

Staff Present: Candyce Torres, Office of the Secretary, Administrative Coordinator
Carol Stephens, Office of the Secretary, Professional Consultant

Guest Present:

Meeting began at 11:00am

1. The regular meeting of the Faculty Senate (FS) Policy Committee was called to order at 11:00AM on Wednesday June 1, 2016 in Scholes Hall, Room 101 by Co-Chairs, Kimberly Gauderman and Martha Muller.
2. **Approval of Agenda.** Approved with one amendment. Senior Associate Provost Carol Parker has some information from the Department of Justice (DOJ) as it relates to policy D175: Student Grievance.
3. **Approval of Minutes.** Approved unanimously
4. **Updates: Information Section of Faculty Handbook website.** This has been discussed for a while. This section was launched when Systems Analyst, Joby Elliot came on board in the University Secretary's Office. This was achieved by taking all the informational polices that really were not policies but information and replaced them with the website that has the information so that users are not duplicating things. Regarding the "Standards" document

proposal within policy there has been frequent discussion about where “Standards” should be published, and if they are a part of the handbook. Per Faculty Handbook policy **A53: Development and Approval of Faculty Policies**, “Standards” by definition are the required processes necessary for compliance with a policy document. To assist with the implementation of a policy, standards and guidelines may be issued by the office responsible for administration of a specific policy, as identified in the heading of each policy. The Faculty Senate Operations Committee have expressed some concerns about “Standards”. Further discussion has addressed that the University Secretary’s Office would create a place within the information section that would contain links. This process would help reduce complications, and provide for the original concept, which was to allow the office(s) responsible for administering a process to have the agility and flexibility to update/change those “standards” as necessary. Moving forward, Co-Chair Kimberly Gauderman expressed that the information section of the new website will be used to connect (link) these procedures to the actual policy. That would allow the offices who are creating them to have more flexibility and would not need to be maintained by the FS Policy Committee. The FS Policy Committee could also monitor “Standards: but would not have to officially approve them. In addition, all ‘Standards: have to be in compliance with the overarching policy. ‘Standards” are the implementation guidelines of a policy. The FS Policy Committee was okay with this proposal.

Approval Table. The Approval table that Professional Consultant, Carol Stephens has been working on with the Office of the University Secretary, at the request of Academic Freedom and Tenure (AF&T) Committee Chair, Marsha Baum is now ready to be sent to AF&T and the Committee on Governance (COG) for their review and input.

- 5. Election of Officers.** Co-Chairs Martha Muller and Kimberly Gauderman. A motion was made to re-elect Martha Muller and Kimberly Gauderman as the FS Policy Committee Co-Chairs for another 1-year term.

Senior Associate Provost, Carol Parker updated the FS Policy Committee on the DOJ report issued about a month ago pertaining to the University’s response to sexual assault awareness prevention. One of the criticisms by the DOJ was UNM’s confusing policy structure. In turns out that **D175: Student Grievance** originally appeared to duplicate what was in the Student Pathfinder. The Student Pathfinder has evolved but **D175: Student Grievance** still states things that are now in conflict with the Pathfinder. Carol Parker states that this is thought to possibly be representative of an even greater problem, additional policies within the Pathfinder that are duplicative or in conflict with the Faculty Handbook. Carol Parker explained that the goal is to have a single policy to the extent as possible where all faculty, students and staff point to for responding to these problems. The Pathfinder needs a complete review so it is not clear how the Faculty Handbook is in discordance. Carol Parker indicated that the issue of maintenance at UNM comes into play because there is a multiplicity of policies that address the same topic. Carol Parker expressed that given the time of the agenda she doesn’t recommend that the Committee get into the details. The request was made of her to share with this group that this issue had come forward as a duplication. In addition, it was flagged as being representative of a theme of UNM’s policies being duplicative. Carol Parker recommended inviting representatives to the upcoming FS Policy Committee meetings who are managing the DOJ project. This will

provide an opportunity for the Committee to be briefed about relevant concerns and can involve members in those conversations. The President’s Office is leading this effort along with Dean of Students, University Counsel, and the Office of Equal Opportunity. FS Policy Committee Co-Chair, Kimberly Gauderman pointed out that she has been talking with Vice President for Student Affairs, Eliseo Torres. Vice President Torres is aware of the need for this. In addition, a defined protocol will need to be addressed as there has been a lot of debate over who owns the Pathfinder and how policies contained in it are reviewed/approved. This topic is going to be worked on further during the fall once the new Dean of Students is situated.

Action-During fall 2016, an invitation will be sent to either Dean of Students, Nasha Torrez, President Chief of Staff, Amy Wohlert and or Office of Equal Opportunity Title IV Coordinator, Heather Cowan to address the FS Policy Committee about the DOJ report and faculty policies.

6. **C09: Respectful Campus.** Co-Chair Kimberly Gauderman explained that Committee on Governance Chair, Jackie Hood led a Task-Force to engage in a comprehensive review of this policy. Jackie Hood chaired the C09: Respectful Campus Task-Force and served in a very dedicated manor. The Task-Force that historically created the C09: Respectful Campus policy was also chaired by Jackie Hood. This Task-Force was very diligent and sometimes met as much as twice a week. University Deputy Counsel, Kimberly Bell was very helpful guiding the Task-Force through the free speech issues, which was part of the charge of the Task-Force. Much of the changes were a result of that. Carol Stephens prepared the following memorandum that explains the various considered changes:

Memorandum DRAFT REPORT

Date: May 18, 2016

To: Faculty Senate Policy Committee

From: Faculty Senate Policy Committee Respectful Campus Task Force

Re: Report on Task Force Review of Policy C09 “Respectful Campus” and Proposed Changes

Task Force Membership:

Jackie Hood, Chair

Marsha Baum

Jonathan Bolton

Jean Civikly-Powell

Kimberly Gauderman

Richard Holder

Steven Rugala

Carol Stephens

John Trotter

Kimberly Bell –legal advisor

On January 6, 2016, the task force began its review of Policy C09 “Respectful Campus” to address policy applicability, enforceability, and ease of use; and review free speech concerns raised by the Faculty Senate. Drafts of the proposed revision are included for your consideration (a clean copy for reading ease and an highlighted copy which shows all insertions and deletions). Below is a summary of proposed changes and the rationale for the changes. This summary could go out with the Policy when it goes out for campus comment.

Policy Rationale Section:

- **1st Paragraph**--added language to indicate that the Policy is not intended to infringe on free speech.
- Introduce the term “destructive actions” to broaden the Policy beyond bullying behavior.

Policy Statement Section:

- **1st Paragraph**--Introduces the concept that all members of the UNM Community have a responsibility to address behaviors that are not in accordance with a respectful campus.
- **Section 1** --Removed item 1.4 because possibly contrary to free speech.
- **Section 2**--Consolidated items 2.1 and 2.2
- **Section 3, 1st Paragraph**—emphasizes the concept that only credible reports and substantiated findings of destructive actions will result in corrective actions.
- **Section 3.1.1** --Added to indicate that bullying is a type of destructive behavior prohibited by C09.
- **Section 3.1.2** --Added to clarify that one incident of severe destructive behavior may be covered.
- **Section 3.2**--Discusses specific behaviors prohibited by other UNM policies.
- **Sections 5.1 – 5.3**--This information was moved to applicability section of Policy document.
- **Delete Section 6** on Monitoring because it has not been implemented since inception.

Applicability Section: expanded to clarify that C09 is applicable when a faculty member is accused of destructive behavior to list which policies are applicable when students or staff members are accused. Replaces Sections 5.1 through 5.3 of current policy.

Related Documents Section expanded to include additional applicable documents.

Procedures Section:

- **Change respondent to “alleged wrongdoer”** to clarify the concept of innocent until proven otherwise and to avoid confusion with others responding to inquiries from an investigation.
- **Section 1**--Added to encourage informal resolution when possible.
- **Section 2.3**--Added to provide guidance for investigating incidents when the alleged wrongdoer is unknown.
- **Section 2.5** --Added to provide procedures for supervisors on informal and formal processes for addressing complaints.
- **Section 2.5**—Added procedures for determinations on whether the allegations, if true, would constitute a violations of Policy C09.
- **Section 2.6** --Contains information pertaining to AF&T Committee jurisdiction.
- **Section 8** --Added to provide more information on UNM ombuds services offices, informal assistance and counseling resources, and the HSC Office of Professionalism.

Carol Parker stated that in reviewing the proposed changes she felt that the revisions provided clarity with regard to implementation. The language was straight forward and was not convoluted. Carol Parker pointed out that there is existing confusion “anonymity” problem continues to moon large and she is still not feeling a lot of guidance yet. She hopes to work on that point with the Committee in the near future. On page 13 of the second paragraph the language after “*personnel file*” will be deleted.

Further discussion took place regarding the proposed changes submitted by the C09: Respectful Campus Task-Force. A few recommended changes were put forward by the Committee. Carol Stephens took note of the changes and will place them on the September 2016, FS Policy Committee meeting agenda as a consent item.

- 7. Ombuds/ Dispute Resolution Policy for Faculty.** Carol Stephens explained that the C09: Respect Campus policy points to the ombuds dispute resolution services for faculty. However, those are not defined in policy anywhere. There is an ombus dispute resolution services for staff policy but not for faculty. Some of the C09: Respectful Campus Task-Force members were concerned that in the absence of a policy that the office could be eliminated or go in a different direction. It was proposed for the FS Policy Committee to consider whether such a policy should be undertaken, and if so identify a lead faculty member to work on it. Vice Chancellor Emeritus, John Trotter indicated that he supports having an ombus policy for faculty and that it should be upheld in the Faculty Handbook. It was also recommended that a faculty member work with Director of Faculty Dispute Resolution, Jean Civikly-Powell to develop a policy for consideration. Carol Stephens will also assist with the creation of this policy. Co-Chair Martha Muller also expressed support.

Action- FS Policy Committee member Jamal Martin volunteered to be the faculty lead for the creation of an ombus policy for faculty. Carol Stephens will provide assistance.

- 8. C20 Employment of UNM Graduates.** Carol Parker expressed that there is absolutely no articulated rationale within this policy to provide for its existence. The arguments made in support of this policy are research based. The arguments made against retaining this policy find this policy to be biased or racist. Carol Parker has consulted with the Provost on this. Exceptions in certain discipline areas have been granted. Carol Parker expressed that it is particularly outlandish to transfer this policy and impose it on branch campuses as they have a teaching mission, not research mission. UNM's graduates are some of the branch campuses best prospects. FS Policy Committee members were in agreement with Carol Parker that this policy is not particularly useful and discriminatory.

Action- The FS Policy Committee voted in favor of deleting this policy in its entirety. A rationale for deleting this policy will be sent to the FS Operations Committee in fall 2016. FS Policy Committee member, Lee Brown offered to send the proposed policy deletion to the FS HSC Council for their endorsement. It will be send to HSC Council to be discussed at their August 18, 2016 meeting.

- 9. C50 "Faculty Contracts.** Carol Parker has worked over the past year to refine some proposed language. That project was stalled due to some other things that surfaced in Spring 2016; however, the work has been done and Carol Parker presented proposed language to be considered. C50 is very out of date. Carol Parker will work with Carol Stephens to reflect the changes, and place the new language in the new policy format. It will be considered at the next Committee meeting in fall 2016. John Trotter will also be included in the C50 revision.

Next Meeting: To be determined

Adjourn: 3:00pm