

Faculty Senate Policy Committee
Meeting Agenda, Scholes Hall Room 141, June 16, 2015, 11:00 am to 3:00 pm

Updates

1. Posted to *Faculty Handbook* Website: A53 and A91.
2. Clery Act Information added to the *Faculty Handbook* website as required by law.

Action Items

Consent Agenda Topics: None

Agenda Topics

1. Discuss Campus Comments on:

C200 "Sabbatical Leave," guest Jackie Hood will share concerns with the Committee.

A88 "Creation and Reorganization of UNM Academic Units," comments included.

E60 "Sponsored Research," comments included.

Key pre-meeting preparation: Review policy drafts and comments on A88 and E60

Desired outcome: Determine any changes in response to comments/concerns.

Legal Review: Are there any legal concerns with proposed changes?

2. Standards to Faculty Handbook Policies: Determine publishing process for communicating standards and discuss any changes to the Standards document format that may be necessary based on the communication method(s) chosen. The main concern is that standards documents provide guidelines for administration of the related policy and do not rise to the level of policy. Therefore, the concern raised is that standards not be published in a manner that gives them greater status than intended, and that if a standard is read outside the context of the related policy, the reader fully understand the relationship of the standard with the related policy.

Key pre-meeting preparation: Review draft standards A91#1 and C190#1 for an understanding of the type of information included.

Desired outcome: Design and possibly approve a communication process.

3. C190 "Lecturer Annual and Promotion Reviews" and C190 #1 Implementation Standard.

Key pre-meeting preparation: Review proposed changes to procedures and standard C190 #1

Desired outcome: Recommend changes to and/or approval of C190 procedures to go to Operations. Recommend changes to and/or approval of C190 #1 Standard.

Legal Review: Are there any legal concerns with C190?

4. Proposed Changes to Ethics Committee Charge: Guest, Richard Holder. Changing Committee charge requires a change to policy.

Key pre-meeting preparation: Review proposed changes to the Charge.

Desired outcome: Discussion and recommendations for next step.

Legal Review: Are there any legal concerns with proposed changes?

5. C07 "Faculty Disciplinary Policy" Add Peer Hearing Procedures. The Office of University Secretary (OUS) has been assigned responsibility for conducting peer hearings pertaining to Policy C07 Faculty Disciplinary Policy. C07 does not contain procedures for conducting such hearings, but instead points to Dispute Resolution Peer Hearing Procedures, which do not fully address faculty concerns. Therefore, peer hearing procedures modified for differences needed for faculty should be incorporated in C07. The proposed procedures in the C07 draft follow Model Hearing Procedures developed by the Office of University Counsel with adjustments to

incorporate UNM specific information taken from the UNM Dispute Resolution Peer Hearing Procedures.

Key pre-meeting preparation: Review the peer hearing procedures.

Desired outcome: Identify any proposed changes and next step.

Legal Review: Are there any legal concerns with these peer hearing procedures?

6. C07 “Faculty Disciplinary Policy” Carol Parker is proposing additional changes to C07.

Key pre-meeting preparation: Review information presented by Carol Parker.

Desired outcome: Discussion and recommendations for next step.

Legal Review: Are there any legal concerns with proposed changes

7. C09 “Respectful Campus Policy” Carol Parker is proposing changes.

Key pre-meeting preparation: Review information presented by Carol Parker.

Desired outcome: Discussion of Carol Parker’s concerns and possible approval of changes.

Legal Review: Are there any legal concerns with proposed changes?

8. C09 “Respectful Campus Policy” The Feb 21, 2015, email report, “Comments on UNM Policies that support or undermine academic free speech” compiled by Geoffrey Miller expresses many concerns about C09.

Key pre-meeting preparation: Review excerpt from email report pertaining to Policy C09.

Desired outcome: Discussion of concerns raised and recommendations for next step.

Legal Review: Are there any legal concerns with proposed course of action?

9. University Administrative Policies and Regents Policies. Define role of the Policy Committee in the administration policy development/revision processes especially for policies impacting faculty.

Key pre-meeting preparation: None

Desired outcome: Develop process for communication with the Policy Office and for responding during campus comment period.

10. Status Report on COG Policy Identification Taskforce. Presented by Charlie Cunningham and Mindy Tinkle

Key pre-meeting preparation: None

Desired outcome: Discussion of impact on the Policy Committee work plan for this year.

11. Work Status Table: Need to develop Policy Committee work plan for this year.

Key pre-meeting preparation: None.

Desired outcome: Discussion and approval of priorities and time tables.

C200: Sabbatical Leave

Approved By: Faculty Senate [may also require Regent approval—check history](#)

Last Updated: **Draft 2/4/15**

Responsible Faculty Committee: Policy Committee

Office Responsible for Administration: Provost and Chancellor for Health Sciences

Revisions to the Policy Rationale, Policy Statement, and Applicability sections of this document must be approved by the full Faculty Senate.

POLICY RATIONALE

The University of New Mexico (UNM) prizes an inclusive view of scholarship with the recognition that knowledge is acquired and advanced through research, synthesis, practice, and teaching. A sabbatical is an important tool in developing academic scholarship and is time for concentrated professional development. A sabbatical is a privilege granted by UNM to faculty for the advancement of the University, subject to the availability of resources. UNM faculty and the Board of Regents approve the principle of sabbatical leave. ~~The main purpose of sabbatical leave is to encourage professional growth and increased competence among faculty members by subsidizing significant research, creative work, or some other program of study that is judged to be of equivalent value.~~

POLICY STATEMENT

The faculty member will use the sabbatical assignment in a manner that will enhance his or her scholarly and/or teaching competence and potential for service to UNM. Given this philosophy, sabbatical leaves may be granted to further any of the following objectives: research and publication, teaching improvement (including the creation of teaching materials such as new textbooks, software, multimedia materials, or case books), intensive public service clearly related to the applicant's expertise and integration and interpretation of existing knowledge into larger interdisciplinary frameworks.

Eligibility

Sabbatical leave is available ~~under the following four options (see footnote #2 below)~~ to any faculty member with tenure or to any faculty member in the last year of the probationary period for whom a favorable decision has been reached with regard to tenure. ~~The plan provides~~ **There are** several options of sabbatical leave discussed below. Faculty members who qualify have the right to apply for sabbatical leave; however, sabbatical leave will not be granted automatically upon the expiration of the necessary period of service. Rather, the faculty member shall present, as part of the application, evidence of recent sound research, creative activity, or other academic achievement, including publications, to support the program of work which is planned for the sabbatical period. Also, this program shall give reasonable promise of

accomplishing the major purpose of the leave as cited in the Policy Rationale section above.
~~Sabbatical leave will not be granted to subsidize graduate work or work on advanced degrees.~~

Options

Sabbatical leave is available under the following four options. These options should be discussed with the departmental chairperson, and the application for sabbatical leave should indicate the option desired.

- a) After any period of at least three years of full-time service (or equivalent part-time service) at the UNM, the faculty member may apply for one semester at 2/3 salary for that semester.

- b) After any period of at least six years of full-time service (or equivalent part-time service) at UNM without a sabbatical, a faculty member may apply for:
 - i) one semester at no reduction in annual salary,
 - ii) one full academic year at 2/3 salary, or
 - iii) semester II of one year and semester I of the following year, at 2/3 salary for each semester of leave.

A faculty member receiving a reduced salary during his or her sabbatical period may supplement his or her salary from grants, fellowships, employment, or grants-in-aid or other sources of external funding provided that the total stipend for the period does not exceed the regular academic salary. These external sources may also be used to cover special expenses such as travel, secretarial assistance, tuition, research, or publication. Any such additional compensation is to be explained on the application form and may not unduly interfere with the objectives of the sabbatical.

A faculty member on sabbatical leave is treated the same as any other faculty member for compensation purposes, and may not be penalized on matters of salary consideration.

Faculty Obligation

Sabbatical leaves will be approved only with the clear understanding that the faculty member will at the completion of the sabbatical return to the UNM for a period of service at least ~~as long~~ equal to as the duration of the leave. If the employee does not return, the case will be reviewed by the Provost for determination of appropriate action. The employee may be required to refund all compensation received from UNM during the sabbatical. If the faculty member terminates his or her connection with the University within one year after the expiration of the sabbatical, the individual shall refund the sabbatical remuneration to UNM on a prorated basis, except in exceptional circumstances, including permanent disability or death, wherein neither the individual nor the heirs shall be obligated to refund any part of the amount paid while on sabbatical.

~~4. One semester leaves ordinarily shall be taken in Semester II when loads and enrollments are lighter.~~

Restrictions

1. Time toward each new sabbatical begins immediately after return to full-time service regardless of the semester of return.
2. Sabbatical leave is counted toward retirement. While a person is on sabbatical leave, UNM will continue to pay its share toward retirement, group insurance, and social security benefits.
3. Upon returning to UNM, every faculty member granted a sabbatical leave shall submit promptly to the Deputy Provost/[Executive Vice President for Academic Affairs or the Chancellor for Health Sciences](#), with copies to department chairperson and dean, a full report of the research, creative work, publications, or other results of the period of leave. The report submitted shall be placed in the faculty member's personnel file.
4. If the applicant believes that his or her sabbatical proposal has not been considered properly according to the provisions of this Policy, the applicant may appeal in accordance with the procedures listed in Item 8 below.

APPLICABILITY

All academic UNM units, including the Health Sciences Center and Branch Campuses

DEFINITIONS

Full-time Service: Service time equivalent to that of a faculty member employed on a contract designated as 1.0 full-time equivalent (FTE). For example, a faculty member whose contract is designated 0.5 FTE would have to multiply his or her service by a factor of two to meet the full-time service requirements listed in this policy.

Revisions to the remaining sections of this document may be amended with the approval of the Faculty Senate Policy Committee and Operations Committee.

WHO SHOULD READ THIS POLICY

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

RELATED DOCUMENTS

[Section B: "Policy on Academic Freedom and Tenure."](#)

[Policy C250 "Lecturer Academic Leave."](#)

[Policy C280 "Leave Without Pay."](#)

[Faculty Contracts Sabbatical Leave Form](#)

CONTACTS

Direct any questions about this policy to your chair or dean.

PROCEDURES AND GUIDELINES

1. As a general rule, the regular faculty members of the department concerned will be expected to absorb the teaching load of the individual on leave, and the departmental chairperson (or the dean in non-departmentalized colleges) shall present with each recommendation for sabbatical a statement of the planning in this regard. A department may, for example, decide to alternate courses or to cancel certain offerings. Further, it is expected that the department shall prepare its program over a period of years so that essential courses need not be neglected because of the temporary absence of a member of the faculty.

2. To avoid adverse effects on the educational objectives of individual departments, the administration finds it necessary to place a practicable limit on the number of sabbatical leaves granted in any one department for any one semester or academic year. Sabbatical leaves will be granted according to the following criteria:

a) Normally the number of concurrent sabbatical leaves in any one department* shall not exceed one-seventh (1/7) of the tenured members of the department (rounded to the next higher whole number) or one-tenth (1/10) of the budgeted FTE faculty members (rounded to the next higher whole number), whichever is larger.

b) The number of concurrent sabbatical leaves in any department* may be held below the maximum permitted in paragraph 3(a) if in the judgment of the chairperson, dean, and Provost/Executive Vice President for Academic Affairs or the Chancellor for Health Sciences such restriction is necessary in order that the program or the department* not be adversely affected. The sabbatical leave request for any qualified faculty member may not be denied more than twice for this reason.

c) The number of concurrent sabbatical leaves in any department* may exceed the normal maximum only if in the judgment of the Provost/Executive Vice President for Academic Affairs or the Chancellor for Health Sciences extraordinary circumstances warrant it.

d) Recognizing that small departments* often are penalized by their inability to absorb the academic loads of faculty on leave, the administration will establish a mechanism to permit appointment of temporary or part-time faculty in departments* with seven or fewer faculty FTE at such times as members of the departments* may be granted sabbatical leave.

~~3. Other conditions having been fulfilled, it is general practice that requests for leave be considered on the basis of length of service.~~

3. Approval of Application: Primary responsibility for determining the merit of a proposed program from the point of view of the validity of the program and the probable value of the program to the faculty member and to UNM lies in the department and should be accomplished by the chair or a departmental committee appointed for the purpose who may make a recommendation to the chair. The chair departmental chairperson shall forward to the dean

~~the departmental evaluation together with the chair's~~ his or her recommendation along with the committee evaluation if applicable and a statement as to how the teaching obligations of the department will be achieved in the event the proposal is approved. The dean with the advice of a college-wide faculty committee shall then evaluate the proposal both on its merits and on its effect on the operation of the college.

4. With the department chair's permission sabbatical applications may be submitted 18 months (or three semesters) in advance of the proposed sabbatical leave in order to provide applicants with sufficient time to make academic and personal arrangements, such as fellowship support, obtain visiting faculty status at a host institution, and enable family members to accompany the applicant. In such cases approval would occur 12 months prior to the start of the sabbatical. However, they must be submitted no later than the deadlines listed in the following sections.

4. (a) For non-HSC faculty, the dean shall send the departmental and college recommendations to the Provost/Executive Vice President so that the original and one copy of the proposal together with all recommendations shall reach that office by February 1 for a leave commencing in Semester I of that year and by October 1 for a leave commencing in Semester II of the following year. ~~The Provost~~ The Director of Faculty Contracts and Services shall verify that the applicant is eligible for the proposed leave and that provisions of this Policy have been properly followed. The Provost/Executive Vice President for Academic Affairs shall forward all materials to the President with an evaluation of the proposed leave from a University-wide point of view. The President makes the final decision.

4. (b) In the HSC, the dean shall send the departmental and college recommendations to the Vice Chancellor for Academic Affairs (VCAA) so that the original and one copy of the proposal together with all recommendations shall reach that office at least two months prior to the proposed start of the leave. The VCAA shall verify that the applicant is eligible for the proposed leave and that provisions of this Policy have been properly followed, and forward all materials to the Chancellor for Health Sciences, who shall forward them to the President with an evaluation of the proposed leave from a University-wide point of view. The President makes the final decision.

5. If a faculty member on sabbatical finds it necessary to alter substantially the work plan or objectives of the sabbatical project, he or she must inform the chair or dean in writing as soon as possible of the reasons for the proposed change and secure their written approval for the revised plan.

6. If an applicant withdraws his or her application after it has been approved, every effort will be made in department planning to approve the sabbatical for the following year. However, such approval cannot be guaranteed, and the period of the delay does not count towards the next sabbatical.

7. Other conditions having been fulfilled, it is general practice that requests for leave be considered on the basis of the quality of the sabbatical plan to be decided by the chair or an evaluation committee appointed by the chair.

8. Appeal: If at any stage of the approval process, the applicant believes that his or her proposal has not been considered properly according to the provisions of this Policy, that matters of academic freedom are involved, that improper considerations have entered into a negative decision, or that other demonstrable conditions prevented a fair and impartial evaluation, he or she may appeal to the Committee on Academic Freedom and Tenure for a review of the matter. ~~If the applicant succeeds in making a prima facie case in the opinion of the Committee at one of its meetings, a five-member panel shall be designated to conduct a formal hearing on the matter on the basis of the grounds enumerated above and following the provisions of Section 6.2 of the Policy on Academic Freedom and Tenure. The panel shall deliver its findings together with its recommendation to the Provost/Executive Vice President for Academic Affairs or the Chancellor for Health Sciences for forwarding to the President.~~

9. See item 2 under [Policy C280](#) "Leave Without Pay" for combination of sabbatical and leave without pay.

10. Those faculty members who receive all or part of their salaries directly from agencies outside of UNM will be granted sabbatical privilege with salary guaranteed only to the extent of UNM funding of the previous year, or 2/3 of that amount as appropriate; full funding is possible only when funds are available within the UNM budget.

11. When a faculty member is employed on a continuing basis on a 12-month contract, sabbatical leave options can be translated from "semester" to "6-month period" and from "academic year" to "12-month period." Faculty members on 12-month contracts may not accrue annual leave while on sabbatical leave.

*programs, colleges or non-departmentalized schools

HISTORY

Amended:

May 14, 2004– Approved by the UNM Faculty

Amended:

April 3, 2004– Approved by the UNM Faculty

Amended:

May 18, 1975– Approved by the UNM Board of Regents

May 10, 1978– Approved by the UNM Faculty

Amended:

February 1, 1975– Approved by the UNM Board of Regents

April 8, 1975– Approved by the UNM Faculty

Effective:

March 14, 1974– Approved by the UNM Board of Regents

March 12, 1974– Approved by the UNM Faculty

DRAFT HISTORY

[February 4, 2015—Draft revised to clarify section 4 regarding early application.](#)

November 20, 2014—Draft revised to incorporate proposed change received from a faculty member prior to submission of previously Committee approved draft was sent to Operations.
October 12, 2014—Draft revised to incorporate recommendations from Policy Committee at its September meeting.
August 8, 2014—Reformatted draft prepared to incorporated recommendations by Charlie Cunningham (FSPC Primary) with previous Committee recommendations.
March 5, 2014-- Charlie Cunningham (FSPC Primary) submitted recommendations in preliminary policy draft.
October 23, 2012—Analysis of other institutions prepared by OUS submitted to Committee with questions, issues, and concerns for Committee consideration.
October 22, 2012—Revised Draft prepared incorporating Committee recommendations.
September 18, 2012—Draft in new policy format developed for Committee discussion.

COMMENTS TO: handbook@unm.edu	FACULTY HANDBOOK HOME	TABLE OF CONTENTS	TABLE OF POLICIES	UNM HOME
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A88: Creation and Reorganization of UNM Academic Units

~~Policy and Procedures for New Units and Interdisciplinary Reorganization of Academic and Research Units at the University of New Mexico.~~

Approved By: Faculty Senate

Last Updated: **Draft 3/5/15**

Responsible Faculty Committee: Operations Committee

Office Responsible for Administration: Provost and HSC Chancellor

Revisions to the Policy Rationale, Policy Statement, and Applicability sections of this document must be approved by the full Faculty Senate.

POLICY RATIONALE

From time to time it is necessary for the University of New Mexico (UNM) to consider proposals for the creation of new academic units, or for major restructuring of existing academic units, especially units involving ~~both research and~~ teaching functions and those crossing disciplinary lines. Occasionally the proposed unit would become a branch of the University. This Policy document provides policies and procedures for consideration of such actions pertaining to UNM academic units program. ~~In general, a proposal for such major changes should follow the guidelines below. However,~~ The specific procedures for consideration and approval will be established through discussions between the proposers of any changes and representatives of the Provost's Office or HSC Chancellor and the Faculty Senate Operations Committee.

~~While there are well-established procedures for approving the creation of new courses, new programs, and both minor and major changes in existing courses, there exists no formal system of review by both the faculty and administration of proposals for creation of new units. This policy and the associated procedures attempt to lay out guidelines for such major changes and additions.~~

POLICY STATEMENT

~~If it is proposed to create~~ The creation of a new academic unit located on or off the UNM Albuquerque campus, including new branches or education centers, or to make changes in an existing academic unit require approval of at least the 1) UNM Faculty Senate, acting on the advice of appropriate faculty committees as determined by the President of the Faculty Senate, and 2) appropriate administrative officers, as determined by the President or the Provost or HSC Chancellor. If approval of the proposal by the Board of Regents is required (See Regents' Policy 5.1), all actions of the Faculty Senate and the administrative officers relative to the proposal shall be transmitted to the Board of Regents.

Approval of the proposed action must be ~~sought and~~ obtained prior to initiating operation of a new academic unit, or making permanent major changes in existing academic units. In no case is this to be construed as prohibiting an existing academic unit from experimenting with temporary major changes prior to seeking approval of these on a continuing basis. However, it is expected that even in the case of experimental changes, stakeholders, such as affected faculty, staff, and students will be informed in advance and their input sought and considered by the appropriate dean, director, or other administrator proposing the changes, prior to initiation of the experiment.

All proposals to create or re-organize academic units shall follow the policies and procedures described herein and any applicable procedures, standards or guidelines established by the Faculty Senate Operations Committee in consultation with representatives of the Provost or the HSC Chancellor with relevant academic unit heads (e.g., dean's, directors, chairs).

APPLICABILITY

All academic units (excluding research centers and institutes which are covered in Policy A91) including those within the Health Sciences Center and Branch Campuses.

Revisions to the remaining sections of this document may be amended with the approval of the Faculty Senate Policy Committee and Operations Committee in consultation with the responsible Faculty Senate Committee listed in Policy Heading.

DEFINITIONS

Major changes. Merger of two or more academic units, ~~or division~~ or dissolution of an academic unit. This policy is not meant to apply to organizational changes within an integral academic unit with no implications outside that unit.

Academic unit. Designates a program, department, ~~division, center, institute,~~ branch, school, or college. ~~In this context, the structural program is of interest.~~ NOTE: Research centers and institutes are covered by Policy A91 "Creation, Review, Reorganization, and Termination of UNM Research Centers and Institutes"

WHO SHOULD READ THIS POLICY

- Academic deans or other executives, department chairs, directors, and managers
- Administrative staff responsible for academic units.

RELATED DOCUMENTS

Faculty Handbook:

Policy A91 "Creation, Review, Reorganization, and Termination of UNM Research Centers and Institutes"

UNM Board of Regents' Policy Manual:

CONTACTS

Direct any questions about this policy to the Office of the Provost or the HSC Chancellor.

PROCEDURES

~~Those proposing creation of interdisciplinary research centers or institutes should prepare a proposal according to guidelines prepared by the Research Policy Committee. Copies of these guidelines may be obtained from the chair of that committee, or from the Associate Provost for Research.~~ **Note: This is covered by Policy A91.**

~~The following is an outline of guidelines for preparing proposals for creating or making major changes in units, either on the UNM campus or entire branches or education centers at remote locations. It is recognized that a situation may arise for which these guidelines are not complete. In such a case, the proposer should seek advice from the Provost's Office and the President of the Faculty Senate.~~

Creation or Reorganization of an Academic Unit. Those proposing new or revised academic units, other than interdisciplinary research centers or institutes (see **A91** for these units), must prepare a proposal (~~according to the attached guidelines~~) and submit it for approval by the Faculty Senate and Provost or HSC Chancellor. The proposal should include the following:

A. Identification of the proposed academic unit or major changes, including all aspects such as instruction, research, and service.

B. ~~Summarize the~~ Reasons why the proposed changes are desirable, or necessary. For example, the proposed change may be responsive to state or national needs, existing or anticipated opportunities, or requirements of regulatory bodies such as accreditation agencies?

C. ~~What are~~ The advantages to UNM if the proposal is ~~approved and~~ implemented, including ~~to~~ effects on current or future students, faculty, and staff at UNM.

D. ~~Does the proposed new or revise unit pose~~ Any actual or potential conflicts with the programs or services of existing academic units at UNM, branches of UNM, or other institutions or organizations within the State of New Mexico. ~~On the other hand~~ Does ~~it~~ the proposed academic unit or change offer a potential for enhancement of, or cooperation with, the programs or services of other academic units or organizations?

E. ~~Provide an overall~~ A summary of the anticipated costs or changes in costs, and the human and physical resources, including space and equipment needed during the first ~~three to~~ five years of operation of the proposed new or revised academic unit.

F. ~~Describe the~~ Existing organizational structure related to ~~your~~ the proposal, and the anticipated structure when the revision or new academic unit has evolved to anticipated form. Include a description of:

- Administrative structure, including the line of responsibility within the organization and the path(s) through which the unit will report.
- Faculty positions, including rank and responsibilities, and
- Staff positions, including grades and responsibilities..

G. ~~Describe~~ Description of the instructional programs the academic unit will offer, if any. What degree programs will the unit offer, or support at the undergraduate or graduate levels? What courses at the lower division, upper division, and graduate levels will the unit offer in support of either its own or other degree programs? Identify both existing and new courses. Briefly explain the need for the new courses. If any of these courses overlap or are intended to replace existing course offerings at UNM, explain how potential duplication and conflict with the units offering those courses would be resolved.

H. ~~Describe~~ Description of the unit's proposed research programs. What research programs will be conducted by the unit alone or in cooperation with other units? In case(s) of cooperative programs, what other units will be involved, what will be their role, and what will be the relationship between these units and yours? What degree programs will these research programs support, and in what manner will they be supported? What non-state funding sources are anticipated for the research programs? What funding from the University or State of New Mexico will be required?

I. ~~Describe~~ Description of the academic unit's service activities. What services will the unit provide to other units in or associated with the University? Are these services currently offered by any other unit in the university associated with it, or contracted by it? If so, do you plan to supplement what exists or to replace it? How would potential conflicts with the other units be resolved? What services will the unit provide to organizations outside the university? Are there units, either public or private, already offering these services? If so, justify the need for you to provide them via the proposed unit.

J. ~~Discuss~~ Discussion of the plans for the academic unit for the next three to five years, including what needs, opportunities, or demands will the academic unit satisfy that are not currently being adequately met. How will the unit's functions and size change during this period? For example, will they remain static, grow, or diminish? How will faculty, staff, and administrators be acquired to support this unit?

K. Provide A detailed budget ~~information~~ summary for the first ~~three to~~ five years of operation of the proposed academic unit. For operating costs, include at least personnel, space upkeep or rental, utilities, contracted services, and equipment maintenance and replacement. For one-time costs, include at least space, furniture, utilities connections, and equipment.

HISTORY

October 11, 1994—Approved by Faculty Senate

DRAFT HISTORY

March 5, 2015—Revised draft to incorporate 3/4/15 recommendations of the Policy Committee.

February 19, 2015—Revised to mirror A91 on Research Centers

October 12, 2014—Revised to address concerns raised during preliminary review.

April 10, 2014 – Revised wording with FSRPC Chair's approval

April 1, 2014—Revised after meeting with W. Gerstle, Chair of Research Policy Committee.

March 12, 2014—Reformatted for review by HSC Council and Center and Institute Directors.

March 5, 2014—Chair of FSRPC presented draft to Faculty Senate Policy Committee (FSPC) for review.

September 25, 2013--Draft developed by the Faculty Senate Research Policy Committee (FSRPC).

Faculty Handbook

From: Richard Willis Holder
Sent: Friday, March 27, 2015 10:51 AM
To: Faculty Handbook
Subject: A88 Proposed Revision

I would remove "program" from the definition of an academic unit.

Also remove the "?" from the sentence in section B.

Thanks.

Richard Holder

E60: Sponsored Research

Approved By: Faculty Senate

Last Updated: **Draft 10/11/14**

Responsible Faculty Committee: Research Policy Committee

Office Responsible for Administration: Vice President for Research and HSC Vice Chancellor for Research

Revisions to the Policy Rationale, Policy Statement, and Applicability sections of this document must be approved by the full Faculty Senate.

POLICY RATIONALE

It is the policy of the University of New Mexico ([UNM](#)) to encourage faculty members to participate in research sponsored by outside agencies when such research is consistent with the basic aims of UNM in regard to the education of students, the extension of knowledge, and the broadening of man's horizon in the sciences, engineering, arts, and humanities. ~~In order~~ To ensure the most effective ~~operation~~ administration of UNM's sponsored research, this policy document provides policies and procedures for the submission of proposals, approval of research contracts and grants, budgeting of facilities and administrative (F&A) expenditures, and reporting of actual F&A expenditures.

POLICY STATEMENT

1. The Vice President for Research (VPR) has been designated by the President as UNM's reviewing, certifying, and negotiation coordinating officer for all main-campus and branch-campus research proposals submitted to outside agencies, ~~except for those emanating from units under the administrative authority of the Director of the Medical center.~~ The Senior Executive Officer for Finance & Administration (SEOFA), Health Sciences Center (HSC) has been designated by the President as UNM's reviewing, certifying, and negotiation coordinating officer for all HSC research proposals submitted to outside agencies. The VPR and SEOFA HSC have also been designated the approval authority for any modifications to awards, in response to research proposals.

Final authority for accepting and signing research contracts and grants is vested in the President of UNM, and has been delegated as indicated in UAP Policy 2010, "Contracts Signature Authority and Review," University Administrative Policies and Procedures Manual.

2. On an annual basis the Vice President for Research shall consult with the Research Council of the UNM Faculty Senate, and other interested parties to discuss research priorities of, and adjustments to the F&A distribution algorithm for main-campus and branch-campus sponsored

research. These discussions shall reflect input articulated to the Faculty Senate by its various committees and individual faculty members involved in sponsored research.

Similarly, on an annual basis, the Vice Chancellor for Research (VCR) shall consult with the HSC Council of the Faculty Senate and other HSC research committees concerning research priorities of, and adjustments to, the F&A distribution for HSC-sponsored research.

~~3. A person whose salary is paid in full by UNM may not engage in sponsored research for extra remuneration during the regular academic year. In rare instances and when deemed by the administration to be in the best interests of UNM and the individual involved, exceptions to this rule may be made. Such exceptions require written approval of the chairperson, the dean, and the Executive Vice President for Academic Affairs/Provost for main campus and branch campus sponsored research, and the HSC Chancellor for HSC sponsored research.~~

APPLICABILITY

All academic and research UNM units, including the Health Sciences Center and Branch Campuses.

Revisions to the remaining sections of this document may be amended with the approval of the Faculty Senate Research Policy Committee, Policy Committee, and Operations Committee.

DEFINITIONS

Facilities and Administrative (F&A) Expenditures. F&A expenditures reflect costs associated with providing and maintaining the infrastructure that supports the research enterprise (buildings and their maintenance, libraries, etc.) and which cannot easily be identified with a specific project. F&A expenditures are calculated using rates determined in conjunction with auditors from the applicable federal agency. The rate is calculated and charged as a percentage of modified total direct costs (MTDC).

Sponsored Research: Sponsored research shall be construed to include sponsored research, service, and training projects, and other categories of awards for all except basic capital construction and maintenance projects.

WHO SHOULD READ THIS POLICY

- Faculty and staff conducting sponsored research
- Members of the Faculty Senate and the Research Policy Committee
- Academic deans or other executives, department chairs, directors, and managers
- Administrative staff responsible for sponsored research management.

RELATED DOCUMENTS

*UNM Regents' Policy Manual, **Policy 5.9** "Sponsored Research"*
*Faculty Handbook, **Policy E70** "Intellectual Property"*

CONTACTS

Direct any questions about this policy to Office of the Vice President for Research or the HSC Office of the Vice Chancellor for Research.

PROCEDURES

1. Faculty shall follow procedures for proposal preparation and submission as outlined, from time to time, in the procedures promulgated by the Office of the VPR, for main-campus and branch-campus sponsored research, and the VCR-HSC for HSC sponsored research.

1a. Faculty Research Support Services (FRSS) ~~Office of Research Administration~~, under the direction of the VPR, provides assistance to non-HSC faculty and staff by:

- Finding funding sources matching research interests and project development.
- Developing and preparing proposals (including budget).
- Navigating UNM's proposal process.
- Planning, coordinating, and supporting large and complex proposal efforts requiring numerous partnerships and multidisciplinary collaborations.
- ~~maintaining a grantsmanship library with information on federal and state agencies and private foundations, helping locate sources of potential funding, advising on general proposal format and University administrative procedures, and by reviewing the work plan, commitments and budget.~~

~~The Office of Research Administration~~ FRSS also acts as liaison between the sponsor agency and the faculty when requested to do so.

1b. The Office of the VCR- HSC provides services similar to those described in 1a above to HSC faculty and staff.

2. The office of the VPR also has been designated the prior approval authority for the University. In this capacity, the office will coordinate closely with the principal investigators and appropriate members of the Contract and Grant Accounting Office. The office will ensure that will coordinate closely with the main-campus and branch-campus principal investigators and appropriate members of the Contract and Grant Accounting Office to ensure that the prior approval function, of modifying grant and contract budgets in force, is in accordance with the regulations of the sponsoring agencies or foundations. Similarly the office of the VCR-HSC will coordinate closely with the principal investigators and appropriate members of the HSC sponsored research management teams to ensure that the prior approval function, of modifying grant and contracts budgets in force, is in accordance with the regulations of the sponsoring agencies or foundations. ~~4. Any modifications to~~

an award, received in response to a research proposal, also will be processed in accordance with the foregoing procedure.

9. The item for indirect costs included in research agreements shall always be credited to the general fund of the University to be allocated for the continuing support of research at the University. 3. In consultation with the Provost, the OVPR, and the Faculty Senate Research Council, a formula (or algorithm) for the distribution of the main campus and branch campus F&A funds to units and centers, shall be developed by the OVPR and posted on the OVPR's website on an annual basis for main-campus sponsored research. The annual budget shall also be posted on the OVPR's website

Similarly, in consultation with the OVCR-HSC and the Faculty Senate HSC Council, a formula (or algorithm) for the distribution of the HSC F&A funds to units, centers, and institutes, and shall be developed by the OVCR, approved by the Chancellor, and posted on the OVCR's website on an annual basis for HSC sponsored research. The annual budget shall also be posted on the OVCR's website.

4. Actual F&A distributions for main campus sponsored research, for each fiscal year shall be documented and posted on OVPR's website no later than three months after the end of the fiscal year. Similarly, actual F&A distributions website no later than three months after the end of the fiscal year.

5. During the regular academic year when the contract or grant calls for released time from regular UNM duties, the basic nine-month salary from the instructional budget will be reduced proportionally. The released time will be compensated from contract or grant funds at the basic salary rate.

11. This policy, in whole or in any part, is subject to review and change at any time. See also Research Support and Graduate, Research, and Teaching Assistantships; Research Associates.

[NOTE: The following detailed procedures shown in the current form of Policy E60 are being deleted with the policy instructing faculty to follow procedures promulgated by the Office of the VPR, for main-campus and branch-campus sponsored research, and the VCR-HSC for HSC sponsored research](#)

a. ~~The proposal in draft form is to be submitted to the Vice President for Research by the principal investigator, accompanied by a Proposal Data Sheet (forms are available in the Office of Research Administration) approved by the department chairperson or unit director and dean, and indicating:~~

~~(1) that complete coordination has been effected to ensure that any other University unit or units affected by or interested in the proposal are formally advised of the proposal and that formal acknowledgment or concurrence has been received from the affected units;~~

~~(2) that full consideration has been given to both the physical and financial aspects of space requirements;~~

~~(3) that full costs of computer support required by the proposed effort have been included in the proposal budget;~~

~~(4) the anticipated duration of the project, with any possible extensions or ramifications;~~

(5) that the use of University funds, when included in the proposal, has been approved at all appropriate levels (as indicated in the Proposal Data Sheet), whether such funding relates to a division or sharing of salaries, the purchase of equipment, or other expenditures requiring University funds;

(6) the proposed total budget.

b. The proposal will be reviewed for proper form, for budget correctness, and to see that pertinent regulations of the University and the prospective sponsoring agency are met.

c. When the proposal is in final form, with the Proposal Data Sheet signed by the principal investigator and the chairperson or unit director, the Vice President for Research will administratively certify the proposal, on behalf of the University, by signing the cover sheet and will return the proposal to the initiator for official submittal to the prospective sponsoring agency.

d. Any proposal negotiations between the University and a prospective funding agency will be closely coordinated with the initiator or principal investigator by the Vice President for Research.

HISTORY

Effective:

Need to identify effective date of original policy.

DRAFT HISTORY

October 11, 2014—Draft revised to add reference to E90 “Intellectual Property”

August 18, 2014—Draft revised to incorporate HSC changes from Mike Schwantes.

August 6, 2014 – Draft revised to incorporate HSC changes J. Trotter presented at 6/4/14 FSPC meeting and changes proposed by Barbara West, Office of the VPR.

April 10, 2014—Draft revised with FSRPC Chair’s approval

March 13, 2014—Draft reformatted to new format for review by HSC Council and Center and Institute Directors.

March 5, 2014—Chair of FSRPC presented draft to Faculty Senate Policy Committee (FSPC) for review.

September 25, 2013--Draft developed by the Faculty Senate Research Policy Committee (FSRPC).

COMMENTS TO:
handbook@unm.edu

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Faculty Handbook

From: Tobias Fischer
Sent: Wednesday, February 18, 2015 1:59 PM
To: Faculty Handbook
Subject: E 60 proposed change

Revising current policy to ensure that administration consults with the Faculty Senate Research Council, HSC Council, and other interested parties to discuss research priorities of and adjustments to the F&A distribution algorithm for main-campus and branch-campus sponsored research.

I think this is not a good idea. The F&A distribution should be determined as it is currently done and with some input from research active parties. There is no reason to have non research-active parties such as 'interested parties' to have a say in how F&A money should be distributed. The statement should be modified to exclude "HSC Council, and other interested parties".

Best,

Tobias

Tobias Fischer
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USA
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Faculty Handbook

From: Yemane Asmerom
Sent: Wednesday, February 18, 2015 6:13 PM
To: Faculty Handbook
Cc: Mark Peceny; Laura Crossey; Thomas Turner

I have some concerns about the proposed research policy changes (E60, below) that I thought I would share with you.

1. I appreciate the need for broader consultation in setting research priorities and F&A distribution. Institutional scale research priorities should be formulated to reflect opportunities and capacities in a more extensive process more along the lines of a “commission”. The committee level input I believe does not capture the complexity of the process and level of investment required.

2. The F&A distribution algorithm issue is also complex. The PIs (both faculty and staff) should have a voice in helping setting up policy. But I am not sure if the proposed policy matches the stakes and stakeholders appropriately.

Sincerely,

Yemane Asmerom

PROPOSED POLICY CHANGE:

2. On an annual basis the Vice President for Research shall consult with the Research Council of the UNM Faculty Senate, and other interested parties to discuss research priorities of, and adjustments to the F&A distribution algorithm for main-campus and branch-campus sponsored research. These discussions shall reflect input articulated to the Faculty Senate by its various committees and individual faculty members involved in sponsored research.

Yemane Asmerom
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**Standard
A91 #1****Creation, Review, Reorganization, and
Termination of Non-HSC Research Centers
and Institutes**

Approved By: Faculty Senate Research Policy Committee

Effective Date: April 29, 2015

Revisions to the remaining sections of this document may be amended with the approval of the Faculty Senate Research Policy Committee. Collaboration on revisions with relevant administration and other interested parties is expected.

This document provides standards and guidelines applicable to non-HSC research centers and institutes to ensure compliance with Policy A91 “Review, Reorganization, and Termination of Research Centers and Institutes.”

Guiding Principles

The following principles should be followed regarding UNM research centers and institutes:

1. There should be demonstrable value added by the creation and continuation of all research centers and institutes. It is incumbent upon those wishing to create or continue a research center or institute to demonstrate that its stipulated objectives cannot be effectively accomplished within existing UNM structures, and these objectives should clearly be in concert with UNM’s fundamental mission of education, research, and service.
2. Research centers and institutes should be eligible for all available sources of funding, including I&G (instruction and general), extramural grants and contracts, F&A (facilities and administrative), gifts, donations, and endowments.
3. UNM should encourage and provide incentives for the formation of collaborative, multidisciplinary, interdisciplinary, and transdisciplinary research centers and institutes through its budgeting, hiring priorities, and strategic planning, including capital projects.

Research Center and Institute Organization

Depending upon the scope and range of the research centers and institutes involved, there should be different levels or categories of research centers and institutes. To facilitate the integration of research centers and institutes into the mission of the most relevant academic units, they should be managed at the most local administrative level practicable. Regardless of category, there should be consistency across research centers and institutes in terms of the rules, operating procedures, and reporting and evaluation mechanisms that govern research centers and institutes. This acknowledges that research centers and institutes will vary with

respect to focus, objectives, and outcomes, but the rules and procedures that govern their creation, operation, and continuation should be consistent.

With the goal of research centers and institutes to facilitate faculty activities beyond that which can be achieved in departments alone, it is critical that research centers and institutes be formed at the level within the institutional hierarchy that best supports this aim. The organizational structure that describes this goal is outlined below.

Category I. Category I research centers and institutes exist within departments, with directors reporting to the relevant department chair. These research centers and institutes are appropriate in cases where the majority of affiliated faculty and the scope of activities both generally lie within the confines of a traditional academic department, yet the creation of a Category I research center or institute would expand and enhance opportunities beyond those possible by relying on the traditional existing department infrastructure alone.

Category II. Category II research centers and institutes exist within colleges, but outside of the traditional department framework, with directors reporting to the dean. These research centers and institutes are appropriate in cases where the majority of affiliated faculty and the scope of activities span more than one department, but mostly remain within the confines of a single college or school. Category II research centers and institutes should expand and enhance opportunities beyond those possible by relying on Category I research centers and institutes or the traditional department and college/school infrastructure.

Category III. Category III research centers and institutes exist alongside colleges or schools, with directors reporting to a higher-level administrator, such as the Provost or Vice President for Research. These research centers and institutes are appropriate in cases where the majority of the affiliated faculty and the scope of activities span more than one college or school. Category III research centers and institutes should expand and enhance opportunities beyond those possible by relying on Category I or II research centers and institutes, or the traditional department and college/school infrastructure.

Contract-focused Research Centers and Institutes. There are several research centers and institutes existing across campus that, while critical to supporting UNM's core mission of teaching, research, and service, operate outside the realm of what is considered "typical" of a university research center or institute. These research centers and institutes (such as the Institute for Applied Research Services or the Earth Data Analysis Center) make critical contributions to UNM's core mission, but receive a majority of their funding in the form of contracts rather than grants, and a majority of their activities are sponsored by non-federal agencies (such as state agencies, private companies, and foundations). While this standard applies to all of UNM's non-HSC research centers and institutes, it is recognized that representatives from these organizations should work with the Provost or the Vice President for Research (OVPR) to develop procedures and guidelines specific to the operation of contract-focused research centers and institutes.

Proposal Phase. The life cycle of a research center or institute begins with the proposal phase, during which faculty, staff, and administrators must work together to build a strong case for UNM to invest in a research center or institute. UNM administration should be provided

evidence of the intellectual value of the research center or institute beyond that which can be achieved within the departmental or college structure. The proposal should highlight opportunities for attracting sustainable outside funding, for collaboration among faculty from disparate units, for advancing knowledge or technology, and for support of graduate student education.

The proposal shall clearly identify the scope of the research center or institute; in particular which academic units will be contributing resources, including faculty time, staff, facilities, and funds. Proposals to fund research centers or institutes should acknowledge, and reflect, the sources contributing resources. Commitments from each source should be delineated over time, for finite or recurring terms. The proposal should have funding plans for the short (e.g., one to five years) and the long (e.g., decades) terms. These plans should include funding sources (i.e. research grants, F&A return, and I&G funds), as well as plans for expenditures. It is expected that initial or start-up funds will come from the administrative levels at or above the level at which the research center or institute is created. Proposals should identify the administrative structure, particularly the roles of faculty and the director, who will be a faculty member at UNM.

Proposals to establish a research center or institute may be initiated by faculty or administrators, but shall be reviewed by a committee of faculty members; the recommendations provided by this committee shall then be reviewed at the appropriate administrative level, dependent on the category of the research center or institute. The final decision to create a center will be made by administration at the appropriate level but the expectation is that the recommendations of the faculty committee will be followed in all but exceptional cases.

- Proposals to establish Category I research centers and institutes will be reviewed by a committee made up of department faculty. Recommendations will be sent to the Chair for a decision.
- Proposals to establish Category II research centers and institutes will be reviewed by a committee of faculty from across the college or school. Recommendations will be sent to the Dean for a decision.
- Proposals to establish Category III research centers and institutes will be reviewed by a committee with faculty from across UNM. Recommendations will be sent to the administrator to whom the center director would report for a decision. This could be either the Provost or the Vice President for Research, depending on the scope of the center.

The recommendations of these committees shall be used by the Faculty Senate Research Policy Committee who will make the final recommendation to appropriate UNM administrators.

Operational Phase. Once established, all resources for a research center or institute shall be defined, including building space, equipment, staff, faculty appointments, and effort shares. Research centers and institutes shall have an advisory committee formed by faculty or staff deemed appropriate to the mission of the research center or institute. Advisory committees shall review the operations of the research center or institute, including the annual budget, the annual report, and selection of the director. Members of the advisory committee shall be

outside faculty or staff members who do not have a personal stake in the operation of the research center or institute.

Initially the director will usually be the principal investigator (PI) of the research grant establishing the research center or institute; however the director could also be chosen from a group of potential candidates. The director is appointed by the administrator appropriate to the research center's or institute's category, and the conditions of the appointment and the term of service, including options for renewal, shall be clearly stated in the appointment letter. Initial terms will normally coincide with the logical term of the establishing grant, or four years in the absence of such a condition.

As a broad guideline, being the director of a research center or institute shall be seen as part of a faculty member's workload. Only if the faculty member's research center or institute load increases beyond that considered standard or normal in the home department shall the faculty member's teaching and service load be reduced. However, within college and department guidelines, the faculty member may use grant money to partially release teaching responsibilities.

Directors shall be evaluated regularly by a representative group of individuals. Evaluations shall be "360-degree" processes involving research center or institute faculty, staff and students, as well as any constituencies of the research center or institute, particularly if the research center or institute is involved in teaching or providing services beyond the UNM community. Those familiar with the nature and level of activities being conducted shall evaluate the activities of a research center or institute. The review shall occur on a regular basis, and at least once every five years. Guidance for the review is drawn from the proposal for the research center or institute and must include criteria for evaluation of the research center or institute vitality, achievement of goals, resource allocations, and budgets.

Termination/Reinvention Phase. The regular review processes shall reveal when a research center or institute is experiencing difficulty in managing resources or achieving its expressed goals. Although the director, advisory committee, and other unit administrators shall be expected to take action to support and revive the research center or institute, they are also responsible for terminating or "sunsetting" the research center or institute, as well as redirecting the resources to other areas of UNM when necessary. The reinvention and redirection of research center or institute activities shall be completed via a process similar to that for creating a new research center or institute.

Proposals to terminate a research center or institute may be initiated by faculty or administrators, but shall be reviewed by a committee of faculty members; the recommendations provided by this committee shall then be reviewed at the appropriate administrative level, dependent on the category of the research center or institute. The final decision to terminate a center will be made by administration at the appropriate level but the expectation is that the recommendations of the faculty committee will be followed in all but exceptional cases.

- Proposals for termination/reinvention of Category I research centers or institutes shall be reviewed by a committee of department faculty. Recommendations will be sent to the Chair for a decision.
- Proposals for termination/reinvention of Category II research centers or institutes shall be reviewed by a committee of faculty from across the college. Recommendations will be sent to the Dean for a decision.
- Proposals for termination/reinvention of Category III research centers or institutes shall have proposals reviewed by the Faculty Senate Research Policy Committee. Recommendations will be sent to the administrator to whom the center director normally reports for a decision. This could be either the Provost or the Vice President for Research as determined when the center was established.

The current procedures shall be made accessible on the website maintained by the Office of the Vice President for Research (OVPR). The posted procedures shall also clearly reference and provide access to any other documents relevant to the formation, maintenance, or termination of a research center or institute. Finally, this website shall also contain an annually updated list of all research centers and institutes governed by the Provost and a summary of the most recent review for each research center or institute.

HISTORY

April 28, 2015—Policy A91 “Creation, Review, Reorganization, and Termination of UNM Research Centers and Institutes” Approved by the Faculty Senate.

November 19, 2014—This standard A91#1 “Creation, Review, Reorganization, and Termination of Non-HSC Research Centers and Institutes” Approved by the Faculty Senate Research Committee.

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handbook@unm.edu

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C190: Lecturer Annual and Promotion Reviews



Approved by: Faculty Senate

Effective Date: November 26, 2013 **Revised Draft 2/19/15**

Responsible FS Committee: Policy Committee

Office Responsible for Administration: Office of the Provost and Office of the HSC Chancellor

Revisions to the Policy Rationale, Policy Statement, and Applicability sections of this document must be approved by the full Faculty Senate.

POLICY RATIONALE

This document provides policies and procedures for annual reviews of lecturers and for promotion requirements for Senior and Principal Lecturers in accordance with [Section B: Academic Freedom and Tenure](#), 2.3.2, 3.4.2, and 4.10.

POLICY STATEMENT

A. Lecturers, Senior Lecturers, and Principal Lecturers

Faculty may be appointed to the position of Lecturer I, II, or III. These appointments are for professionals with appropriate academic qualifications, who are demonstrably competent in the relevant areas of their disciplines. While not eligible for tenure, lecturers in each numerical class may hold the rank of Lecturer, Senior Lecturer, or Principal Lecturer.

1. Lecturer

Most newly hired lecturers are hired as either Lecturer I, II or III unless the department determines that they qualify as a Senior Lecturer or Principal Lecturer based on experience teaching at another college or university as described in sections **2.** and **3.** below. In such cases the designation of the newly hired lecturer will be Senior Lecturer I, II, or III; or Principal Lecturer I, II, or III.

2. Senior Lecturer

(a) Lecturers with at least five years of continuous service to the University at 0.5 FTE or greater who have demonstrated professional excellence and shown a conscientious interest in improving their professional skills.

(b) Appointment at, or promotion to, the rank of Senior Lecturer represents a judgment on the part of the department, School or College, and University that the individual has made and will continue to make sound contributions in their professional areas. The appointment should be made only after careful investigation of the candidate's professional and leadership accomplishments and promise.

3. Principal Lecturer

(a) Senior Lecturers with at least eleven years of continuous service to the University at 0.5 FTE or greater who have sustained consistently high standards in their professional contributions, consistently demonstrated their wider service to the University community and its mission, and shown a conscientious interest in improving their professional skills. It is expected that Principal Lecturers will continue to develop and mature with regard to their professional activities and leadership within the University.

(b) Appointment at, or promotion to, the rank of Principal Lecturer represents a judgment on the part of the department, School or College, and University that the individual has attained and will continue to sustain an overall profile of professional excellence and engagement in the wider profession. The appointment should be made only after careful investigation of the candidate's professional and leadership accomplishments and promise.

B. Term Appointments and Performance Reviews

1. Annual Performance Reviews of Lecturers. All Lecturers will have annual performance reviews, which should be conducted according to [Section B: Academic Freedom and Tenure, 4.0](#) of the *UNM Faculty Handbook* and as specified in this document, as appropriately modified by each School, College, Department or equivalent to conform with each unit's standard faculty review processes and to reflect each unit's specific requirements for continuation and promotion of Lecturers. The annual review in the first year must be conducted in the spring, in time for the Chair to provide written notice to the Lecturer no later than March 31 whether the Lecturer's contract will be renewed. In the second and subsequent years, the review must be conducted in the fall, in time for the Chair to provide written notice to the Lecturer no later than December 15. The Department Chair's written notice to the Lecturer will be copied to the Dean for inclusion in the Lecturer's personnel file.

If any performance review of a Lecturer on a one-year appointment produces a negative evaluation, the Chair may exercise the University's discretion not to renew the Lecturer's contract. Alternatively, the Chair may provide the Lecturer a written description of the areas in which the Lecturer must improve if she or he is to continue as a member of the faculty. The Chair and the Lecturer must both sign this document. The Lecturer may then be issued a one

year contract, with the understanding that if concerns are not adequately addressed, this contract will not be renewed.

2. Term appointments. Lecturers serve on one-year renewable term appointments. Senior Lecturers serve on renewable two-year term appointments, and Principal Lecturers serve on renewable three-year term appointments. In addition, Lecturers who have completed at least three academic years of continuous service are eligible for renewable two-year term appointments. One-, two- and three-year term appointments are renewable at the discretion of the University. In the first contract year, written notice of renewal or non-renewal will be given to the Lecturer no later than March 31. In the second and subsequent contract years, notice of the status of the term appointment will be given no later than December 15. Those Lecturers who serve on two- or three-year term appointments will be provided written notice of the status of their appointments by December 15 of the final year of the term appointment.

Lecturers on two- or three-year term appointments will have annual performance reviews every fall. A negative review in the first year of a two- or three-year term appointment – or in the second year of a three-year term appointment - will result in a written remedial plan with specific requirements. A negative review in the second year of the two-year term appointment - or in the third year of a three-year term appointment - may result in a decision not to renew the appointment. Written notice of this decision must be given to the Lecturer no later than December 15.

3. Year Three Review of Continuing Lecturers: During the fall semester of a Lecturer's third year of service the Lecturer will be approximately half way to the earliest point at which he or she might seek promotion; after three years a Lecturer will also be eligible for a two-year term appointment. Consequently, to assess the Lecturer's progress at this time as well as the appropriateness of a two-year term appointment, the annual performance review will include an assessment based on these two issues. If the Lecturer receives a positive rating he or she can expect to retain the title of Lecturer (I, II, or III), with the assurance that promotion expectations are being met, and that the prospects for promotion are favorable. The Lecturer will continue to be eligible for renewable one-year appointments. If the Lecturer's performance has been evaluated as outstanding, the Lecturer may be offered a two-year term appointment that would start at the beginning of the next contract year. If the Lecturer receives a negative evaluation, the Chair may exercise the University's discretion not to renew the Lecturer's contract. Alternatively, the Chair may 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. The Lecturer may then be issued a one-year contract, with the understanding that if concerns are not adequately addressed, this contract may subsequently not be renewed.

4. Promotion to Senior Lecturer. Upon completion of at least five years of service, a Lecturer will be eligible to apply for promotion to Senior Lecturer. The Lecturer interested in seeking promotion will generate a Promotion Package, the contents of which will be determined by each School or College, or equivalent. Materials appropriate for such a package might include, but are not limited to, an updated CV, teaching evaluations by students, letters of support from other

faculty members, reports from teaching observations by peers, professional recertification (if appropriate), other evidence of professional development, and a personal statement.

Each School or College or equivalent will determine how the Lecturer's promotion package is to be evaluated. The process should be similar to the process used to evaluate tenure-track and clinician educator (CE) faculty promotions, and should include input from departmental faculty members, including other Lecturers, the Department Chair, and the School or College Dean, who may use an ad-hoc advisory committee. The Department Chair's recommendation will be forwarded to the Dean. The Dean's recommendation will be forwarded to the Provost or Chancellor for Health Sciences. The Provost or Chancellor makes the final decision on promotion. The Provost/Chancellor's decision will be communicated in writing to the Lecturer, the Dean, and the Department Chair. If the promotion is approved, the Lecturer may expect the following.

- Promotion to Senior Lecturer.
- A renewable two-year term appointment.
- A salary increase that is consistent with the policies and practices of the HSC, the College or School, and the Department.

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 and/or Associate Chair.

5. Promotion to Principal Lecturer. Upon the completion of a minimum of eleven years of service, a Senior Lecturer will be eligible to apply for promotion to Principal Lecturer, following the procedures described above for promotion to Senior Lecturer. If the promotion is approved, the Lecturer may expect the following:

- Promotion to Principal Lecturer.
- A renewable three-year term appointment.
- A salary increase that is consistent with the policies and practices of the HSC, the College or School, and the Department.
- The opportunity to apply for a one-semester of academic leave (See [Policy C250](#)) with pay to pursue other academic and/or professional opportunity activities. A Principal Lecturer will subsequently be eligible to apply for such leave every six years.

C. Denial of Promotion. In the event of a negative promotion decision (either from "Lecturer" to "Senior Lecturer" or from "Senior Lecturer" to "Principal Lecturer") the Lecturer will retain his or her former title and benefits, including – if applicable – eligibility for a two-year term appointment. After a two year period, the Lecturer may reapply for promotion.

D. Appeals: A Lecturer may appeal certain decisions not to renew his or her appointment. Non-renewal decisions made at the following time points are at the University's discretion:

- By the appropriate notice date for a Lecturer on a one-year appointment;

- By the appropriate notice date in the final appointment year of a Lecturer on a two- or three-year term appointment.

Because non-renewal decisions made at these times are at the University's discretion, such decisions can only be appealed on the basis that they violated laws, statutes, governmental regulations, or UNM policies. The Lecturer has the burden of proof.

Non-renewal or non-continuation decisions made at times other than those at which continuation or renewal is discretionary to the University may be appealed (see [Section B: Academic Freedom and Tenure 5.4](#) and [6.2](#) of the *Faculty Handbook*). These times are:

- During a contract period, if an immediate termination is imposed;
- At the end of an annual contract that does not coincide with the end of a two- or three-year term appointment.

A Lecturer may appeal an unfavorable promotion decision by the Provost or Chancellor for Health Sciences, as delineated in [Section B: Academic Freedom and Tenure, 6.2](#) the *Faculty Handbook*.

APPLICABILITY

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

DEFINITIONS

No specific definitions are required for this Policy.

Revisions to the remaining sections of this document may be amended with the approval of the Faculty Senate Policy and Operations Committee in consultation with the responsible Faculty Senate Committee listed in Policy Heading.

WHO SHOULD READ THIS POLICY

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

RELATED DOCUMENTS

UNM Faculty Handbook

Section B: Academic Freedom and Tenure, 2.3.2, 3.4.2, and 4.10.

Policy C250, “Academic Leave”

CONTACTS

Direct any questions about this policy to the Office of the Provost or the Office of the Chancellor for Health Sciences, as appropriate.

PROCEDURES

Each college or school is responsible for developing detailed procedures for implementation of this policy. These procedures require approval by the college/school faculty members and dean, with final approval by the Provost or Chancellor for Health Sciences.

~~to be developed by Faculty Senate Policy Committee~~

HISTORY

November 26, 2013—Approved by Faculty Senate

**Standard
C190 #1****Lecturer Annual and Promotion Reviews:
Main and Branch Campus Implementation
Standard**

Approved By: Faculty Senate Policy Committee

Effective Date: **Draft June 1, 2015**

Revisions to the remaining sections of this document may be amended with the approval of the Faculty Senate Policy Committee. Collaboration on revisions with relevant administration and other interested parties is expected.

This document provides standards and guidelines applicable to main campus and branch campuses to ensure compliance with Policy C190 “Lecturer Annual and Promotion Reviews.”

Guiding Principles

The following principles should be followed regarding annual and promotion reviews for lecturers:

Promotion Eligibility

A specified number of years of continuing service are required for promotion eligibility within the Lecturer ranks. Academic Affairs has interpreted this to include prior years of service as a visiting lecturer (or similar) at UNM. C190 also states that years of service at other institutions of higher learning may be counted, at the discretion of the department chair and/or associate chair. Similar years of service may be considered in offering an initial UNM faculty appointment.

There has been some confusion regarding when a lecturer is reviewed for promotion to Senior lecturer; is it in year five or in year six. Academic Affairs advises that the earliest a Lecturer can be considered for promotion to senior lecturer is during the sixth year.

Promotion Procedures and Standards

Policy C190 states that “each college or school is responsible for developing detailed procedures for implementation of C190. These procedures require approval by the college/school faculty members and dean, with final approval by the Provost.” C190 anticipates that procedures will be “similar to the process used to evaluate tenure-track and clinician educator (CE) faculty promotions, and should include input from departmental faculty members, including other lecturers, the department chair, and the school or college dean, who may use an ad-hoc advisory committee.” As is the case for the professoriate, the Provost or Chancellor for Health Sciences makes the final decision on promotion.

With regard to standards, in the absence of developing specific criteria for these appointments, academic units may wish to look to their professorial promotion and tenure procedures and standards, while eliminating requirements for creation and dissemination of new knowledge (research and scholarship). The remaining standards for teaching and service would be adequate and appropriate.

Promotion Packages due March 1st

Academic Affairs has determined that a deadline for submittal of recommendations and review materials for lecturer promotion in rank to the Provost should occur no later than March 1st of each academic year, if promotions are to take effect in the subsequent academic year. However, academic units are encouraged to submit promotion packages by the end of the fall semester to avoid Lecturer promotion files arriving at the same time as the professoriate review files later in the spring semester.

Progression through Ranks

The eligibility statement for promotion to principal lecturer states that “upon the completion of a minimum of eleven years of service, a senior lecturer will be eligible to apply for promotion to principal lecturer.” This implies one must proceed through the ranks in sequence and the rank of senior lecturer could not be skipped, even if 11 years of service are identifiable. However, Academic Affairs has not held lecturers to a requirement that they must first stand for promotion in rank to senior lecturer before seeking promotion in rank to principal lecturer. To do so would be inconsistent with other aspects of eligibility requires described above.

Promotion Compensation Increases

Policy C190 states that upon promotion in rank, a lecturer may expect “a salary increase that is consistent with the policy and practices of the HSC, the College or School, and the Department.” However, Academic Affairs currently provides a recurring revenue allocation to its academic units to ensure a minimum of \$3,000 for a promotional increase attaining senior lecturer, and a minimum of \$4,000 for principal lecturer.

Lecturer Appointments vs. Lecturer Ranks

Three distinct appointments are available for lecturers: lecturer I, lecturer II, and lecturer III. The criteria for holding these lecturer appointments are found in the *Faculty Handbook* Section B2.3.2. It may be appropriate from time to time for someone to move to a different lecturer appointment if it better reflects their current credentials, experience, and/or role. For example, it might be justifiable for someone to move from lecturer II to lecturer III upon obtaining a terminal degree. Changes in appointment title present opportunities for academic unit to do a compensation equity analysis and seek approval to make salary adjustments; however, Academic Affairs does not currently provide new recurring revenue for salary increases for this reason. Currently Academic Affairs only provides new recurring revenue for certain promotions in rank. These include promotions through the professorial and lecturer ranks.

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HISTORY

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Faculty Ethics and Advisory Committee

Charge (as of 5.6.15)

The Faculty Senate Ethics and Advisory Committee is guided by the Statement on Professional Ethics (Appendix V, page 53, Policy on Academic Freedom and Tenure), which affirms academic freedom and describes the faculty member's special responsibilities. The committee may, at its discretion, choose to advise or adjudicate in the following matters:

1. This committee may advise and consult with the faculty, Faculty Senate, university academic and administrative units, and the University administration regarding ethical issues arising in university policy development, interpretation and/or implementation.
2. The committee may also serve in an advisory capacity in circumstances in which a faculty member or a graduate, teaching, research or project assistant has concerns about potentially unethical behavior (including but not limited to misconduct, conflict, misuse of facilities) as defined by the Statement on Professional Ethics (Appendix V).
3. The committee may also serve in an advisory capacity to the President of the University, the Provost/Vice President for Academic Affairs, or the Committee on Academic Freedom and Tenure regarding action to be taken in the event that a faculty member or a graduate, teaching, research or project assistant is accused of such behavior.

C07: Faculty Disciplinary Policy

Approved By: Faculty Senate

Effective: **Draft Revision March 22, 2015**

Responsible Faculty Committee: Policy Committee

Office Responsible for Administration: Office of the Provost and Office of the HSC Chancellor

Legend of highlighted text: All text in black are part of the existing faculty policy. All text in red include proposed additions and/or changes.

Revisions to the Policy Rationale, Policy Statement, and Applicability sections of this document must be approved by the full Faculty Senate.

POLICY RATIONALE

The University encourages a supportive problem-solving approach to workplace problems, but the University recognizes that misconduct may require disciplinary action. The University normally uses progressive discipline to address possible misconduct. Progressive discipline is intended to be corrective, not punitive in nature. It is designed to provide faculty with notice of deficiencies and an opportunity to improve. However, some violations of policies and procedures, or continued negative behavior, may be of such serious nature that suspension without pay or discharge pursuant to *Faculty Handbook* policies may be appropriate. This Policy provides the policies, processes, and procedures to be followed to ensure fairness and equity.

POLICY STATEMENT

Any member of the faculty, including any serving as an academic administrator, who violates a published University policy may be subject to warning, censure, suspension without pay, or dismissal. Teaching or research assistants in their faculty capacity are considered faculty members for purposes of this Policy.

Academic Freedom and Tenure Jurisdiction

The procedures specified in this Policy provide for the consideration and determination of proposed disciplinary actions against faculty members short of dismissal. Consideration and determination of disciplinary actions that may result in a proposed dismissal of a tenured faculty member, or dismissal of an untenured faculty member prior to expiration of his or her contract term, are governed by “Academic Freedom and Tenure” sections B.5.3, B.6.4.3, or B.5.4, respectively, of the *Faculty Handbook* and are not covered by these procedures. However, cases in which faculty dismissal has been considered pursuant to sections B.5.3, B.6.4.3, or B.5.4, and a lesser sanction is ultimately proposed instead by the administration, shall be handled under this Policy, without duplicating steps that have already taken place. In particular, if the chair and dean conclude that suspension without pay is appropriate in a case in which dismissal was

considered but rejected, the faculty member is entitled to request a peer hearing as provided below in sections 10 and 11 [of this Policy Document](#).

Scope Specific University Policy Investigations

In the case of allegations against a faculty member that appear to be within the scope of another specific University policy that has its own procedures for investigation and resolution (including but not limited to allegations of research misconduct, discrimination, or sexual harassment), the chair or dean shall forward such allegations to the appropriate person or department for handling pursuant to the applicable policy. If such a process requires the chair to make a disciplinary determination after an investigation and recommendation from another University body, this policy will be followed in determining the appropriate discipline. If the other procedure involved a hearing before a faculty committee, any factual determinations will not be subject to reconsideration by faculty peer review under this policy.

APPLICABILITY

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

Revisions to the remaining sections of this document may be amended with the approval of the Faculty Senate Policy and Operations Committee in consultation with the responsible Faculty Senate Committee listed in Policy Heading.

DEFINITIONS

Warning means an oral reprimand or expression of disapproval.

Censure means a written reprimand or expression of disapproval, which should include an explanation of the nature of the misconduct, and the specific action to be taken by the faculty member and/or chair to correct the problem, including mentoring, if appropriate, and a statement that further disciplinary action could occur should the problem persists.

Suspension without pay means disciplinary suspension without regular salary for a stated period of time.

Dismissal means termination of employment (see Faculty Handbook sections B.5.3, B.6.4.3, and B.5.4).

Peer Hearing Definitions

Complainant is the person initiating the grievance or challenging an earlier decision.

Respondent is the person responding to the grievance or seeking to uphold the earlier decision.

WHO SHOULD READ THIS POLICY

- Board of Regents
- Faculty
- Academic staff

- Academic deans and other executives, department chairs, directors, and managers

RELATED DOCUMENTS

University Administrative Policies and Procedures Manual:

[Policy 2200](#) "Whistleblower Protection and Reporting Suspected Misconduct and Retaliation"

[Policy 2210](#) "Campus Violence."

[Policy 2220](#) "Freedom of Expression and Dissent"

[Policy 2240](#) "Respectful Campus"

[Policy 2720](#) "Equal Opportunity, Non-Discrimination, and Affirmative Action"

[Policy 2730](#) "Sexual Harassment"

Pathfinder:

["Visitor Code of Conduct,"](#)

["Student Code of Conduct,"](#)

Faculty Handbook:

[Section B, Appendix V](#)

[Policy C05](#), "Rights and Responsibilities at the University of New Mexico."

[Policy C07](#) "Faculty Disciplinary Policy"

[Policy C70](#) "Confidentiality of Faculty Records"

[Policy C345](#) "Ombuds Dispute Resolution Services for Faculty"

CONTACTS

[Direct any questions about this Policy to the Office of the Provost or the Office of the Chancellor for Health Sciences.](#)

PROCEDURES

[Faculty Disciplinary Procedures](#)

1. References to the department chair in this Policy also include the program director or associate or vice dean in a non-departmentalized school or college. If allegations are made against a department chair or other administrator, the next higher academic authority shall perform the functions assigned in this Policy to the chair, and the provisions shall be modified as appropriate. Any individual(s) bringing an allegation of faculty misconduct to the chair's attention is protected by, and subject to, the University's policy on reporting misconduct (UAP [Policy 2200](#), "Whistleblower Protection and Reporting Suspected Misconduct and Retaliation").

2. In all cases other than those set forth in the [Policy Section paragraphs 3 and 4](#) above, if a member of the faculty is alleged to have violated a policy of the University, the department chair shall provide the faculty member a written notice explaining the nature and specific content of the alleged violation, together with a copy of this Policy, and shall discuss the alleged violation with the faculty member. The written notice shall be given to the faculty member within ninety (90) days of the chair learning of the apparent violation of policy. The faculty member may be accompanied by one person in meeting with the chair. The faculty member and the chair shall notify each other at least two working days prior to the scheduled meeting who, if anyone, will

be accompanying them at the meeting. The chair should issue a written report within five (5) working days after the meeting summarizing the discussion with the faculty member, keep a copy in the faculty member's file, and send a signed copy to the faculty member. Before, during or after the meeting, the chair may ask the faculty member to respond in writing to the notice and present any relevant written material within a reasonable time specified by the chair. Likewise the faculty member shall be free to submit any materials reasonably desired on his/her own volition, no later than five (5) working days after meeting with the chair unless the chair grants additional time in writing. The matter may be concluded at this point by the mutual consent of all parties.

3. The department chair or the faculty member may initiate conciliation proceedings at any time prior to the chair's decision by contacting the [Ombuds/Dispute Resolution Services for Faculty](#) ~~Faculty Dispute Resolution~~ [program](#) as provided in Section C345 with notice to the other parties. Conciliation may be undertaken if both parties agree.

4. If a mutually agreeable resolution (with or without conciliation) is not achieved, the department chair shall make a decision in the matter and communicate it to the faculty member in writing within ten (10) working days after meeting with the faculty member or the termination of conciliation efforts if they are unsuccessful, whichever is later. The faculty member shall have ten (10) working days from receipt of the written decision to submit a written request for review by the appropriate dean, who will issue a written decision concerning whether the chair's decision is upheld, modified or reversed. Prior to making a decision, the dean shall meet with the department chair and the faculty member, and their representatives if desired, together or separately, and shall receive and consider any documents the parties wish to submit. Documents shall be submitted within five (5) working days of the faculty member's request for review. If formal conciliation has not been attempted previously, the dean may refer the matter to [Ombuds/Dispute Resolution Services for Faculty](#) ~~Faculty Dispute Resolution~~. The dean will communicate his/her decision to the parties in writing within ten (10) working days after meeting with the faculty member or the termination of conciliation efforts if they are unsuccessful, whichever is later.

5. If the faculty member does not agree with the dean's action, he/she may submit a written request for review by the Provost or Chancellor within five (5) working days of receipt of the dean's decision. The Provost/Chancellor will decide the matter on the record unless he/she determines that it would be helpful to meet with the parties, together or separately. Within ten (10) working days after receipt of the complete record or after meeting with the parties, whichever is later, the Provost/Chancellor shall uphold, modify, or reverse the dean's decision by written notice to the parties. The Provost/Chancellor may seek an advisory investigation and opinion from the Faculty Ethics Committee. The decision of the Provost/Chancellor is subject to discretionary review by the President or Board of Regents if requested by the faculty member.

6. If the chair, after meeting with the faculty member and considering all materials submitted pursuant to section 2 [above](#), proposes to suspend the faculty member without pay, the chair shall meet with the dean to review the matter. If the proposal is supported by the dean after meeting with the chair and the faculty member, the faculty member is entitled to a faculty peer hearing. The faculty member shall send such a request to the Provost/Chancellor within five (5) working days of receipt of the dean's determination.

7. If a faculty peer hearing is requested as provided in this Policy, the chair of the Faculty Ethics Committee will arrange for a hearing before two members of that Committee from outside the

faculty member's department, chosen by the Ethics Committee, and one uninvolved department chair from a different school or college chosen by the Provost/Chancellor. The hearing will be held as soon as reasonably possible and shall be conducted according to the [Faculty Peer Hearing Procedures listed below](#). ~~University's Dispute Resolution Hearing Procedures~~. The [Office of University Secretary](#) ~~office~~ shall make arrangements for the hearing. Hearings shall be recorded and shall be private unless both parties agree that the hearing be open. The hearing Panel may uphold or reverse the proposal to suspend the faculty member without pay. If the Panel's decision is to reverse the proposal, the Panel may direct the chair and dean to impose a lesser disciplinary measure. The Panel's decision may be reviewed on the record by the Provost/Chancellor, but the Panel's decision shall not be reversed or modified except in the case of clear error, which shall be detailed in writing by the Provost/Chancellor. The decision of the Provost/Chancellor is subject to discretionary review by the President or Board of Regents if requested by the faculty member.

8. The faculty member may bring a complaint before the Committee on Academic Freedom and Tenure (AF&T) if he/she believes the matter or its handling is within the jurisdiction of the Committee. The Committee will determine whether the matter is within its jurisdiction and, if so, shall handle the matter under the Policy on Academic Freedom and Tenure. Normally, review by the AF&T Committee should be sought after the determination by the Provost/Chancellor. If the faculty member pursues the matter before the AF&T Committee, AF&T shall accept the facts as determined by the faculty peer hearing, if one was held.

9. If the final determination is that no misconduct occurred, efforts shall be undertaken to the extent possible and appropriate to fully protect, restore, or maintain the reputation of the faculty member.

10. These procedures do not supersede Appendix VIII to Part B of the *Faculty Handbook*, concerning the Faculty Ethics Committee, and a faculty member who believes that he/she has been improperly accused of unethical behavior may bring the matter to the attention of the Ethics Committee under Appendix VIII after determination by the Provost/Chancellor.

Faculty Peer Hearing Procedures

Article 1. Introduction

These procedures are based on the "Model Hearing Procedure" which provides a standard operating procedure for formal hearings to resolve conflicts at institutions of higher education. Normally, a peer hearing will be held only after items one through six of the Faculty Disciplinary Procedures above have taken place. These procedures assume that a Panel has been appointed by the Ethics Committee in accordance with section 7 of the Faculty Disciplinary Procedures above.

1.1 Attorney for Panel. The Panel shall consult with the Office of University Counsel prior to the hearing, and a University Counsel attorney will be appointed to assist the Panel. The Panel will consult with its University Counsel attorney on any issues it can't resolve. The Panel's University Counsel attorney will either be present at the hearing or will be available for consultation.

1.2. Persons with Disabilities. Persons with disabilities who want accommodations should let the Office of the University Secretary know at least ten days before the accommodation is required.

Article 2. Pre-Hearing Matters

2.1 Preparation of Evidence

2.1.1 If any material facts are believed to be in dispute, the parties shall prepare evidence for the hearing which may be in the form of documents, testimony of witnesses, or other materials. Parties are responsible for their own evidence.

2.1.2 All faculty, staff, and students shall cooperate with the parties' reasonable requests to provide evidence and to appear at the hearing as witnesses. If a party is having difficulty getting cooperation from a potential witness or source of evidence, he or she shall file a request for assistance with the Office of University Secretary, who shall forward it to the Panel. If the Panel determines that the request is reasonable, it shall assist the party in gaining the necessary cooperation. Parties may use reasonable and equitable University work time, equipment, and support staff assistance in preparing for the hearing.

2.1.3 The Office of University Secretary will advise parties about procedures and give them a general overview of the type of evidence that is usually submitted in these kinds of matters.

2.1.4 If the complainant hires a lawyer, then the respondent may request a lawyer from University Counsel's Office.

2.2 Notice Requirements: At least ten (10) working days before the hearing, each party shall provide the Office of the University Secretary with the following information, which will be distributed to the other party and the Panel:

2.2.1 A list of intended witnesses, or a statement that no witnesses will be called. The Panel may place reasonable limitations on the number of witnesses, either before or after the list is submitted, but in no event less than three working days prior to the hearing. No witnesses other than those on the list may testify without consent from the panel.

2.2.2 Any witness statement submitted pursuant to Section 3.5 herein.

2.2.3 The name of any advisor appearing with the party at the hearing and whether the advisor is an attorney. A party may not bring an advisor without such notification, unless one of the following exceptions applies.

2.2.3.1 A party may bring any advisor if the other party and the Panel consent.

2.2.3.2 If a party does not designate an advisor, and the other party designates a non-attorney advisor, the first part may bring a non-attorney advisor without prior notification

2.2.3.3 If a party does not designate an attorney advisor and the other party does designate an attorney advisor, the first party may bring an attorney advisor without prior notification.

2.2.4 Whether the party requests that his advisor be allowed to present the case, in whole or in part.

2.2.5 Copies of documents the party plans to introduce into evidence. No other document may be introduced into evidence without notification unless the other party or the Panel consents. Approval of the Panel shall depend on the importance of the document, whether the party could have obtained it earlier, the time remaining until the hearing, and the degree of prejudice to the other party.

2.2.6 If a party requests a document from any employee of the University who has custody of that document, that person shall give either the requesting party or the Office of University Secretary the original or a copy of that document within one work day, unless the document is confidential. If the document is confidential, the Panel's University Counsel attorney will advise the party and the Panel on how to proceed. to all parties and the Panel.

2.3 Order of Arguments and Evidence. The Panel may, at least three (3) days before the hearing, specify the order in which the parties present their arguments and any evidence. If the Panel does not specify within this time frame the order specified in Section 3.4 shall be used.

2.4 Pre-Hearing Conference. After receipt of the information specified in Section 2.2, the Office of University Secretary and/or the chair of the Panel may meet with the parties and/or their advisors to consider clarifying or simplifying the issues to be heard by the Panel, answering any procedural questions, limiting the number of witnesses, or considering any other matters which may aid the conduct of the hearing.

2.5 The Panel may set reasonable time limits for the hearing.

Article 3. Hearings

3.1 Evidence. If any material facts are in dispute, the parties may testify and may present testimony of other witnesses and introduce and explain documents and other evidence at the hearing. The Panel may exclude unfair and irrelevant evidence, but is not required to follow judicial rules of evidence. At either parties' request, the Panel shall consult with the Panel's University Counsel on evidence issues. The Panel may require the production of further evidence beyond that presented by the parties (including the testimony of other witnesses) if it believes such evidence is available and material to issues in dispute. Either the parties or the Office of University Secretary may be asked to obtain such evidence. The hearing shall be resumed when such evidence is produced.

3.2 Absent Parties. All Panel members and both parties shall be present at hearings. Failure by either party to appear at the hearing may be grounds for summery finding against the absent party. Alternatively, the Panel may choose to proceed with the hearing without the absent party, and make its decision based upon the evidence available. Failure to comply with the notification provisions of section 2.2 may be construed as failure to appear, for the purposes of this section. Upon request of the absent party, a finding made under this section may be set aside and a new hearing scheduled if the absentee shows he or she could neither attend the hearing nor request a postponement of the hearing in a timely manner.

3.3 Advisors. Each party may have one advisor at the hearing, who may be an attorney. Parties may consult freely with their advisors throughout the hearing, but advisors may not speak for the parties unless the Panel determines that one or both parties are unable fairly to present their case except through their advisor.

3.4 Order of Evidence. The Panel may, pursuant to section 2.3, determine the order in which the parties present their arguments and any evidence. If the Panel does not specify, the following order shall be used:

(1) complainant presents his or her case;

(2) respondent presents his or her case;

(3) in the discretion of the Panel, rebuttal by complainant and respondent may be allowed;

4) complainant makes closing arguments;

5) respondent makes closing arguments.

With permission of the Panel, evidence may be introduced out of order and additional evidence may be introduced.

3.5 Witnesses. The parties may present the testimony of witnesses in support of their case. When a witness is unable to attend a scheduled hearing, the witness may make an affidavit which may be introduced at the hearing. The affidavit shall be disclosed to the other party pursuant to Section 2.2.2 in order to permit the other party to contact the witness and to prepare for appropriate rebuttal at the hearing. The Panel shall exclude the affidavit if the other party has been unable to secure the cooperation of the witness in spite of diligent attempts to do so.

The parties and Panel members shall have the right, within reasonable limits set by the Panel, to question the parties and all witnesses who testify orally. Reasonable limits may include requiring that questions be directed through the Panel.

3.6 Record of Hearing. The Office of University Secretary shall make a recording of the proceedings. The parties and their representatives may listen to the recording. At a party's request, the Office of University Secretary shall provide the party with a duplicate of the recording at the party's cost.

The record of the hearing shall consist of the recording and all items or documents introduced as evidence. The record shall be kept by the Office of University Secretary for five (5) years after all appeals have been concluded or after the time for appeal has expired.

3.7 Written Arguments. After hearing the evidence, the Panel may request or accept documented arguments from the parties and defer consideration of the case for up to two (2) weeks until such documented arguments have been submitted. Time limits for the Panel's decision shall be extended accordingly.

Article 4. General Provisions

4.1 Time Limits. For good cause, the Panel shall extend any time limit set forth in these rules. Good cause shall include the fact that a time limit includes finals week or period such as vacations, holidays, or intersessions if parties or decision makers are absent from the University. Any time extension shall be communicated in writing to all interested parties along with a new written schedule.

4.2 Absent Party. If one party is absent from the University, the decision maker, with both parties' permission, may permit the absent party to participate in a hearing or interview by conference call or otherwise.

4.3 Mailing. All documents shall be sent to the parties by the Office of University Secretary.

DRAFT HISTORY

March 22, 2015-- Added Peer Hearing Procedures

HISTORY

December 13, 2011 – Approved by Board of Regents

March 22, 2011 – Approved by Faculty Senate

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C07 – Challenges in application

Fundamentally, we are experiencing a lack of clarity with respect to whether and which of the various procedural paragraphs apply to (1) investigating allegations; (2) determining appropriate discipline; or (3) both

What is #6 supposed to accomplish?

Does #6 provide the process by which a chair determines whether a policy violation has occurred, or is it for determining what discipline is appropriate, or both?

#8 implies it might be the former; however, if it is the latter, then several parts of #6 might be considered duplicative if outside investigators have already offered opportunities to provide written responses, other materials, etc.

#3 says investigation steps should not be duplicated if they have been taken by others.

On the other hand, references to conciliation and dispute resolution in #7 and #8 seem to speak more to the process of identifying an appropriate disciplinary response. One doesn't normally 'conciliate' whether a policy has been violated (???)

Yet it's clear from #4 that if a policy violation has been determined by other processes, then C07 has to provide the process by which the level of appropriate discipline is determined – by default is that #6?

#4 also states that states that if an outside "process requires the chair to make a disciplinary determination after an investigation and recommendation from another University body, this policy will be followed in determining the appropriate discipline." I am unaware of any other UNM investigating office that would "require" a supervisor to take disciplinary action. "require" is the wrong word – perhaps "recommend" is more appropriate.

Potential for Long Delays:

Also, 90 days in which to provide notice of an apparent violation of a policy seems to be an overlong long time to wait, especially if #6 is to be the process by which a chair determines whether a policy violation has occurred.

Peer Hearing

#11 says conducted per "University's Dispute Resolution Hearing Procedures." Not clear whether this is FHB C345 or UAP 3220?

Suspension w/o Pay:

#10 states that the chair shall confer with the dean with respect to a suspension w/o pay before its issuance. It goes on to say "If the proposal is supported by the dean after meeting with the chair and the faculty member, the faculty member is entitled to a faculty peer hearing." Is the "dean[s] support"

is necessary for the chair to issue her/his decision, or rather for the faculty member's appeal to move forward to a peer hearing? Wording is such that both interpretations have been argued.

Unusual C07 Appeal/Review Processes:

Unlike C09, where dean and provost/chancellor appeals are limited to reviewing the record made by the supervisor/investigator, C07 requires the dean's review to include meetings with all of the parties. Then the dean's decision may be reviewed by a peer hearing panel whose decision is final. The provost/chancellor can also review the dean's decision on the basis of the record, but the provost/chancellor can also get advisory investigative opinions and/or hold more meetings with all of the parties. Is there some rationale for C07's very elaborate review/appeal processes, when such processes are not found in any of our other policies' appeal/review processes?

AF&T Review:

#12 says that AF&T may review the Provost/Chancellor's decision on a disciplinary matter (not involving an unpaid suspension) but # 9 says the BOR has discretionary review of the Provost/Chancellor's decision. So both the BOR and AF&T may accept review of the same matter?

#12 also states that review by AF&T should only normally be sought after a determination by the Provost/Chancellor. However, AF&T recently accepted a matter where an investigation was still underway and no disciplinary action had been issued, but the faculty member had complained about procedural violations by the chair.

Ethics Committee Review:

#14 provides for an optional **Ethics Cmt review** of Provost/Chancellor final determination if findings include unethical behavior, per Appendix VIII. However, Appendix VIII states the Ethics Committee may be involved "When the matter is still unresolved, the Committee may be called into action in either of two ways." This seems in conflict with reviewing a matter that is deemed 'final' by the Provost or Chancellor.

#9 also provides for Provost/Chancellor to request an optional Ethics Cmt *advisory investigation and opinion* if they are reviewing a dean's decision. If the Provost/Chancellor took the Ethics Committee's advice, should the Ethics Committee later be able to review the decision again under #14?

Concurrent or Consecutive Ethics Committee and AF&T Reviews:

Appendix VIII (c) states that Ethics and AF&T can simultaneously review. But could they do consecutive reviews? How much forum shopping should be permitted? More potential for long delays in not reaching final resolution.

Steps and timeline difficult to follow:

Notwithstanding difficulty in knowing if they apply to investigations and/or determining appropriate discipline, the organizational structure makes this very hard to follow. Strongly recommend a procedural table as is used in B6 – draft below.

C07 Table for Faculty Disciplinary Procedure

Action	Timeline	FHB Reference
Chair provides written notice of allegations, or external findings, and copy of C07 policy to faculty member	Within 90 days of notice of allegations	C07.6.
Discussion of allegations/findings with faculty member	Not specified, but after written notice if investigating; could be at the same time as providing written notice if investigative findings were done previously under other policy	C07.6.
Notice of any 3 rd party attendance at discussion	At least 2 working days prior to scheduled meeting	C07.6.
Written report summarizing discussion, sent to faculty member and file	5 days after meeting	C07.6.
Faculty member asked to provide written response and addl. evidence w/in reasonable time	Before, during and after discussion meeting	C07.6.
Faculty deadline to provide written response and any addl. evidence	5 working days after meeting	C07.6.
Non-mandatory conciliation attempts with Ombuds [not applicable where external findings???	At any time prior to a chair's decision	C07.7.
Chair confers with Dean (required only if unpaid suspension is contemplated)	Prior to issuing	C07.10
Chair's written decision as to findings and/or appropriate discipline is communicated to faculty member	10 working days after discussion meeting –or termination of conciliation efforts—whichever is later	C07.8
Optional Dean reviews requested	10 working days after Chair decision	C07.8
Documents submitted to Dean	5 working days after requesting Dean review	C07.8

Dean meeting with faculty member [and representatives if desired]	Prior to issuing decision	C07.8
Dean recommends non-mandatory conciliation attempts with Ombuds [not applicable where external findings???	At any time prior to a dean's decision	C07.8.
Matter concluded by mutual agreement [not applicable where external findings???	At any time prior to a dean decision	C07.6.
Dean written decision to uphold, modify or reverse Chair decision communicated to faculty member	10 working days after meeting—or termination of conciliation efforts—whichever is later	C07.8
Optional Peer Hearing request submitted to Provost/Chancellor [available only if suspended without pay]	5 working days after Dean decision	C07.10
Peer Hearing panel chosen by Ethics Cmt and Provost/Chancellor	Not specified	C07.11
Peer Hearing conducted [decision shall not be reversed or modified by Provost/Chancellor except for clear error]	As soon as practicable	C07.11; C345; UAP 3220???
Provost/Chancellor Review request [limited to review of the written record]	5 working days after Dean decision	C07.9
Provost/Chancellor optional meetings with the parties	Prior to issuing decision	C07.9
Provost/Chancellor request for optional Ethics Cmt <i>advisory</i> opinion and investigation	Not specified	C07.9
Provost/Chancellor written decision to uphold, modify or reverse Dean decision communicated to faculty member	10 working days of optional meetings or receipt of complete record	C07.9
Optional Ethics Cmt review of Provost/Chancellor final determination if findings include unethical behavior	After Provost/Chancellor decision	C07.14; Appendix VIII
Optional AF&T review of Provost/Chancellor final	After Provost/Chancellor decision	C07.12

determination if academic freedom implicated		
Optional request for BOR discretionary review of Provost/Chancellor decision	Not specified	C07.9

C. Parker
3/29/15

C09 Implementation Problems

#1 requires very specific written information must go into the complaint; presumably under #2 that assists the OUC in advising if the complaint fails to state a complaint that warrants investigation? Would be good to make that explicit.

It's unclear if the sharing of the complaint and response with the respondent and the complainant in #1 must occur before the investigation is commenced with the **supervisor or investigator** notifying complainant and respondent in #2, or can those occur simultaneously?

#3 If complaint is taken to Ombuds, would its proceedings supplant those set forth in the policy? #3 makes clear that AF&T's proceedings would supplant those set forth in the policy, but it does not say so for Ombuds. Does that mean that after Ombuds the same complaint could still be brought to the supervisor per #1?

C09 does not address some matters that are explicitly addressed in C07: (1) ability for the complainant and respondent to conclude the matter by mutual agreement, and (2) the potential for 3rd parties to accompany complainant or respondent to meetings.

C09 Respectful Campus - Investigation Timeline

Action	Timeline	FHB Reference
Signed, written complaint submitted to direct supervisor by complainant, or prepared on behalf of anonymous complainant, or via options under UAP 2200	Within 60 days of the suspected misconduct	C09.1.
Supervisor provides copy of complaint to respondent and solicits written response	Not specified -- Within 10 business days of complaint receipt??	C09.1.
Supervisor provides copy of written response to complainant	Not specified -- Within 10 business days of complaint receipt??	C09.1.
Supervisor confers with OUC for assistance in determining if	Prior to initiating investigation	C09.2.

complaint warrants investigation; whether supervisor should investigate, or if independent investigator is appropriate		
Investigation commences with supervisor or investigator notifying complainant and respondent (and supervisor, if investigator is independent)	Within 10 business days of complaint receipt	C09.2.
Written challenges to investigator neutrality, if any	Within 5 business days of notice from investigator	C09.2.
Supervisor response to investigator challenge	Within 5 business days of receipt of challenge	C09.2.
Investigator notice to complainant and respondent if ad hoc committee to be used	Not specified	
Appointment of ad hoc investigative committee, if any	Within 20 days of complaint receipt	C09.2.
Written challenges to ad hoc committee	Within 10 business days of notice of committee membership	
Ad Hoc committee membership finalized	Within 20 days of notice of use of ad hoc committee	C09.2.
Interviews of all parties to the complaint or others who can provide relevant, material info (use of confidentiality agreements is recommended)	Part of investigation procedure	C09.2.
Investigation completed and confidential report issued to supervisor, respondent and complainant	Within 30 days of complaint brought to supervisor's attention, or 30 days after any committee membership is finalized	C09.2.
Confidential personnel record of investigation and report is created and filed per policy	After matter is concluded	C09.2.
Appeals		
Appeals can be made to next highest level in supervisory chain (review is based on the written record in consultation with OUC)	Within 10 working days of receipt of written investigation report	C09.4.
Written appeal decision provided to initial investigator and respondent supervisor with	Not specified	C09.4.

summary statement provided to complainant and respondent		
Final discretionary appeal to Provost/Chancellor	Not specified	C09.4.
Provost/Chancellor written decision to uphold, modify or reverse Dean decision communicated to faculty member	10 working days of optional meeting or receipt of complete record	C07.9
AF&T review if academic freedom implicated [optional]	After Provost/Chancellor decision	C07.12
Ethics Cmt review if unethical behavior implicated [optional]	After Provost/Chancellor decision	C07.12
Matter concluded by mutual agreement		Not an option??
Notice of 3 rd party accompaniment to meetings		Not an option?
Alternative Procedures		
Complaint taken to Ombuds Dispute Resolution		C09.3.; C345
Complaint taken to AF&T, if within their jurisdiction		C09.3.; Sec. B

3/29/15

Policy Rationale

The University of New Mexico promotes a working, learning, and social environment where all members of the UNM community, including but not limited to the Board of Regents, administrators, faculty, staff, students, and volunteers work together in a mutually respectful, psychologically-healthy environment. UNM strives to foster an environment that reflects courtesy, civility, and respectful communication because such an environment promotes learning, research, and productivity through relationships. Because a respectful campus environment is a necessary condition for success in teaching and learning, in research and scholarship, in patient care and public service, and in all other aspects of the University's mission and values, the University is committed to providing a respectful campus, free of bullying in all of its forms.

Comment [G145]: Bad 89: Also too vague and broad.

Comment [G146]: Bad bad bad. This whole policy is flagrantly unconstitutional and violates every free speech commitment. Its problems mirror those of Campus policy 2240 (Respectful Campus), whose language it often borrows (see above)

Comment [G147]: Bad 90. Vague, broad, violates 1st amendment.

Comment [G148]: Bad 91. Explicitly rejects the whole rationale for the 1st amendment and academic free speech.

Comment [G149]: Bad 92. Conflates 'disrespect' (including protected speech) with 'bullying'

Comment [G150]: Bad 93. Implies that this is a foundational statement that supervenes all promises of free speech.

Comment [G151]: Bad 94. Thought control. Violates establishment clause. Dictates political controversial values.

Policy Statement

This Policy describes the values, cornerstones, and behaviors that delineate a respectful campus and applies to all members of the UNM community, including, but not limited to students, faculty, and staff.

1. Values

A respectful campus exhibits and promotes the following values:

- displaying personal integrity and professionalism;
- practicing fairness and understanding;
- exhibiting respect for individual rights and differences;
- demonstrating harmony in the working and educational environment;
- respecting diversity and difference;
- being accountable for one's actions;
- emphasizing communication and collaborative resolution of problems and conflicts;
- developing and maintaining confidentiality and trust; and
- achieving accountability at all levels.

Comment [G152]: Bad 95. Too vague, too broad.

Comment [G153]: Bad 96. Vague, meaningless, selectively enforceable.

Comment [G154]: Bad 97. Vague, meaningless, selectively enforceable.

Comment [G155]: Bad 98. Vague, meaningless, selectively enforceable.

Comment [G156]: Bad 99. Rejects vigorous debate and intellectual devil's advocacy, foundations of free speech.

2. Cornerstones of a Respectful Campus

The commitment to a respectful campus calls for promotion of an environment where the following are upheld:

- All individuals have important contributions to make toward the overall success of the university's mission.
- UNM's mission is best carried out in an atmosphere where individuals at all levels and in all units value each other and treat each other with respect.
- Individuals in positions of authority serve as role models in the promotion of a respectful campus. Promoting courtesy, civility, and respectful communication is consistent with the responsibility of leadership.
- Individuals at all levels are allowed to discuss issues of concern in an open and honest manner, without fear of reprisal or retaliation from individuals above or below them in the university's hierarchy. At the same time, the right to address issues of concern does not grant individuals license to make untrue allegations, unduly inflammatory statements or unduly personal attacks, or to harass others, to violate confidentiality requirements, or engage in other conduct that violates the law or University policy.

Comment [G157]: Bad 100. So no should ever be expelled or fired? Meaningless platitude.

Comment [G158]: Bad 101. Assumes 'respect' trumps 'free speech' in promoting UNM's mission

Comment [G159]: Bad 102. Presupposes that administrators should be inoffensive rather than bold, visionary, and controversial

Comment [G160]: Bad 103. Vague, broad, meaningless, and includes most protected speech

Bullying is unacceptable in all working, learning, and service interactions.

Comment [G161]: Bad 104. Again. Conflates 'disrespect' and protected free speech with 'bullying.'

[...]

4. Definition of Bullying

Bullying can occur when one individual or a group of individuals exhibits bullying behavior toward one or more individuals. Bullying is defined by the University as repeated mistreatment of an individual(s) by verbal abuse, threatening, intimidating, humiliating conduct or sabotage that creates or promotes an adverse and counterproductive environment, so as to interfere with or undermine legitimate University learning, teaching, and/or operations. Bullying is not about occasional differences of opinion, conflicts and problems in workplace relationships as these may be part of working life. Bullying can adversely affect dignity, health, and productivity and may be grounds for corrective disciplinary action, up to and including dismissal. The University Counseling, Assistance, and Referral Services (CARS) Department and the University Ombuds/Dispute Resolution Services for Faculty and Staff can provide guidance for determining whether behavior meets the definition of bullying. Examples of behaviors that meet the definition of bullying above include, but are not limited to:

Comment [G162]: Bad 105. Should include a reasonable person standard, and language about it being so severe, pervasive, etc.....

[...]

4.2. Verbal Bullying

Verbal bullying is repeated slandering, ridiculing, or maligning of a person or persons, addressing abusive and offensive remarks to a person or persons in a sustained or repeated manner, or shouting at others in public and/or in private where such conduct is so severe or pervasive as to cause or create a hostile or offensive educational or

Comment [G163]: Bad 106. Too vague and broad. Ridicule and offensive speech are protected.

working environment or unreasonably interfere with the person's work or school performance or participation.

[...]

4.4. Anonymous Bullying

Anonymous bullying can consist of withholding or disguising identity while treating a person in a malicious manner, sending insulting or threatening anonymous messages, placing objectionable objects among a person's belongings, leaving degrading written or pictorial material about a person where others can see.

[...]

Comment [G164]: Bad 107. Too vague, too broad. Needs a reasonable person standard. What is 'degrading'?