

Faculty Senate Policy Committee
Meeting Agenda, Scholes Hall Room 101, June 7, 2017 11:00 am – 3:00 pm

Updates

1. C09 “Respectful Campus”
2. E40 “Research Misconduct”
3. E90 “Human Subjects in Research”
4. D170 “Student Attendance” taskforce
5. Committee Membership

Agenda Topics

Consent Agenda Topics: None

Action Items

1. Branch Campus Policies:
 - F10 “Role and Function of UNM Branch Community Colleges” pg. 1
 - F70 “Articulation, Degree Approval, Transfer of Course Credit and Approval of Credentialing Standards” pg. 4
 - F80 “Representatives on Faculty Senate and Its Committees” pg. 9
 - F100 “Teaching Load” pg. 12
2. D175 “Undergraduate Student Conduct and Grievance Policy”
3. D176 “Graduate Student Conduct and Grievance Policy” pg. 14
4. A61.6 “Information Technology Use Committee” pg. 32
5. D90 “Posthumous Degrees” pg. 34
6. C20 “Employment of UNM Grads pg. 37
7. E110 “Conflicts of Interest in Research” pg. 63

Future Business

F10: Role and Function of UNM Branch Community Colleges

Approved By: [Faculty Senate](#)

Effective Date: **Draft 2/28/17**

Responsible Faculty Committee: [Policy Committee](#)

Office Responsible for Administration: [Office of the Provost](#)

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

POLICY RATIONALE

[Branch community colleges play an important role and function within the University of New Mexico \(UNM\) system by responding to the unique needs of their communities. This Policy document describes authorized branch campus roles and functions.](#)

POLICY STATEMENT

[As provided by New Mexico Statute \(21-14-1\)](#), UNM has established branch [community](#) colleges to serve the citizens of New Mexico more fully and to provide the highest quality of education throughout the state for students in different locations pursuing postsecondary education. Branch [community](#) colleges respond specifically to the unique needs and multicultural background of the citizens in their respective communities by offering Associate Degree programs (transfer programs that prepare students for upper division entry into colleges and universities), certificates ([career technical education pathways](#)), [workforce credential preparation](#), and community education programs.

Branch [community](#) colleges utilize resources in the community and therefore also function as an integral part of the community. The branch [community colleges](#) campuses of UNM are considered fully integrated component colleges, and they are committed to serving the needs of their respective communities in the manner of a comprehensive community college, offering a variety of academic, career, and community service programs. The branch [community](#) colleges commit themselves to protect the quality and integrity of all academic curricula, and the main campus commits its resources, whenever appropriate and practical, to the fulfillment of the varied missions of the branches.

APPLICABILITY

[All UNM academic faculty, staff, and administrators.](#)

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

[No specific definitions are required for the Policy Statement.](#)

WHO SHOULD READ THIS POLICY

- [Faculty and academic staff](#)
- [Department Chairs, academic deans and other academic administrators and executives](#)

RELATED DOCUMENTS

UNM Regents' Policy Manual **[Policy 2.14](#)** "Branch Colleges and Off-Campus Education Centers"
New Mexico Statute NMSA Chapter 21, Article 14, 21-14-1

CONTACTS

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

PROCEDURES

[No specific procedures required at this time.](#)

DRAFT HISTORY

February 28, 2017 – Incorporated final changes based on feedback from task force and faculty at the branch campuses.

November 10, 2016 – Incorporate changes based on feedback from the faculty at the branch campuses and from the Section F task force.

September 26, 2016 – Prepare revised draft to reflect changes requested by the Section F taskforce and move from information item to Policy document.

HISTORY

Information item in Faculty Handbook.

COMMENTS TO:
handbook@unm.edu

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F70: Articulation, Degree Approval, Transfer of Course Credit, and Faculty Approval of Credentialing Standards

Approved By: Faculty Senate

Effective Date: **Draft 2/28/17**

Responsible Faculty Committee: Policy Committee

Office Responsible for Administration: Office of the Provost

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

POLICY RATIONALE

Articulation: Though the branch colleges operate under an admissions policy different from that of the main campus, their The branch community college degree offerings are approved by the University of New Mexico (UNM), and many of their courses carry transfer credit toward UNM main campus baccalaureate degrees. This connection or articulation of programs means that branch college faculty members may be required to meet a more specific set of approval standards in order to teach transferable courses than to teach non-transferable courses. The policies that which govern the articulation of degree programs, the determination of course credit, and the approval of credentialing standards faculty approval between the for UNM branch community colleges the main campus are presented below.

POLICY STATEMENT

A. Degree, Certificate, and Credential Approval

1. All associate degree programs offered at the main campus in Albuquerque are authorized to be offered at the branches, upon approval by the appropriate college and department or program on the Albuquerque UNM main campus.
2. To meet local needs, The branch community colleges are authorized to develop and offer, with the approval of the Undergraduate Committee, the Curricula Committee, and the Faculty Senate, programs leading to all Associate the degrees, of Associate of Arts, and Associate of Sciences and The branches are also authorized to develop and offer, with the approval of the Office of the Provost/Executive Vice President for Academic Affairs, programs leading to the degree of Associate of Applied Sciences, as well as provide certificates and workforce credentials, provided the programs go through the required approval process for such programs at UNM main campus. The transferability to the main campus of credit for courses in these programs will be determined in accordance with the policy statements B. 1, 2, and 3 below.

B. Transfer of Course Credit, Certificates, and Credentials

The University UNM main campus will accept baccalaureate credits, and branch community colleges will accept transferable, certificate, and workforce credential credits, earned by students at any UNM branch community college, in accordance with the following policy:

1. Transferable credits earned in lower division courses that already appear in the any UNM campus catalog and/or UNM campus schedule of classes, which have been submitted by the branches and approved for credit by the appropriate department or program and the UNM Curricula Committee, and the branch instructor, content, and level of performance for said courses having been approved by the appropriate main campus department or program, will be accepted by the appropriate UNM campus as though they were earned on the main campus of origin, at the University in Albuquerque. Under the following provisions: the course sections must meet the catalog course description in the UNM campus of origin, and the course must follow the same student learning objectives or competencies as the sections at the campus of origin. As needed, syllabi, final exams, and/or other course materials may be requested by the corresponding department or program for articulation.
2. Proposed new lower division courses must follow the same approval process as any other course offered at UNM main campus and, if designed for transfer credit, must be approved by the appropriate department or program and/or college. which do not appear in the UNM Catalog and/or the UNM Schedule of Classes will be accepted by the University as though they were earned on the main campus if they have been designed by the branches in cooperation with the appropriate main campus department or program and college; approved for credit by the appropriate department or program and college and by the UNM Curricula Committee; and approved for their instructor, content, and level of performance by the appropriate main campus department or program.
3. Any lower division courses that have not gone through the required approval process prior to being offered are generally not acceptable for baccalaureate credit towards a UNM degree or certificate.
4. New and existing lower division courses designed by the branches which do not appear in the UNM Catalog and/or the UNM Schedule of Classes, and which have not been approved by a main campus department and the UNM Curricula Committee prior to being offered, are generally not acceptable for baccalaureate credit except (a) by petition and approval from the UNM degree granting unit, or (b) if determined to be equivalent to a main campus course by the UNM department or program which offers that course.
5. Special curricular offerings are authorized to meet local educational needs which are not being met by other institutions in the area. The transferability to the main campus of credit for these offerings will be determined in accordance with the policy statements B. 1, 2, and 3 above.

C. Faculty Approval of Credentialing Standards for Course Delivery

Branch community college faculty shall be qualified to deliver courses under the current UNM accrediting body's credentialing guidelines. Branch community colleges shall maintain adequate records to verify that appropriate accreditation credentialing guidelines are met.

1. Approval standards for transferable courses. Branch college courses carrying pre-designated transferability shall be offered by approved faculty. Tenured/tenure track faculty, by virtue of the standards required for their appointment, are automatically approved to teach transferable courses in their fields of credentialed expertise. Non-tenured/tenure track faculty, and tenured/tenure track faculty teaching outside their fields of credentialed expertise, must be approved to teach transferable courses before or as early as possible during the first semester in which they offer those courses. To be approved to teach transferable courses, faculty members shall meet written standards appropriate to the courses they are to offer.
2. Formulation of standards. The faculty approval standards for each transferable course shall be formulated in writing and adopted jointly by the appropriate branch college and main campus administrators. Normally these will be the administrators immediately responsible for supervising course offerings in a particular field: e.g., the chairs (or directors or coordinators or heads) of the departments or programs in the relevant discipline. Once formulated, the standards for each course shall be transmitted to, and

reviewed by, the Office of the Provost/Executive Vice President for Academic Affairs. The standards shall be kept on file by the Office of the Provost and by the branch college and main campus administrators who formulated them. They shall be transferred to, and applied in a consistent manner by, subsequent administrators, and they shall be revised only by joint written agreement of the appropriate administrators holding office at the time. All revisions shall be promptly transmitted to, and reviewed by, the Office of the Provost/Executive Vice President for Academic Affairs. Approval standards for each transferable course should be submitted to the Office of the Provost no later than June 1, 2006. After that date, and until such time as standards for the course are submitted, the main campus department shall be presumed to approve all instructors employed by the branch to teach that course. The implementation of faculty approval standards for each transferable course, as described in paragraphs 3-5 below, shall not begin until the standards for that course have been formulated, adopted, and reviewed as stipulated in this paragraph.

3. *Implementation of standards.* The determination that a prospective instructor meets the faculty approval standards for a transferable course shall initially be made by the appropriate administrator (department chair, program director, coordinator, or head) at the branch college. Approval of the instructor shall then be reviewed and confirmed or denied by the college's Dean of Instruction. If the Dean confirms the approval, the branch college may hire the instructor prior to receiving main campus approval. The approval shall then be forwarded to the Branch Executive Director for recommendation to the appropriate main campus department chair or program director; it shall be submitted no later than the third week of the semester. The approval shall be accompanied by copies of the faculty member's vita and syllabus for the course in question. The main campus administrator shall confirm or deny the approval before or as early as possible during the first semester in which the faculty member offers the course. This decision shall be promptly communicated in writing to the appropriate branch campus administrator, the Dean of Instruction, and, if the approval is denied, the Office of the Provost/Executive Vice President for Academic Affairs.
4. *Denial of approval.* If faculty approval is denied, the main campus administrator shall communicate the reasons for this decision in writing to the appropriate branch college administrator, the Dean of Instruction, and the Office of the Provost/Vice President for Academic Affairs. This communication shall refer specifically to the written faculty approval standards for the course in question but may include other considerations as well. Courses already in progress shall not be cancelled solely because faculty approval is denied or delayed. If approval is denied, the branch college administrator shall work with the main campus administrator to identify and employ an eligible substitute instructor. If no eligible substitute can be obtained, the faculty member who began the course shall finish it under the supervision of the branch college administrator; but the same faculty member shall not be employed again to teach the same course, or any other course that has comparable approval standards, unless s/he has received branch and main campus approval to do so before the course begins.
5. *Exemptions from standards.* Faculty members may teach transferable courses without meeting established approval standards only if the appropriate branch college administrator submits, and the Dean of Instruction supports, a request for an individual exemption from the standards. The request shall be accompanied by a detailed explanation of the reasons for the request and by the proposed faculty member's vita and syllabus for the course in question. The request shall be submitted to the appropriate main campus administrator no later than two weeks before the semester begins. If the request is not approved by the appropriate main campus administrator before the course begins, the course shall not be offered by the proposed instructor.
6. *Non-transferable courses.* Branch college courses not carrying pre-designated transferability shall be offered by faculty who meet the appointment standards set forth in the college's statement on appointment and retention (see section F60 below), and who are recommended for appointment by the appropriate branch college administrator (department chair, program director, coordinator, or head), the Dean of Instruction, and the Branch Executive Director. In making recommendations concerning all faculty appointments, administrators shall act in accordance with the standards and procedures set forth in the branch college statement on appointment and retention and in section F60 below. All faculty appointments are subject to review by the Provost/Executive Vice President for Academic Affairs.

APPLICABILITY

All UNM academic faculty, staff, and administrators.

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

No specific definitions are required for the Policy Statement.

WHO SHOULD READ THIS POLICY

- Students
- Faculty
- Department Chairs, academic deans and other academic administrators and executives

RELATED DOCUMENTS

UNM Regents' Policy Manual Policy 2.14 "Branch Colleges and Off-Campus Education Centers"
Higher Learning commission Faculty Credentialing Guidelines

CONTACTS

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

PROCEDURES

No specific procedures are required at this time.

DRAFT HISTORY

February 28, 2017 – Incorporated final changes based on feedback from task force and faculty at the branch campuses.

November 10, 2016 – Incorporate changes based on feedback from the faculty at the branch campuses and from the Section F task force.

September 26, 2016 – Prepare revised draft to reflect changes requested by the Section F taskforce and move from information item to Policy document.

HISTORY

April 2005--Approved by the Faculty Senate

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handbook@unm.edu

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F80: Representatives on Faculty Senate and Its Committees

Approved By: [Faculty Senate](#)

Effective Date: **Draft 4/19/17**

Responsible Faculty Committee: [Policy Committee](#)

Office Responsible for Administration: [Office of the University Secretary](#)

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

POLICY RATIONALE

The Faculty Constitution affirms the rights of branch community college faculty to be represented in the Faculty Senate and to decide upon the procedure best suited to the efficient functioning of the branch community college.

POLICY STATEMENT

Branch community colleges shall have representation on the Faculty Senate Standing Committees and the Faculty Senate ~~shall be~~ in accordance with the procedures established by the Faculty Senate and its component committees. Faculty at branch community colleges shall have the right to create faculty governance bodies on their campuses, provided those assemblies do not conflict with the authority and functions of the Faculty Senate described in the Faculty Constitution.

APPLICABILITY

All UNM faculty and academic administrators.

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

No specific definitions are required for the Policy Statement.

C. For evaluation of faculty for retention and/or promotion, branch community colleges will use the categories described in Faculty Handbook Section B1. The branch community colleges will utilize consistent implementation and evaluation policies and procedures.

D. Probationary appointments in tenure stream made at a branch community college shall lead toward academic tenure in a particular academic discipline at that branch only.

E. Branch faculty review, or departmental/divisional review when appropriate, shall mirror Faculty Handbook Section B 4, that all faculty at or above the rank have a vote. Each branch community college should provide details in their implementation policies. Faculty involved at this level of review shall provide recommendation to the branch community college Dean of Instruction. The Dean of Instruction shall provide recommendation as described in Faculty Handbook Section B 4.3.2 to the Provost's Branch Tenure Review Committee. The Provost's Branch Tenure Review Committee is comprised of one tenured faculty member from each of the branch community colleges. This committee shall provide recommendation to the Provost.

~~E. In making recommendations concerning tenure for a faculty member at a branch college, the Branch Executive Director shall first consult for a recommendation with all tenured faculty at the branch, and in making recommendations concerning promotion, the Branch Executive Director shall consult with all faculty at the rank for which promotion is being considered and at any higher rank. The Branch Executive Director may also consult for a recommendation with full-time non-tenured faculty at the branch and with appropriate faculty from the main campus or other branches. The Branch Executive Director's recommendation, accompanied by a full, written evaluation report including at least a summary of the evaluations of all faculty members consulted, shall then be made directly to the Associate Provost for Academic Affairs. A recommendation shall then be made by the Associate Provost to the Provost-Vice President for Academic Affairs, who shall make the final decision.~~

~~F. If the Branch Executive Director makes a negative recommendation concerning tenure or promotion, or in the case of promotion makes no recommendation, an aggrieved faculty member has the right of appeal to the Branch Executive Director, Associate Provost and the Provost-Vice President for Academic Affairs. If this appeal is denied and the faculty member thinks that academic freedom has been violated, appeal then should be directed to the Academic Freedom and Tenure Committee, according to the procedure for adjudication prescribed in Sections 4-6 of the Policy on Academic Freedom and Tenure.~~

~~G. The faculty of each branch college shall establish a grievance committee to hear grievances connected with issues of academic freedom. The size and composition of this committee shall be determined by the faculty, part-time plus full-time. Grievances of any faculty, part-time or full-time, must first be presented to this committee, which shall conduct an inquiry and make a recommendation to the Branch Executive Director. If this recommendation is not satisfactory to the faculty member or if the Branch Director does not accept and implement it, the faculty member may then appeal to the Associate Provost for Academic Affairs and the Provost-Vice President for Academic Affairs. If still not satisfied at these levels, the faculty member then may request a hearing with the Academic Freedom and Tenure Committee, as prescribed in Section 6 of the Policy on Academic Freedom and Tenure.~~

APPLICABILITY

All UNM academic faculty and administrators.

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

[No specific definitions are required for the Policy Statement.](#)

WHO SHOULD READ THIS POLICY

- [Faculty](#)
- [Department Chairs, academic deans and other academic administrators and executives](#)

RELATED DOCUMENTS

UNM Regents' Policy Manual [Policy 2.14](#) "Branch Colleges and Off-Campus Education Centers"
Faculty Handbook

[A51](#) "Faculty Constitution, Article II"

[Section B](#) "Academic Freedom and Tenure"

CONTACTS

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

PROCEDURES

[No specific procedures at this time.](#)

DRAFT HISTORY

[October 24, 2016 – Prepare revised draft to reflect changes requested by the Section F taskforce.](#)

HISTORY

COMMENTS TO:
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F100: Teaching Load

Approved By: Faculty Senate

Effective Date: **Draft 12/08/16**

Responsible Faculty Committee: Policy Committee

Office Responsible for Administration: Office of the Provost

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

POLICY RATIONALE

The primary mission of the branch community colleges is teaching so this policy document provides modification of academic load for faculty.

POLICY STATEMENT

~~For the purposes of faculty FTE computation, the branches shall give due consideration to the Board of Educational Finance definition of a faculty FTE as determined for funding purposes. At the present time,~~ The determination of academic load of faculty at branch community colleges shall follow the description in *Faculty Handbook* policy C100. Each branch community college should have written faculty workload policies on file that include the terms and conditions for workload adjustments as appropriate under *Faculty Handbook* Policy C110. A normal full-time faculty member at a branch community college shall typically be assigned a teaching load consists of not less than fifteen load units credit hours or the equivalent per semester (see C110:5.1). As stated in *Faculty Handbook* Policy C110:5.2 for any case in which a full-time faculty member is assigned less than fifteen load units, advance approval is needed from the Dean of Instruction at the specific branch community college.

APPLICABILITY

All UNM academic faculty, staff, and administrators.

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

No specific definitions are required for the Policy Statement.

WHO SHOULD READ THIS POLICY

- Faculty and academic staff
- Department Chairs, academic deans and other academic administrators and executives

RELATED DOCUMENTS

UNM Regents' Policy Manual **Policy 2.14** "Branch Colleges and Off-Campus Education Centers"
Faculty Handbook

C100 "Academic Load"

C110 "Teaching Assignments"

CONTACTS

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

PROCEDURES

No specific procedures at this time.

DRAFT HISTORY

November 21, 2016 -- Incorporate changes based on feedback form the faculty at the branch campuses and from the Section F task force.

October 24, 2016 – Prepare revised draft to reflect changes requested by the Section F taskforce.

HISTORY

COMMENTS TO:
handbook@unm.edu

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D176: Graduate and Professional Student Conduct and Grievance Policy

Approved By: Faculty Senate and UNM President

Last Updated: **Draft 4/28/17**

Responsible Faculty Committee: Faculty Senate Graduate and Professional Committee

Office Responsible for Administration: Graduate Studies and Dean of Students

Revisions to the Policy Rationale, Policy Statement, and Applicability sections of this document must be approved by the Faculty Senate and the UNM President after consultation with the GPSA President, Graduate Studies, and the Dean of Students.

POLICY RATIONALE

The University of New Mexico (UNM) is committed to academic excellence and student success. The Graduate Student Academic Grievance (GSAG) Procedures have been established to address This Policy provides procedures to address for resolution of complaints, disputes, or grievances of an academic nature initiated by students enrolled in graduate and professional degree programs at UNM. It also addresses allegations of discrimination or sexual harassment, and allegations of student misconduct, as well as procedures for handling student disciplinary matters.

POLICY STATEMENT

Whenever possible, it is important to take a supportive problem solving approach to resolving academic disputes. However, UNM may take disciplinary action against a student for a violation of the Student Code of Conduct or other UNM policy when the offense occurs on UNM premises or at a UNM-sponsored event, or when the violation occurs off campus and failure to take disciplinary action is likely to interfere with the educational process or the orderly operation of UNM, or endanger the health, safety or welfare of the UNM community or any individual student or employee.

1. Matters Covered under this Policy

The following types of disputes or disciplinary matters are covered by this Policy and handled in accordance with the procedures described in the Procedures Section of this document. Any questions about these procedures should be directed to Graduate Studies or the Dean of Students.

1.1. Petitions to Modify Academic Requirements due to unusual or extraordinary events.

1.2. Academic record disputes involving students seeking retroactive withdrawal, enrollment, or disenrollment, or for other academic record changes.

1.3. Academic disputes arising within the academic process, whereby a student believes that there has been unfair or improper treatment by a faculty member or academic program/department in connection with the academic process. For example, it applies to disputes over assignment of grades, decisions about program or degree requirements or eligibility, or claims that course requirements are unfair.

1.4. Allegations of Academic Dishonesty arising from violation of academic dishonesty rules as defined in the Definitions Section.

1.5. Allegations of Discrimination or Sexual Harassment

Grievances alleging discrimination or sexual harassment as defined in the Definitions Section herein should be directed to the UNM Office of Equal Opportunity, which is tasked with investigating allegations of discrimination and sexual harassment and determining whether anti-discrimination policy has been violated. If OEO determines that a student has violated UNM anti-discrimination policy, disciplinary proceedings shall be handled under the Procedures set forth in Article 5 herein.

1.6. Allegations of Student Misconduct NOT Involving Discrimination or Sexual Harassment arising from violation of the Student Code of Conduct or other UNM policy.

2. Matters that may also be Covered under other UNM Policy

NOTE: The following sections on the law school and HSC were moved to here from D175 Undergraduate Student Conduct and Grievance Policy.

2.1. School of Law

Students attending the UNM School of Law must comply with the UNM Law School Bulletin and Handbook of Policies (Bulletin) ~~Student Code of Conduct~~, in addition to this Policy. ~~the UNM Student Code of Conduct~~. Allegations of academic misconduct, as enumerated in the Law School Student Code of Conduct (found in the Bulletin), are addressed by the processes defined in that Code. Others kinds of alleged misconduct, except for allegations of an act of discrimination or sexual harassment, may be addressed as described in the School of Law Administrative Due Process Policy and Procedure (found in the Bulletin). Allegations that a student in the School of Law has engaged in any discriminatory or sexual harassment as provided in Article 5. herein, shall be referred to the UNM OEO Office. Before determining sanctions for sexual harassment, the dean should consult with the Dean of Students.

The Bulletin ~~School of Law Bulletin and Handbook of Policies (Bulletin)~~ governs students enrolled in the Law School and to the extent Article 6. herein. ~~this Student Grievance Procedure~~ differs from the policies and procedures in the Bulletin, the Bulletin supersedes Article 6. ~~this Grievance Procedure~~. The School of Law may ~~at its discretion~~, refer cases of alleged student misconduct to the Dean of Students for review and possible action under the UNM Student Code of Conduct.

Discretionary review by the UNM President and Board of Regents, as provided for in sections 5.7 and 6.7 ~~Article 10.4~~ herein, is accorded to students in the School of Law.

2.2. Health Sciences Center

Graduate and professional students in academic programs in the Health Sciences Center School of Medicine, College of Pharmacy and College of Nursing have adopted student codes of conduct (including standards of professionalism) with which students in those academic programs must comply, in addition to the UNM “Student Code of Conduct” and other UNM policies. Except for allegations of discrimination or sexual harassment, which shall be referred to the UNM Office of Equal Opportunity, to the extent that Health Sciences Center academic programs have adopted policies and procedures that govern the adjudication of student conduct and student grievance matters, those policies and procedures supersede this Policy. Student Grievance Procedure. A decision by the respective dean of the School of Medicine, College of Pharmacy, College of Nursing, or College of Population Health may be appealed to the Health Sciences Center Chancellor, or his or her designee, under procedures adopted by the Chancellor's Office. ~~Decisions by the Dean of the School of Medicine are final for the Health Sciences Center when the positions of Dean and Chancellor are held by the same official.~~

Discretionary review by the UNM President and Board of Regents, as provided for in sections 5.7 and 6.7 ~~Article 10.4~~ herein, is accorded to graduate and professional students in academic programs in the HSC. ~~School of Medicine, College of Pharmacy and College of Nursing.~~

Before determining sanctions for sexual harassment, the dean should consult with the Dean of Students.

~~Academic programs in the School of Medicine, College of Pharmacy and College of Nursing may, at their discretion, refer cases of alleged student misconduct to the UNM Dean of Students for review and possible action under the UNM Student Code of Conduct, except that allegations that a student in a Health Sciences Center academic program has engaged in discrimination or sexual harassment act as provided in Article 5. herein, shall be referred to the UNM OEO Office.~~

3. Matters Not Covered Under This Policy

3.1. Disputes involving access to or information in a student's educational records shall follow procedures set forth in the UNM Student Records Policy, published in the student handbook, *The Pathfinder*.

3.2. Grievances arising out of a student's status as a UNM employee hired through the Student Employment Office shall follow procedures set forth in the UNM Student Employee Grievance Procedure, published in the student handbook, *The Pathfinder*.

3.3. Any student grievances concerning decisions made by UNM personnel, outside the academic process, for which specific procedures are not established, shall be resolved between the student and the office or department involved. If no resolution is reached, the parties may appeal to the appropriate dean or director and then to the appropriate vice president, Provost, or Chancellor. Appeals should be filed in writing within one (1) week of the decision.

3.4. Disputes arising from a student's status as a teaching assistant are addressed in Section B of the *Faculty Handbook*. Disputes arising from a graduate student's status as a graduate assistant shall follow procedures in the *Faculty Handbook*. *(moved from D175)*

APPLICABILITY

All academic UNM units, including the Health Sciences Center.

Revisions to the remaining sections of this document may be amended with the approval of the Faculty Senate Policy and Operations Committees after consultation with the GPSA President, Graduate Studies, and the Dean of Students.

DEFINITIONS

Academic Dishonesty includes, but is not limited to, plagiarism, dishonesty in quizzes, tests, or assignments; claiming credit for work not done or done by others; hindering the academic work of other students; misrepresenting academic or professional qualifications within or without UNM; and nondisclosure or misrepresentation in filling out applications or other University records.

Accused student refers to the individual accused by the complainant of having violated University policy.

Complainant refers to the individual alleging that they have experienced discrimination as defined herein.

Complaint refers to:

- request for informal resolution of academic matters in Procedures Section 3.2. herein;
- allegations of prohibited discrimination as defined herein filed with UNM's Office of Equal Opportunity; or
- allegations of misconduct referred to the Dean of Students per Procedures Section 6.2. herein.

Discrimination includes all forms of unlawful discrimination based on an individual's or group's protected class(es), including unlawful discrimination based on age (40 and over), ancestry, color, ethnicity, gender identity, gender/sex, genetic information, medical condition, national origin, physical or mental disability, pregnancy, race, religion, sexual orientation, spousal affiliation, veteran status and any other protected class as described in University Administrative Policy #2720. Sexual harassment is a form of gender discrimination that includes sexual violence, which is considered a severe form of sexual harassment. For purposes of this Policy, "discrimination" also includes retaliation for having made allegations of discrimination or sexual harassment, having participated in an investigation into allegations of discrimination or sexual harassment, or otherwise having engaged in opposition to unlawful discrimination or sexual harassment. Retaliation is explicitly prohibited under University Administrative Policies #2200, 2720, 2730, and 2740.

Graduate and Professional Student includes both full-time and part-time students pursuing graduate or professional studies. Student status continues for the entire period of enrollment, including University holidays, class breaks and summer session, if the student is enrolled for the preceding spring and following fall academic terms.

Misconduct is any activity performed by a UNM student or any other member of the UNM community that violates state and/or federal laws or regulations, local ordinances, or UNM policy.

Office of Equal Opportunity or OEO is the UNM office that processes allegations of discrimination or sexual harassment as defined herein, including but not limited to investigating such allegations and making determinations as to whether or not UNM's policies prohibiting discrimination or sexual harassment have been violated. OEO does not issue sanctions for violations of policy.

No Policy Violation means that the evidence submitted during the OEO investigation does not support a finding that it is more likely than not that the acts alleged are in violation of University policy prohibiting discrimination or sexual harassment.

Policy Violation means that the evidence submitted during the OEO investigation supports a finding that it is more likely than not that the acts alleged are in violation of University policy prohibiting discrimination or sexual harassment.

Sexual harassment is a form of gender discrimination and is defined in UAP Policy **2730** "Sexual Harassment." Sexual harassment includes sexual misconduct and sexual violence, which is considered a severe form of sexual harassment. Sexual violence and sexual misconduct are defined in UAP Policy **2740** "Sexual Violence and Sexual Misconduct."

Working Days refer to UNM traditional work days defined by UNM Human Resources as five (5) work days Monday through Friday ending at 5:00 PM. Working days do not include official UNM holidays listed in UAP Policy **3405** "Holidays."

WHO SHOULD READ THIS POLICY

- Graduate and Professional Students
- Faculty members
- Staff in Office of the Dean of Students
- Staff at Student Health and Counseling (SHAC)
- Administrative staff responsible for student events

RELATED DOCUMENTS

Regents Policy Manual

RPM 1.5 "Appeals to the Board of Regents"

RPM 4.2 "Student Code of Conduct"

RPM 4.3 "Student Grievances"

RPM 4.4 "Student Records"

RPM 4.8 "Academic Dishonesty"

Faculty Handbook

D75 "Classroom Conduct"

D100 "Dishonesty in Academic Matters"

- [D176 "Graduate Student Grievance Procedures"](#)
- [University Administrative Policies Manual](#)
- [2200 "Whistleblower Protection and Reporting Suspected Misconduct and Retaliation"](#)
- [2720 "Equal Opportunity, Non-Discrimination, and Affirmative Action"](#)
- [2730 "Sexual Harassment"](#)
- [2740 "Sexual Violence and Sexual Misconduct"](#)

[Pathfinder "Student Code of Conduct"](#)
[Office of Equal Opportunity **Discrimination Claims Procedure**](#)
[The School of Law Bulletin and Handbook of Policies \(Bulletin\)](#)
<http://lawschool.unm.edu/academics/common/docs/bulletin-handbook-policies.pdf>
[HSC School of Medicine, School of Pharmacy, and School of Nursing Handbooks](#)

CONTACTS

[Direct any questions about this Policy to Graduate Studies or the Dean of Students.](#)

PROCEDURES

[Reasonable deviations from these procedures by UNM will not invalidate a decision or proceeding unless significant prejudice results.](#)

Article 1. Petition to Modify Academic Requirements (Note: found on pages 2 and 3 of current policy.)

1.1. Scope

Graduate students may petition the Dean of Graduate Studies for an exception to any of the University-wide policies or regulations specified in the University Catalog. Petitions are intended to allow students the opportunity to deal with unusual or extraordinary events, particularly circumstances beyond their control that would penalize them unfairly. It should be kept in mind, however, that a hallmark of fairness is the uniform application of the same standards and deadlines to all students.

1.2. Petition

A petition should be initiated and signed by the student in the form of a memo or letter addressed to the Dean of Graduate Studies. It should clearly state the specific nature of the exception or special consideration being requested, and provide a complete but concise justification. If the request involves the extension of a deadline, a proposed new deadline date should be indicated. ~~Before considering a petition, the Dean will require that the student have an approved "Application for Candidacy" on file at the Office of Graduate Studies (OGS). If this has not already been submitted, both documents may be turned in simultaneously, with the petition attached to the front.~~

Petitions must be submitted in the sequence listed below:

1.2.1. The student must first submit the petition to his/her the student's graduate advisor. The advisor should indicate whether he/she the advisor endorses the student's request, and why.

1.2.2. The petition must next be submitted to the student's graduate unit -- the faculty graduate director, the chair, or the departmental graduate committee, depending upon the practice in the particular unit. The student may choose to submit the petition to the graduate unit even if it was not endorsed by the advisor. The unit should also indicate whether it supports or does not support the student's request, and why.

1.2.3. The petition should then be forwarded to the Office of Graduate Studies. The student may choose to submit the petition to Graduate Studies the OGS even if it was not supported by his/her the student's academic unit. In certain cases, the dean or his/her designee may ask the Faculty Senate Graduate and Professional Committee, serving in an advisory capacity, to review the petition and offer its recommendation for approval or disapproval. The decision of the Dean is final.

A written response to a petition will usually be mailed to the student within two (2) weeks from its receipt by Graduate Studies the OGS, and a copy sent to the academic unit. (This period may be extended to allow for UNM holidays or other periods when UNM is not in session.) The original petition will be retained in the student's file at Graduate Studies the OGS. Petitions that are lacking required documentation will be returned to the student, and will not be considered until all documentation has been received. Inquiries regarding the status of a petition should be directed to the Academic Records Assistant at (505) 277-2714.

Article 2. Academic Record Disputes

2.1. Scope

This article sets forth the procedures which should be followed by a student seeking retroactive withdrawal, enrollment, or disenrollment, or for other academic record changes involving exceptions to the rules governing registration and academic records which are set forth in the UNM Catalog. It does not cover disputes involving academic judgment (e.g. grades).

2.2. Petitions

2.2.1. A student seeking a change in the student's academic record within the scope of this article shall submit a petition to Registrar's Office for consideration by the Faculty Senate Admissions and Registration Committee. The petition shall:

1. Include a statement of the nature of the request including why the student feels it should be granted.
2. Specify the semester involved and the subject/department code, course and section numbers.
3. Specify the student's name, UNM I.D. number, mailing address, email address and telephone number.
4. Include documentation of extenuating circumstances, such as medical, family, or employment needs.
5. Be typed and signed.

6. Optionally, include supporting statements from involved faculty and academic units.

2.2.2. Upon receipt of the petition, Registrar's Office shall forward a copy to the instructor of the course. The instructor shall make any response within three (3) weeks of receipt. If the instructor has not responded within three (3) weeks, the Faculty Senate Admissions and Registration Committee ("Committee") shall proceed to consider the petition without the instructor's response.

2.3. Appeal

At the next regular meeting after receipt of the instructor's response (or lack of response), the Committee shall take action on the petition. If the Committee denies the petition, it shall issue a brief statement giving the reasons for the denial. Absent any new information from the student, the Committee's decision shall be final. If the student has new information that was unavailable at the time the Committee made the decision and that may affect the Committee's decision of denying the petition, the student may request reconsideration from the Committee. The Committee's decision upon reconsideration is final for UNM.

Article 3. Academic Disputes

3.1. Scope

This article sets forth the procedures for resolution of a variety of possible issues related to the academic process. These may include, but are not limited to, issues related to progress toward a degree and allegedly improper or unreasonable treatment, except that disputes or grievances based upon alleged discrimination or sexual harassment should be directed to the Office of Equal Opportunity (OEO) in accordance with Article 5 herein. The procedures may not be used to challenge the denial of admission to a degree program, nor to appeal the refusal of a petition by the Dean of Graduate Studies for an exception to UNM-wide degree requirements, policies or procedures. (Note: found in 2nd paragraph of current policy.)

3.2. Informal Resolution

Although conflicts that on occasion occur between students and faculty or administrators may be resolved through formal adjudication, a more informal and productive kind of resolution -- one that is mutually agreed upon by the parties involved -- is strongly encouraged. (Note: found in 1st paragraph of current policy.)

3.2.1. A student with a complaint related to academic matters is encouraged to consult with the Office of Graduate Studies to discuss his/her the concerns, seek to clarify pertinent rules and regulations governing graduate study, and explore constructive ways to resolve the problem directly with the faculty member or administrator involved. This should occur as soon as reasonably possible after the student has become aware of the problem. (Note: found in item 1. of current policy.)

3.2.2. The student should then arrange a meeting with the faculty or administrator involved in the complaint to address the problem and to explore the possibility of a jointly achieved resolution. (Note: found in item 2. of current policy.)

3.2.3. If agreement cannot be reached, the student may seek the assistance of the departmental faculty graduate advisor and/or the chair in resolving the dispute. If the dispute is with a faculty member in a department different from the student's, the appropriate chair or advisor would be in the department in which the faculty member resides or in which the course in which the dispute arose was offered. It is expected that these administrators will play an active part in helping to resolve the disagreement. In the event that the graduate unit involved is non-departmentalized, the student may go directly to the dean or director of that unit for assistance. (Note: found in item 3. of current policy.)

3.3. Formal Resolution of Academic Matters

If the matter cannot be resolved at the departmental level, the student may bring the problem to the attention of the school or college dean. The school or college dean will determine whether to adjudicate the dispute or to refer the student to the Dean of Graduate Studies for a resolution. If the dispute is with a faculty member in a school or college different from the student's, the appropriate dean would be the one in the unit in which the faculty member resides, or in which the course in which the dispute arose was offered. In the resolution of grievances at the level of a school or college dean or the Dean of Graduate Studies, the following procedures will apply. , as described also in the Pathfinder, under "Student Grievance Procedure," Sections 2.3.1. – 2.3.7. (Note: found in item 4. of current policy.)

3.3.1. a The Student must submit a formal, written statement of his/her the grievance. This document should summarize the facts that support the grievance, indicate the desired resolution, and describe the efforts already made at reaching that resolution, as well as their outcome. The faculty or staff member against whom a grievance has been filed will be sent a copy of the written statement, and will have two (2) weeks in which to respond in writing to the dean. (Note: found in item 4(a) of current policy.)

3.3.2. b The Dean will review all written materials submitted, and provide both parties the opportunity to review and respond to all evidence. The Dean will interview each party, as well as any other persons who may have relevant information. The Dean may elect to hold an informal hearing involving both the parties to the grievance and witnesses. If such a hearing is held, the parties will be given five (5) working days' notice. Each party will be allowed to bring an advisor to the hearing, who may or may not be an attorney, but the advisor may not participate in the hearing. ~~but will not be permitted legal representation.~~ Cross examination of witnesses will be permitted, although the dean may require that questions be directed though the dean. ~~him/her.~~ (Note: found in item 4(b) of current policy.)

3.3.3. c The Dean may choose to convene an advisory committee to help evaluate the grievance. A school or college dean may utilize a standing committee from that unit; the Dean of Graduate Studies will utilize the Senate Graduate and Professional Committee. (Note: found in item 4(c) of current policy.)

3.3.4. ~~4.~~ Generally, a written report on the grievance will be issued by the Dean within a period of ~~four weeks~~ twenty (20) working days after it has been formally filed. (This period may be extended to allow for ~~University holidays or other~~ periods when UNM is not in session.) The report will explain the dean's findings, conclusions, ~~his/her~~ decision, and the basis for that decision. A copy will be sent to each party, and to the chairperson or supervisor of the faculty or staff member involved. (Note: [found in item 4\(d\) of current policy.](#))

3.4. Appeal of Formal Decision

During the appeal process, the Provost, President, and/or Board of Regents cannot overrule a faculty member's academic judgment.

3.4.1. Appeal to Provost

~~4(e). The decision of the Dean may be appealed by either party to the Office of the Provost within a period of two weeks. The Provost will reconsider that decision only if there are substantive, procedural grounds for doing so (for example, significant evidence that was not accepted or has arisen since the Dean's decision was announced). The decision of the Provost is final.~~

Either party may appeal the dean's decision within ten (10) working days of receipt of the decision to the Provost. The Provost or designee shall resolve the grievance utilizing any procedures available to the dean set out above. The Provost may refer the matter to the Faculty Ethics and Advisory Committee for consideration of disciplinary action against the faculty member involved, if such action appears warranted.

3.4.2. Appeal to the President and the Board of Regents

The President has the discretionary authority to review all decisions by the senior administrators, and the Board of Regents has the discretionary authority to review all decisions of the President. A request for a review by the President or the Board of Regents shall be made in writing, and must include the alleged facts, what happened in the proceedings to date, and the reasons justifying extraordinary review. Such requests must be filed in the President's Office within seven (7) working days of the date of the written decision from the last reviewer.

Article 4. Academic Dishonesty

4.1. Scope

This article sets forth procedures which shall be followed in cases of suspected academic dishonesty. These procedures are not exclusive; various UNM departments and programs may have additional policies and procedures on academic dishonesty. Academic dishonesty is defined in Definitions Section of this Policy. Students who commit academic dishonesty may be subject to code of conduct sanctions and academic sanctions.

4.2. Academic Dishonesty within Courses: Faculty-Imposed Sanctions

4.2.1. When a violation of the academic dishonesty rules appears to have occurred within the academic process, the faculty member shall discuss the apparent violation with the student as

soon as possible and give the student an opportunity to explain. After this discussion, the faculty member should consult with Graduate Studies to discuss possible courses of action. The faculty member may impose an appropriate sanction within the scope of the academic activity, such as grade reduction and/or involuntary withdrawal from the course. The faculty member shall notify the student of the academic sanction.

4.2.2. The faculty member should report the matter to the Dean of Students, by submitting an adjudication form and any supplemental documentation and indicate if the faculty member wishes the Dean of Students Office to pursue any additional disciplinary action against the student. The Dean of Students Office shall send a copy of the form and attachments to the student. The Dean of Students may initiate sanction(s) in accordance with this Policy.

4.2.3. The student may challenge a sanction imposed by a faculty member using the process defined in Procedures section 3.4. herein. The student may challenge a sanction imposed by the Dean of Students for a code of conduct issue using the process defined in Procedures section 6.7 herein.

4.3. Academic Dishonesty in Other Settings

When academic dishonesty occurs other than in connection with a course, the person who observes or discovers the apparent violation shall transmit in writing to the appropriate faculty member or Dean of Students a statement describing the occurrence. The faculty member or Dean of Students will send a copy to the student, and will address the situation in accordance with Procedures sections 4.2.1. and 4.2.2. herein. shall determine the sanction following the procedures set forth in section Article 3.4. herein.

4.4. Sanctions Imposed by the Dean of Students

Upon receiving a report of academic dishonesty from a faculty member pursuant to section 4.2.3 herein, or from other University staff pursuant to section 4.3 herein, the Dean of Students may, after considering the recommendation of the faculty member, if any, initiate additional disciplinary action in accordance with this Policy.

4.4 Appeals

The student may challenge a sanction imposed by a faculty member using the process defined in Procedures section 3.4 herein. The student may challenge a sanction imposed by the Dean of Students for a code of conduct issue using the process defined in Procedures section 6.7 herein.

Article 5. Allegations of Discrimination or Sexual Harassment

5.1. Scope

This article sets forth the procedures which should be followed when there are allegations that a student has engaged in an act of discrimination or sexual harassment, which by definition includes sexual misconduct and sexual violence.

5.2. Reporting to/and Investigation by the Office of Equal Opportunity (OEO)

5.2.1. Allegation(s) that a student has engaged in an act of discrimination or sexual harassment will be referred to UNM's Office of Equal Opportunity (OEO) for investigation pursuant to OEO's Discrimination Claims Procedure. If it accepts the matter for investigation, OEO will issue a Final Letter of Determination at the conclusion of that investigation finding either that there was no Policy Violation or there was a Policy Violation found that the accused student has committed an act in violation of UNM's prohibitions against discrimination or sexual harassment as defined herein. The accused student and complainant have the right to appeal OEO's Final Letter of Determination as provided for in OEO's Discrimination Claims Procedure, which describes the sole method of appealing a determination made by OEO.

5.2.2. If OEO finds No Policy Violation of UNM's prohibition against discrimination or sexual harassment, OEO will refer the matter to the Dean of Students Office for review to determine whether charges under any other provisions of the UNM Student Code of Conduct or UNM policy are warranted or other action should be taken.

5.2.3. If Policy Violation is found that a student committed an act of discrimination or sexual harassment in violation of UNM policy, OEO will refer the matter to the Dean of Students Office to determine the sanction to be imposed. For HSC Students, OEO will refer the matter to the Vice Chancellor for Academic Affairs to determine the sanction to be imposed. For dual degree students, OEO will refer the matter to the appropriate dean and the Dean of Students to determine the sanction(s) to be imposed. The deans of any Professional School should consult with the Dean of Students Office. Sanctions should be designed to eliminate the misconduct, prevent its recurrence, and remedy its effects, while supporting UNM's educational mission and obligations under UNM policy and state and federal law, including but not limited to Title IX of the Education Amendments of 1972, the Civil Rights Act of 1964, and the New Mexico Human rights Act.

5.3. Appeals

5.3.1. Appeal to the Vice President for Student Affairs

The decision on sanctions made by the Dean of Students Office may be appealed to the Vice President for Student Affairs. The student must submit a written request for appeal to the Vice President for Student Affairs within seven (7) working days of the date of the written decision from the Dean of Students Office. The Vice President for Student Affairs will send written notification of the decision to the appealing party within ten (10) working days of receiving the request for appeal. A copy of the decision shall be sent to the Dean of Students Office.

5.3.2. Appeal to the President and the Board of Regents

The President has the discretionary authority to review all decisions by the senior administrators, and the Board of Regents has the discretionary authority to review all decisions of the President. A request for a review by the President or the Board of Regents shall be made in writing, and must include the alleged facts, what happened in the proceedings to date, and the reasons justifying extraordinary review. Such requests must be filed in the President's Office within seven (7) working days of the date of the written decision from the last reviewer.

5.4. Disciplinary Information Provided to Victim of Violence or a Non-forcible Sex Offense

Upon written request, UNM, to the extent permitted by the federal Family Educational Rights and Privacy Act (FERPA), will disclose to the individual who alleges that they were subjected to a crime of violence or a nonforcible sex offense the final results of the disciplinary proceedings conducted by UNM issued to the student who is the alleged perpetrator of the offense(s) alleged. If the individual who is alleged to have been subjected to the crime of violence or non-forcible sex offense at issue is deceased as a result of such offense(s), the next of kin of such individual shall be treated the same as that individual for the purpose of disclosing the final result of the disciplinary proceedings.

Additionally, in cases of sexual harassment as described in Procedures Article 5 herein, the respondent and inquiring parties have the right to be notified in writing of the final determination and any sanctions imposed to the extent permitted by the federal Family Educational Rights and Privacy Act (FERPA).

Article 6. Allegations of Student Misconduct NOT Involving Discrimination or Sexual Harassment

6.1. Scope

This article sets forth the procedures which should be followed when there are allegations that a student violated the Student Code of Conduct or other UNM policy not involving discrimination or sexual harassment, which are addressed in Procedures Article 5 herein.

6.2. Referral of Misconduct to Dean of Students Office

Allegations of misconduct in violation of the Student Code of Conduct or other UNM policy must be in writing and submitted to the Dean of Students Office which has primary authority to deal with disciplinary matters pertaining to students. Complaints of alleged misconduct should be submitted as soon as possible after the event takes place, preferably within forty-five (45) working days. Absent just cause, complaints must be submitted within one (1) year following discovery of the suspected misconduct.

6.3. A student allegedly committing a criminal offense under state or federal law that is also a violation of the Student Code of Conduct or other UNM policy may be subject to UNM disciplinary proceedings. UNM may pursue disciplinary action against a student at the same time the student is facing criminal charges for the same offense, even if the criminal prosecution is pending. UNM may also pursue disciplinary action even if criminal charges were dismissed, reduced or resolved in favor of the student-defendant.

6.4. Unless otherwise specified in the decision, sanctions issued by the Dean of Students Office (not including an Emergency Suspension as outlined in in Procedures section 6.5 herein) shall not be implemented until the appeal process as set forth under Procedures section 6.7 herein is completed.

6.5. Emergency Suspension and Banning from Campus

The Dean of Students may immediately suspend a student (or chartered student organization) and/or ban a student or visitor if the Dean concludes that the person's continued presence on the campus may endanger persons or property or may threaten disruption of the academic process or other campus functions. When a person has been immediately suspended or banned by the Dean of Students, the person may request to meet with the Dean to consider whether the emergency suspension should be continued.

For students and chartered student organizations, an emergency suspension or banning does not end the disciplinary process. Resolution of the charges will proceed as set forth in herein. For visitors, the Dean of Students will decide whether to maintain an emergency ban and make it permanent, or modify or end the emergency ban, ordinarily after giving the visitor an opportunity to meet. The decision of the Dean of Students concerning a visitor is final.

6.6. Decisions of the Dean of Students Office pertaining to students are subject to appeal in accordance with Procedures section 6.7 herein.

6.7. Appeals, Records, and Rights

6.7.1. Appeal to Vice President for Student Affairs

The decision on sanctions pertaining to students made by the Dean of Students Office may be appealed to the Vice President for Student Affairs. The student must submit a written request for appeal to the Vice President for Student Affairs within ten (10) working days of the date of the written decision from the Dean of Students Office. The Vice President for Student Affairs will send written notification of the decision to the appealing party within ten (10) working days of receiving the request for appeal. A copy of the decision shall be sent to the Dean of Students Office.

6.7.2. Appeal to the President and the Board of Regents

The President has the discretionary authority to review all decisions by the senior administrators, and the Board of Regents has the discretionary authority to review all decisions of the President. A request a review by the President or the Board of Regents shall be made in writing, and must include the alleged facts, what happened in the proceedings to date, and the reasons justifying extraordinary review. Such requests must be filed in the President's Office within ten (10) working days of the date of the written decision from the last reviewer.

Article 7. General Provisions

The following provisions are applicable to all portions of this Policy.

7.1. Student Conduct Records

Records regarding student conduct shall be kept in the Dean of Students Office for a period of ten (10) years after final disposition, except for records of expulsions which shall be permanently maintained. Copies of the final decision shall, in an academic dishonesty case, be sent to the faculty member.

7.2. Rights of the Parties Participating in Student Code of Conduct Grievances

The rights of the parties participating in grievances as provided herein include:

7.2.1. The party charged with an alleged violation has the right to written notice of the charges at issue in the proceeding that contains sufficient detail and time to prepare for a hearing.

7.2.2. The party charged with an alleged violation has the right to a timely hearing before an appropriate official or committee.

7.2.3. The party charged with an alleged violation has the right to know the nature and source of the evidence used in a hearing process.

7.2.4. Both parties have the right to present evidence in their own behalf.

7.2.5. Both parties have the right to choose not to testify and/or not to answer questions; in such cases, the decision maker will decide the charges based upon all of the evidence presented.

7.2.6. Subject to the limits set forth in Procedures section 3.3.2 both parties have the right to be accompanied by an advisor at a hearing, who may or may not be an attorney, but the advisor may not participate in the hearing.

7.2.7. The party alleging that the accused student engaged in misconduct has the right to submit a victim impact statement to the hearing officer or committee during the sanctioning portion of the discipline process.

7.2.8. The party alleging that the accused student engaged in misconduct has the right to have past irrelevant behavior excluded from the discipline process.

7.2.9. Both parties have the right to be free from retaliation for having made an allegation of misconduct or having participated in a grievance under this procedure. Allegations of retaliation should be submitted to the Dean of Students Office.

7.3. Former Students

These procedures apply to disputes between students and other members of the UNM community. If the student has left the UNM community (by graduation or otherwise), these procedures shall continue to apply so long as the event giving rise to the dispute occurred while the student was a member of the UNM community and so long as UNM has the power to resolve the matter. UNM retains the right to change grades or rescind degrees, when, after the grade or degree has been awarded, it discovers new information indicating that the grade or degree was not earned in accordance with all UNM academic, student conduct, and other applicable requirements and policies.

7.4. Designees of Deans, Vice Presidents, Vice Chancellors, or Senior Level Administrators

Whenever this Policy specifies an action or decision by a college/school dean, the Dean of Students, the Dean of Graduate Studies, a vice president, a vice chancellor, or a more senior level administrator, that individual may delegate consideration and decision of the matter to a designee. Such designee will normally be but is not required to be, a member of the decision maker's staff.

HISTORY

*Approved by Faculty Senate Graduate Committee 10/20/1994
Revisions approved March 6, 1997 by Faculty Senate Graduate Committee*

DRAFT HISTORY

April 28, 2017 Draft revised to reflect changes from 4/18/17 task force meeting.

April 17, 2017 – Draft revised to reflect changes from 3/21/17 task force meeting.

March 21, 2017 – Draft revised to reflect changes from last meeting pertaining to the Law School and to incorporate changes submitted by Graduate Studies.

March 5, 2016 – Draft revised to reflect changes to D175 and changes requested by Graduate Studies.

February 18, 2017 Draft revised to reflect recent changes to D175.

January 7, 2017 – Draft revision prepared for Taskforce discussing at its next meeting scheduled for 2/9/17. The taskforce is revising the policy because law and HSC students are being removed by D175. In addition, appeal rights need to be corrected in D176. It also appears that many of the items addressed in D175 for undergraduate students might also be needed in D176 for graduate students.

COMMENTS TO:
handbook@unm.edu

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Candyce Torres

From: Carol Stephens
Sent: Sunday, June 4, 2017 12:41 PM
To: Candyce Torres
Cc: Kimberly Gauderman; Martha L Muller; Kenedi Hubbard
Subject: Fw: SGPC comments on Policy D176
Attachments: d176 4.28.17 draft highlighted for changes to current policy.docx

Hi Candyce,

For agenda action item #3, I've attached the latest draft of D176 that was sent to the Senate Graduate and Professional Committee for review. As part of this email, I'm forwarding you the comments from the SGPC. You should include a copy of these comments with a copy of the attached draft in the Policy Committee agenda. Thanks-- Carol

Carol Stephens
stephens@unm.edu
505-220-4877

"May your choices reflect your hopes, not your fears" -- Nelson Mandela

“

From: Jennifer Thacher <jenniferathacher@gmail.com>
Sent: Thursday, May 4, 2017 10:06 AM
To: Carol Stephens
Cc: Tim Lowrey
Subject: SGPC comments on Policy D176

Carol:

The SGPC reviewed Policy D176 at today's SGPC meeting. Overall the committee was very supportive of the policy and appreciative of the hard work that went into crafting the policy. Below are the few comments/suggestions from the committee:

* Pg 9: Sct 3.3.2: The SGPC thought that language should be added to require notification to a faculty member that an attorney would be attending with the student. If prior notification wasn't received, any meeting would be rescheduled. This would then give faculty time to request University Council to be present.

* 3.4: The SGPC thought it would be helpful to provide more clarification of what is and what is not considered "academic judgement". Different members of the committee interpreted section 3.4 differently.

* Consider providing further clarification of the overall process and applicability of the policy across north and main campus. The inclusions of the sections for HSC and the Law School provide an abbreviated reference to the applicable policies under which they operate, but integration in the rest of the document of language that includes or excludes HSC and Law students from specific procedural steps would be helpful. In reading Article I under procedure, there are may specific references to graduate students and graduate studies but no reference to professional students.

* A general comment, which should perhaps be directed to the committee that does general policy, is that for the typical naive reader, the specific meaning of "should" vs "shall" etc is not clear. For example, on pg 11 a committee misinterpreted "should" to mean that reporting was required. Perhaps these types of words should be defined somewhere.

Let me know if you have any questions. Thanks for the opportunity to review.

Jenn

A61.6: Information Technology Use Committee

Approved By: Faculty Senate

Last Updated: November 22, 2011 *Draft 4/4/17*

Responsible Faculty Committee: Information Technology Use Committee

Office Responsible for Administration: Office of the University Secretary

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

POLICY RATIONALE

The Information Technology (IT) Use Committee is the voice of the faculty in the co-governance of IT matters.

POLICY STATEMENT

The Information Technology Use Committee, in cooperation with UNM IT and other core technology providers, is advisory to the office of the Provost/Vice President for Academic Affairs on all matters relating to technology access. The Committee represents and reports to the Faculty Senate through regular procedures and submits a yearly report to the Senate. In cooperation with UNM IT and other core technology providers, the Committee acts in collaboration with the IT Academic Technologies Advisory Board and the IT Research Technologies Advisory Board to provide review of and recommendations regarding administration, purchasing, use, and implementation of IT systems and applications. Through communication with the academic and administrative units, it represents the needs and concerns, particularly of the academic community, for computing resources and information technology needs. The chair of the Information Technology Use Committee is a voting member of the Academic Technologies Advisory Board and the IT Research Technologies Advisory Board. The Committee's purview includes, but is not limited to, soliciting faculty feedback, assessment and articulation of faculty needs, advocacy of innovative and effective instructional and research technologies, active participation in IT strategic planning, advice on IT budgets, recommendation for priorities and liaison with academic, research, and as well as administrative computer users.

APPLICABILITY

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

DEFINITIONS

No specific definitions are required for the Policy Statement.

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

- Academic chairs, directors, and deans
- Non-academic managers and directors
- Vice presidents and other executives

RELATED DOCUMENTS

[University Administrative Policy Manual](#)

[2500: Acceptable Computer Use](#)

[2510: Computer Use Guidelines](#)

[2520: Computer Security Controls and Access to Sensitive and Protected Information](#)

[2530: Remote Electronic Input to the Financial Accounting Systems](#)

[2540: Student Email](#)

[2550: Information Security](#)

[2560: Information Technology \(IT\) Governance](#)

[2570: Official University Webpages](#)

[2580: Data Governance](#)

[2590: Access to Administrative Computer Systems](#)

CONTACTS

Direct any questions about this policy to the UNM Office of the University Secretary.

PROCEDURES

No procedures needed at this time

HISTORY

March 22, 2011 – Approved by Faculty Senate

DRAFT HISTORY

[April 3, 2017 – Revised draft to include IT Committee’s recommended changes.](#)

COMMENTS TO:
handbook@unm.edu

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D90: Granting Degrees for Posthumous, Memorial, and Extraordinary Circumstances

Approved By: Faculty Senate

Last Updated: **Draft 3/30/17**

Responsible Faculty Committee: Faculty Senate Policy Committee

Office Responsible for Administration: Office of University Secretary

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) recognizes that ~~earning~~ an academic degree is a matter of legitimate pride in achievement not only for students themselves but also for the family members and friends who provide students with vitally important support and encouragement during the course of their studies. UNM also recognizes that not only the degree, but also ~~significant~~ progress in an academic program is, under certain circumstances, an achievement which warrants special recognition. Accordingly, UNM ~~will make available~~ may grant degrees posthumously, in memorial, or in extraordinary circumstances. A degree of the appropriate type and level may to be bestowed upon a student who meets required criteria with appropriate approvals.

POLICY STATEMENT

Requests for granting degrees posthumously, in memorial, or due to an extraordinary circumstance may be initiated by the student, student's family, the faculty of the department and/or college/school, or a UNM administrator. The request should be submitted to the Office of University Secretary who will determine what documentation is required and facilitate review and approval by the appropriate faculty, college/school official(s), Faculty Senate (FS) Committees, and the Faculty Senate. Awarding of graduate and professional degrees require approval of the Departmental faculty and the Faculty Senate Graduate and Professional Committee. Approved degree requests may be awarded under the following circumstances:

1. Posthumous

If approved by all levels as specified herein, UNM may grant posthumous degrees to a student who dies before he or she is able to complete his/her program. The student must be in degree status and either currently enrolled or enrolled in the academic year previous to his/her death. Normally, the student should ~~must~~ have completed ~~a minimum of~~ half of the credits required for the degree. The degree will be noted as "posthumous" on both the diploma and the transcript.

2. In Memoriam

If approved by all levels as specified herein, UNM may award a degree in memoriam to a student who was in good standing at UNM at the time of his or her death and who does not meet the requirements necessary to be awarded a posthumous degree. The degree will be noted as "in memoriam" on both the diploma and the transcript.

3. Extraordinary Circumstances

If approved by all levels as specified herein, UNM may grant a degree when extraordinary circumstances beyond the student's control prevent the student from completion of his or her academic program. Normally, the student should have completed half of the credits required for the degree. If departmental faculty vote to waive remaining degree requirements, the student will be awarded a degree without special notation on the diploma and transcript. If degree requirements are not waived, a special notation will be added to the diploma and transcript.

a. Terminally Ill

If approved by all levels as specified herein, special consideration may be given for terminally ill students. Before the student dies, the student and family may be informed of the college's/school's and UNM's decision to award the degree. The dean, department chair, or other appropriate representatives may present the degree in a private gathering as a special gesture to the family and student. The family will receive the diploma as soon as it's produced.

b. Rare and Unusual Situations

If approved by all levels as specified herein, degrees may be awarded to a student or former student due to extraordinary circumstances. These situations are extremely rare and unusual, and the required criteria will be determined on a case-by-case basis by UNM. A request for consideration of granting a degree for an extraordinary circumstance, must describe the exceptional situation(s) that impacted the student's ability to complete the academic program.

APPLICABILITY

All academic 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 and Operations Committee.

DEFINITIONS

No definitions specific to this Policy.

WHO SHOULD READ THIS POLICY

- Students
- Faculty members
- Staff in Office of the Dean of Students
- Academic administrators

RELATED DOCUMENTS

[Regents Policy Manual RPM 1.1 “Responsibilities of the Board of Regents”](#)

CONTACTS

Direct any questions about this policy to Office of the University Secretary.

PROCEDURES

[Approval of these degrees by the Board of Regents will follow established degree approval processes.](#)

HISTORY

February 27, 2007--Approved by the Faculty Senate

DRAFT HISTORY

[March 30, 2017 – Revised draft address graduate degree requirements.](#)

March 6, 2017—Draft to add terminally ill students and extraordinary circumstances such as the World War II veteran who was granted a degree.

COMMENTS TO:
handbook@unm.edu

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C20: Employment of UNM Graduates

Approved By: Faculty

Effective Date: **Draft 2/12/17**

Responsible Faculty Committee: Policy Committee

Office Responsible for Administration: Office of Faculty Affairs and Services or Vice Chancellor for Academic Affairs.

Legend for highlights: Text from current policy shown in **black**; recommended changes to address current practice are shown in red, underlined.

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 UNM's general policy that ~~no person~~ an individual who has received a terminal degree from UNM will not be hired as a ~~regular~~ member of the faculty in a position which may lead to permanent tenure, except if the hiring would greatly enhance UNM's academic, research, and public service mission. This Policy defines instances that may qualify for this exception and the procedures for approval.

POLICY STATEMENT

At the discretion of the Provost, ~~Vice President for Academic Affairs~~ or the Chancellor ~~Vice President for Health Sciences for Health Sciences faculty~~, an exception may be made to the general policy for the following instances. All hiring for positions which may lead to permanent tenure ~~tenure track positions~~ based on one of these exceptions must be approved in advance, in writing by the Provost or the Chancellor.

Post Terminal Degree Experience:

~~unless~~ Subsequent to the last degree at UNM, the individual ~~he or she~~ has taken at least one academic year of advanced work at another reputable institution or has established himself or herself professionally elsewhere. Such work or professional experience must be in his or her teaching field.

Pre Terminal Degree Experience

A person who has taken a master's degree, its equivalent, or pursued other substantial graduate work at another reputable institution before receiving a more advanced degree at UNM.

Shortage of Qualified Individuals

A highly qualified UNM graduate in a field where there is an acute shortage of qualified individuals.

New Mexico Minority Doctoral Assistance Loan for Service Program

UNM has a commitment to hire participants in the New Mexico Minority Doctoral Assistance Loan for Service Program who complete their doctoral degree at UNM for positions which may lead to permanent tenure.

~~In case of the above or any other exceptions to the general policy, it is recommended that the Provost/Vice President for Academic Affairs consult with the Academic Freedom and Tenure Committee before taking action.~~ **NOTE: Deletion of this sentence was requested, and approved by AF&T.**

#

APPLICABILITY

All UNM faculty including the Health Sciences and branch campuses.

DEFINITIONS

No specific definitions are required for the Policy Statement.

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

- Faculty
- Department Chairs, academic deans and other academic administrators and executives.

RELATED DOCUMENTS

UNM Regents Policy Manual Policy 5.3 “Employment of UNM Graduates”
Faculty Handbook

Policy A53.1 “Policies Applicable to Faculty”
Section B “Academic Freedom and Tenure

CONTACTS

Direct any questions about this policy to the Office of Faculty Affairs and Services or Vice Chancellor for Academic Affairs.

PROCEDURES

The request for approval for hiring an individual who has received a terminal degree from UNM as a member of the faculty for a position which may lead to permanent tenure must be submitted to the Provost or Chancellor. The request must include an explanation of how the individual qualifies for the exception and how the hiring is in UNM's best interest.

DRAFT HISTORY

February 11, 2017—Revised draft includes recommendations approved by the Faculty Senate Policy Committee on 2/8/17.

February 7, 2017—Revised draft prepared to begin discussions on how the Policy can be rewritten to address current practices of hiring UNM graduate.

HISTORY

Approved by Faculty on March 12, 1951

COMMENTS TO:
handbook@unm.edu

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Candyce Torres

From: Faculty Handbook
Sent: Tuesday, April 18, 2017 9:55 AM
To: Candyce Torres
Subject: FW: C20

From: Lonna Atkeson
Sent: Tuesday, April 18, 2017 9:26 AM
To: Faculty Handbook <handbook@unm.edu>
Subject: C20

This is a terrible idea and this policy should not be eliminated.

The fact is that this is a long standing policy across universities nation-wide because without such policies it breeds nepotism. Students of deans and faculty will be the primary recipients of faculty positions without such rules instead of merit based criteria that furthers the goals of the university with regards to the advancement of knowledge. Perturbing the process to allow for and promote favoritism and partisanship will result in warped values for tenure and promotion as well. Because jobs will be given out based upon politics and not scholarship and creative works, loyalty will be created to individual faculty, chairs and deans, and not to disciplinary pursuits of knowledge. Faculty who receive their position out of favoritism will understand a different criteria for hiring, tenure and promotion and will therefore value different goals in the university that are built on loyalty and not the pursuit of academic goals of publishing and research.

While I sympathize with the issues especially related to the medical school, there is within C20 administrative opportunities to get around the rule when it is necessary and therefore eliminating is not necessary. But, without the rule, opportunities for nepotism, favoritism and the “old boy network” will dominate university faculty hiring, and will reduce UNMs long term stature and high academic quality. This is a dangerous road for the university to travel. Without a clear policy it will open the door for unseemly partisanship, which will ultimately change the flavor and character of the university. The impulse for nepotism is strong and without clear guidelines and rules those impulses will be acted upon destroying merit based hiring, tenure and promotion.

The rule should be maintained. If there are special issues related to branch campuses or the medical school, those should be dealt with on an individual basis in keeping with the intent of this rule to prevent the growth and spread of nepotism at the University of New Mexico.

Thanks,

Lonna Atkeson

Professor Lonna Atkeson

Department of Political Science
Director, Center for the Study of Voting, Elections and Democracy
Director, Institute for Social Research
University of New Mexico

Candyce Torres

From: Faculty Handbook
Sent: Monday, May 8, 2017 2:18 PM
To: Candyce Torres
Subject: FW: Policy C20

From: Baum, Marsha [mailto:baum@law.unm.edu]
Sent: Sunday, May 7, 2017 10:43 PM
To: Faculty Handbook <handbook@unm.edu>
Subject: Policy C20

This policy does not need to be deleted to protect the interests identified in the comments by the Policy Committee. The policy ONLY applies to tenure track positions and exceptions can be made to allow hires of UNM graduates. The policy serves as an important pause on hiring decisions to encourage the consideration of hiring persons from outside of UNM. It does not prevent the hiring of UNM graduates but it does provide an important vision that includes the concepts that faculty should not hire their own grad students which can lead to lack of creative scholarship and new ideas among the tenure ranks and that departments should seek fresh research and teaching by encouraging graduates to gain experience beyond UNM. UNM can still hire UNM grads immediately if the need is justified as it would be with programs such as the fellowships noted but it would be done with justification, not as a matter of course. It seems that a concern that faculty of color or those with community based scholarship agendas might be harmed by this policy is present in the desire to delete the policy but it is not clear how deletion is of benefit in addressing such as concern. This is a policy that other institutions have retained and is one that is discussed regularly among academics. One set of considerations might be helpful to this discussion and is set out below.

Pros:

- A policy of hiring your own graduates is probably a good indication that you "take care of your own", making sure your graduates get jobs, etc.
- PhDs from a university likely already have mentorship and support networks set up, there will be less time adjusting to a new place, etc.
- Assuming they found an advisor to work with to get their PhD, their own research goals likely align with those of the institution - there are likely grants they could be made Co-PIs on, etc.

Cons:

- You lose the opportunity to hire outside talent.
- Hiring exclusively from your own PhD pool creates an echo chamber - it's hard to get novel, outside perspectives, or take things in interesting new directions if everyone does what's already there.
- It may lock junior faculty into something kind of like a "postdoc+" status - sure they're faculty, but there's no big transition to make them take the leap into doing their own research, establishing an

independent lab, etc. Instead, they kind of soldier along as some status above student but decidedly below the other faculty in the department, at least for awhile.

This policy should be retained along with the exception to the policy which has allowed it to operate for a significant period of time. The aspiration of the policy should not be lost.

Candyce Torres

From: Faculty Handbook
Sent: Monday, May 15, 2017 1:53 PM
To: Candyce Torres
Subject: FW: C20

From: Claire-Lise Benaud
Sent: Monday, May 8, 2017 3:48 PM
To: Faculty Handbook <handbook@unm.edu>
Subject: C20

Hi all,

I support keeping *C20: Employment of UNM Graduates*. It allows UNM to look outward rather than inward; it allows for independence of scholarship; it curtails nepotism; and it allows for exceptions. Thank you, Claire-Lise

Claire-Lise BÉnaud, Associate Director, Center for Southwest Research/Special Collections
University Libraries MSC05 3020
1 University of New Mexico, Albuquerque, NM 87131-0001
Phone: (505)277-8907 Fax: (505)277-0397 E-mail: clbenaud@unm.edu

Candyce Torres

From: Faculty Handbook
Sent: Tuesday, April 18, 2017 12:23 PM
To: Candyce Torres
Subject: FW: Elimination of C20

From: Stephen Bishop
Sent: Tuesday, April 18, 2017 10:19 AM
To: Faculty Handbook <handbook@unm.edu>
Subject: Elimination of C20

While I recognize some of the arguments for the change, I would still like to point out some reasons why it is a good policy:

- 1) It avoids intellectual in-breeding. PhD's are much less likely to develop their own sense of intellectual and professional identity if they never leave the site of their graduate training.
- 2) It discourages the exploitation of recent PhD hires, who have less leverage to negotiate with if they are being told they can get a job without moving or going on the open market.
- 3) It avoids a form of on-going nepotism. Let's be honest about this - former dissertation directors are going to be very hard pressed to not show favoritism towards their former PhD students in future tenure decisions, grant opportunities, teaching assignments, etc. Former directors will have a parental attitude towards these new hires that will prejudice other members of the department.
- 4) Are we certain that the MDALSC program is really compromised by this rule? I have heard statements that such concern is false and based on a misunderstanding of the program's policies.
- 5) There is no reason that branch campuses could not have an exception carved out for them without killing the entire rule. They function almost wholly independently and should not be seen as part of main campus for such purposes.
- 6) The rule is common practice in academia and it is somewhat embarrassing that we seek to lower our standards.

Candyce Torres

From: Faculty Handbook
Sent: Monday, April 24, 2017 12:39 PM
To: Candyce Torres
Subject: FW: Comment on eliminating Handbook Policy C20

From: Jonathan Davis-Secord
Sent: Thursday, April 20, 2017 3:58 PM
To: Faculty Handbook <handbook@unm.edu>
Subject: Comment on eliminating Handbook Policy C20

I agree with eliminating the policy.

Jonathan Davis-Secord, Ph.D.
Associate Professor and Associate Chair of Graduate Studies
Department of English
MSC 03 2170
1 University of New Mexico
Albuquerque, NM 87131

Candyce Torres

From: Faculty Handbook
Sent: Tuesday, May 30, 2017 10:26 AM
To: Candyce Torres
Subject: FW: Policy C20

From: Dawn Athelsia Delfin [mailto:DDelfin@salud.unm.edu]
Sent: Thursday, May 18, 2017 2:50 PM
To: Faculty Handbook <handbook@unm.edu>
Subject: Policy C20

I am writing to you today to express my strong support of repealing policy C20: Employment of UNM Graduates.

UNM produces quality graduates that could enrich our faculty make-up, and we should not have policies in place to bar us from hiring our best, brightest and most promising. In particular, health-clinician faculty are in desperate need in our state and university, and UNM should have no impedance to employing our clinical trainees. I agree that academic "incest" is not desirable for our university's success, but I do believe our faculty, department chairs, and deans are fully aware of that. Therefore, I do not believe that eliminating this policy will lead to rampant hiring of UNM graduates; we will still value recruiting, hiring and retaining a majority of faculty that have trained elsewhere. However, it is inefficient to constantly grant exceptions to this rule on the occasions that we do want to retain our own graduates.

--

Dawn A. Delfin, PhD

University of New Mexico
College of Pharmacy, Department of Pharmaceutical Sciences
KL2 Scholar, Clinical and Translational Sciences Center

ddelfin@salud.unm.edu
[505 272 8146](tel:5052728146)

Mailing address:
1 University of New Mexico
MSC09 5360
Albuquerque, NM 87131

Office location:
Research Incubator Building
Room 291

Candyce Torres

From: Faculty Handbook
Sent: Tuesday, April 18, 2017 9:55 AM
To: Candyce Torres
Subject: FW: Faculty Policies Available for Review and Comment

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

From: Huaiyu Duan
Sent: Tuesday, April 18, 2017 9:27 AM
To: Faculty Handbook <handbook@unm.edu>
Cc: Wolfgang Rudolph <wrudolph@unm.edu>
Subject: Re: Faculty Policies Available for Review and Comment

Although I understand the difficulties that UNM especially HSC and branch campuses experience in recruiting faculty from non-UNM graduates, I am afraid a simple abolishment of this policy will have even worse consequences.

I know that many Chinese universities are plagued with academic inbreeding. When one or a few faculty members become established, they can influence the department to recruit their students. These students may indeed do well in academics in the beginning. But in the long run, both research and academic freedom of the department are stifled.

I suspect C20 was introduced to prevent academic inbreeding. We need wisdom in dealing with this policy.

Best,
-Huaiyu (Mike)

> On Apr 18, 2017, at 8:47 AM, UNM Faculty <allfac@unm.edu> wrote:

>

>> The following policy is available for faculty review and comment until May 18, 2017. Please send your comments to tohandbook@unm.edu.

>>

>> Policy

>> Reason for New Policy or Revision of Existing Policy

>> C20 "Employment of UNM Graduates"

>> Faculty Handbook Policy C20 "Employment of UNM Graduates" was last approved by UNM faculty on March 12, 1951. Given the dated nature of this policy, the Faculty Senate Policy Committee performed a thorough review of this policy. This Policy has proven to be counter-productive to many UNM goals, resulting in numerous exceptions to the Policy granted on an institutional-wide basis. Therefore, the Faculty Senate Policy Committee and Operations Committee recommend C20 be eliminated/deleted.

>> Some of the problems encountered with this Policy include:

>> 1. Policy could led to discriminatory results given that UNM doctoral students are more likely to be minorities.

>> 2. Policy may limit/prevent participation by UNM and its students in The Minority Doctoral Assistance Loan for Service Program sponsored by the NM Department of Higher Education. To be eligible for the loan and subsequent loan

forgiveness, the recipient must have a commitment from the sponsoring institution that a tenure-track faculty position will be available in the individual's discipline when they complete their doctoral degree and are ready to return to the institution as faculty.

>> 3. HSC regularly hires faculty physicians who receive their medical degree and all post-graduate training at UNM. In addition, there are significant difficulties in recruiting faculty physicians.

>> 4. Branch campuses are arbitrarily cut off from a potential pool of good teaching candidates, and in turn our graduates are cut off from potential jobs at the branches."

>>

>> Kenedi Hubbard

>> Office of the University Secretary

>> University of New Mexico

>> 277-4664

Candyce Torres

From: Faculty Handbook
Sent: Tuesday, April 18, 2017 12:24 PM
To: Candyce Torres
Subject: FW: P:olicy C20: please delete

From: Les Field
Sent: Tuesday, April 18, 2017 10:43 AM
To: Faculty Handbook <handbook@unm.edu>
Subject: P:olicy C20: please delete

Based upon problems that my department has encountered because of Policy C20 and our hope that we could obtain exceptions to this policy in the future, I would recommend that C20 be eliminated in the future.

thanks you,

Les W. Field

Les W. Field

Professor and Chair

Department of Anthropology

University of New Mexico

Albuquerque, NM 87131

Tel #: (505) 277-4524

email: lesfield@unm.edu

Candyce Torres

From: Faculty Handbook
Sent: Thursday, April 20, 2017 9:24 AM
To: Candyce Torres
Subject: FW: Policy C20

From: Wendy Hansen
Sent: Wednesday, April 19, 2017 8:29 AM
To: Faculty Handbook <handbook@unm.edu>
Subject: Policy C20

I sent a short comment yesterday, but reflecting on this proposal overnight, the severely negative implications of this action have compelled me to write a longer response.

This is simply a terrible idea. Not only is the intellectual vibrancy of the university at stake,

but I strongly believe that this action will also lead to nepotism and significantly greater discrimination than we have under the current the policy. Faculty and Deans in positions of power will manipulate hiring processes to benefit candidates of their choice, potentially creating greater discrimination not only towards minorities but also women. Universities across the country maintain similar policies of not hiring their own graduates. There is a long history of this throughout academia for a reason. When people that are hired think the same as you do about research and policy because you trained them to think that way, intellectual debate is diminished so that over time only one viewpoint is put forth in a department. This is extremely dangerous for a research institution and extremely detrimental to our mission of educating students to question and challenge current norms and theories in a discipline.

I understand that the health sciences and branch campuses may face challenges particular to their situations, which is why the policy allows for exceptions. The policy could be modified to accommodate HSC and the branch campuses. But a blanket elimination of C20 university wide will severely weaken UNM as an institution of higher education. I strongly oppose this action.

Sincerely,

Wendy Hansen

Professor, Political Science

From: ALLFAC-L <ALLFAC-L@unm.edu> on behalf of UNM Faculty <allfac@unm.edu>
Sent: Tuesday, April 18, 2017 8:47 AM
To: ALLFAC-L@LIST.UNM.EDU
Subject: Faculty Policies Available for Review and Comment

The following policy is available for faculty review and comment until May 18, 2017. Please send your comments to handbook@unm.edu.

Policy	Reason for New Policy or Revision of Existing Policy
C20 “Employment of UNM Graduates”	<p>Faculty Handbook Policy C20 “Employment of UNM Graduates” was last approved by UNM faculty on March 12, 1951. Given the dated nature of this policy, the Faculty Senate Policy Committee performed a thorough review of this policy. This Policy has proven to be counter-productive to many UNM goals, resulting in numerous exceptions to the Policy granted on an institutional-wide basis. Therefore, the Faculty Senate Policy Committee and Operations Committee recommend C20 be eliminated/deleted.</p> <p><u>Some of the problems encountered with this Policy include:</u></p> <ol style="list-style-type: none"> <u>1. Policy could led to discriminatory results given that UNM doctoral students are more likely to be minorities.</u> <u>2. Policy may limit/prevent participation by UNM and its students in The Minority Doctoral Assistance Loan for Service Program sponsored by the NM Department of Higher Education. To be eligible for the loan and subsequent loan forgiveness, the recipient must have a commitment from the sponsoring institution that a tenure-track faculty position will be available in the individual’s discipline when they complete their doctoral degree and are ready to return to the institution as faculty.</u> <u>3. HSC regularly hires faculty physicians who receive their medical degree and all post-graduate training at UNM. In addition, there are significant difficulties in recruiting faculty physicians.</u> <u>4. Branch campuses are arbitrarily cut off from a potential pool of good teaching candidates, and in turn our graduates are cut off from potential jobs at the branches.”</u>

Kenedi Hubbard
Office of the University Secretary
University of New Mexico
277-4664

Candyce Torres

From: Faculty Handbook
Sent: Thursday, April 20, 2017 9:24 AM
To: Candyce Torres
Subject: FW: Policy C20

From: Wendy Hansen
Sent: Tuesday, April 18, 2017 3:17 PM
To: Faculty Handbook <handbook@unm.edu>
Subject: Policy C20

There is no quicker way to destroy the intellectual vibrancy of a department than for that department to hire its own graduate students. I STRONGLY disagree with the proposal to delete/eliminate C20.

Candyce Torres

From: Faculty Handbook
Sent: Monday, April 24, 2017 12:39 PM
To: Candyce Torres
Subject: FW: Comment on C20

From: Amy Levi [mailto:AmyLevi@salud.unm.edu]
Sent: Thursday, April 20, 2017 8:45 PM
To: Faculty Handbook <handbook@unm.edu>
Subject: Comment on C20

I am writing in response to the recommendation to eliminate this policy, which I wholeheartedly support. UNM has many limitations to hiring from the outside, and one way to help to preserve the diversity and commitment to the needs of New Mexico is to provide opportunities for qualified applicants who have been educated here to continue their contribution to the University by hiring them.

I hope that this outdated (and often ignored) policy will be eliminated. I would be happy to provide more details as to its uselessness if that would be helpful.

Amy Levi

Amy J. Levi, PhD, CNM, WHNP-BC, FACNM, FAAN
Leah L. Albers Endowed Professor of Midwifery
Director, Interprofessional Education UNM Health Sciences Center
College of Nursing
University of New Mexico
Albuquerque, NM 87122

preferred pronouns: she, her, hers

(505)272-0864

Candyce Torres

From: Faculty Handbook
Sent: Thursday, April 20, 2017 9:24 AM
To: Candyce Torres
Subject: FW: Policy C20

From: Christine Mermier
Sent: Tuesday, April 18, 2017 12:42 PM
To: Faculty Handbook <handbook@unm.edu>
Subject: Policy C20

I emphatically agree with this change of policy and agree the old one is dated and limiting. I believe that graduates from UNM are often of extremely high caliber and have deep roots in the community and state, which makes them take interest in local minority students. They are also more likely to stay longer in the position because of their ties to the community and the land of New Mexico.

Respectfully submitted,

Christine Mermier

Christine Mermier, Ph.D.
Lab Director & Associate Professor
Exercise Physiology Lab
Health, Exercise & Sports Sciences
Johnson Center B143 MSC04 2610
University of New Mexico
Albuquerque, NM 87131-0001

Candyce Torres

From: Faculty Handbook
Sent: Monday, May 8, 2017 2:18 PM
To: Candyce Torres
Subject: FW: Removal of policy C20

From: Diane Parham [mailto:DiParham@salud.unm.edu]
Sent: Wednesday, April 26, 2017 4:28 PM
To: Faculty Handbook <handbook@unm.edu>
Subject: Removal of policy C20

Dear Faculty Handbook reviewers:

I am writing to support the deletion or elimination of policy C20, for all the reasons identified by the Senate Policy Committee and Operations Committee. Specifically, this policy creates unnecessary expenses and losses because it:

1. could led to discriminatory results
2. may limit/prevent participation by UNM and its students in The Minority Doctoral Assistance Loan for Service Program sponsored by the NM Department of Higher Education.
3. it impedes timeliness of hiring much needed faculty physicians in the School of Medicine (HSC regularly hires faculty physicians who receive their medical degree and all post-graduate training at UNM. In addition, there are significant difficulties in recruiting faculty physicians).
4. Branch campuses are arbitrarily cut off from a potential pool of good teaching candidates, and in turn our graduates are cut off from potential jobs at the branches.

As a faculty member in the School of Medicine, I am particularly aware of point 3 above. **Elimination of policy C20 would make faculty recruitment and hiring much more efficient and successful by streamlining and reducing costs of an already very complex, time-consuming, and expensive process.**

Diane Parham

L. Diane Parham, PhD, OTR/L, FAOTA
Professor
University of New Mexico
Occupational Therapy Graduate Program
MSC09 5240 - 1 University of New Mexico

Albuquerque, NM 87131-0001

Candyce Torres

From: Faculty Handbook
Sent: Tuesday, April 18, 2017 12:24 PM
To: Candyce Torres
Subject: FW: Faculty Policies Available for Review and Comment

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

From: Teresa Sheldahl
Sent: Tuesday, April 18, 2017 10:41 AM
To: Faculty Handbook <handbook@unm.edu>
Subject: FW: Faculty Policies Available for Review and Comment

Here's another reason we may want to get rid of this policy: We may miss out on candidates who understand NM including assets and issues.

Teri Sheldahl, Ph.D.
Program Coordinator
Teacher Education Department
130 Hokona Hall/MSC05 3040
(505) 277-2320

From: ALLFAC-L [ALLFAC-L@unm.edu] on behalf of UNM Faculty [allfac@unm.edu]
Sent: Tuesday, April 18, 2017 8:47 AM
To: ALLFAC-L@LIST.UNM.EDU
Subject: Faculty Policies Available for Review and Comment

The following policy is available for faculty review and comment until May 18, 2017. Please send your comments to handbook@unm.edu<<mailto:handbook@unm.edu>>.

Policy

Reason for New Policy or Revision of Existing Policy

C20 "Employment of UNM Graduates"<<http://handbook.unm.edu/policies/section-c/employment-appointment/c20.html>>

Faculty Handbook Policy C20 "Employment of UNM Graduates" was last approved by UNM faculty on March 12, 1951. Given the dated nature of this policy, the Faculty Senate Policy Committee performed a thorough review of this policy. This Policy has proven to be counter-productive to many UNM goals, resulting in numerous exceptions to the Policy granted on an institutional-wide basis. Therefore, the Faculty Senate Policy Committee and Operations Committee recommend C20 be eliminated/deleted. <<http://handbook.unm.edu/under-review>>

Some of the problems encountered with this Policy include:<<http://handbook.unm.edu/under-review>>

1. Policy could led to discriminatory results given that UNM doctoral students are more likely to be minorities.<<http://handbook.unm.edu/under-review>>
2. Policy may limit/prevent participation by UNM and its students in The Minority Doctoral Assistance Loan for Service Program sponsored by the NM Department of Higher Education. To be eligible for the loan and subsequent loan

forgiveness, the recipient must have a commitment from the sponsoring institution that a tenure-track faculty position will be available in the individual's discipline when they complete their doctoral degree and are ready to return to the institution as faculty. <<http://handbook.unm.edu/under-review>>

3. HSC regularly hires faculty physicians who receive their medical degree and all post-graduate training at UNM. In addition, there are significant difficulties in recruiting faculty physicians.<<http://handbook.unm.edu/under-review>>

4. Branch campuses are arbitrarily cut off from a potential pool of good teaching candidates, and in turn our graduates are cut off from potential jobs at the branches.”<<http://handbook.unm.edu/under-review>>

Kenedi Hubbard
Office of the University Secretary
University of New Mexico
277-4664

Candyce Torres

From: Faculty Handbook
Sent: Tuesday, April 18, 2017 9:55 AM
To: Candyce Torres
Subject: FW: policy C20 "Employment Graduates"

From: Dimiter Vassilev
Sent: Tuesday, April 18, 2017 9:39 AM
To: Faculty Handbook <handbook@unm.edu>
Subject: policy C20 "Employment Graduates"

Hello,

In regards to the proposed removal of policy C20 "Employment Graduates", I have the very strong believe that this is a policy that should be kept. This is a policy which is one of the pillars of creating diversity of freedom, opinions and ideas on our campus. It is true that I have witnessed several violations of this policy which has resulted in situations of nepotism, subservience and "inbreeding" to the detriment of the remaining faculty.

Sincerely,

Dimiter Vassilev

Dimiter Vassilev, Associate Professor
Department of Mathematics and Statistics
MSC01 1115
1 University of New Mexico
Albuquerque, NM 87131

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Candyce Torres

From: Faculty Handbook
Sent: Tuesday, April 25, 2017 3:03 PM
To: Candyce Torres
Subject: FW: C20 Policy - Employing Graduates

From: Mary K Walker [mailto:MWalker@salud.unm.edu]
Sent: Tuesday, April 25, 2017 10:34 AM
To: Faculty Handbook <handbook@unm.edu>
Subject: C20 Policy - Employing Graduates

I strongly support eliminating the C20 Policy. This policy is detrimental to ensuring that UNM faculty reflect the ethnic diversity found in our student population and thus limits adequate role models needed for our unique environment. While I agree that breadth and depth of intellectual growth can be expanded significantly by training in an environment that is distinct from the doctoral training experience, I do not believe that this should be an obstacle to recruiting qualified tenure track faculty to UNM.

Candyce Torres

From: Faculty Handbook
Sent: Tuesday, April 18, 2017 9:02 AM
To: Candyce Torres
Subject: FW: C20 Please do not delete!

From: Katie A Witkiewitz
Sent: Tuesday, April 18, 2017 9:00 AM
To: Faculty Handbook <handbook@unm.edu>
Subject: C20 Please do not delete!

As a member of the Academic Freedom and Tenure committee we have discussed the C20 policy at length and I urge the policy committee to not delete this policy. First, there are numerous exemptions awarded so the policy is not preventing any hires. The policy does, at the very least, preserve the spirit of UNM being an institution of diverse opinions and training expertise. It also provides a policy to prevent nepotism of senior individuals hiring their own PhD students. Many senior faculty are powerful voices in hiring decision and having this policy on the books allows for an override of those voices.

Katie Witkiewitz, PhD
President, Society of Addiction Psychology (APA Division 50)
Associate Professor
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Center on Alcoholism, Substance Abuse, and Addictions
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E110: Conflict of Interest in Research

Approved By: Faculty Senate

Last Updated: **Draft 6/4/17**

Responsible Faculty Committee: Research Policy Committee

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

Main request for change by Coffee Brown is on page 8 of definition to Significant Financial Interest. Other questions for Committee to consider:

How does the requested changes align with NM State Law on COI and disclosure?

Do the Office of Research Services (ORS) and HSC-PAA still exist under these titles? (listed on pg 2)

In many places where the Provost is listed the Chancellor is not. Is this OK?

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

POLICY RATIONALE

The purpose of this policy is to protect the integrity, trust and respect of UNM, its academic community and its research activities. The policy is intended to enable compliance with applicable laws and other regulatory requirements and to protect investigators who may be exposed to conflict of interest situations. It is designed to inform investigators of their disclosure responsibilities, provide an efficient method for making disclosures, and facilitate effective identification and management of conflicts of interest.

Members of the UNM community are engaged in many contractual, consulting and advisory relationships with other universities, government agencies and private sector entities. UNM encourages these relationships for their contributions to research, education, technological advancement and professional development. UNM members must be cautious, however, to prevent unresolved conflicts of interest in these relationships that might undermine the credibility of their work or damage their reputation. Additionally, full-time faculty members and researchers must be mindful of their obligation to devote their primary professional efforts and allegiance to UNM. Other activities should not interfere or significantly conflict with this responsibility.

POLICY STATEMENT

Conflicts of interest may occur when an investigator's research responsibilities compete with his or her private interests, such as financial interests, raising questions of objectivity and improper gain. Conflicts of interest are inevitable in modern research universities and do not imply any impropriety on the part of the investigator. A conflict of interest may exist despite the highest standards of conduct and candor. Most conflicts can be successfully resolved

without impeding research activities.

Disclosing the required information at the earliest possible time will afford the best protection of an investigator's interests. Disclosure early in the UNM research is a key factor in protecting an investigator's reputation and career from potentially embarrassing or harmful allegations of inappropriate behavior. Investigators are encouraged to disclose any situation that could conceivably be viewed as a conflict of interest or a reportable financial interest, and to favor more rather than less disclosure. The Conflicts of Interest Committee will assess whether an actual or potential conflict exists and work with the investigator to determine how it should be resolved or managed.

Individuals who are uncertain about the policy's application to their situation should contact the Office of Research Services (ORS) for assistance.

I. Conflicts of Interest Committee

A. Purpose

1. The purpose of the Conflicts of Interest Committee is to protect the integrity of investigators, UNM, and UNM research by identifying and resolving conflicts of interest when they exist. The Committee carries out this charge in a manner that is intended to foster, not hinder, research relationships.
2. In addition to reviewing conflict of interest disclosures, the Committee may offer advice on general questions concerning conflicts of interest.

B. Composition

1. There will be one or more Conflicts of Interest Committees formed at the Provost's discretion. The membership of each committee will comprise six (6) faculty members, two (2) people not primarily employed by UNM, and two (2) UNM officials with administrative responsibility for contracts. Notwithstanding the formation of two or more committees, these conflict of interest committees will be referred to collectively as "the Conflict of Interest Committee" in all other sections of this Policy.

Half of the members selected by the Provost in each category will be based on recommendation from the [HSC Vice Chancellor for Research](#) ~~Vice President for Health Sciences~~, and half will be based on recommendation from the Vice [President](#) ~~Provost~~ for Research.

2. Each Committee member will serve a three-year, renewable term. The terms will be staggered to allow for continuity and rotation of members. ~~Upon adoption of this policy, the members of the Conflicts of Interest Committees established under UNM's Policy and Procedures on Conflicts of Interest in Sponsored Research (1992) will continue to serve their appointed terms as members of this Committee.~~

Terms shall begin July 1 and will end on June 30, three years later. If more than one committee has been formed, the Provost will periodically switch some members among the committees in order to promote integration of viewpoint between the committees. The Provost may rearrange membership in this manner annually, at the time of formation of a new committee,

or at other times as necessary to promote the goals of this paragraph. In the event of a vacancy, the replacement committee member will be appointed by the same method and from the same category as the departing member, and shall serve for the remaining duration of the departing member's term.

C. Decision Making

A quorum of six (6) members is required for the Committee to perform its functions. Each member has one vote and decisions are to be made by majority vote. The Committee may develop guidelines for reviewing and assessing disclosures. When more than one committee has been formed, any such guidelines must be approved by all committee members.

D. Disqualification of Committee Members

1. Under certain circumstances, Committee members may be disqualified from reviewing a disclosure. The standard for disqualification is a reasonable belief that a member may be unable to make a decision based solely on the evidence. Examples of situations that would warrant disqualification include:

- a) The member is directly involved in the disclosure under review.
- b) The member has a prior relationship with the investigator that would interfere with the member's objectivity.
- c) The member's objectivity or ability to serve reasonably appears to be adversely affected by the circumstances.

E. Removal of Committee members

1. A member will be removed only for good cause and only by the Provost upon recommendation of a majority of a quorum of the committee on which the member sat. Good cause will include:

- a) Change in eligibility status.
- b) Insufficient attendance at committee meetings.

2. Committee members may self-recuse at any stage in the review process.

3. An investigator may request recusal of a member at any stage in the review process. The Committee will deliberate and decide on this request in the absence of the member whose disqualification is sought.

4. If the Committee is unable to form a quorum upon recusal of a member, the Committee will randomly select a former member to serve on the Committee on an interim basis for the remainder of the disclosure review and assessment.

II. DISCLOSURE REQUIREMENTS

A. General

The disclosure requirements of this policy apply to all UNM investigators working on:

1. Any sponsored UNM research.
2. Any nonsponsored UNM research that is:
 - a) Human subject research;
 - b) Animal subject research; or
 - c) Research funded by an award from internal UNM sources based on submission of a proposal.

B. Sponsored Research Proposals: UNM Investigators

1. At the time a sponsored research proposal is submitted to ORS or the Health Sciences Center Pre-Award Administration Office (HSC-PAA), all UNM individuals who will serve as investigators on the proposed research must concurrently submit a completed conflict of interest form that discloses the following, among other things:

- a) Any significant financial interest that would reasonably appear to be affected by the research.
- b) Any significant financial interest in an entity whose financial interests would reasonably appear to be affected by the research.
- c) Any other situation that could call into question the investigator's professional commitments in undertaking the research or the investigator's primary allegiance to UNM.

2. The principal investigator, and any co-principal investigator, are responsible for identifying the research investigators, informing them of the requirements of this policy, and providing a list of their names to ORS or HSC-PAA. ORS or HSC-PAA should receive completed disclosure forms from each investigator prior to the proposal's submission to the funding source.

3. The same procedures apply for proposals submitted to ORS or HSC-PAA for renewal funding. Any new investigators must provide a completed conflict of interest form, and continuing investigators who provided a conflict of interest form with the original proposal must confirm or revise their form at the time of submission.

C. Sponsored Research Proposals: Non-UNM Investigators

For non-UNM investigators who will work on sponsored UNM research, the following conditions must be satisfied when the proposal is submitted to ORS or HSC-PAA:

1. If the research will involve a sub-award with an entity that employs the non-UNM investigator, that entity must provide adequate assurances to UNM that its system for compliance with federal conflict of interest requirements will address the proposed research. If the entity is unable to provide these assurances in a timely fashion, the non-UNM investigator must follow the disclosure requirements and procedures specified for UNM investigators.

2. All other non-UNM investigators must follow the disclosure requirements and procedures specified for UNM investigators.

D. Nonsponsored Research

1. Each UNM investigator whose UNM research involves human subject research, animal subject research or research funded by a formal award from internal UNM sources based on submission of a proposal must submit a completed conflict of interest disclosure form to ORS or HSC-PAA. The disclosure form must be submitted to ORS or HSC-PAA before the nonsponsored proposal is submitted to the human or animal subject research review committee or the Research Allocation Committee.
2. Investigators working on other types of non sponsored UNM research are encouraged to voluntarily submit disclosure forms to ORS or HSC-PAA, as appropriate.
3. UNM employees working on nonsponsored research at other institutions are encouraged for their self-protection to follow the conflicts of interest procedures of their host institution.

E. Ongoing Disclosure Responsibility

1. Disclosure requirements apply for the duration of the UNM research. Investigators must disclose any of the following, among other things, that occur during the sponsored UNM research:
 - a) A new significant financial interest that would reasonably appear to be affected by the research.
 - b) A new significant financial interest in an entity whose financial interests would reasonably appear to be affected by the research.
 - c) A new situation that could call into question the investigator's professional commitments in undertaking the research or the investigator's primary allegiance to UNM.
 - d) A significant change to a previously reported disclosure.
2. Investigators must submit updated disclosure forms to ORS or HSC-PAA within 30 days after the disclosable situation arises.
3. All newly-added investigators on UNM research must submit a completed conflict of interest disclosure form to ORS or HSC-PAA within 30 days after beginning work on the research. The principal investigator, and any co-principal investigator, are responsible for informing newly-added investigators of this requirement and ensuring that they submit disclosure forms. Newly-added investigators are subject to the ongoing disclosure requirements of this section.

F. Confidentiality of Disclosures

All individuals involved in handling a disclosure should exercise care at all times to protect the confidentiality of the disclosed information and the privacy of the investigator, to the extent permitted by law.

III. Applicability of Federal Rules

If a federal agency issues rules governing conflicts of interest in sponsored UNM research, those rules will govern where applicable. Proposals submitted for funding to the Public Health Service

and the National Science Foundation are subject to specific legal requirements concerning financial conflicts of interest. This policy is intended to comply with those requirements. Any changes in the federal requirements will supersede the relevant provisions of this policy.

Every investigator is responsible for being familiar with and following the provisions of governing laws and rules related to conflicts of interest.

APPLICABILITY

This policy applies to all investigators, including non-UNM investigators. The policy covers actual and potential conflicts of interest associated with participation in UNM research, which includes:

1. Research funded by or through UNM (including outside sponsored funding).
2. Research conducted at UNM, regardless of funding.
3. Nonsponsored research conducted off campus by UNM employees.

B. Disclosure Requirements

The conflict of interest disclosure requirements apply to all investigators who work on:

1. Sponsored UNM research.
2. Nonsponsored UNM research that is:
 - a) Human subject research;
 - b) Animal subject research; or
 - c) Research funded by a formal award from internal UNM sources based on submission of a proposal.

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

A. Conflict of Interest means a situation associated with an investigator's participation in UNM research where it reasonably appears, on an actual or potential basis, that:

- a) The investigator's significant financial interest could directly and significantly affect the design, conduct, or reporting of UNM research activities; or
- b) The investigator's situation could directly and significantly compromise his or her professional commitments or allegiance to UNM.

Examples of the types of situations that may come within this definition include:

- a) Holding a direct or indirect interest in an outside entity that conducts business in an area closely related to the UNM research or serving as a director, officer, partner, trustee, manager or employee in such an entity.

b) Undertaking or steering UNM research to serve the research or other needs of an outside entity, without approval of UNM or the research sponsor.

c) Directing potential research efforts away from UNM and toward the investigator's outside entity, or an outside entity in which the investigator has a financial interest.

d) Transmitting to an outside entity without the sponsor's consent, or otherwise using for personal gain, sponsored work products, results, materials, records or information that are not generally made available. This does not necessarily preclude contracts between faculty start-ups and either UNM or the Science & Technology Corporation @ UNM, although these contracts may give rise to conflict of interest situations.

e) Using privileged information acquired in connection with the investigator's sponsored UNM research activities for personal gain or for unauthorized purposes. Privileged information includes medical, personnel or security records of individuals, anticipated material requirements or price actions, possible new sites for government operations, and knowledge of forthcoming programs or selection of contractors or subcontractors in advance of official announcements.

f) Negotiating or influencing the negotiation of contracts related to the investigator's sponsored UNM research between UNM and outside entities with which the investigator has consulting, equity or fiduciary relationships.

g) Accepting gratuities or special favors from entities with which UNM does or may conduct business in connection with sponsored UNM research, or extending gratuities or special favors to employees of the sponsor, under circumstances that reasonably might be interpreted as an attempt to influence the recipients in the conduct of their duties.

Investigator means the principal investigator, the co-principal investigator and any other person (including faculty, staff and students) who is responsible for the design, conduct or reporting of UNM research. Any individual responsible for a task that could have a significant effect on the research design, conduct, or reporting is considered to be an investigator, even if the individual does not have sole or primary responsibility for the task or the research.

Non-UNM Investigator means any person who is:

1. Responsible for the design, conduct or reporting of UNM research; and
2. Employed by an entity other than UNM, working pursuant to a sub-award with another entity, working as an independent contractor or collaborator, or otherwise not employed by UNM.

Significant Financial Interest means anything of monetary value belonging to the investigator and his or her spouse or domestic partner and dependent children, including but not limited to:

- a) Salary, royalties or other payments for services, such as consulting fees or honoraria, unless they are expected to total \$10,000 or less over the next 12 months when aggregated for the investigator and his or her spouse and dependent children.

b) Equity interests, such as stocks, stock options or other ownership interests, unless they amount to \$10,000 or less in value and represent a 5% or less ownership interest in a single entity when aggregated for the investigator and his or her spouse and dependent children.

c) Intellectual property rights, such as patents and copyrights, and royalties from these rights upon receipt of income related to such rights and interests.

Significant financial interest does not include the following:

a) Salary, royalties or other remuneration from UNM (including payments or other technology commercialization proceeds through the Science & Technology Corporation @ UNM).

b) Income from seminars, lectures or teaching engagements sponsored by public or nonprofit entities.

c) Income from service on advisory committees or review panels for public or nonprofit entities.

d) Interests in widely held investment funds if:

(1) The investigator does not exercise control over or have the ability to exercise control over the fund's financial interests; and

(2) Either

(a) The fund is publicly traded or available, or

(b) Its assets are widely diversified; for example, if the fund holds no more than 5% of its portfolio value in the securities of anyone issuer, other than the federal government, and no more than 20% of its portfolio value in any particular economic or geographic sector.

(e) Interests in blind trusts if the investigator has no knowledge of the trust assets.

UNM research means a systematic investigation designed to develop or contribute to generalizable knowledge, including basic and applied investigations and product development, that is:

1. Funded by or through UNM (including outside sponsored funding);
2. Conducted at UNM, regardless of funding; or
3. Nonsponsored and conducted off campus by UNM employees.

WHO SHOULD READ THIS POLICY

- Faculty and staff conducting 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 research management.

RELATED DOCUMENTS

UNM Regents' Policy Manual

[Policy 5.1](#) "The Faculty's Role in UNM's Academic Mission"

[Policy 5.8](#) "Intellectual Property"

[Policy 5.10](#) "Conflicts of Interest in Research"

[Policy 5.13](#) "Research Fraud"

[Policy 5.14](#) "Human Beings as Subjects in Research"

[Policy 5.17](#) "Conflict of Interest Waiver Policy for Technology Transfer"

Faculty Handbook

[Policy E40](#) "Research Misconduct"

[Policy E70](#) "Intellectual Property Policy"

[Policy E80](#) "Conflict of Interest Waiver Policy for Technology Transfer"

[Policy E90](#) "Human Beings as Subjects in Research"

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

I. Review and Management of Conflict of Interest Disclosures

A. Initial Screening

1. ORS or HSC-PAA is responsible for initial screening of conflict of interest disclosure forms. ORS or HSC-PAA will refer all disclosure forms that indicate a possible conflict of interest to the Conflicts of Interest Committee, unless otherwise specified in any screening guidelines provided by the Committee. In addition, if the research involves human or animal subjects, or research funded by a formal award from internal UNM sources based on submission of a proposal, ORS or HSC-PAA will send copies of disclosure forms that indicate a possible conflict of interest to the human or animal subject research review committee or the Research Allocation Committee, as appropriate.
2. If the referred disclosure ~~form~~ [form](#) was submitted by an investigator other than the principal investigator, ORS or HSC-PAA will notify the principal investigator of the general nature of the referral without divulging the particulars of the disclosed information.

B. Determination of Conflicts of Interest

1. The Conflicts of Interest Committee will regularly review and assess conflict of interest disclosure forms referred by ORS or HSC-PAA. If the Committee determines after initial review of a disclosure that no conflict of interest exists, it will conclude its assessment. If the

Committee is unable to make this determination, it will invite the investigator who submitted the disclosure to meet with the Committee and explain the circumstances of the UNM research and the possible conflict of interest. The Committee will determine whether a conflict of interest exists, and if so, work with the investigator to determine how it might be managed or resolved to best protect the investigator, the institution and the research results.

2. On occasion, circumstances may require the Provost or designee to make an expedited decision to accept funding for UNM research before the Conflicts of Interest Committee has had an opportunity to review a disclosure related to the research. In that event, the Committee subsequently will review and assess the disclosure according to its regular process. No research expenditures will be made pending Committee review.

C. Role of Principal Investigator

1. When the investigator whose disclosure is reviewed by the Conflicts of Interest Committee is not the principal investigator for the UNM research, the privacy of the investigator must be balanced with the principal investigator's need for sufficient information to manage the research responsibly. Accordingly, if the Committee believes upon initial review of the disclosure that a conflict of interest may exist, the Committee will ask the investigator for consent to reveal the disclosure to the principal investigator and to invite the principal investigator to meet with the Committee and participate in discussion of the research circumstances.

2. If the investigator consents to the principal investigator's participation, the Committee will proceed accordingly. If the investigator refuses consent, the Committee will keep the disclosure details confidential and proceed in its assessment of the disclosure with the investigator's participation. Despite the refusal, the Committee may confer generally with the principal investigator about the research and the investigator's role in it, revealing no more than the overall nature of the possible conflict.

3. If the Committee finds that an investigator who did not consent to the principal investigator's participation in the review process has a conflict of interest, the Committee will try to manage the conflict in a manner that does not involve the principal investigator. The principal investigator should be involved in the conflict management plan only if the plan would affect the conduct of the research. Without the involvement of the principal investigator, the Committee cannot remedy the conflict by recommending modification of the research protocol or oversight of the research. Consequently, refusal to involve the principal investigator may prevent the effective management of a conflict. If the investigator and the Committee cannot agree on a resolution that would not affect the research, the investigator must either consent to involvement of the principal investigator in managing the conflict or withdraw from the research.

D. Management of Conflicts of Interest

1. If the Conflicts of Interest Committee determines that an investigator has a conflict of interest in UNM research, it will decide how the conflict should be managed so the research may proceed if at all possible. The Committee may impose conditions or restrictions to control,

reduce or eliminate the possibility that the conflict will affect the objectivity of the research. The Committee may designate other UNM officials to assist in this process. Examples of conflict of interest management options include:

- a) Public disclosure of the conflict.
- b) Monitoring of the research by independent reviewers.
- c) Modification of the research plan.
- d) Divestiture of the investigator's conflicting financial interests or placement in a blind trust.
- e) Escrow of an equity interest until certain triggering conditions are met.
- f) Prohibition on the investigator's involvement in contract negotiations for the research.
- g) Severance of the investigator's relationships that create the conflict.
- h) Disqualification of the investigator from participation in part of the research.

2. All conflicts of interest must be managed to the satisfaction of the Committee for the UNM research to proceed and for funding, if any, to be accepted. This applies to all UNM research that is subject to the disclosure requirements of this policy, regardless of whether the research is funded. No conflicts may be waived. If a conflict of interest cannot be managed, the investigator must withdraw from the research and UNM may need to decline acceptance of the award or terminate the sponsored agreement.

E. Notification of Committee Decisions

1. If the Conflicts of Interest Committee determines that an investigator's disclosure does not constitute a conflict of interest, the Committee will provide written notification of its decision and rationale to the investigator, the principal investigator if different from the investigator, the Chair of the investigator's department, and the Director of the Center, if appropriate.
2. If the Committee finds that a conflict of interest does exist, the Committee will notify the same individuals, with the addition of the appropriate Dean, of the existence of the conflict and the management plan.
3. The Committee will provide copies of all of its decisions to the Provost and to either the ~~Associate Provost~~ [Vice President](#) for Research or the [HSC Vice Chancellor for Research](#) ~~Vice President for Health Sciences~~.

F. Appeals

An investigator may appeal a Committee decision to the Provost or designee, who will meet with the investigator and the Committee (or its representative) prior to making a final decision on the appeal. No research expenditures will be made pending appeal.

II. Reporting and Records Requirements

A. Reports to Research Sponsors

The Conflicts of Interest Committee, ORS and HSC-PAA will work to ensure that UNM complies with the research sponsor's requirements for reporting conflicts of interest. As of the date of

enactment of this policy, for example, UNM must inform the Public Health Service, prior to the expenditure of research funds, of the existence of any actual conflicts of interest in the funded research and provide assurances of their management in accordance with federal requirements. UNM also must report and handle subsequently arising conflicts in PHS-funded research within 60 days after their identification. UNM is required to report to the National Science Foundation only conflicts of interests that have not been managed prior to expenditure of award funds, and keep the agency informed if a conflict cannot be managed successfully.

B. Records Retention

ORS will keep records of all conflict of interest disclosures and all actions taken with respect to those disclosures for at least three years after the later of these events:

1. Termination or completion (the date the final expenditures report is submitted) of the UNM research;
2. Resolution of any government action involving the records; or
3. As otherwise provided by law.

III. Policy Enforcement

A. Types of Noncompliance

Noncompliance with this policy can occur through the following actions:

1. Failure to disclose required information.
2. Failure to follow a conflict of interest management plan.

B. Enforcement Responsibility

The Provost or designee is responsible for enforcing this policy, including investigating and sanctioning noncompliance. The Conflicts of Interest Committee is responsible for reviewing and managing conflicts of interest referred to it during an enforcement process. The Provost or designee may consult with the Committee during this process.

C. Reporting Noncompliance

1. Anyone who suspects that an investigator has not complied with this policy may bring the matter to the attention of the principal investigator, if different from the investigator. If this is not feasible or does not resolve the matter, individuals should report their concerns to the Provost or designee. The Committee may likewise report its own concerns about an investigator's noncompliance.
2. UNM encourages good faith reporting of conflict of interest concerns. UNM prohibits retaliation against a person who reports under this policy in good faith. Retaliation for good faith reporting may result in disciplinary action up to and including dismissal. Similarly, UNM

does not tolerate bad faith reporting. Reporting an individual in bad faith may result in disciplinary action up to and including dismissal.

D. Investigation

1. The Provost or designee will investigate allegations of policy noncompliance. The procedures in UNM's Research Fraud Policy may be used for guidance, although investigations under this policy may be handled less formally than specified in the Research Fraud Policy.

2. Any information that arises from the investigation that is disclosable under Section V will be referred to the Conflicts of Interest Committee for review and management.

E. Sanctions

The Provost or designee may employ a range of options and sanctions in handling investigator noncompliance, including disciplinary and legal action and refusing or rescinding acceptance of an award.

F. Notification of Research Sponsors

If an investigator's noncompliance with this policy may have biased the design, conduct or reporting of the UNM research, UNM will promptly notify the funding agency. Research sponsors may impose additional restrictions, including suspension of funding. For example, if clinical research funded by the Public Health Service on the safety or efficacy of a drug, medical device or treatment was designed, conducted or reported by an investigator with an undisclosed or unmanaged conflict of interest, the investigator will be required to disclose the conflict in each public presentation of the research results.

~~X. EFFECTIVE DATE~~

~~This policy will become effective three months after approval by the UNM Board of Regents.~~

HISTORY

Adopted by the Regents April 11, 2000; revised by the Faculty Senate April 22, 2003; approved by the President May 12, 2003

DRAFT HISTORY

[June 4, 2017—Draft prepared to place in new policy format and to include HSC recommendation.](#)

COMMENTS TO:
handbook@unm.edu

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