

Faculty Senate Policy Committee DRAFT
Meeting Agenda, Scholes Hall Room 101, March 7, 2018, 3:30 pm – 5:00 pm

Updates

1. **Faculty Senate Bylaws and Related Council and Committee policy drafts**

Agenda Topics

Consent Agenda Topics: None

Action Items

1. **A63.5 “Information Technology Use Committee” pg. 1**
2. **C07 “Faculty Discipline Policy” & RPM 5.19 “Faculty Misconduct and Discipline” pg. 6**
3. **C05 “State of Emergency” pg. 24**
4. **A 52.1.1. Faculty Misconduct Review Committee pg. 29**
5. **“Assignment of Credit Hours” Policy pg. 32**
6. **Work Status Report pg. 34**

A63.5 ~~61.6~~: Information Technology Use Committee

Approved By: Faculty Senate

Last Updated: November 22, 2011 **Draft 1/18/18**

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. The IT Committee is one of five (5) committees that comprise the Faculty Senate Business Council, which provides faculty oversight of the business aspects of the University of New Mexico (UNM) including budget, government relations, campus planning, capital projects, etc.

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 IT Use 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 IT Use 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, research, and administrative units, the IT Use Committee represents the needs and concerns, particularly of the academic and research communities, for computing resources and information technology needs. The Chair of the IT Use Committee is a voting member of the IT 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 and patient care technologies; active participation in IT strategic planning; advice on IT budgets; recommendations for priorities; and liaison with academic, research, and as well as administrative computer users for main campus. Where beneficial to the combined missions of the Main, HSC, Law, and branch community colleges, review and recommendations relating to cross-campus initiatives will be conducted in accordance with existing University Administrative Policy 2560, "Information Technology (IT) Governance."

Membership: Sixteen (16) voting faculty which will include one (1) faculty member from a Branch Community College; fourteen (14) faculty members from Main, HSC, and Law campuses representing at least three (3) schools and colleges none of whom are from the same department; and one (1) faculty member from the Faculty Senate Research Policy Committee. Voting membership will also include four (4) student representatives which will include two (2) students from ASUNM and two (2) students from GPSA. The UNM Chief Information Officer (CIO), Senior Vice Provost for Academic Affairs, and the Vice Chancellor for Academic Affairs will serve as ex-officio, non-voting members. If unable to attend a Committee meeting, an ex-officio member may send a designee subject to approval by the Committee.

The terms of office shall be for two (2) years, set up on a staggered basis so that the terms of at least six (6) members will expire each year. Members can be appointed for a second two-year term. A Chair is elected by the Committee and normally will serve a renewable two-year term. In addition to the Committee members, subcommittee membership will be augmented with other faculty, administrators, staff, and students as required for specific subcommittee tasks.

APPLICABILITY

All [Main](#) 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

[Faculty Handbook:](#)

[Policy A51 "Faculty Constitution"](#)

[Policy A53 "Development and Approval of Faculty Policies"](#)

[Policy A60 "Faculty Senate Bylaws"](#)

[Policy A60.1 "Faculty Senate Councils and Committees" NOTE: draft awaiting approval](#)

[Policy A63 "Business Council" NOTE: draft awaiting approval](#)

[University Administrative Policy and Procedures 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

[The IT Use Committee will schedule regular meetings. The Committee Chair will report Committee recommendations through the Business Council for consideration by the Faculty Senate.](#)

HISTORY

March 22, 2011 – Approved by Faculty Senate

DRAFT HISTORY

[January 20, 2018 – Revised to address latest request to exempt HSC from the Policy and align with new Faculty Senate structure](#)

[November 14, 2017 – Revised draft to address HSC concerns.](#)

April 3, 2017 – Revised draft to include IT Committee's recommended changes.

COMMENTS TO: handbook@unm.edu	FACULTY HANDBOOK HOME	TABLE OF CONTENTS	TABLE OF POLICIES	UNM HOME
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A61.6: Information Technology Use Committee

Proposed Policy Rationale and Statement

Rationale:

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

Policy Statement:

The Committee represents and reports to the Faculty Senate through regular procedures and submits a yearly report to the Senate. In cooperation with the University of New Mexico (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, research and administrative units, it represents the needs and concerns, particularly of the academic and research communities, 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 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 administrative computer users for main campus. Where beneficial to the combined missions of the Main, HSC, Law, and branch campuses, review and recommendations relating to cross-campus initiatives will be conducted in accordance with existing University Administrative Policy 2560, **Information Technology (IT) Governance**.

Membership: Sixteen (16) voting faculty which will include one (1) faculty member from a Branch Community College; fourteen (14) faculty members from Main, HSC, and Law campuses representing at least three (3) schools and colleges none of whom are from the same department; and one (1) faculty member from the Faculty Senate Research Policy Committee. Four (4) student representatives including two (2) from ASUNM and two (2) from GPSA. The UNM Chief Information Officer (CIO), Senior Vice Provost for Academic Affairs, and the Vice Chancellor for Academic Affairs will serve as ex-officio, non-voting members. If unable to attend a Committee meeting, an ex-officio member may send a designee subject to approval by the Committee.

The terms of office shall be for two (2) years, set up on a staggered basis so that the terms of at least six (6) members will expire each year. Members can be appointed for a second two-year term. A Chair is elected by the Committee and normally will serve a renewable two-year term. In addition to the Committee members, subcommittee membership will be augmented with other faculty, administrators, staff, and students as required for specific subcommittee tasks.

Regarding the additional changes to Faculty Handbook Policy A61.6 as proposed by the Policy Committee, the IT Use Committee requests that the majority of additions specific to HSC and HSC IT be stricken and the proposed revision of policy A61.6 be updated as attached.

The committee appreciates the input and effort of the Policy and Operations Committees in this regard. Our response is based on concerns raised within the IT Use Committee and by our colleagues in the HSC, namely:

- The revision as proposed by the Policy Committee is not consistent with standard practice among institutions with health science centers. Further, it is not consistent with the findings and recommendations regarding UNM IT practices and governance as provided by outside consultants (KSA and TIG).
- Co-governance of IT across UNM campuses is already provided for by University Administrative Policy 2560, *Information Technologies Guidance*. The addition of specific language to A61.6 is redundant, and may in some cases contradict existing UAP 2560.
- The addition of "patient care" considerably broadens the scope of the committee's charge. Patient care at the UNM HSC is intractably integrated with the research IT and EHR.
- While added specificity about committee composition is needed to bring the IT Use Committee charge in line with other Faculty Senate committee policies, detailing the composition as proposed seems too specific. We note that branch campus and HSC IT interests are represented via other policies and governance structures including the Academic Technology Advisory Board and Research Technology Advisory Board. That said, we welcome and encourage members representing branch, HSC, and Law campuses and propose to modify the membership portion of the policy to be similar to that provided for the Scholarship Committee (A61.17) or the Campus Development Advisory Committee (A61.5).

On behalf of the IT Use Committee, I thank the Policy Committee for the opportunity to respond to the additional proposed changes to policy A61.6. We welcome the opportunity to discuss these or other concerns with the Policy Committee and look forward to further refining this policy recommendation.

C07: Faculty Misconduct and Progressive Discipline Policy

Approved By: Faculty Senate and Academic Freedom and Tenure Committee ~~and Board of Regents~~

Effective: Draft February 12, 2018

Responsible Faculty Committees: Policy Committee and AF&T Committee

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

Legend: Proposed changes throughout the policy are highlighted as follows: Underscored text in blue reflect changes since Feb Policy Committee meeting, which include Policy Committee recommendations; in red = other changes; Strike through text = delete; and Unmarked text = no change.

Revisions to the Policy Rationale, Policy Statement, and Applicability sections of this document must be approved by the full Faculty Senate Academic Freedom and Tenure Committee, ~~and the Board of Regents~~.

POLICY RATIONALE

The University of New Mexico (UNM) is committed to the principles of academic freedom, which rely on the intellectual and professional integrity of faculty members mindful of their rights and responsibilities. Essential to sustaining an environment that supports academic freedom is the requirement for an impartial investigation of alleged faculty misconduct, due process, and when necessary, disciplinary action¹. It is the responsibility of decision-makers when reviewing alleged faculty misconduct to ensure that the decision making process is not influenced by a violation of academic freedom, improper consideration, or procedural violations per Faculty Handbook Section B.6.2.1.

While the University of New Mexico (UNM) encourages a supportive problem solving approach to workplace problems, but UNM it also recognizes that misconduct may require disciplinary action. When the need for disciplinary action is identified, UNM normally uses progressive discipline to address possible misconduct. Progressive discipline is intended to be corrective, not punitive in nature, and is designed to provide faculty with notice of deficiencies and an opportunity to take corrective action improve. However, some misconduct violations of policies and procedures, or continued negative behavior may be of such a serious nature that suspension without pay or dismissal ~~discharge~~ pursuant to *Faculty Handbook* policies may be appropriate.

POLICY STATEMENT

Any member of the UNM faculty, including any member serving as an academic administrator, accused of misconduct will be subject to this Policy. If after an inquiry or investigation the faculty member is found to have engaged in misconduct, ~~or who violates a published UNM policy~~ the faculty member may be subject to a warning, censure, disciplinary probation, suspension without

pay, or dismissal in accordance with this Policy. Teaching, research, and graduate assistants in their faculty capacity are considered faculty members for purposes of this Policy.

Any individual(s) bringing an allegation of faculty misconduct ~~to the chair's attention~~ is protected by, and subject to, the UNM's policy on reporting misconduct (UAP **Policy 2200**, "Whistleblower Protection and Reporting Suspected Misconduct and Retaliation").

Care must be exercised at all times to ensure confidentiality to the extent possible and to protect the privacy of persons involved in a misconduct inquiry or investigation. The privacy of those who report misconduct in good faith will also be protected to the extent possible. Files involved in an inquiry or investigation shall be kept secure, and applicable state and federal law shall be followed regarding confidentiality of personnel records. Refer to **Policy C70** "Confidentiality of Faculty Records." If at any step in this Policy it is determined ~~If the final determination is~~ that no misconduct occurred, efforts shall be undertaken to the extent possible and appropriate to fully protect, restore, or maintain the reputation of the faculty member to the extent possible. The faculty member's personnel files should document such action.

APPLICABILITY

All UNM academic faculty and administrators who are also faculty, including the Health Sciences Center and Branch Community Colleges. ~~Campuses~~

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

DEFINITIONS

Allegation is any report or evidence of misconduct.

Chair. References to the department chair in this Policy also include the program director or associate or vice dean in a non-departmentalized school or college. If allegations are made against a department chair or other administrator, the next higher academic authority shall perform the functions assigned in this Policy to the chair and the provisions shall be modified as appropriate.

Faculty member. For the purposes of the Policy, the term faculty member refers to the faculty member whose conduct or actions are in question.

Faculty Misconduct Review Committee (FMRC) is a standing committee appointed by the Academic Freedom and Tenure Committee charged with conducting faculty peer hearings specifically for proposed disciplinary actions of either: 1) suspension without pay of any faculty member or 2) dismissal of any faculty member without tenure. AF&T retains authority to conduct all other hearings within its jurisdiction to include violations of academic freedom, improper consideration, or procedural violations per Faculty Handbook Section B.6.2.1.

Misconduct means conduct or actions that are a substantive violation of laws, regulations, UNM policies, or ethical or professional standards. Examples of misconduct may include, but are not limited to:

- Act(s) of retaliation
- Bullying or threats of violence
- Creating a hostile education or work environment
- Criminal activity such as assault, battery, fraud, theft, or embezzlement
- Discrimination, including sexual harassment
- Failure to disclose conflicts of interest
- Falsification of information
- Illegal use of drugs or alcohol
- Inappropriate disclosure of confidential information
- Misappropriation of UNM funds, property, or resources
- Possession of/or distribution of obscene or pornographic material unrelated to UNM's academic or research mission
- Research misconduct
- Violation of standards of integrity in the conduct of scholarly and scientific research and communication

Progressive Discipline is designed to provide an opportunity for a faculty member to improve by imposing more moderate discipline to the first offense than to subsequent offenses, unless the misconduct is of such a serious nature that a higher level of immediate discipline is required such as suspension without pay or dismissal.

Warning means an oral reprimand. ~~or expression of disapproval.~~

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

Disciplinary probation involves specific disciplinary action taken for a designated period of time designed to assist the faculty member in correcting misconduct. Examples of disciplinary actions that may be part of the disciplinary probation include, but are not limited to:

- Class monitoring
- Denial of merit-based salary increase
- Department Reassignment within UNM or reassignment of duties
- Fines or restitution
- Mandatory counseling
- Modified teaching assignmentsⁱⁱ or other workload assignments.

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

Dismissal means **discharge or** termination of employment **initiated by UNM**. (see *Faculty Handbook* sections B.5.3, B.6.4.3, and B.5.4).

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

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

RELATED DOCUMENTS

Faculty Handbook:

Policy A52.3 “Faculty Misconduct Review Committee” NEW POLICY PROPOSED

Policy A53.1 “Policies Applicable to Faculty”

Section B

Policy C09 “Respectful Campus”

Policy C70 “Confidentiality of Faculty Records”

Policy E40 “Research Misconduct”

Policy E110 “Conflicts of Interest in Research”

Information Section “Ombuds Dispute Resolution Services for Faculty”

University Administrative Policies and Procedures Manual:

Policy 2200 “Whistleblower Protection and Reporting Suspected Misconduct and Retaliation”

Policy 2210 “Campus Violence.”

Policy 2220 “Freedom of Expression and Dissent”

Policy 2240 “Respectful Campus”

Policy 2720 “Equal Opportunity, Non-Discrimination, and Affirmative Action”

Policy 2730 “Sexual Harassment”

Pathfinder:

“Visitor Code of Conduct”

“Student Code of Conduct”

CONTACTS

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

PROCEDURES

The procedures specified in this Policy provide for the consideration and determination of proposed disciplinary actions against faculty members short of dismissal. Consideration and determination of disciplinary actions that may result in a proposed dismissal of a tenured faculty member, or dismissal of an untenured faculty member prior to expiration of his or her contract term, are governed by sections B.5.3, B.6.4.3, or B.5.4, respectively, of the Faculty Handbook and are not covered by these procedures. However, cases in which faculty dismissal has been considered pursuant to sections B.5.3, B.6.4.3, or B.5.4, and a lesser sanction is ultimately proposed instead by the

administration, shall be handled under this policy, without duplicating steps that have already taken place. In particular, if the chair and dean conclude that suspension without pay is appropriate in a case in which dismissal was considered but rejected, the faculty member is entitled to request a peer hearing as provided below in sections 10 and 11.

Any report of alleged misconduct shall be treated in a confidential manner and brought to the attention of the department chair responsible for the faculty member whose actions are in question.

1. Preliminary Assessment

If the allegations are within the scope of another specific UNM Policy as discussed in Section 2 herein, the chair shall forward such allegations to the appropriate person or department for handling pursuant to the applicable policy and provide notice to the faculty member. If the chair has questions as to whether an allegation is within the scope of another policy, the chair should consult with the University Secretary. For all other allegations, the chair will meet with the faculty member to explain the nature of the alleged violation, and will complete a preliminary assessment within five (5) working days. The purpose of the preliminary assessment is to determine whether the allegation is sufficiently credible and specific. In conducting the preliminary assessment, the chair does not necessarily need to interview individuals or gather data beyond any that may have been submitted with the allegation. After completing the preliminary assessment the chair will determine the appropriate action as set forth below.

1.1. Allegation(s) Not Sufficiently Credible and Specific

If the chair determines the allegations are not sufficiently credible and specific, the chair will inform the faculty member of the determination and document the determination in the faculty member's personnel file. If necessary, the chair will take action to protect, restore, and/or maintain the reputation of the faculty member to the extent possible.

1.2. Conciliation

Conciliation is voluntary and may be undertaken if both parties agree. The department chair or the faculty member may initiate conciliation proceedings at any time prior to a disciplinary decision by the chair. ~~by contacting~~ The Ombuds/Dispute Resolution Services for Faculty Office program can provide assistance (see as provided in the Information Section of the *Faculty Handbook*). ~~Section C345 with notice to the other parties.~~

1.3. Allegation(s) Pertain to Performance Issues and Not Misconduct

If the chair determines the allegations are credible and specific but pertain to performance issues and not misconduct, the chair should address the issue promptly and directly with the faculty member.

1.4. Section B Concerns

If the chair determines the allegations fall under Section B of the *Faculty Handbook*, the chair should consult with the Chair of the Academic Freedom and Tenure Committee (AF&T).

1.5. Alleged Misconduct is NOT within the Scope of Another Specific UNM Policy

If the chair determines the allegations are credible and specific and the alleged misconduct does not fall within the scope of another specific UNM policy as discussed in Section 2 herein, the chair will meet with the faculty member to discuss the alleged misconduct within five (5) working days after completion of the preliminary assessment. At the meeting, the chair will provide a written report to the faculty member that describes the specific alleged misconduct, including a summary of any documentation.

- If the faculty member acknowledges the misconduct, the chair and the faculty member will discuss possible disciplinary action. If the disciplinary action involves a warning, censure, or disciplinary probation, the procedures in **Section 4** herein shall be followed; or if the discipline involves suspension without pay or dismissal the procedures in **Section 5** herein shall be followed.
- If the faculty member does not agree that misconduct occurred, the chair shall initiate an investigation in accordance with **Section 3** herein to determine if the allegations meet the definition of misconduct and are credible. The chair will begin the investigation within five (5) working days after meeting with the faculty member.

2. Misconduct Subject to Investigation Procedures in Another Specific UNM Policy

~~In the case of allegations against a faculty member that appear to be~~ If the alleged misconduct is within the scope of another specific UNM policy that has its own procedures for investigation and resolution (including but not limited to allegations of research misconduct, discrimination, or sexual harassment), the chair ~~or dean~~ shall forward such allegations to the appropriate person or department for handling pursuant to the applicable policy. These policies include, but are not limited to, allegations of research misconduct (**FH E40**), violation of respectful campus (**FH C09**), unethical behavior (**FH A61.8**), discrimination (**UAP 2720**), or sexual harassment (**UAP 2730**).

If an investigation conducted in accordance with another specific UNM policy finds no misconduct, the chair will inform the faculty member of the determination and document the determination in the faculty member's personnel file(s) in accordance with Faculty Handbook Policy C70 "Confidentiality of Faculty Records." If necessary, the chair will take action to protect, restore, or maintain the reputation of the faculty member to the extent possible.

~~In all cases other than those set forth in paragraphs 3 and 4 above, if a member of the faculty is alleged to have violated a policy of the University,~~ If an investigation conducted in accordance with another specific UNM policy results in a determination that misconduct has occurred, the ~~department~~ chair shall meet with the faculty member to provide a written report of the investigation. Within five (5) working days after meeting with the faculty member, the chair shall make a decision on what level of disciplinary action, if any, will result. If the disciplinary action involves is limited to a warning, censure, or disciplinary probation, the procedures in **Section 4** herein shall be followed; or if the disciplinary action involves suspension without pay or dismissal the procedures in **Section 5** herein shall be followed.

3. Investigation of Misconduct NOT Subject to Investigation Procedures in Another Specific UNM Policy

The purpose of the investigation is to explore the allegations in detail, examine the evidence in depth, and determine specifically whether the faculty member engaged in misconduct. The investigation should be conducted in a confidential manner to the extent possible and be completed within fifteen (15) working days. At a minimum the investigation should include a meeting with the faculty member. The faculty member may be accompanied by one (1) person in meeting with the chair. The faculty member ~~and the chair~~ shall notify the chair ~~each other~~ at least two (2) working days prior to the scheduled meeting who, if anyone, will be accompanying them at the meeting. Before, during or after the meeting, the chair may ask the faculty member to respond in writing to the allegations ~~notice~~ and present any relevant written material within a reasonable time specified by the chair. ~~Likewise~~ The faculty member shall be free to submit any materials the faculty member believes to be relevant ~~reasonably desired on his/her own volition~~ no later than ~~two (2)~~ five (5) working days after meeting with the chair unless the chair grants additional time in writing. The chair should also meet with other individuals who might have information regarding aspects of the allegations.

~~The chair should issue a written report~~ Within five (5) working days after completion of the investigation, the chair shall meet with the faculty member and provide a written report that will include a summary of the evidence reviewed and discussions with the faculty member and ~~any other~~ all individuals interviewed. ~~after the meeting summarizing the discussion with the faculty member~~ A signed copy of the report shall be placed in the faculty member's personnel file. ~~and sent to the faculty member.~~ The matter may be concluded at this point by the mutual consent of all parties.

3.1. Determination of Disciplinary Action

Within five (5) working days after meeting with the faculty member, the chair shall make a decision on what level of disciplinary action, if any, will result. If the disciplinary action involves a warning, censure, or disciplinary probation, the procedures in Section 4 herein shall be followed; or if the disciplinary action involves suspension without pay or dismissal the procedures in Section 5 herein shall be followed.

~~In all cases other than those set forth in above, if a member of the faculty is alleged to have violated a UNM policy, the department chair shall provide the faculty member a written notice explaining the nature and specific content of the alleged violation, together with a copy of this Policy, and shall discuss the alleged violation with the faculty member. The written notice shall be given to the faculty member within ninety (90) days of the chair learning of the apparent violation of policy.~~

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

4. Warning, Censure, Disciplinary Probation Proposed

If a mutually agreeable resolution (with or without conciliation) is not achieved, the department chair shall make a decision in the matter and communicate it to the faculty member in writing within ten (10) working days after meeting with the faculty member or the termination of conciliation efforts if they are unsuccessful, whichever is later. If the chair, after meeting with the faculty member and considering all materials submitted pursuant to **Sections 1 through 3 of this Policy**, proposes a **warning, censure, or disciplinary probation**, the chair shall meet with the dean **within five (5) working days of the meeting with the faculty member** to review the matter **to determine if the proposed discipline is justified and consistent with discipline within the college**. If formal conciliation has not been attempted previously, the dean may **suggest such action**. ~~refer the matter to Ombuds/Dispute Resolution Services for Faculty.~~ Conciliation **is voluntary and** may be undertaken if both parties agree. If the **proposed discipline** is supported by the dean, the chair may proceed with the discipline by providing the faculty member with a written **discipline** notice. ~~of the proposed action.~~

4.1. Appeals

If the faculty member does not agree with the results of the investigation and/or the disciplinary action, he/she the faculty member may appeal a warning, censure, or disciplinary probation in accordance with the following sections; however, the disciplinary action will not be delayed pending appeal.

4.1.1. Appeal to Provost or Chancellor

~~If the faculty member does not agree with the disciplinary action, he/she~~ **The faculty member** may submit **an appeal to** a written request for review by the Provost or Chancellor within **ten (10)** five (5) working days of receipt of the written discipline notice from the chair. The Provost/Chancellor will decide the matter ~~on the record~~ **based on the investigation written report as discussed in sections 2 and 3 herein**, unless **the Provost/Chancellor** ~~he/she~~ determines that it would be helpful to meet with the parties, together or separately. Within ten (10) working days after receipt of the **request for review from the faculty member**, ~~complete record or after meeting with the parties, whichever is later,~~ the Provost/Chancellor shall uphold, modify, or reverse the disciplinary decision by written notice to the parties; **or if the Provost/Chancellor determines the investigation was not complete, the Provost/Chancellor may remand the matter back to the chair for further action.** ~~The Provost/Chancellor may seek an advisory investigation and opinion from the Faculty Ethics Committee.~~

4.1.1.1 Academic Freedom and Tenure Committee

The Academic Freedom and Tenure Committee (AF&T) has the authority to review an appeal request brought by a faculty member who ~~may bring a complaint before the UNM Academic Freedom and Tenure Committee (AF&T) if he/she believes the matter or its handling is within the jurisdiction of AF&T~~ **per Section B.6.2.1.** AF&T will determine whether the matter is within its jurisdiction and, if so, shall handle the matter under the Policy on Academic Freedom and Tenure. Normally, review by the AF&T Committee will not review **an appeal request** ~~the complaint~~ until after a written decision is issued ~~should be sought after the determination~~ by the Provost/Chancellor. ~~If the faculty member pursues the matter before the AF&T Committee, AF&T shall accept the facts as determined by the Faculty Peer Hearing Panel, if a hearing one was held.~~

4.1.2. Appeal to the President

If the faculty member does not agree with the decision of the Provost/Chancellor, the faculty member may request a review by the President. The President has discretion to determine whether the appeal will be considered. The request 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 Provost/Chancellor.

4.1.3. Appeal to the Board of Regents

In accordance with Regent Policy 1.5 “Appeals to the Board of Regents,” a faculty member affected by a decision of the administration may appeal the decision to the Board of Regents after all other avenues of appeal has been exhausted. The Board has discretion to determine whether the appeal will be considered. A request from the faculty member for a review by 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 President.

5. Suspension Without Pay or Dismissal Proposed

If the chair, after meeting with the faculty member and considering all materials submitted pursuant to **Sections 1 through 3 of this Policy**, proposes to suspend the faculty member without pay or dismiss the faculty member, the chair shall meet with the dean to review the matter to determine if the suspension without pay or dismissal is justified and consistent with discipline within the college. The dean shall meet with the faculty member to discuss the matter and the proposed discipline within five (5) working days after meeting with the chair. If the proposal to suspend the faculty member without pay or dismiss the faculty member is supported by the dean after meeting with the chair and the faculty member, the dean shall consult with the Provost or Chancellor within five (5) working days after meeting with the faculty member. The Provost or Chancellor will review the case on the record and issue a decision within five (5) working days after consulting with the dean. If the Provost or Chancellor supports the suspension without pay or dismissal of the faculty member, the faculty member is entitled to a faculty peer hearing.

If a lesser disciplinary action is imposed in place of the proposed suspension without pay or dismissal, the faculty member may request a discretionary review by the President or the Board of Regents in accordance with sections 4.1.2 and 4.1.3 herein.

5.1. Academic Freedom and Tenure Committee

The Academic Freedom and Tenure Committee (AF&T) has the authority to review an appeal request brought by a faculty member who may bring a complaint before the UNM Academic Freedom and Tenure Committee (AF&T) if he/she believes the matter or its handling is within the jurisdiction of AF&T per Section B 6.2.1. AF&T will determine whether the matter is within its jurisdiction and, if so, shall handle the matter under the Policy on Academic Freedom and Tenure. Normally, review by the AF&T Committee will not review an appeal request the complaint until after a written decision is issued should be sought after the determination by the Provost/Chancellor. If the faculty member pursues the matter before the AF&T Committee, AF&T shall accept the facts as determined by the Faculty Peer Hearing Panel, if a hearing one was held.

5.2. Suspension Without Pay for any Faculty Member and Dismissal of Faculty Member Without Tenure

5.2.1. Peer Hearing

When the alleged faculty misconduct is not influenced by a violation of academic freedom, improper consideration, or procedural violations per *Faculty Handbook* Section B.6.2.1, and the proposed discipline is suspension without pay of any faculty member or dismissal of a faculty member without tenure, the faculty member shall may send such a request for a peer hearing to the Chair of the UNM Faculty Ethics Misconduct Review Committee (FMRC) within ten (10) working days of receipt of the Provost's or Chancellor's decision for suspension without pay or dismissal. The Chair of the FMRC Ethics Committee will arrange for a peer hearing and appoint a hearing panel composed of five (5) members of the FMRC, before two members of that Committee from outside the faculty member's department, chosen by the Ethics Committee, and one (1) uninvolved department chair from a different school or college chosen by the Provost/Chancellor. The hearing will be held as soon as reasonably possible and shall be conducted according to the Model Hearing Procedures University's Dispute Resolution Hearing Procedures. The Office of University Secretary office shall make arrangements for the hearing and shall provide support for the hearing panel. The hearing shall be recorded and shall be private unless both parties agree that the hearing be open. The hearing panel shall be chaired by one of the faculty members assigned to the hearing panel. The proceedings and the preparation of the decision shall be controlled by the peer hearing panel members.

If the other investigative procedure involved a hearing before a faculty committee, any factual determination will not be subject to reconsideration by faculty peer review under this Policy. The hearing panel may uphold or reverse the proposed disciplinary action and submit their recommendation to the FMRC for a final decision, al to suspend the faculty member without pay or dismissal. If the Panel's FMRC's decision is to reverse the proposal, the Panel FMRC may direct the department chair and dean to impose a lesser disciplinary measure or may find that no misconduct has occurred and determine that no discipline should be imposed. The Panel's FMRC's decision may be reviewed on the record by the Provost/Chancellor, but the Panel's FMRC's decision shall not be reversed or modified except in the case of clear error. If the Provost/Chancellor reverses or modifies the FMRC decision the justification, shall be detailed in writing by the Provost/Chancellor. The decision of the Panel FMRC and/or Provost/Chancellor is subject to discretionary review by the President or Board of Regents if requested by the faculty member.

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

5.2.2. Appeal to the President

If the faculty member does not agree with the decision of the FMRC Peer Hearing Panel, the faculty member may request a review by the President. The President has discretion to determine whether the appeal will be considered. The request 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 Provost/Chancellor.

5.2.3. Appeal to the Board of Regents

In accordance with Regent Policy 1.5 “Appeals to the Board of Regents,” a faculty member affected by a decision of the administration may appeal the decision to the Board of Regents after all other avenues of appeal has been exhausted. The Board has discretion to determine whether the appeal will be considered. A request from the faculty member for a review by 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 President.

5.3. Dismissal of Tenured Faculty Member Proposed

If the proposed discipline is dismissal of a tenured faculty member, refer to Section B6.4.3 of the Faculty Handbook for applicable policies and procedures.

~~the faculty member shall send such a request to the Provost/Chancellor within five (5) working days of receipt of the dean’s determination. The Faculty Ethics Committee will arrange for a hearing before two members of that Committee from outside the faculty member's department, chosen by the Ethics Committee, and one uninvolved department chair from a different school or college chosen by the Provost/Chancellor.~~

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

DRAFT HISTORY

February 12, 2018—Draft revised to incorporate AF&T 2/9/18 recommendations.

February 1, 2018 -- Draft revised to incorporate AF&T 1/26/18 recommendations.

January 2, 2018 – Draft revised to incorporate AF&T 12/15/17 recommendations.

November 19, 2017 -- Draft revised to incorporate AF&T 11/16/17 recommendations.

November 14, 2017 -- Draft revised to incorporate AF&T 11/3/17 recommendations.

November 1, 2017 – Draft revised to incorporate AF&T 10/20/17 recommendations.

October 18, 2017 – Draft revised to incorporate V. Valencia feedback.

October 14, 2017 – Draft revised to include pre assessment procedures.

October 7, 2017 – Draft revised per AF&T Oct 6, 2017 meeting.

September 21, 2017 – This draft puts the current policy in the new format, without recommended changes. It is designed to provide a platform for review by AF&T of previously recommended changes.

September 10, 2017 –draft with AF&T Committee’s changes from last year.

HISTORY

December 13, 2011 – Approved by Board of Regents

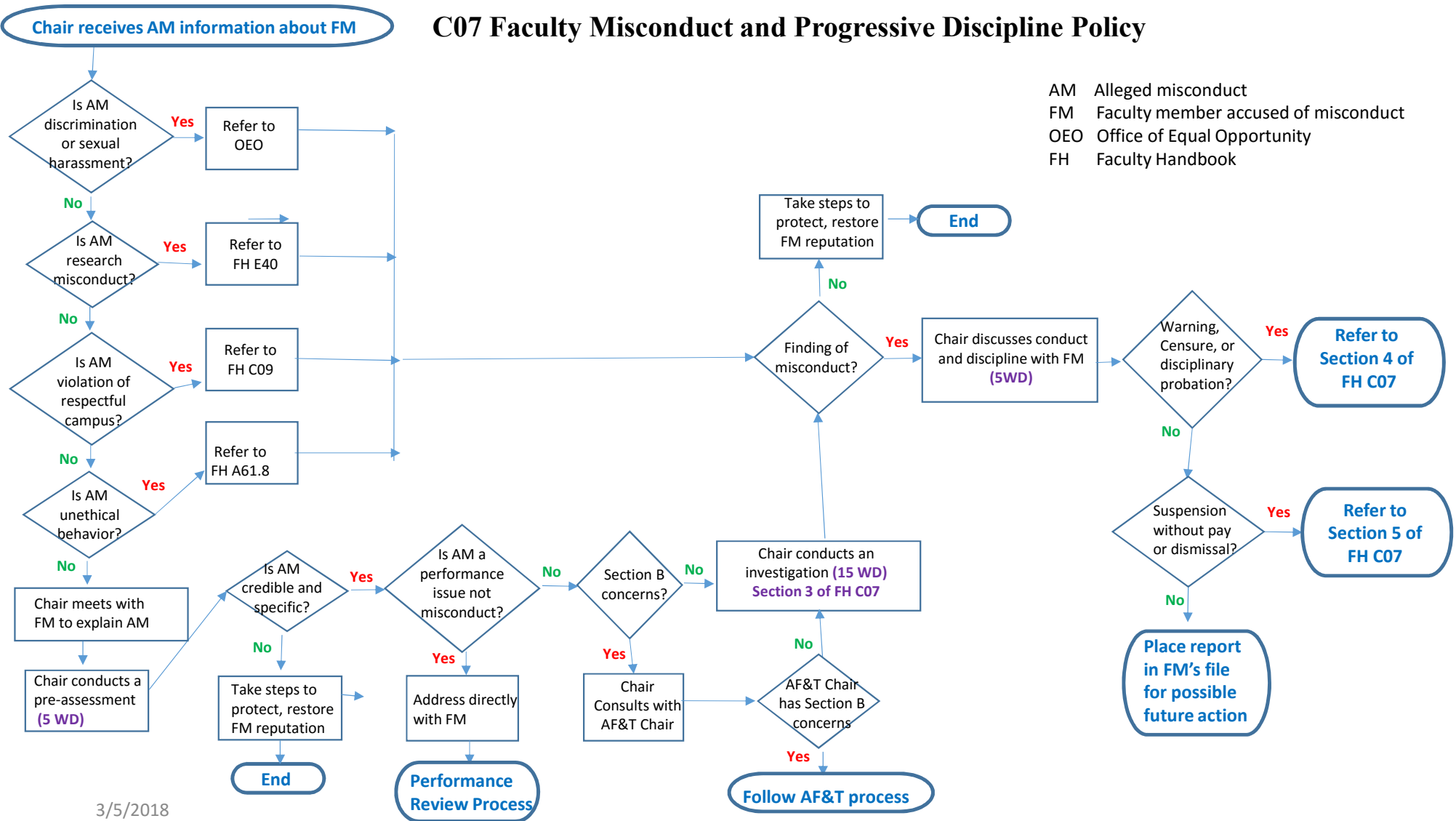
March 22, 2011 – Approved by Faculty Senate

ⁱ [Michigan State University, Policy and Procedures for Implementing Disciplinary Action Were Dismissal Is Not Sought” December 18, 2015.](#)

ⁱⁱ [American Association of University Professors \(AAUP\). “Faculty Misconduct and Discipline \(2005\).” Presentation to National Conference on Law and Higher Education. February 20-11, 2005.](#)

C07 Faculty Misconduct and Progressive Discipline Policy

AM Alleged misconduct
 FM Faculty member accused of misconduct
 OEO Office of Equal Opportunity
 FH Faculty Handbook



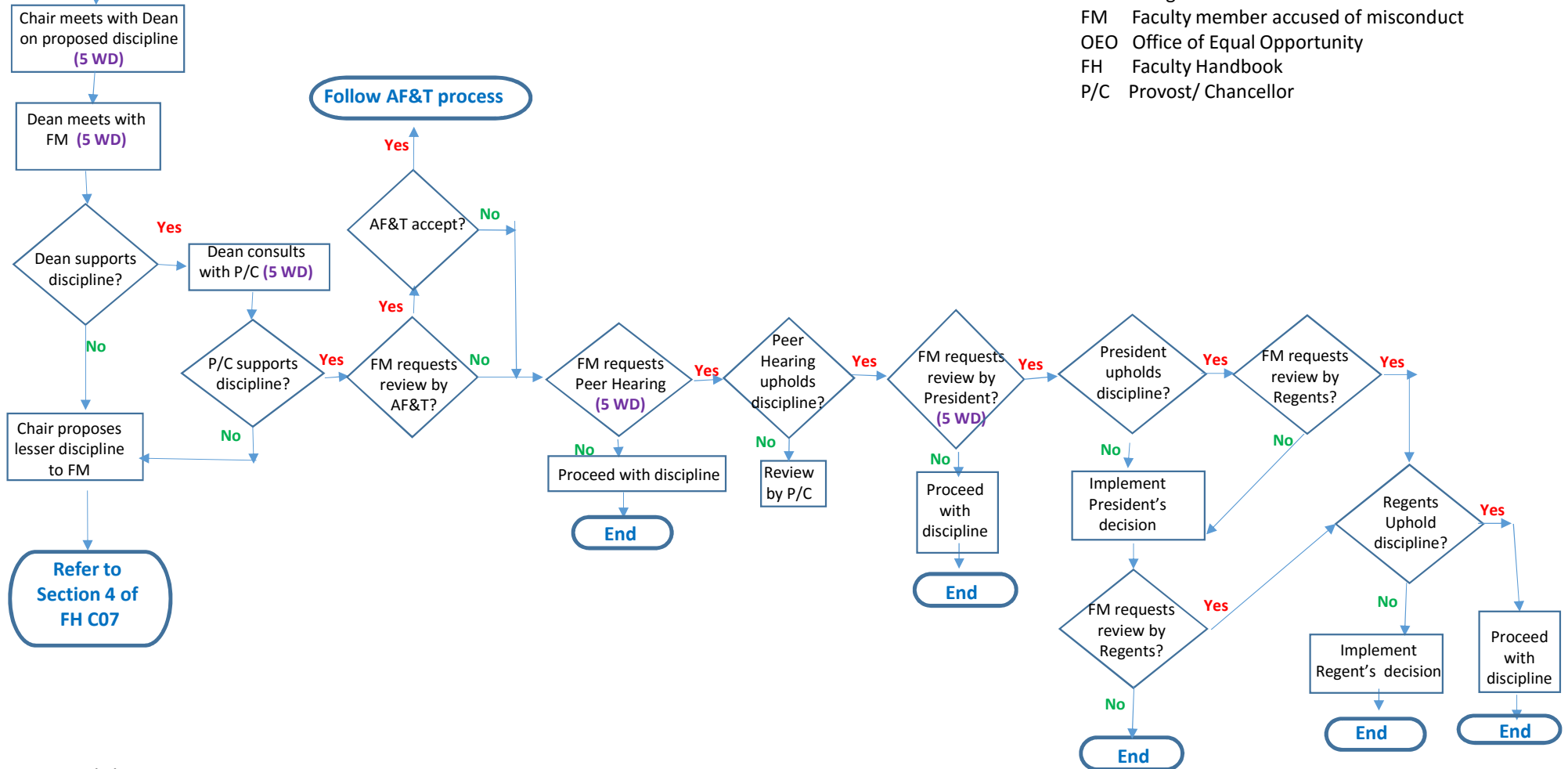
Section 4



Section 5

Section 5 C07 Suspension without Pay or Dismissal Proposed

AM Alleged misconduct
 FM Faculty member accused of misconduct
 OEO Office of Equal Opportunity
 FH Faculty Handbook
 P/C Provost/ Chancellor



3/5/2018

Regents' Policy Manual - Section 5.19:

Faculty Misconduct and Discipline

Adopted Date: 02-12-2018 **NEW POLICY DRAFT**

Applicability

This policy applies to University of New Mexico (UNM) faculty, including teaching, research, and graduate assistants in their faculty capacity.

Policy

UNM is committed to the principles of academic freedom, which rely on the intellectual and professional integrity of faculty members mindful of their rights and responsibilities. Essential to sustaining an environment that supports academic freedom is the requirement for an impartial investigation of alleged faculty misconduct and due process, and when necessary, disciplinary action pursuant to Faculty Handbook policies. It is the responsibility of decision makers when reviewing alleged faculty misconduct to ensure that the decision making process is not influenced by a violation of academic freedom.

When the need for disciplinary action is identified, UNM normally uses progressive discipline pursuant to Faculty Handbook policies to address misconduct. Progressive discipline is intended to be corrective, not punitive in nature, and is designed to provide faculty with notice and an opportunity to take corrective action.

References

Faculty Handbook, Section B “Policy on Academic Freedom”

Faculty Handbook, Policy C07 “Faculty Misconduct and Progressive Discipline Policy,” approved April 24, 2018, by the Faculty Senate and the Academic Freedom and Tenure Committee

Memorandum

Date: February 26, 2018

To: Dr. Kimberly Gauderman, Co-Chair, Faculty Senate Policy Committee
Dr. Martha Muller, Co-Chair, Faculty Senate Policy Committee
Dr. Jackie Hood, Chair, Academic Freedom and Tenure Committee
Kenedi Hubbard, University Secretary

From: Carol Stephens, Policy Consultant, Office of the University Secretary

Re: Relationship of the Charge and Responsibilities of the Faculty Ethics and Advisory Committee and the proposed Faculty Misconduct Review Committee

Per our discussion on the role of the Faculty Ethics and Advisory Committee and its relationship to the proposed Faculty Misconduct Review Committee, I have reviewed related documents to provide insight on the questions raised by the Operations Committee.

A key change in the proposed revision of Policy C07 “Faculty Misconduct and Progressive Discipline Policy” is to require an “impartial investigation of alleged faculty misconduct” before any disciplinary determination is made. The person, department, or entity responsible for the investigation is dependent on the nature of the alleged misconduct:

- The Faculty Ethics and Advisory Committee conducts investigations for alleged unethical behavior;
- The Office of Equal Opportunity (OEO) conducts investigations for alleged discrimination or sexual harassment;
- The Research Misconduct Policy investigation process is used for alleged research misconduct;
- The Respectful Campus Policy investigation process is used for alleged misconduct that is a violation of *Faculty Handbook* Policy C09; and
- The chair of the faculty member whose actions are in question conducts the investigation for all other alleged misconduct.

This investigation role of the Faculty Ethics and Advisory Committee listed above aligns directly with *Faculty Handbook* Section B Appendix [VIII. Faculty Ethics and Advisory Committee](#), which states, “The Faculty Ethics and Advisory Committee’s (hereinafter referred to as Committee) function is to informally investigate the facts and make recommendations when a faculty member has been accused of conduct inconsistent with the Statement on Professional Ethics (Appendix IV). ... It is intended that the Committee investigate only serious accusations which have or may have done damage to the accused’s reputation.”

The objectivity and independence of the investigation processes are critical to protecting a faculty member’s rights. If the findings of the Faculty Ethics and Advisory Committee investigation results in a recommendation of discipline, the Faculty Ethics and Advisory Committee should not be placed in a conflicting role of conducting a peer hearing review requested by the faculty member. Therefore, Policy C07 assigns the peer hearing process to either the Faculty Misconduct Review Committee or AF&T depending on the discipline being proposed.

Some confusion pertaining to the valuable role of the Faculty Ethics and Advisory Committee may result from the use of two separate documents in the *Faculty Handbook* A61.8 and Section B Appendix VIII. These documents could be combined to avoid confusion and revised to provide faculty with more precise information on the role and responsibilities of the Faculty Ethics and Advisory Committee.

cc: Candyce Torres, Administrative Coordinator, Office of the University Secretary
Vivian Valencia, Consultant, Office of the University Secretary

References:

Revised Draft (2/12/2018) *Faculty Handbook* Policy C07 “Faculty Misconduct and Progressive Discipline Policy”

Faculty Handbook Section B Appendix [VIII. Faculty Ethics and Advisory Committee](#)

Faculty Handbook Section B Appendix [V. 1987 Statement of Professional Ethics](#)

Faculty Handbook Policy [A61.8: Faculty Ethics and Advisory Committee](#)

C05: State of Emergency

Rights and Responsibilities at the University of New Mexico

Approved By: Faculty Senate ~~and Board of Regents?~~

Effective Date: **Draft 10/25/172/12/18**

Responsible Faculty Committee: **Operations Committee**

Office Responsible for Administration: **Office of the University Secretary**

NOTE: This draft moves language pertaining to discipline to (shown struckout below) to C07 "Faculty Discipline." This policy is being renamed "State of Emergency" to more adequately reflect the remaining content of the Policy. Proposed changes to more closely align with Regent Policy 3.2 "Authority in an Emergency," are shown in purple. Other suggested changes are shown in red with proposed delete text shown struckout.

Section 6 as follows is added to the Statement as an interim measure pending further study and the adoption of a permanent policy:

6. One of the important aspects of academic due process is a clear statement of the kinds of conduct that will lead to University disciplinary action. It is deemed important, therefore, to clarify the type of conduct which shall be considered to affect adversely the University's educational function, to disrupt community living on campus, or to interfere with the right of others to the pursuit of their education or to conduct their University duties and responsibilities. In an effort to accomplish this, but without intending the statement to be all-inclusive, the following is hereby set forth:

(a) Any member of the University community—student or member of the faculty or staff—who commits or attempts to commit any of the following acts of misconduct shall be subject to appropriate disciplinary procedures and sanctions:

- (i) Obstruction or disruption, by any means, of teaching, research, administration, disciplinary procedures, or other University or University-authorized functions, events, or activities.
- (ii) Unauthorized or prohibited entry into or onto, or unauthorized or prohibited occupation or use of, any University facility, building, vehicle, or other University property.
- (iii) Physical abuse, the threat of physical abuse, or intimidation of any person on campus or at any University-authorized function or event, or other conduct which threatens or endangers the health, freedom of action, or safety of any such person.
- (iv) Theft of, damage to, or defacement of property of the University or the property of any person on campus. (Any student or member of the faculty or staff who steals, damages, or defaces University property shall reimburse the University to the full extent of the University's loss.)
- (v) Denial of, or interference with, any person's lawful right of, access to, use of, or exit from any University facility or with any other lawful right of any person on the campus.
- (vi) The destruction of, or damage to, property of the University or of others on campus by setting a fire without proper authority.
- (vii) Use or possession on the campus of firearms, ammunition, or other dangerous weapons, substances, or materials, or of bombs, explosives, or incendiary devices, except as authorized.
- (viii) Aid to others in committing or inciting others to commit any act of misconduct set forth in 6(a)(i) through 6(a)(vii).
- (ix) Any act that demonstrates the probability that the person constitutes a physical danger to himself or others on campus.
- (x) Willfully refusing or failing to leave the property of, or any building or other facility owned, operated, or controlled by the Board of Regents upon being requested to do so by the President, if the person is committing, threatening to commit, or inciting others to commit, any act which would disrupt, impair, interfere with or obstruct the lawful mission, processes, procedures or functions of the University. As used herein, "President" means the President (or acting President) of the University or any person or persons designated by him to act on his behalf.

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~~(xi) Any other acts or omissions which affect adversely the University's educational function, disrupt community living on campus, interfere with the rights of others to the pursuit of their education, or affect adversely the processes of the University.~~

~~(b) Sanctions:~~

~~(i) Any student who violates any of the rules set forth in 6(a)(i) through 6(a)(xi) shall be subject to censure, warning, disciplinary probation, suspension, or expulsion.~~

~~(ii) Any member of the faculty or staff who violates any of the rules set forth in 6(a)(i) through 6(a)(xi) shall be subject to censure, warning, disciplinary probation, or dismissal.~~

~~(iii) As used in 6(b)(i) and (ii):~~

~~a) "Censure" means a written reprimand or expression of disapproval.~~

~~b) "Warning" means an oral censure.~~

~~c) "Disciplinary probation" means the establishment of a time period during which further acts of misconduct may or will result in more severe disciplinary sanctions depending on the conditions of the probation.~~

~~d) "Suspension" means losing student status for a period of time specified in the terms of the suspension. A suspension may commence immediately upon a finding of a violation or it may be deferred to a later time.~~

~~e) "Expulsion" means losing student status for an indefinite period of time. Readmission may not be sought before the expiration of two years from the date of expulsion.~~

~~f) "Dismissal" means a termination of employment, either for a stated time period or indefinitely.~~

~~(c) If any of the acts of misconduct set forth in 6(a)(i) through 6(a)(xi) are committed by a person who is not a student or member of the faculty or staff, such person may be denied admission, readmission, or employment by the University. As noted above~~

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

POLICY RATIONALE

The University of New Mexico (UNM) Regents and the vast majority of students, faculty, staff, alumni, and citizens share the same goal for UNMthe University—that it be a stable and peaceful center of teaching, research, discussion, learning, and service, free from coercion and unlawful use of force. In situations where the stability and peace of the institution are seriously threatened, extraordinary measures are required and the UNM President is authorized to declare a state of emergency. The Regents are determined to use all lawful means to assure the continuity and the integrity of the educational process at UNM. This document provides appropriate measures to address a state of emergency.

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POLICY STATEMENT

~~As part of this effort, we adopt the following as an interim measure pending further study and adoption of permanent policy: STATE OF EMERGENCY.~~

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2. The UNM President is authorized to declare a State of Emergency at UNM upon finding by him that the orderly processes of UNM have broken down or are seriously threatened. In making such a finding the UNM President shall consider whether the situation is so disruptive activities are such as to require immediate, extraordinary measures to safeguard persons or property or to maintain UNM's educational function. As soon as reasonably possible after the Declaration of Emergency, the UNM President shall inform available Regents of the declaration of emergency.

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his action. When the UNM President determines that the ~~serious~~ threat has passed, ~~the UNM President shall inform the Regents and he shall, after consultation with available Regents,~~ declare the State of Emergency to be at an end.

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~~3-a)~~1. During a State of Emergency, the UNM President, in the exercise of reasonable judgment ~~under~~ in the circumstances, is authorized to take whatever actions he finds ~~are~~ necessary in order to safeguard persons or property or to maintain UNM's educational function, ~~including suspending UNM activities for all or part of one or more days.~~ Such actions shall remain in effect during the State of Emergency unless ~~sooner~~ canceled ~~sooner~~ by the UNM President. ~~During a State of Emergency, the President may, if in his judgment the circumstances warrant it, suspend UNM activities for a day or a portion thereof.~~

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~~2.~~ Presidential orders made during a state of emergency need not be consistent with established UNM policy or procedures.

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~~3-b)~~3. During a State of Emergency, the violation by any person of a presidential order or ruling under 3(a) of this Policy, or the commission during such State of Emergency of any act or acts of misconduct of the kind set forth in Section 6(a)(i) through 6(a)(xi) of the Regents' Statement on Rights and Responsibilities will be considered an offense of the gravest nature, and sanctions (as listed in Section 6 of the Statement on Rights and Responsibilities) appropriate to the gravity of such offense(s) or offenses shall be imposed.

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~~3-e)~~3. A visitor who, after ~~an~~ appropriate hearing, is found to have violated a presidential order authorized by Section 3 of this Policy may be denied admission to and employment by UNM.

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4. During a State of Emergency, any person who, after being requested to do so by a properly identified official and after being advised by such official of the sanction for failure to identify oneself, fails to ~~comply by providing~~ identify himself by name and status as a student, member of the faculty or staff, or visitor to such official ~~may~~ shall have sanctions authorized by UNM policies imposed. ~~upon him, after an appropriate hearing, the sanctions authorized by UNM policies.~~ set forth in Section 6 of the Statement on Rights and Responsibilities.

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5. Sanctions or a determination of disciplinary action against a faculty member must comply with Faculty Handbook Policy C07 "Faculty Misconduct and Disciplinary Policy"

State law establishes the second Monday in March for the Regents' annual organization meeting, at which time officers are elected for the ensuing year. Quarterly meetings are required by law, but in actual practice the Regents convene on an average of ten times annually.

The University, largest of the seven-state institutions of higher learning, is supported chiefly by appropriations made by the State Legislature, by income from the rental of lands granted to it by the Federal Government, by the income from royalties on the oil taken from these lands, and by student fees.

APPLICABILITY

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All UNM faculty, staff, students, volunteers, and visitors to UNM.

DEFINITIONS

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President means the President (or acting President) of UNM or any person or persons designated to act in hison behalf of the President ~~behalf~~ for purposes of these rules.

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Official means any person authorized by the UNM President to act on behalf of ~~the~~ UniversityUNM.

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Student means a person who is a student at ~~the University~~ UNM in an undergraduate, graduate, or professional program on campus, whether for credit or no credit, full- or part-time.

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Visitor means any person on campus who is not a student or member of the faculty or staff.

Person means any student, member of the faculty or staff, or visitor.

Do we need a definition for State of Emergency?

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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

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- Administrators
- Faculty
- Staff
- Students
- Department Chairs
- Academic deans

RELATED DOCUMENTS

UNM Regents' Policy Manual **Policy 5.3** "Authority in an Emergency"
Faculty Handbook Policy C07 "Faculty Misconduct and Progressive Discipline"
University Administrative Policies and Procedures Manual **Policy 6130** "Emergency Control"

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CONTACTS

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

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PROCEDURES

There are no procedures at this time.

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DRAFT HISTORY

February 12, 2018 – revised for minor edit changes
October 25, 2017—revised to incorporate AF&T suggestions.

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September 26, 2017—Revised draft to move definition of misconduct to C07 and place policy in new format with references added.

HISTORY

first part of policy removed

July 1982—Revised

November 1981--Revised

September 1975--Revised

August 1970--Revised

October 1965 – Adopted by the Board of Regents

COMMENTS TO: handbook@unm.edu	FACULTY HANDBOOK HOME	TABLE OF CONTENTS	TABLE OF POLICIES	UNM HOME
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A52.1.1 Faculty Misconduct Review Committee

NEW POLICY

Approved By: Voting Faculty

Approved: November 27, 2007 Draft 2/27/18

Responsible Faculty Committee: Academic Freedom and Tenure 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 Voting Faculty upon recommendation by Academic Freedom and Tenure Committee.

POLICY RATIONALE

The Faculty Misconduct Review Committee (FMRC) is a standing committee of the Academic Freedom and Tenure Committee (AF&T) charged with appointing a hearing panel to conduct a peer hearing requested by a faculty member who has been accused of misconduct and has received notice from the faculty member's chair that proposed disciplinary action includes suspension without pay for any faculty member or dismissal of a faculty member without tenure.

POLICY STATEMENT

FMRC members with tenure at the rank of associate or full professor are nominated by the voting faculty and appointed by AF&T.

Membership: The FMRC consists of seven (7) faculty members. Preferably Normally, at least two (2) members should will be former AF&T members. No more than one (1) member of any department shall serve as a member of the Committee at the same time. Committee members will normally serve two-year terms. Terms shall be set up on a staggered basis so that the terms of at least (3) members will expire each year. Terms may be renewed, but members may not serve than two (2) consecutive terms. The Committee will normally confer within thirty (30) days after being appointed and elect a chair.

When the Chair of the FMRC receives a request for a peer hearing in accordance with Faculty Handbook **Policy C07** "Faculty Misconduct and Progressive Discipline Policy," the Chair will appoint a hearing panel. The hearing will be held as soon as reasonably possible and shall be conducted according of the Model Hearing Procedures. The panel will send a recommendation to the FMRC. ~~for a final decision.~~ The FMRC will submit findings, conclusions and/or recommendations for a final decision. ~~Decisions from the FMRC will be submitted to AF&T as consent agenda items for confirmation.~~

APPLICABILITY

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

Revisions to the remaining sections of this document may be amended with the approval of the Academic Freedom and Tenure Committee.

DEFINITIONS

There are no specific definitions required by this Policy.

WHO SHOULD READ THIS POLICY

- All UNM faculty.
- Academic administrators and staff.
- Administrative staff responsible for policy development.

RELATED DOCUMENTS

Faculty Handbook:

Policy A51 "Faculty Constitution"

Policy A52.1 "Academic Freedom and Tenure Committee"

Policy C07 "Faculty Misconduct and Progressive Discipline Policy"

Model Hearing Procedures

CONTACTS

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

PROCEDURES

The FMRC will meet as required to appoint hearing panels and approve panel decisions. The FMRC Committee Chair will report Committee decisions as consent agenda items to AF&T.

In order to meet operational demands, the FMRC may establish a pool of trained faculty members with tenure at the rank of associate or full professor who meet the eligibility requirements of FMRC membership to be called upon to serve on hearing panels. The hearing panel is composed of five (5) faculty FMRC members selected by the FMRC. Hearing panel members may be FMRC members or faculty members from the pool established by the FMRC. No more than one (1) member of any department shall serve as a member of the hearing panel. Pending cases shall continue with original panel members until closed the case is concluded even if a faculty member's FMRC term expires during the process.

Commented [V1]: This needs some wordsmithing but here's the idea anyway.

DRAFT HISTORY

[February 12, 2018—Draft revised to incorporate 2/9/18 AF&T recommendations.](#)

February 2, 2018 – New Policy draft developed by AF&T.

HISTORY

COMMENTS TO:
handbook@unm.edu

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D50: Assignment of Credit Hours

Approved By: Faculty Senate

Last Updated: New Policy **Draft 2/25/18**

Responsible Faculty Committee: Faculty Senate Policy Committee

Office Responsible for Administration: Office of the Registrar

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) evaluates a student's progress toward a degree in terms of semester credit hours. Undergraduate, graduate, and professional degree requirements are approved by University faculty in accordance with *Faculty Handbook* Policy A50 "The Faculty's Role in the University's Academic Mission" and are listed in the applicable course catalog.

POLICY STATEMENT

UNM's assignment and award of credit hours conforms to commonly accepted practices in higher education in accordance with federal regulations 34 CFR 602.24(f).

The minimum requirements for assigning one (1) semester credit hour consists of one (1) 50-minute period of classroom or direct faculty instruction and a minimum of two (2) hours of out-of-class student work each week of the semester; or at least an equivalent amount of work as established by the degree granting college for other course lengths or activities such as laboratory work, internships, practica, studio work, ensemble music, and other academic work leading toward one (1) credit hour.

APPLICABILITY

All academic UNM units, including the Health Sciences Center and Branch Community Colleges.

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

DEFINITIONS

Classroom or direct faculty instruction. This consists of direct instruction or guided interaction, which includes but is not limited to, in person or online lectures, seminars, discussions, art and design studios, supervised group work, and examinations.

Out-of-class student work. This consists of time students spend outside of classroom or direct faculty instruction to fulfill course objectives, which includes but is not limited to, reading assignments, working out problems, preparing for exams, online and face-to-face group work, writing paper(s), and working on project(s).

WHO SHOULD READ THIS POLICY

- Faculty members
- Academic administrators

RELATED DOCUMENTS

Regents' Policy Manual: **Policy 5.1** "The Faculty's Role in the University's Academic Mission"
Faculty Handbook: **Policy A50** "The Faculty's Role in the University's Academic Mission"
UNM Course Catalogs

CONTACTS

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

PROCEDURES

Faculty members including part-time instructors and teaching, research, and graduate assistants acting in a faculty capacity are responsible for ensuring that the amount of contact time and independent work time expected of students meets the minimum requirements listed above in the Policy Statement section. Faculty will include the required hours of work on the course syllabi each semester.

HISTORY

New

DRAFT HISTORY

[February 25, 2018 – Draft new policy to comply with Higher Learning Commission requirements.](#)

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Policy Committee Work Status Table (updated 2/26/2018)

(Rows shaded **orange** indicates active with FSPC; shaded **purple** indicates on hold pending action by another group)

Policy #	Brief Title	Date Last Revised	Date Added to List	Summary of Recommended Action	Related Documents & Notes or Concerns	Target Cycle	FSPC Action	Campus Comment Period	Faculty Senate Action	FH Status
NA	Policy Approval Table	N/A	November 2015	Identify the required approvals for all FH Policies						
A52.1.1	FMRC Charge		Feb 2018	Recommended by AF&T linked to C07		Spring '18	AF&T approved draft; on FSPC 3/7/18 agenda for action			
A60	Faculty Senate Bylaws	4/27/04	11/4/15	Major changes required to reflect the Faculty Senate restructure. COG taskforce asked FSPC to add reference to RPM 1.7. Final action awaiting FS report to COG		Fall '18	Drafts reviewed by FSPC 2/7/18 and sent to Operations 2/27/18 for review			
A61 – A70	Council and Committee Charges			Charges need to be developed for new councils and committee charges need to be revised to reflect FS restructure in accordance with revision of A60 above		Fall '18	Drafts reviewed by FSPC 2/7/18 sent to Operations 2/27/18 for review			
A63.5 (A61.6)	IT Use Committee		6/7/17	IT Use Committee requested changes		Spring '18	Draft on 3/7/18 agenda for FSPC review with Dr. Wheeler.			
A61.8	Faculty Ethics and Advisory Committee	unknown	June 2015	The Ethics Committee wants to update their charge. Referred to AF&T		Fall '18	AF&T recommendation for the FMRC linked to C07 being discussed with Operations			
Sec B	AF&T			Professor of Practice title. But approval date (1/25/13) does not seem to be added. .						
C05	Rights and Responsibilities at UNM	July 1982	12/2/15	COG taskforce asked FSPC to perform a comprehensive review. AF&T recommend change to State of Emergency and move disciplinary language to C07		Spring '18	On 3/7/18 agenda for FSPC action			
C07	Faculty Disciplinary Policy	3/22/11	5/6/15	Assigned to AF&T for review. 1) need to add peer hearing procedures. 2) C Parker has implementation concerns. Stephens working with AF&T on revision		Spring '18	AF&T approved draft; on FSPC 3/7/18 agenda for action			
C50	Faculty Contracts	unknown	3/6/14	Update and possibly remove annual leave issues if C205 developed			Referred to C Parker. Sent memo to C Parker to remind her			
C150	Political Activities of UNM faculty	Sept 1970	12/2/15	COG taskforce asked FSPC to perform a comprehensive review.						
C170	Endowed Chairs	10/15/13		Add definitions for endowed chairs and named professors. ON HOLD pending AF&T	Related to Sec B issues above		Researched other colleges and universities for definitions			
C190	Implementation Standard	new		Incorporate C Parkers webpage						
C200	Sabbatical Leave	05/14/04	01/29/14	Good enough for now, but needs to be updated.	RPM 5.4; May require BOR approval	???	Addressed campus comments. FSPC sent draft to AF&T for review	2/18/15 to 3/20/15		
C205	Annual Leave	Unknown	01/29/14	Propose a policy be written that reflects current practice and removes annual leave information from C50 Faculty Contracts Policy	C50 RPM 5.4; May require BOR approval.	Depends on C50	Tied to C 50 included in memo to be sent Parker to remind her			

					Look at HSC policies for outside work					
C210	Sick Leave	08/29/78	01/29/14	Out of date. Needs to be completely rewritten	C50 RPM 5.4; May require BOR approval		Discussed at 2/4/15 meeting. Per FSPC Chairs leave alone.			
C225	Professional Leave	8/29/78	11/4/15	COG taskforce asked FSPC to add reference. FSPC identified a few other required changes		Spring '17	Approved by OPS for campus comment.	Ends 4/19/16	Approved by FS 4/26/16	Needs approval of faculty and Regents
C230	Military Leave	8/29/78	10/13/14	Review for consistency with revised admin policy; need to address tenure and also new military recruiting policy which Kim will send me	UAP 3425 Military recruit law	???	Discussed at 2/4/15 meeting			
C240	Leave of Absence Incident to Political Activity			See C 150 above						
C250	Academic Leave for Lectures	10/8/13	July 2015	Need to align with proposed changes to Sabbatical		??? depends on C200				
C305	Emeriti Policy	4/27/10	12/20/15	Add dept. processes and criteria for emeriti status. Under consideration by AF&T						
D50	Assignment of Credit Hours	NEW	2/26/18	HLC requires an institutional policy	Glossary of Terms Catalog	Fall '18	On FSPC 3/7/18 agenda			
D75	Classroom Conduct	Unknown	10/5/16	Reassign from info item to Policy document put in new format.			FSPC on hold until competition of D 175 & D 176			
D170	Student Attendance	unknown	12/2/15	COG taskforce asked FSPC to perform a comprehensive review. Taskforce work progressing	Pathfinder, Dean of Students pro, Catalog	Fall '18	Taskforce meeting and developing drafts. Are there OEO concerns?			
D175	Student Grievance Procedure	5/13/2014	June 2016	Inconsistencies between Pathfinder and FH; identified by DOJ as needing immediate attention			On hold pending determination by CoG	4/7/17 to 5/10/17		
D176	Graduate Student Grievance Procedure	3/1/17		Remove graduate students from d175 and expand D176			On hold pending determination by CoG			
E40	Research Misconduct	4/13/04	9/2015	Address ORI Concerns	RPM 5.13 may need to be revised.	Fall '17	ORI endorses per Dr Larson. RPM 5.13 may need to be revised.	4/7/17 to 4/21/17	Approved by FS 4/25/17	Posted Sept 2017 May need to be approved by Regents—previous versions were
F70	Articulation, Degree Approval ...		4/20/17	Branch campus taskforce working on updating policies		Spring '18	FSPC approved 12/6/17, Operations approved to go out for campus comment.			
F80	Representation on FS and Its Committees		4/20/17	Branch campus taskforce working on updating policies		Spring '18	FSPC approved 12/6/17, Operations approved to go out for campus comment.			

Recently Completed Work

A66	Policy Committee	11/27/07	6/7/1715	Update Committee membership.		Fall '17	FSPC approved draft	10/13/17 11/13/17	Approved by FS 11/28/2017	Posted
A91 Standard	Research Centers and Institutes	4/28/15		Need to post standard on FH webpage						POSTED to FH Resources page
C20	Employment of UNM graduates	03/12/51	01/29/14	Comprehensive review to address diversity and recruitment & NM Minority Doctoral Loan-for Service Program	RPM 5.3 Does not need to be revised	Fall '17	FSPC and Operations recommended deletion, but based on campus comments revised draft to reflect current practices	4/17/17 – 5/18/17 and 10/13/17 11/13/17	Approved by FS 11/28/2017	Posted
D90	Posthumous Degrees			Revise to address new situations		Fall '17	FSPC approved; Approved by OPS for campus comment.	10/13/17 11/13/17	Approved by FS 11/28/2017	Posted
E40	Research Misconduct	4/13/04	9/2015	Address ORI Concerns	RPM 5.13 may need to be revised.	Fall '17	ORI endorses per Dr Larson. RPM 5.13 may need to be revised.	4/7/17 to 4/21/17	Approved by FS 4/25/17	Posted Sept 2017
E90	Human Beings as Subjects in Research	11/15/1966	1/27/16	IRB and Dr. Larson propose revisions	RPM 5.13 & 5.14; FH E40	Fall '17	ORI endorses per Dr Larson. RPM 5.14 may need to be revised.	March 2017	Approved by FS 4/25/17	Posted Sept 2017
E110	Conflict of Interest in Research	5/12/2003	5/2017	Coffee Brown requesting change to definition of significant financial int.	RPM 5.10	No action	Policy Committee not making requested change on advice of legal FSPC advised by legal counsel proposed change is contrary to state law.			Issue Closed—No changes on advice of legal
F10	Role and Functions of UNM Branch Community Colleges		4/20/17	Branch campus taskforce working on updating policies			FSPC approved; Approved by OPS for campus comment.	10/13/17 11/13/17	Approved by FS 11/28/2017	Posted
F90	AF&T Appointment and Grievance Procedures		Oct 2017	Branch campus taskforce working on updating policies			Approved by AF&T and FSPC. Went to faculty for vote and was approved.		Approved by full faculty in Nov 2017	Posted
F100	Teaching Load		4/20/17	Branch campus taskforce working on updating policies			Approved by AF&T and FSPC. Went to faculty for vote and was approved.		Approved by full faculty in Nov 2017	Posted