

**Faculty Senate Policy Committee  
Meeting Agenda  
Scholes Hall Room 101, March 5, 2014**

**Updates (15 minutes)**

1. The following policy documents were approved by the FS Operations Committee 2/4/14 and posted to the Faculty Handbook website 2/21/14:
  - [A53 “Development and Approval of Faculty Policies”](#)
  - [A61.7 “Curricula Committee”](#)
  - [C09 “Respectful Campus” procedures](#)

**Action Items (10 minutes)**

1. Consent Agenda Topics
  - a. C280 “Leave Without Pay” – revised to include comments from 1/29/14 meeting
    - Expanded eligibility beyond full-time faculty,
    - Policy Section #2--removed text “regular” and “with the apparent option”
    - Procedures Section #2—removed text “extremely” and replaced “recommended” with “approved.”pg. 1
  2. Agenda Topics
    - b. A83 “Annual Reports”—Committee recommended to Operations that the policy be deleted. Operations wishes to retain the policy which requires annual reports from the administration, but also provide flexibility to the Provost, HSC Chancellor, and the EVP for Administration to redesign annual reports so they are strategic in nature and align with other current reporting requirements. pg. 5

**Information Items (65 minutes)**

1. Research Policies—Walter Gerstle, Chair of the Research Policy Committee, will attend the meeting to discuss proposed revisions to the following policies (**20 minutes**):
  - a. Faculty Policies:
    - A88 “New Units and Interdisciplinary Reorganization ...” and AXX (A90) “Research Units ...” pg. 8
    - E60 “Sponsored Research” pg. 19
  2. Update from Faculty review of assigned policies (**20 minutes**)
    - C20: Employment of UNM Graduates- Christine Sierra (**5 minutes**)
    - C200: Sabbatical Leave- Charles Cunningham (**5 minutes**)
    - C205: Annual Leave- Martha Muller, Chair (**5 minutes**)
    - C210: Sick Leave- Lee Brown (**5 minutes**)
3. Comments on University Administrative Policies--proposed changes to existing policy and proposed new policy. (**15 minutes**)
  - a. UAP Draft of a new policy “Policy on Consensual Relationships” pg. 35
  - b. UAP 3780 “Sexual Harassment Policy”--significant changes proposed. pg. 40

4. Information Policy Documents—View draft of proposed webpage for replacement of informational policy documents. This webpage on the Faculty Handbook website will link to the latest UNM information that is discussed in various policy documents (somewhat out-of-date) currently residing in the Faculty Handbook Policy Section.  
**(5 minutes)**

5. Future Business **(5 minutes)**

## C280: Leave Without Pay

Approved By: Faculty Senate

Last Updated: **Draft 1/29/14**

Responsible Faculty Committee: Policy Committee

Office Responsible for Administration: Provost and the Chancellor for Health Sciences

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

### POLICY RATIONALE

*A University of New Mexico (UNM) faculty member may encounter a situation that is not covered by other faculty leave policies and may need to request leave without pay. This document describes which faculty members are eligible for leave without pay and the procedures for requesting and granting leave without pay.*

### POLICY STATEMENT

Any ~~full-time member of the~~ faculty member, except *for adjunct appointments*, ~~on regular (i.e., not temporary) appointment as lecturer or above~~ is eligible for leave of absence without pay (~~see following sections for leaves abroad and military leaves~~) after two years of service at **UNM**, ~~the University of New Mexico~~, subject to the following stipulations:

1. Leaves without pay will be granted only when in the opinion of appropriate **UNM** officials ~~at the University~~ such a leave will be of distinct benefit to this institution as well as to the individual concerned.
2. Leaves without pay will not normally be granted to persons wishing to accept a "regular" teaching or administrative position at another institution or agency. ~~with the apparent option of continuing on a permanent basis at that institution or of returning to UNM the University on a continuing basis.~~ Such an arrangement usually puts **UNM** ~~the institution~~ at a considerable disadvantage, since it would be required to keep the position here open on a temporary basis until the person on leave returns or decides not to return to **UNM**. ~~the University.~~
3. Before the leave without pay is approved, the department chairperson and/or the dean concerned must have agreed that the assignments usually carried out by the person requesting the leave may and will be carried out satisfactorily by others—normally including one or more temporary employees from the outside— without any extra cost to **UNM** ~~the University.~~

4. It is to be understood that if a faculty member has not attained tenure, a leave of absence without pay will normally extend the probationary period.

5. Leave of absence without pay is not counted toward retirement or toward years of service when figuring seniority for promotion.

6. While a faculty member is on leave without pay, ~~UNM the University~~ will not continue to pay its share toward retirement or Social Security benefits. ~~If desired, however~~

*7. The faculty member's insurance benefits will continue while the faculty member is on leave without pay, unless the faculty member actively cancels his or her insurance through UNM Human Resources. The faculty member will be responsible for paying his or her portion of the benefit premiums. UNM will continue its contribution to premiums. The faculty member should refer to UAP Policy 3600 "Eligibility for Benefit Plans" for requirements pertaining to continuation, cancellation, and reinstatement of benefit plans.*

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## APPLICABILITY

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

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

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## DEFINITIONS

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No specific definitions are required for this Policy

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## WHO SHOULD READ THIS POLICY

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

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## RELATED DOCUMENTS

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*Faculty Handbook*

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

**C200:** "Sabbatical Leave"

**C205:** "Annual Leave"

**C210:** Sick Leave

**C215:** Parental Leave

**C220:** Holidays

**C225:** Professional Leave

**C230:** Military Leave of Absence

**C235:** Leave for Service Abroad

**C240:** Leave of Absence Incident to Political Activity

**C245:** Faculty Absence from Assigned Duties

*University Administrative Policies and Procedures Manual:*

**Policy 3440** “Family and Medical Leave”

**Policy 3600** “Eligibility for Employee Benefit Plans”

*“Request for Leave Without Pay” form available from the Faculty Contracts and Services Office or the HSC Faculty Contracts Office.*

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## CONTACTS

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Direct any questions about this Policy to *the Faculty Contracts and Services Office or the HSC Faculty Contracts Office.*

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## PROCEDURES

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1. A leave without pay or any combination of a sabbatical leave and a leave without pay will not generally exceed one year in duration, although when the best interests of ~~UNM the University~~ would be so served and with the concurrence of the department chairperson, the dean, and ~~the Provost or the Chancellor for Health Sciences Director of the Medical Center when faculty members in the Medical School are involved, and the Vice President for Academic Affairs,~~ the President may approve a two-year absence. However, except in extremely rare cases, as recommended *approved* by the President, a faculty member shall not be absent from ~~UNM the University~~ for more than two of any five consecutive years, and it is not contemplated that even such a proportion of absence shall be the norm.

2. Requests for leaves of absence without pay or any combination of a leave without pay and a sabbatical leave, as described in item 1, should be submitted through the applicant's department chair person to the dean as early as possible, but no later than four months in advance of the date the proposed leave will begin. The dean forwards the request with his/her recommendation to the ~~Provost or the Chancellor for Health Sciences, Vice President for Academic Affairs~~ who in turn submits all pertinent material to the President with his/her recommendations. The President makes the final decision

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## HISTORY

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August 29, 1975—Approved by Regents

May 10, 1978—Approved by Faculty

May 18, 1975—Approved by Regents

April 8, 1975—Approved by Faculty

February 1, 1975—Approved by Regents

March 14, 1974—Approved by Regents

March 12, 1974—Approved by Faculty

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## DRAFT HISTORY

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*January 31, 2013 – Draft revised to reflect Committee discussions at January meeting.*

January 28, 2014 – Draft revised to reflect discussions with HR and the UNM Policy Office.

September 9, 2013 --Draft of revised policy awaiting discussion of the Policy Committee and Faculty Senate.

## A83: Annual Reports

Approved By: Faculty Senate and Provost

Last Updated: **Draft 2/27/14**

Responsible Faculty Committee: Policy

Office Responsible for Administration: Provost, HSC Chancellor, and EVP for Administration

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

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### POLICY RATIONALE

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Annual reports ensure accountability and provide a measure of how well and at what cost UNM is fulfilling its mission of teaching, research, patient care, and public service. Annual reports serve as management tools for UNM's leadership, faculty, and staff, by documenting the success of each division in meeting its key goals. They also provide UNM's stakeholders with a snapshot of the achievements and challenges of each division during the past year, as well as plans for the future.

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### POLICY STATEMENT

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Annual reports, covering each fiscal year, will be prepared by the Provost, Chancellor for Health Sciences, and the Executive Vice President for Administration. These leaders are charged with providing:

- a brief description of their units, including information on function, budget, and personnel;
- major activities for the fiscal year; and
- plans for the future.

The reports will provide a clear picture of the division's contributions to UNM's achievement of its mission and key goals. The annual reports will be made available and accessible to faculty, staff, and the public. The reports will become part of the permanent records of the University, and reference to them is invited at any time.

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### APPLICABILITY

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All 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 Policy and Operations Committee in consultation with the responsible Faculty Senate Committee listed in Policy Heading.

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## DEFINITIONS

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No specific definitions are required for the Policy Statement.

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## WHO SHOULD READ THIS POLICY

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

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## RELATED DOCUMENTS

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## CONTACTS

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Direct any questions about this policy to the your vice president.

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## PROCEDURES

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Annual reports should include unique indicators, presenting data on a wide spectrum of activity including the division's impact on student success and/or quality of patient care; affordability, capacity, and quality of services provided; and effective use of UNM's resources.

To ensure integrity and internal consistency the indicators used should be:

- Based on data that are publicly available and may be reproduced.
- Commonly used nationally or internationally.
- Presented in a way that makes their meaning apparent.
- In a format that allows for comparison to other institutions and trend analysis, when appropriate.

The Annual Report should be brief and well organized. It should not include superfluous materials such as brochures, calendars, class schedules or flyers.

The Provost, Chancellor for Health Sciences, and the Executive Vice President for Administration may request deans and directors to submit annual reports for their academic and administrative units for inclusion in the annual reports.

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## HISTORY

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**Amended:**

January 25, 2011—Approved by Faculty Senate  
August 24, 2010—Approved by Faculty Senate

**Effective:**  
Unknown

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## DRAFT HISTORY

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*[February 12, 2014—Draft broad policy statement delegating reporting responsibilities to the Provost, Chancellor and EVP for admin.](#)*

January 23, 2014—Draft of revised policy awaiting approval of Policy Committee and Faculty Senate.

Draft Revision—April 11, 2013 – Awaiting Policy Committee Review  
Procedures Approved by Faculty Senate

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

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**Resolution to the Faculty Senate**  
**Regarding Revision of Faculty Handbook Existing Policy A88**  
**and Adoption of New Policy A90**

Developed by the Research Policy Committee

Walter Gerstle, Chair

(September 18, 2013)

WHEREAS clear policy is required for creation, evaluation, and sun setting of Centers and Institutes at UNM; and

WHEREAS Faculty Handbook Policy A88 “Policy and Procedures for New Units and Interdisciplinary Reorganization of Academic and Research Units at the University of New Mexico” does not adequately cover the creation, evaluation, and sun setting of Centers and Institutes; be it

RESOLVED that Faculty Handbook Policy A88 be revised as shown in the attachment to this document; and

RESOLVED that a new Faculty Handbook Policy, A90, be adopted as shown in the attachment to this document.

# **A88: Policy and Procedures for New Academic Units and Interdisciplinary Reorganization of Academic Units at the University of New Mexico**



## *Policy*

*(Approved by the Faculty Senate, October 11, 1994)*

*(Draft Revision September 25, 2013)*

## **Introduction**

From time to time it is necessary for the University to consider proposals for the creation of new academic units, or for major restructuring of existing academic units primarily involving teaching functions including those crossing disciplinary lines. Occasionally the proposed academic unit would become a branch of the University. (Similar policies governing units primarily involving research or contract-based work are included in Policy A90 in the Faculty Handbook.)

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

In general, a proposal for such major changes should follow the guidelines below. However, the specific procedures for consideration and approval will be established through discussions between the proposers of any changes and representatives of the Provost's Office and the Faculty Senate Operations Committee.

## **Policy**

If it is proposed to create a new academic unit located on or off the UNM Albuquerque campus, including new branches or education centers, or to make changes in an existing academic unit, approval of at least the UNM Faculty Senate and the Provost is required. Approval of the proposed action must be sought and obtained prior to initiating operation of a

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

1. "Major changes" is defined for purposes of this document as merger of two or more academic units, or division or dissolution of an academic unit. This policy is not meant to apply organizational changes within an integral academic unit with no implications outside that academic unit.
2. "Academic Unit" is used in this document to designate an academic department, academic division, academic branch, academic program\*, school, or college.

\*In this context, the structural program is of interest.

### **Procedure**

Those proposing new or revised academic units, other than Research Centers or contract-based centers (see Policy A90 in the Faculty Handbook for these units), must prepare a proposal according to the attached guidelines, and submit it for approval by: 1) the Faculty Senate, acting on the advice of appropriate faculty committees, as determined by the President of the Faculty Senate, and 2) appropriate administrative officers, as determined by the President or Provost of UNM. If approval of the proposal by the Board of Regents is required, all actions of the Faculty Senate and the administrative officers relative to the proposal shall be transmitted to the Board of Regents. If clarification of the guidelines is desired, it should be sought from the Provost's Office.

### **Guidelines**

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

#### **I. For all proposals, provide the following basic information.**

- A. Identify the proposed changes, including all aspects such as instruction, research, and service.
- B. Summarize your reasons why the proposed changes are desirable, or necessary. For example, are they responsive to state or national needs, existing or anticipated opportunities, or requirements of regulatory bodies such as accreditation agencies?
- C. What are the advantages to the University of New Mexico if the proposal is approved and implemented, and what advantage does the proposal offer to current or future students, faculty, and staff at UNM?
- D. Does the proposed new or revised academic unit pose any actual or potential conflicts with the programs or services of existing units at UNM, branches of UNM, or other institutions or organizations within the State of New Mexico? On the other hand, does it offer potential

enhancement of, or cooperation with, the programs or services of other units or organizations?

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

**II. In the case of proposals for new academic units on or off-campus, or major revisions of existing academic units, provide the following detailed information.**

- A. Describe the existing organizational structure related to your proposal, and the anticipated structure when the revision or new academic unit has evolved to anticipated form. Include a description of:
1. Administrative structure, including the line of responsibility within the organization and the path(s) through which the academic unit will report.
  2. Faculty positions, including rank and responsibilities.
  3. Staff positions, including grades and responsibilities.
- B. Describe the instructional programs the academic unit will offer, if any.
1. What degree programs will the academic unit offer, or support, at the undergraduate or graduate levels?
  2. What courses at the lower division, upper division, and graduate levels will the academic unit offer, in support of either its own, or other degree programs?
    - a. Identify both existing and new courses. Briefly explain the need for the new courses.
    - b. If any of these courses overlap or are intended to replace existing course offerings in the university, explain how potential duplication and conflict with the academic units offering those courses would be resolved.
    - c. What other courses, such as training or continuing education, might be offered by the academic unit.
- C. Describe the academic unit's service activities.
1. What services will the academic unit provide to other academic units in or associated with the University?
    - a. Are these services currently offered by any other academic unit in the university associated with it, or contracted by it? If so, do you plan to supplement what exists or to replace it? How would potential conflicts with the other academic units be resolved?
  2. What services will the academic unit provide to organizations outside the university?
    - a. Are there academic units, either public or private, already offering these services? If so, justify the need for you to provide them via the proposed academic unit.
- D. Discuss your plans for the academic unit for the next three to five years.
1. What needs, opportunities, or demands will the academic unit satisfy that are not currently being adequately met?
  2. How will the academic unit's functions and size change during this period? For example, will they remain static, grow, or diminish?
  3. How will faculty, staff, and administrators be acquired to support this academic unit?
- E. Provide detailed budget information for the first three to five years of operation of the proposed academic unit. For operating costs, include at least personnel, space upkeep or

rental, utilities, contracted services, and equipment maintenance and replacement. For one-time costs, include at least space, furniture, utilities connections, and equipment.

 <b>The University of New Mexico Faculty Handbook</b>	<b>Policy A90; Section: The University</b>
	<b>Approved By: Faculty Senate</b>
	<b>Issued:</b>
	<b>Last Updated: Draft 09/25/13</b>
<b>POLICY AND PROCEDURES FOR RESEARCH UNITS AT THE UNIVERSITY OF NEW MEXICO: CREATION, REVIEW, REORGANIZATION, AND TERMINATION</b>	<b>Responsible FS Committee: Research Policy</b>
	<b>Office Responsible for Administration: Office of Vice President for Research and Vice Chancellor for Research, Health Sciences Center</b>

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## POLICY RATIONALE

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Per policy A61.16 of the Faculty Handbook, the primary role of the Research Policy Committee is to encourage and support research and its funding at the University of New Mexico, including at all of its established units. This includes formulating policy regarding the establishment, modification, and termination of research units (e.g., centers, bureaus, institutes, and other related organizations), and to appraise and provide recommendations to the central administration and the Faculty Senate on proposals regarding these bodies. In addition, the committee should facilitate periodic review of these research units.

The Research Policy Committee’s goal with this policy is to collaborate with the central administration to ensure that existing policies and procedures are clear and readily available to the faculty. The overarching principle of this policy is to ensure that the interests of the faculty are being met without being overly burdensome to the administration. Current policies and procedures are not readily available to faculty members and this is hampering research on campus. There are at least five current documents on campus that address policies and procedures for research units, none of which are comprehensive, and some of these documents are difficult for faculty to locate. The existing documents are Policy A88 of the Faculty Handbook, Policy A61.16 of the Faculty Handbook (describing the charge of the Research Policy Committee), UNM Policy 2425 of the University Business Policies and Procedures Manual (addressing facilities and administration costs), an “Interim Policy for Centers and Institutes at the University of New Mexico Nov 17, 2000 revision” which is currently in effect but not readily available, a “Governance and Administration of Research Centers” Version 5 from April 20, 2012 for the School of Engineering, and a “Draft Report of the Centers and Institutes Task Force” from March 24, 2011 that is not available for circulation. In addition, the Nov 17, 2000 revision of the interim policy refers to an earlier version from 1997 that is also not readily available, nor are the revisions implemented in 2000 clear. Lastly, the current version of policy A88 in the Faculty Handbook refers to guidelines prepared by the Research Policy Committee that are not currently available unless they are the guidelines presented later in the policy. This new policy A90 seeks to clarify and simplify the policy and procedures for creating, reviewing, reorganizing, and terminating research units at the University of New Mexico.

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## POLICY STATEMENT

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### **Introduction**

According to Section A61.16 of the Faculty Handbook, the Research Policy Committee is charged with the formulation and review of the policies governing research units. Policy A90 covers the creation, review, reorganization, and termination of all University of New Mexico research units (e.g., centers, institutes, bureaus, or related organizations) that report to the Provost (or designee) or the Chancellor of the Health Sciences Center (or designee). These research units will be referred to herein as "Research Centers."

All proposals to create, maintain, re-organize, or terminate Research Centers must follow the policies and procedures described herein. These include the detailed procedures for consideration and approval referred to herein, and established by representatives of the Provost's Office (or the Chancellor of the HSC's Office) and the Faculty Senate Operations Committee in consultation relevant unit heads (e.g., Deans, Directors, Chairs).

This policy is guided by Ten Principles for Research Centers and makes the core operating assumption that Research Centers play an inevitable, integral, and increasing role in modern research universities. These roles stem from two facts. First, cutting edge research in most academic disciplines is increasingly multidisciplinary and interdisciplinary in nature. Second, research centers encourage thematically focused but synergistic research collaborations that go beyond those that occur in traditional academic departments. This enhances both the intellectual impact of the research as well as extramural funding opportunities.

### **Research Center Organization**

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

#### **Category I**

Category I Research Centers exist within departments, with Directors reporting to the relevant department Chair. These Centers are appropriate in cases where the majority of affiliated faculty and the scope of research both generally lie within the confines of a traditional academic department, yet the creation of a Category I Research Center would expand and enhance the research opportunities beyond those possible by relying on the traditional existing department infrastructure alone.

#### **Category II**

Category II Research Centers exist within colleges, but outside of the traditional department framework, with Directors reporting to the cognizant Dean. These Centers are appropriate in cases where the majority of affiliated faculty and the scope of research span more than one department, but mostly remain within the confines of a single College or School. Category II Research Centers should expand and enhance research opportunities beyond those possible by relying on Category I Research Centers or the traditional department and College/School infrastructure.

### **Category III**

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

### **Contract-focused Centers**

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

### **The Life Cycle of a Center**

Centers have three conceptual phases in their life cycle, the proposal phase, the operational phase, and the termination/reinvention phase (see descriptions below). Major actions during each of these stages require approval of the UNM Faculty Senate and the Provost (or HSC Chancellor) prior to initiation of the action. This approval is necessary for Research Centers located on or off the UNM Albuquerque main campus, including new branches and education centers. This policy is not meant to apply organizational changes within a Research Center carrying no implications outside that Research Center.

### **Proposal Phase**

The life cycle of a Research Center begins with the proposal phase, during which faculty, staff and administrators must work together to build a strong case for the university to invest in a research center. The university research administration should be provided evidence of the intellectual value of the Research Center beyond what can be achieved within the departmental or College structure. The proposal should highlight opportunities for attracting sustainable outside funding, for collaboration among faculty from disparate units, for advancing knowledge or technology, and for support of graduate student education

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

Center is created. Proposals should identify the administrative structure, particularly the roles of faculty and the director, who will be a faculty member at the University of New Mexico.

Proposals to establish Research Centers should be reviewed by the following: Category I Research Centers level will be reviewed by a committee made up of department faculty, Category II Research Centers will be reviewed by a committee of faculty from across the College or School, and Category III Research Centers will have proposals reviewed by a committee with faculty from across the university. The recommendations of these committees will be used by the Research Policy Committee of the Faculty Senate who will make the final recommendation to the appropriate university administrators.

### **Operational Phase**

Once established, all resources for a research center must be organized, including building space, equipment, staff, faculty appointments, and effort shares. Research centers shall have an advisory committee formed by faculty or staff deemed appropriate to the mission of the Center. Advisory committees should review the operations of the center, including the annual budget, the annual report and selection of the director. Members of the advisory committee should be outside faculty or staff members who do not have a personal stake in the operation of the Research Center.

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

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

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

### **Termination/Reinvention Phase**

The regular review processes shall reveal when a Research Center is experiencing difficulty in managing resources or achieving its expressed goals. Although the director, advisory committee, and other unit administrators shall be expected to take action to support and recover the Research Center, they are also responsible for terminating or "sunsetting" the Research Center, as well as redirecting the resources to other areas of the university when

necessary. The reinvention and redirection of Research Center activities shall be completed via a process similar to that for creating a new Research Center.

Proposals to terminate Research Centers may be initiated by faculty or administrators but shall be reviewed by a committee of faculty researchers; the recommendations provided by this group shall then be reviewed at the appropriate administrative level, dependent on the category of the research center. Category I centers shall be reviewed by a committee of department faculty, Category II centers shall be reviewed by a committee of faculty from across the college, and Category III Centers shall have proposals reviewed by the Research Policy Committee of the Faculty Senate.

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## APPLICABILITY

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

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## DEFINITIONS

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Research Centers: centers, institutes, bureaus, and related organizations that are not academic departments, schools, or colleges.

Major actions: a merger of two or more Research Centers, a division or dissolution of a Research Center, or a change in basic mission of a Research Center.

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

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## WHO SHOULD READ THIS POLICY

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- Faculty and staff conducting sponsored research.
- Academic deans and other executives, department chairs, directors, and managers.
- Administrative staff responsible for sponsored research management.

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## RELATED DOCUMENTS

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List of current Research Centers

Current detailed procedures

Past detailed procedures and revisions

Ten principles for Research Centers

FH A61.16: Research Policy Committee

FH A88: Policy and Procedures for New Units and Interdisciplinary Reorganization of Academic and Research Units at the University of New Mexico

UBPPM Policy 2425

“Interim Policy for Centers and Institutes at the University of New Mexico” Nov 17, 2000  
revision

“Governance and Administration of Research Centers” version 5 from April 20, 2012 for the  
School of Engineering

“Draft Report of the Centers and Institutes Task Force” from March 24, 2011

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## CONTACTS

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Direct any questions about this policy to the Office of the Vice President for Research, the Office of the Vice Chancellor for Research in the HSC, or the Research Policy Committee of the Faculty Senate.

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## PROCEDURES AND GUIDELINES

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Detailed procedures for creating, reviewing, reorganizing, and terminating Research Centers at the University of New Mexico are likely to be revised periodically to meet the research needs of our faculty. The Provost (or HSC Chancellor) and the Faculty Senate shall approve any revisions. Records of revisions shall be maintained and made freely available to all faculty members. In addition, the current procedures shall be made accessible at a single location on the website maintained by the Office of the Vice President for Research (OVPR) or the Office of the HSC Vice Chancellor for Research. The posted procedures shall also clearly reference and provide access to any other documents relevant to the formation, maintenance, or termination of a Research Center (e.g. UNM Policy 2425 in the University Business Policies and Procedures Manual addressing facilities and administration costs). Finally, this location shall also contain an annually updated list of all research units governed by the Provost and Chancellor of the HSC and a summary of the most recent review for each Research Center.

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## HISTORY

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**Amended:**

Draft— September 25, 2013

**Effective:**

COMMENTS TO: <a href="mailto:handbook@unm.edu">handbook@unm.edu</a>	<a href="#">FACULTY HANDBOOK HOME</a>	<a href="#">TABLE OF CONTENTS</a>	<a href="#">TABLE OF POLICIES</a>	<a href="#">UNM HOME</a>
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February 19, 2014

TO: Professor Richard Holder, Faculty Senate President  
Professor Martha Muller, Chair of the Faculty Senate Policy Committee

RE: Recommendation by Research Policy Committee to revise research policy

Dear President Holder and Chair Muller,

The Faculty Senate Research Policy Committee (RPC) has over the past several years been considering research policy pertaining to Faculty Handbook Policy E60. To better reflect the spirit of shared governance, the RPC has recently voted to recommend that research policy be modified as follows.

The following policies should be revised:

- Board of Regents' Policy Manual 5.9 (Exhibit A), defining research policy, has obsolete references; and
- Faculty Handbook Policy E60 (Exhibit B) is out of date and does not reflect values of shared governance; and
- University Business Policies and Procedures Manual Policy 2425 (Exhibit C) requires revision to affect improved research policy.

Therefore, the Research Policy Committee recommends that

- The Board of Regents' Policy Manual 5.9 (Exhibit A) be revised as shown in Exhibit D;
- The Faculty Handbook Policy E60 (Exhibit B) be revised as shown in Exhibit E; and
- The University Business Policies and Procedures Manual Policy 2425 (Exhibit C) be revised as shown in Exhibit F.

On behalf of the RPC, I ask that the Faculty Senate consider this proposal.

Sincerely,

A handwritten signature in black ink that reads "Walter Gerstle".

Walter Gerstle, Chair, Research Policy Committee

## Exhibit A

# The University of New Mexico Board of Regents' Policy Manual

### 5.9 Subject: SPONSORED RESEARCH

Adopted: September 12, 1996

#### Applicability

This policy applies to all individuals at the University who engage in sponsored research.

#### Policy

It is the policy of the University to encourage faculty members to participate in research sponsored by outside agencies when such research is consistent with the basic aims of the University in regard to education of students, the extension of knowledge and the broadening of man's horizon in the sciences, arts and humanities.

#### Implementation

The Board, in adopting the original Regents' Policy Manual in 1981, approved detailed policies and procedures. The full text is printed in the Faculty Handbook.

#### Reference

*Faculty Handbook* [1990 ed.], pages D-9 and D-10.

Comments should be sent to [BRPM@UNM.edu](mailto:BRPM@UNM.edu)

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The University of New Mexico  
Albuquerque, New Mexico

## Exhibit B



### E60 Faculty

#### SPONSORED RESEARCH

The University's policy regarding sponsored research is detailed herewith:

1. It is the policy of the University to encourage faculty members to participate in research sponsored by outside agencies when such research is consistent with the basic aims of the University in regard to the education of students, the extension of knowledge, and the broadening of man's horizon in the sciences, arts, and humanities.
2. The Vice President for Research has been designated by the President as the University's reviewing, certifying, and negotiation coordinating officer for all research proposals submitted to outside agencies, except for those emanating from units under the administrative authority of the Director of the Medical Center. In this capacity the Office of Research Administration, which is under the direction of the Vice President for Research, is able to provide assistance to faculty by maintaining a grantsmanship library with information on federal and state agencies and private foundations, helping locate sources of potential funding, advising on general proposal format and University administrative procedures, and by reviewing the work plan, commitments and budget. The Office of Research Administration also acts as liaison between the sponsor agency and the faculty when requested to do so.
3. In order to ensure the most effective operation of the University's policy concerning sponsored research, the following procedures have been established:
  - a. The proposal in draft form is to be submitted to the Vice President for Research by the principal investigator, accompanied by a Proposal Data Sheet (forms are available in the Office of Research Administration) approved by the department chairperson or unit director and dean, and indicating:
    - (1) that complete coordination has been effected to ensure that any other University unit or units affected by or interested in the proposal are formally advised of the proposal and that formal acknowledgment or concurrence has been received from the affected units;
    - (2) that full consideration has been given to both the physical and financial aspects of space requirements;
    - (3) that full costs of computer support required by the proposed effort have been included in the proposal budget;
    - (4) the anticipated duration of the project, with any possible extensions or ramifications;
    - (5) that the use of University funds, when included in the proposal, has been approved at all appropriate levels (as indicated in the Proposal Data Sheet), whether such funding relates to a division or sharing of salaries, the purchase of equipment, or other expenditures requiring University funds;

## Exhibit C

**2425****RECOVERY OF FACILITIES & ADMINISTRATION COSTS**

Effective Date: July 15, 1998

Revised: 10/16/98, 12/08/99, 01/01/01, 08/01/06, 9/11/08, 10/30/08

Subject to Change Without Notice

*Authorized by Regents' **Policy 5.9 "Sponsored Research"*****1. General**

Recovery of indirect costs is a federal policy implemented to recognize that universities and other contractors providing contractual services to the federal government have costs indirectly associated with providing the contract services. The governing federal regulations now refer to indirect costs as facilities and administration (F&A) costs; this policy will use that terminology. The federal government has developed policies by which the University and others can document these support costs and add them to the total funding requirements as facilities and administration costs. The University requires recovery of both the direct and facilities and administration costs incurred when performing externally funded research, instruction and training, and other sponsored projects or programs. Principal investigators must include facilities and administration costs in proposal budgets for contracts, grants, and other awards.

**2. Allocation of Facility and Administrative Cost Recovery Funds**

Revenue resulting from the recovery of facilities and administration costs allowed on sponsored research and public service projects is recognized by the University as "unrestricted" income. It is the objective of the University maximize the use of this source of revenue for the benefit of the University's research and public service programs. Revenue may be allocated to:

- € seed new faculty research projects;
- € award cost sharing or matching funds on individual projects,
- € support UNM's technology commercialization program,
- € develop new research facilities; and
- € build the University's sponsored research and public service program.

It is recognized that a portion of the facility and administrative cost recovery revenue must be committed to support the administration of sponsored programs in terms of allocations to specific administrative support functions and allocations to colleges and departments.

The Vice President for Research is responsible for the overall allocation plan for facility and administrative cost recovery revenue. The Executive Vice President for Health Sciences will be responsible for managing the allocation of facility and administrative cost recovery revenue earned through Health Sciences Center (HSC) sponsored research and public service programs, in consultation with the Vice President for Research.

**3. Facilities and Administration Costs**

OMB Circular A-21, defines facilities and administration costs as "those [costs] that are incurred for common or joint objectives and therefore cannot be identified readily and specifically with a particular sponsored project." Facilities and administration costs include, but are not limited to:

- ⌘ general and administrative expenses,
- ⌘ departmental administration expenses,
- ⌘ sponsored projects administration expenses,
- ⌘ student services administration expenses,
- ⌘ building usage allowance,
- ⌘ equipment depreciation,
- ⌘ operation and maintenance expenses,
- ⌘ interest expense,
- ⌘ deferred maintenance expense, and
- ⌘ library expenses.

Facilities and administration costs are charged to a project or program using the facility and administrative cost rates listed on the [Office of the Vice President for Research Website](#). The rates are applied to the modified total direct costs (MTDC) of a project or program.

### 3.1. Modified Total Direct Costs (MTDC)

Modified total direct costs are total direct costs less the following:

- ⌘ capital expenditures: buildings (including alterations and renovations) and equipment items costing \$1,000 or more with a useful life of more than one (1) year;
- ⌘ the portion of each subaward greater than \$25,000;
- ⌘ hospitalization and other fees associated with patient care whether the services are obtained from an owned, related, or third-party hospital or other medical facility;
- ⌘ space rental or maintenance expense charged directly to projects; and
- ⌘ student tuition remission and student support costs (e.g., student aid, stipends, dependent allowances, scholarships, fellowships). This does not include payments for services rendered, e.g., research assistant tuition.

## 4. Facility and Administrative Cost Rates

The University Financial Services' Office calculates on-campus and off-campus facility and administrative cost rates for each type of sponsored activity (see [Section 8](#), herein) using actual costs incurred. Off-campus rates are applicable to projects performed at facilities not owned or maintained by the University. The Vice President for HSC/UNM Finance and University Controller submits these detailed calculations and proposed rates to the cognizant federal agency for review and approval. The federal agency and the Vice President for HSC/UNM Finance and University Controller, on behalf of the University, negotiate and agree on a rate and applicable time period. These rates are also applicable to non federally sponsored programs. The University's federally approved facility and administrative cost rates for sponsored projects and programs are listed on the [Office of the Vice President for Research Website](#).

### 4.1. Implementing New Facility and Administrative Cost Rates

When new facility and administrative cost rates are approved, the Office of Research Services or Pre-Award Services for Main Campus or HSC negotiate amendments with funding agencies to modify ongoing contracts, grants, and other agreements to reflect the

new rates. Amendments are not negotiated when:

- ⌘ the old rate remains fixed during the award or
- ⌘ the use of new rates is automatically authorized by contract, grant, and other agreement provisions.

## **5. Proposals to Funding Agencies**

Proposals submitted to federal and non-federal agencies must include facilities and administration costs, using the cost rates listed on the [Office of the Vice President for Research Website](#).

### **5.1. Exceptions to the University's Federally Approved Facility and Administrative Cost Rates**

Some sponsors may have published guidelines prohibiting or limiting the recovery of facilities and administration costs. If the chairperson, dean, and/or director consider the program desirable, the Vice President for Research or the Executive Vice President for Health Sciences may approve use of a lower rate or amount. To request approval, the principal investigator must provide justification with the completed pre-award forms. The principal investigator must report any objection, refusal, or undue delay by a sponsor to recognize and/or incorporate the federally approved facility and administrative cost rates to Pre-Award Services (Main Campus or HSC) immediately.

#### **5.1.1. State of New Mexico Projects or Programs**

Facility and administrative cost rates for State of New Mexico projects vary by agency. The principal investigator should contact Main Campus or HSC Pre-Award Services for the appropriate rate. If the State of New Mexico specifically states in the proposal guidelines that it intends to fully one hundred percent (100%) finance a grant or contract with federal funds, the federally approved facility and administrative cost rates will be used.

#### **5.1.2. Investigative New Drug (IND) Projects or Programs**

Studies involving human subjects for an Investigational New Drug (IND) or device as defined by the FDA (clinical trials) qualify for a different facility and administrative cost rate. The principal investigator must contact HSC Pre-Award Services for the current rate.

## **6. Facility and Administrative Cost Rate and Recovery Responsibilities**

### **6.1. Financial Services' Office**

The Financial Services' Office is responsible for:

- ⌘ preparing the facility and administrative cost rate proposal,
- ⌘ negotiating the facility and administrative cost rates with the cognizant federal agency,
- ⌘ distributing the approved rate agreement to the campus, and
- ⌘ acting as liaison with federal and non-federal auditors.

## 6.2. Principal Investigator

Each principal investigator is responsible for including facilities and administration costs at the University's approved rate in each proposal for external funding. All exceptions must be approved per [Section 5.1](#), herein.

## 6.3. Pre-award Services

Main Campus and HSC Pre-award Services:

- ⌘ provide information to principal investigators on facility and administrative cost rates and policies and
- ⌘ review and approve proposals and awards to ensure inclusion of approved facility and administrative cost rates.

## 6.4. Main Campus and HSC Contract and Grant Accounting Departments

Main Campus and HSC Contract and Grant Accounting Departments:

- ⌘ calculate, record, and bill facilities and administration costs at the approved rates, and
- ⌘ review contract and grant awards when facility and administrative cost rates change to determine if the awards should be amended.

## 6.5. Vice President for Research or the Executive Vice President for Health Sciences

The Vice President for Research and the Executive Vice President for Health Sciences:

- ⌘ determine the allocation of recovered facilities and administration costs, and
- ⌘ approve any exceptions to federally approved facility and administrative cost rates.

## 7. Facility and Administrative Cost Components

The Financial Services' Office is responsible for preparing the facility and administrative cost proposal to the cognizant federal agency, in accordance with this section. Facilities and administration costs consist of a facilities component and an administrative component. These facility and administrative cost components are divided into the following categories (facility and administrative cost pools).

### 7.1. Facilities Component

#### 7.1.1. Operations and Maintenance of Plant

Operations and maintenance of plant includes costs that have been incurred for the administration, supervision, operation, maintenance, preservation and protection of University facilities. Typical costs include security, utilities, custodial, grounds and landscaping, automotive, fuel management, property insurance, signs, locks/keys, metal shop, recycling, ordinary and normal repairs and renovations, maintenance and operation of buildings and other facilities, and administration. These costs are allocated to the appropriate indirect cost pool and major function, as described more fully in OMB Circular A-21, based

on the square footage occupied.

### **7.1.2. Building, Land Improvement, and Equipment Costs**

Building and land improvement costs are calculated using a two percent (2%) per year usage allowance. Equipment costs are calculated using depreciation methods. Equipment costs are not taken on loaned equipment and assets acquired with federal funds. Building, land improvement, and equipment costs are allocated to the appropriate indirect cost pool and major function based on the square footage occupied. Buildings and/or equipment must be in use to qualify.

### **7.1.3. Interest-UNM**

This category includes interest costs incurred by the University for the acquisition of long-lived assets. These costs are allocated to the appropriate indirect cost pool and major function based on specific benefit.

### **7.1.4. Interest-New Mexico**

This category includes interest costs paid by the state of New Mexico on behalf of the University. These costs are allocated to the appropriate indirect cost pool and major function based on specific benefit.

### **7.1.5. Deferred Maintenance**

Deferred maintenance includes costs incurred repairing University property. These costs are allocated to the appropriate indirect cost pool and major function based on specific benefit.

### **7.1.6. Library**

Library costs include the cost of operating University library systems, which includes the cost of books and library materials. These costs are allocated to the appropriate indirect cost pool and major function based on primary categories of users.

## **7.2. Administrative Component**

Facilities and administration costs in the administrative component are allocated based on modified total direct costs which are defined in [Section 3.1](#), herein.

### **7.2.1. Departmental Administration**

Departmental Administration costs include costs incurred for the administration of instructional and sponsored activity in academic departments, colleges and divisions. These costs are allocated based upon the modified total direct cost of each sponsored activity and instruction.

### **7.2.2. General and Administrative**

General and administrative costs include costs incurred for the central administration or institutional support of the University. This administration and support is provided by the Board of Regents, President's Office, Senior Executive offices, the Controller's organization, Budget Department, University Counsel, Department of Risk Management, Department of Human Resources, Purchasing Department, Internal Audit, and other administrative service departments. These costs are allocated based on modified total direct costs for instruction, sponsored activities, other institutional activities, and other facility and administrative cost pools.

### **7.2.3. Sponsored Projects Administration**

Sponsored projects administration costs include costs incurred for the administration of sponsored projects, such as preparation and submission of proposals, contract negotiation, fiscal management, financial report preparation, and billings and collections. These costs are allocated based on the modified total direct cost for each sponsored activity.

### **7.2.4. Student Services Administration**

Student services administration costs include costs incurred for the administration of student affairs and student services, which include admissions, registration, counseling and placement services, and student advisement. These costs are allocated based on the modified total direct costs for instruction and sponsored instruction.

## **8. Sponsored Activities**

There are different facility and administrative cost rates for each type of sponsored activity listed below.

### **8.1. Sponsored Research**

Sponsored research is all research activities funded by grants, cooperative agreements, or contracts from federal or non federal sponsors. Examples include, but are not limited to, the following:

- ⋄ awards in support of basic and applied research,
- ⋄ research training grants, and
- ⋄ faculty career awards to support the general research efforts of the faculty.

### **8.2. Sponsored Instruction**

Sponsored Instruction is defined as the teaching and training activities funded by grants, cooperative agreements, or contracts from federal or non federal sponsors. These include sponsored agreements supporting curriculum development and all types of teaching and training activities (whether offered for credit toward a degree or certificate, or offered on a non-credit basis). Activities may be offered through regular academic departments or separate divisions. Examples include, but are not limited to, the following:

- ⋄ all projects for which the purpose is to instruct any student at any location,

- z curriculum development projects at any level, and
- z projects which involve University students in community service activities for which the students receive academic credit.

### 8.3. Other Sponsored Activities

Other Sponsored Activities (generally referred to as public service) are programs and projects funded by grants, cooperative agreements, or contracts from federal and non federal sponsors that involve the performance of work other than sponsored instruction or sponsored research. Examples include, but are not limited, to the following:

- z support for conferences, seminars or workshops;
- z library projects such as cataloging or establishing library databases;
- z patient care projects (e.g., clinics);
- z technical assistance projects;
- z information compilation or dissemination; and
- z projects in support of the University's public service activities.

## 9. References

- z Office of Management and Budget (OMB):  
Circular A-21--"Principles for Determining Costs Applicable to Grants, Contracts, and Other Agreements with Educational Institutions."
- z Rate Agreement between The Regents of the University of New Mexico and the Department of Health and Human Services (the cognizant agency representing the Federal Government).

Comments may be sent to [UBPPM@UNM.edu](mailto:UBPPM@UNM.edu)  
<http://www.unm.edu/~ubppm>

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## Exhibit D

### Revised Board of Regents Policy 5.9

#### **5.9 Subject: SPONSORED RESEARCH**

Adopted: September 12, 1996 (update this date)

#### **Applicability**

This policy applies to all individuals at the University who engage in sponsored research.

#### **Policy**

It is the policy of the University to encourage faculty members to participate in research sponsored by outside agencies when such research is consistent with the basic aims of the University in regard to education of students, the extension of knowledge and the broadening of man's horizon in the sciences, arts and humanities.

#### **Implementation**

The Board, in adopting the original Regents' Policy Manual in 1981, approved detailed policies and procedures.

The full text is printed in the Faculty Handbook.

#### **Reference**

*Faculty Handbook* [1990 ed.], pages D-9 and D-10. (The current handbook needs to be referenced by Policy; not page number, as the online version does not have page numbers.)

Comments should be sent to [BRPM@UNM.edu](mailto:BRPM@UNM.edu) (Update this link)

## Exhibit E

 <b>The University of New Mexico Faculty Handbook</b>	<b>Policy E60 Section: Research</b>
	<b>Approved By: Faculty Senate</b>
	<b>Issued:</b>
<b>Sponsored Research</b>	<b>Last Updated: 11/19/13</b>
	<b>Responsible FS Committee: Research Policy</b>
	<b>Office Responsible for Administration: Office of Vice President for Research and Vice Chancellor for Research, HSC</b>

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### POLICY RATIONALE

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

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### POLICY STATEMENT

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1. The Vice President for Research and Economic Development (VPR) has been designated by the President as UNM's reviewing, certifying, and negotiation coordinating officer for all main-campus and branch-campus research proposals submitted to outside agencies. The Vice Chancellor for Research (VCR), Health Sciences Center (HSC) has been designated by the President as UNM's reviewing, certifying, and negotiation coordinating officer for all HSC research proposals submitted to outside agencies. The VPR and VCR-HSC have also been designated the prior approval authority for any modifications to awards, in response to research proposals.

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

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

Similarly, on an annual basis, the HSC Chancellor shall consult with the Research Council of the UNM Faculty Senate, the VCR, and other interested parties to discuss research priorities of, and adjustments to, the F&A distribution algorithm for HSC-sponsored research.

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

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## APPLICABILITY

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This policy applies to all academic and research UNM units, including the Main Campus, the Health Sciences Center, and Branch Campuses.

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## DEFINITIONS

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**Facilities and Administrative (F&A) Expenditures:** F&A expenditures reflect costs associated with providing and maintaining the infrastructure that supports the research enterprise (buildings and their maintenance, research administration, libraries, etc.) and which cannot easily be identified with a specific project are used to determine UNM's F&A rates. F&A expenditures are calculated using rates determined in conjunction with auditors from the U.S. Department of Health and Human Services. The applicable rate is calculated and charged as a percentage of modified total direct costs (MTDC).

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

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

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## WHO SHOULD READ THIS POLICY

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

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## RELATED DOCUMENTS

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UNM Regents' Policy Manual: Policy 5.9 "Sponsored Research"

University Business Policies and Procedures Manual:

Policy 2010 "Contracts Signature Authority and Review,"

Policy 2425 "Recovery of Facilities and Administrative Costs"

## CONTACTS

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Direct questions about this policy to the Office of the VPR or the Office of the VCR-HSC.

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## PROCEDURES AND GUIDELINES

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

1a. Faculty Research Support Services (FRSS), under the direction of the VPR, provides assistance to main-campus and branch-campus faculty and staff by:

- Finding funding sources matching research interests and project development.
- Developing and preparing proposals (including budget).
- Navigating UNM's proposal process.
- Planning, coordinating, and supporting large and complex proposal efforts requiring numerous partnerships and multidisciplinary collaborations.

FRSS also acts as liaison between the sponsor agency and the faculty when requested to do so.

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

2. The office of the VPR will coordinate closely with the main-campus and branch-campus principal investigators and appropriate members of the Contract and Grant Accounting Office to ensure that the prior approval function, of modifying grant and contracts budgets in force, is in accordance with the regulations of the sponsoring agencies or foundations. Similarly, the office of the VCR-HSC will coordinate closely with the principal investigators and appropriate members of the HSC-sponsored research management teams to ensure that the prior approval function, of modifying grant and contracts budgets in force, is in accordance with the regulations of the sponsoring agencies or foundations.

3. In consultation between the Office of the Executive Vice President for Academic Affairs/Provost, the Office of the VPR (OVPR), and the Faculty Senate, a formula (or algorithm) for the distribution of main campus and branch campus F&A funds to units, centers, institutes, and individual faculty members shall be developed by the OVPR and posted on the OVPR's website on an annual basis for main-campus and branch-campus sponsored research. The annual budget shall also be posted on the OVPR's website. The budget format, from year to year, shall remain as constant as possible, and include the following information for each budget item: amount, recipient, and reason for expenditure or distribution. The history of these allocation formulas and budgets shall also remain on the website.

Similarly, in consultation with the Office of the VCR-HSC, the Office of the VCR (OVCR), and the Faculty Senate, a formula (or algorithm) for the distribution of HSC F&A funds to units, centers, institutes, and individual faculty members shall be developed by the OVCR and posted on the OVCR's website on an annual basis for HSC-sponsored research. The annual budget shall also be posted on the OVCR's website. The budget format, from year to year, shall remain as constant as possible, and include the following information for each budget item: amount, recipient, and reason for expenditure or distribution. The history of these allocation formulas and budgets shall also remain on the website.

4. Actual F&A distributions and expenditures for main campus and branch campus sponsored research, for each fiscal year shall be documented and posted on OVPR's website no later than three months after the end of the fiscal year. Each distribution or expenditure shall include: date, amount, recipient, recipient's account index, and the reason for expenditure or distribution.

Similarly, actual F&A distributions and expenditures for HSC-sponsored research, for each fiscal year shall be documented and posted on OVCR's website no later than three months after the end of the fiscal year. Each distribution or expenditure shall include: date, amount, recipient, recipient's account index, and reason for expenditure or distribution.

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

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## HISTORY

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**Amended:**

Draft—March 5, 2013  
Draft – March 26, 2013  
Draft – November 19, 2013

**Effective:**

**Need to identify effective date of original policy.**

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# Exhibit F

November 19, 2013

**Revise as follows:**

## **University Business Policy and Procedures Manual, Policy 2425, Section 2**

### **2. Allocation of Facility and Administrative Cost Recovery Funds**

Revenue resulting from the recovery of facilities and administration costs allowed on sponsored research and public service projects is recognized by the University as "unrestricted" income. It is the objective of the University maximize the use of this source of revenue for the benefit of the University's research and public service programs. Revenue may be allocated to:

- seed new faculty research projects;
- award cost sharing or matching funds on individual projects;
- support UNM's technology commercialization program;
- develop new research facilities; and
- build the University's sponsored research and public service program.

It is recognized that a portion of the facility and administrative cost recovery revenue must be committed to support the administration of sponsored programs in terms of allocations to specific administrative support functions and allocations to colleges and departments.

*The Provost, in consultation with university stakeholders, shall be responsible for deciding what portion of the main-campus and branch campus facilities and administrative cost recovery revenue shall be budgeted toward the Office of the Vice President for Research and toward the Office of Contract and Grant Accounting.*

*The Vice President for Research, in consultation with university stakeholders, shall in turn be responsible for developing an annual budget for the remainder of the facilities and administrative cost recovery revenue.*

*Similarly, the Health Sciences Center Chancellor, in consultation with university stakeholders, shall be responsible for deciding what portion of the Health Sciences Center facilities and administrative cost recovery revenue shall be budgeted to the Office of the Health Sciences Center Vice Chancellor for Research and toward the Office of Contract and Grant Accounting.*

*The Health Sciences Center Vice Chancellor for Research, in consultation with university stakeholders, shall in turn be responsible for developing an annual budget for the remainder of the facility and administrative cost recovery revenue.*

## Discussion Draft (2-4-14): Policy on Consensual Relationships (TRACK CHANGES SHOW CHANGES FROM 1-15-14 DRAFT)

### 1. General

An inevitable imbalance of power, or power differential, exists in relationships where a superior exercises authority over a subordinate. Such relationships create significant risks for the parties to the relationship, third parties, and the institution. They may impair the integrity of academic and employment decisions. They may lead to charges of sexual harassment and exploitation, especially when the relationships end. They may cause others to have concerns about undue access or advantage, favoritism, or restricted opportunities. Factors such as race, gender, sexual orientation, citizenship status, English proficiency, and previous sexual victimization may further exacerbate the inherent power differentials between superiors and subordinates involved in consensual relationships.

For the reasons stated above, consensual relationships between superiors and subordinates (as defined in Section 2) are of concern to the University. As a result, consensual relationships between superiors and subordinates *are strongly discouraged* and must be disclosed, as discussed in this policy, in order to manage or eliminate the conflicts caused by the relationships. Due to the extra risk of harm, consensual relationships between superiors and students *are strictly prohibited*.

The purpose of this policy is not to intrude on the privacy of members of the University community or interfere with appropriate mentoring relationships, but to prevent harm to individuals and the institution.

In addition to the standards in this policy, standards imposed by licensing boards, professional organizations, accrediting entities, and other authorities may restrict consensual relationships in certain professional contexts.

### 2. Definitions

For the purpose of this policy, the term “consensual relationship” means a relationship in which a superior and a subordinate are engaged, or were engaged, by apparent mutual consent in a romantic or sexual relationship.

For the purpose of this policy, the term “exercise authority” means:

- *in the context of students, that superiors are in the role of:* teaching; serving on thesis or dissertation committees; grading; overseeing; supervising; academic advising; mentoring; coaching; providing extracurricular oversight; recommending in an institutional capacity for employment, fellowships, or awards; or otherwise participating in or influencing decisions or votes that may reward or penalize a subordinate.
- *in the context of faculty and staff, that superiors are in the role of:* initiating or participating in supervisory, administrative, or evaluative decisions that involve a direct benefit or penalty for the subordinate, such as in regard to employment, retention, promotion, tenure, salary, evaluations, or leaves of absence.

For the purpose of this policy, the terms “superior” and “subordinate” mean the parties to a consensual relationship in which the superior exercises authority over the subordinate.

### 3. Scope

All faculty, staff, and students at the University are subject to this policy, as are others who participate in the University's programs and activities, whether on- or off-campus (including abroad).

The only consensual relationships covered by this policy are ones where superiors exercise authority over subordinates. Several examples of such relationships are:

- manager and employee
- faculty and student
- teaching assistant and student
- academic advisor and advisee
- athletic coach and student athlete

### 4. Risk of Sexual Harassment Allegations

Consensual relationships between superiors and subordinates are susceptible to later charges of sexual harassment or coercion. When the relationships end, conduct that was previously welcome may be considered unwelcome. Even when both parties consent at the start of a relationship, past consent does not remove grounds for a subsequent charge of unwelcome conduct. In such cases, consent may be difficult to assess, deemed impossible, or construed as coercive.

### 5. Relationships Subject to this Policy

#### 5.1. Relationships With Students

Consensual relationships between faculty, or other superiors, and students over whom they exercise authority *are strictly prohibited*. Superiors who engage in such relationships violate this policy and their obligations to students, to colleagues, and to the University, and may be subject to disciplinary action. Such relationships may cause students to feel exploited or guilty, interfere with their learning experiences, and negatively impact their academic careers.

If a consensual relationship between a superior and a current student occurs despite this prohibition, or did occur in the past and the superior is now exercising authority over the student, the superior must report the relationship to an immediate supervisor so that steps can be taken to avoid or terminate any exercise of authority with respect to the student.

Under New Mexico state law, sexual relations with persons eighteen years of age or younger, and with other persons who are incapable of providing consent, may be a criminal offense.

#### 5.2. Relationships With Employees

Consensual relationships between superiors and subordinate employees, including student employees, *are strongly discouraged*.

If a consensual relationship between a superior and a current subordinate occurs, or did occur in the past and the superior is now exercising authority over the subordinate, the superior must report the relationship to an immediate supervisor so that steps can be taken to avoid or terminate any exercise of authority with respect to the subordinate.

### 6. Superiors' Reporting Responsibility and Consequences of Not Reporting

When consensual relationships occur, superiors bear the primary burden of accountability. Superiors must report consensual relationships to their immediate supervisors as soon as possible so that the conflicts the relationships create can be managed or eliminated.

Superiors who enter into or persist in continuing consensual relationships without reporting them, or who fail to cooperate in efforts to mitigate the conflicts of interest caused by the relationships, may be subject to disciplinary actions up to and including termination.

## **7. Immediate Supervisors' Responsibility for Managing Conflicts**

### **7.1. Receiving a Direct Report of a Consensual Relationship**

Within ten (10) workdays of an immediate supervisor receiving a direct report of a consensual relationship, the supervisor or designee is expected to meet with the superior and subordinate to develop a confidential written Management Plan (see template in Exhibit A) that describes how the conflict will be managed or eliminated. The timeframe may be extended under extenuating circumstances. Mitigating the conflict generally involves either removing the superior from the exercise of authority over the subordinate or relocating the superior or subordinate to another academic or work area. For certain departments or specialized disciplines, the immediate supervisor may have to arrange for another department or unit to exercise authority over the subordinate. Mitigating the conflict should not unreasonably disadvantage either party.

### **7.2. Special Considerations Regarding Students**

When a student is the subordinate in a relationship, the Management Plan should preserve and maintain the student's immediate and long-term educational opportunities, ability to meet program requirements, and career progression. In order to ensure that Management Plans accomplish these ends, immediate supervisors may elect to meet separately with students.

### **7.3. Implementation and Monitoring of Management Plans**

The parties to the relationship and the immediate supervisor should sign the Management Plan, and send a copy to the cognizant dean, director, or vice president. Once the Management Plan is in place, the immediate supervisor is responsible for monitoring its implementation.

## **8. Third-Party Reports**

### **8.1. Making a Third-Party Report**

Consensual relationships may lead to third-party reports of the relationships, especially when the relationships give undue access or advantage to the subordinate, restrict opportunities for others, or create a perception of these problems. Third parties may report consensual relationships to any of the following:

- the superior's immediate supervisor
- the applicable chair, dean, director, or vice president
- the Compliance Hotline

### **8.2. Assessment by Superior's Immediate Supervisor**

When a person other than the superior's immediate supervisor receives a third-party report, then the recipient of the report should immediately provide the report to the superior's supervisor. If the third-party report involves a consensual relationship that to the supervisor's knowledge has not been [REMOVED "REPORTED"; ANY CONCERNS?] self-reported or mitigated as yet, then the supervisor should assess

whether a consensual relationship exists by interviewing the parties. Normally, the supervisor should conduct the assessment within ten (10) working days, but the timeframe may be extended due to extenuating circumstances.

## **8.2. Results of Assessment**

If the assessment confirms that a consensual relationship exists, the superior's immediate supervisor assumes the responsibilities noted in Section 7 and the superior may be subject to disciplinary action up to and including termination, as discussed in Section 6.

If both parties claim that no relationship exists and the supervisor has credible information that one does, the supervisor may contact the Provost's Office, Human Resources, or the Office of Equal Opportunity, as appropriate, for guidance on how to proceed. If both parties have denied a relationship that it is later determined to have existed, the parties will be subject to disciplinary actions for their false reports.

## **9. False Allegations**

The University reserves the right to discipline members of the University community who knowingly make false reports of consensual relationships. No report will be considered "false" *solely* because it cannot be corroborated.

## **10. Confidentiality and Record Keeping**

As part of managing or eliminating conflicts, it may be necessary for immediate supervisors to provide general information about the conflicts to other individuals. Every reasonable effort, however, should be made to preserve confidentiality, to provide information on a need-to-know basis, and to protect the privacy of the parties. This includes responses to third-party reports.

Immediate supervisors should keep all documentation related to a consensual relationship secure and separate from the official files that are maintained on the parties to the relationship. Once the conflict has been managed or eliminated, the immediate supervisors should forward copies of the Management Plan and other related documentation to the Office of Equal Opportunity, where it will be retained in confidence, to the extent permitted by law, for five (5) years and then destroyed. Information on consensual relationships should be retained in immediate supervisors' files for the minimum time necessary to manage or eliminate conflicts.

## **11. Training and Resources**

The University will provide training opportunities to familiarize members of the University community with this policy and to raise awareness of the difficult issues that may arise as a result of consensual relationships. New staff employees will be required to certify their awareness of this policy by signing an "Acknowledgment of Access to and Responsibility for Policies."

Counseling and other support services are available to the parties involved in consensual relationships, including:

- Student Health and Counseling
- Counseling, Assistance, and Referral Services
- Graduate Studies Ombuds
- UNM Ombuds
- Office of the Provost
- Office of Equal Opportunity

- Division of Human Resources

## **12. References**

- Faculty Handbook Policy 5.7 (“Confidentiality of Faculty Records Policy”)
- Faculty Handbook Policy C30 (“Employment of Relatives”)
- University Administrative Policy 3210 (“Recruitment and Hiring”)

## **Exhibit A**

Management Plan Template

# Administrative Policies and Procedures Manual - Policy 2XXX3780: Sexual Harassment Policy



Date Originally Issued: 08-09-27-1991

1988 Revised: 12-13-1991, 01-15-2007

10-26-1994 Subject to Change withoutWithout Notice

Authorized by UNM Regents' Policy 2.5 ("Sexual Harassment")

Process Owner: Director, Office of Equal Opportunity

## 1. General

~~The University of New Mexico Sexual Harassment Policy can be obtained from the office of Equal Opportunity Programs. The following is a synopsis of the policy, approved by the University Board of Regents on August 9, 1988, and The University of New Mexico Sexual Harassment Grievance Procedure, signed by the University President on August 10, 1988.~~

The University is committed to creating and maintaining a community in which students and employees can learn and work together in an atmosphere:

- ~~—that enhances productivity and draws on the diversity of its members; and~~
- ~~—is free from all forms of disrespectful conduct, harassment, exploitation, or intimidation, including sexual harassment and sex-based discrimination.~~

The purpose of this policy is to guide University officials~~foster a dialogue on positive and effective inter-gender communication and interaction but also~~ to take whatever action may be needed to prevent, correct, and, when necessary, to discipline behavior which violates this policy.

In fulfilling the~~its~~ dual tasks of educating and providing public service, the University can, and shall, demonstrate leadership in eliminating sexual harassment~~sensitizing and preventing~~educating all members of its ~~recurrence, community to what is appropriate behavior between the genders.~~ Sexual harassment ~~is reprehensible in that it~~ subverts the mission of the University and threatens the careers of students and employees. It is a violation of Title VII of the Civil Rights Act of 1964; and Title IX of the Educational Amendments of 1972; and the~~and will not be tolerated at The University of New Mexico~~ Human Rights Act, NMSA 1978, Sections 28-1-1 to 28-1-7, 28-1-7.2, 28-1-9 to 28-1-14.

## **2. Definition**

Sexual harassment, a form of sex discrimination, is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. There are two typical types of sexual harassment: *quid pro quo* and hostile environment. Conduct of a sexual nature becomes a violation of this policy when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic advancement (*quid pro quo*);
  - submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic decisions affecting such individual (*quid pro quo*); or
  - such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or academic environment (*hostile environment*); or
- a supervisor fails to take corrective action when he or she knows, or reasonably should have known, that a subordinate employee is being subjected to sexual harassment.

### **2.1. Examples of Sexual Harassment**

Examples of sexual harassment which shall not be tolerated include but are not limited to:

- suggestive or obscene letters, notes, invitations;
- derogatory comments, epithets, slurs or jokes;
- impeding or blocking movements, touching, or any physical interference with normal work;
- sexual oriented gestures, displaying sexually suggestive or derogatory objects, pictures, cartoons, or posters (the situation will be evaluated for appropriateness such as art displayed in museums versus centerfold in office setting);
- threats or insinuations that lack of sexual favors will result in reprisals, withholding support for appointments, promotions or transfers, change of assignments, or poor performance reviews.

### **2.2. Determination**

In determining whether the alleged conduct constitutes sexual harassment, consideration should be given to the record as a whole and to the totality of the circumstances, including the nature of the sexual advances and the context in which the alleged incidents occurred.

### **2.3. Retaliation**

Retaliation against an employee or student for filing a sexual harassment complaint is grounds for a subsequent harassment complaint.

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## ~~2.4. Other Violations~~

~~The University also disapproves of intimidating conduct of a sexual nature which does not rise to the level of the above definition of sexual harassment and which has a detrimental but limited impact on the work environment. Such conduct may include isolated sexual remarks, sexist comments, or inappropriate physical behavior of a sexual nature. Such conduct should be strongly and actively discouraged by responsible supervisors.~~

## ~~3. Reaffirmation of Policy Against Sexual Harassment~~

~~While sexual harassment ~~most~~ often takes place in a situation of power differential between the persons involved, this policy recognizes ~~also~~ that sexual harassment ~~also~~ may occur between persons of the same University status: student-student, faculty-faculty, and staff-staff, or between peers. ~~Additionally, While the vast majority of victims are female, and while the vast majority of offenders are male,~~ the prohibition ~~against~~ sexual harassment applies regardless of the genders of the parties. Sometimes harassers target a person who has authority over them. Harassers can also be persons who are not members of the University community, such as contractors or visitors. Regardless of the source, the University does not tolerate this kind of behavior and the University is committed to maintaining an environment free from sexual harassment.~~

~~Sexual harassment is especially serious when it threatens ~~relationships~~ the relationship between student and teacher or the relationship between students and teachers, or relationships between supervisors and their supervisor and his or her subordinates. Through grades, wage increases, recommendations for graduate study, promotion, and the like, a teacher or supervisor can have a decisive influence on a student's or employee's success and future career at the University and beyond.~~

## ~~2.1. 4~~ Other Violations

~~The University also disapproves of conduct of a sexual nature which does not rise to the level of the above definition of sexual harassment but which has a detrimental, although limited, impact on the work or academic environment. The University strongly encourages all persons witnessing or experiencing such conduct to report it (see Section 3) so that the University can take appropriate action. Such conduct may include isolated sexual remarks, sexist comments, gestures, or inappropriate physical behavior of a sexual nature. This could warrant remedial action in order to prevent such behavior from becoming unlawful harassment.~~

## ~~2.2. Examples of Sexual Harassment~~

~~Listed below are examples of behavior that can constitute sexual harassment. The list is not all-inclusive; in addition, each situation must be considered in light of the specific facts and circumstances to determine if harassment has occurred.~~

- ~~• Suggestive or obscene letters, notes, invitations~~

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- Electronic communications, such as e-mail, text messaging, and Internet use, that are sexual in nature
- Unwelcome sexual jokes or comments (including favorable comments about someone's gender, body, or appearance)
- Impeding or blocking movements, touching, or any physical interference or stalking
- Sexually oriented gestures; or displaying sexually suggestive or derogatory objects, pictures, cartoons, or posters
- Threats or insinuations that refusal to provide sexual favors will result in reprisals; withholding support for appointments, recommendations, promotions, or transfers; or change of assignments or poor performance reviews or grades
- Sexual or gender-based violence, including, but not limited to, rape, sexual assault, sexual battery, and sexual coercion

In determining whether the alleged conduct constitutes sexual harassment, the totality of the circumstances will be considered, including the frequency of the discriminatory conduct; its severity; and whether it is physically threatening, humiliating, or pervasive to the environment. When the University determines that a hostile environment exists, it takes action to stop the harassment and ensure it does not happen again.

In some cases, a single incident (such as sexual assault) may be so severe as to create a hostile environment. Such incidents may include injury to persons or property, or conduct threatening injury to persons or property. In other cases, the conduct at issue is offensive, but not sufficiently severe, persistent, or pervasive as to constitute a hostile work or learning environment. In such cases, the University generally takes action to stop the offending behavior in an effort to promote a respectful environment and avoid the possibility that a hostile environment will develop.

In cases of alleged harassment, the protections of the First Amendment must be considered if issues of speech or expression are involved. Free speech rights apply in the classroom and in all other education programs and activities. This policy is intended to protect students and employees from discrimination, not to regulate the content of speech.

### **2.3. Interim Measures**

The University may also implement interim measures or interventions, as appropriate to the allegations and if the allegations warrant, to protect the community and students involved, pending the culmination of any review, investigation, or appeal process. If the review, investigation or appeal process determines that there is no cause to believe this policy has been violated, these interim measures may be revoked.

## **3. Reporting Procedures**

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PersonsA person who believe they believes he or she may have experienced sexual harassment may report the incidentsincident to any of the following:

- Office of Equal Opportunity (OEO),
- Dean of Students
- Human Resources
- Ombudsperson<sup>1</sup>
- theirhis or her supervisor ,and/or manager
- director, chair, the University Dispute Resolution Coordinator, and/or dean
- the office of a department, school,Equal Opportunity Programs:
  - Disputes involving work-related allegations of sexual harassment that cannot be resolved in the workplace or college
  - Internal Audit
  - UNM Compliance Hotline (call may be anonymous, but doing so may limit a person's protection from retaliation and the University's ability to conduct a full investigation)

The University can take corrective action only when it becomes aware of problems. Therefore, the University encourages persons who believe that they have experienced or witnessed discrimination or harassment as prohibited by this policy to come forward promptly with their inquiries, reports, or complaints and to seek assistance within the University. Individuals also have the right to pursue a legal remedy for discrimination or harassment that is prohibited by law, in addition to or instead of proceeding under this policy.

The University will handle discrimination and harassment complaints under this policy consistent with procedural guidelines developed to ensure prompt and equitable resolution of such complaints. The matter will then proceed to investigation or other form of effective and fair review. The investigation or review may be performed by OEO, or jointly with another office, as determined by OEO.

Possible outcomes of an investigation are (1) a finding that the allegations are not warranted or could not be substantiated, (2) a finding that the allegations are substantiated and constitute discrimination or inappropriate behavior and, if so, (3) referral to the appropriate administrative authority for corrective action.

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<sup>1</sup> The Ombudsperson serves as a resource for discussing concerns and learning about University processes and resources. Reports to the Ombudsperson are confidential and are not shared with University officials or other departments.

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### **3.1 Reporting Responsibility**

University faculty, administrators, and supervisors who witness or receive a written or oral report or complaint of sex discrimination, sexual harassment, or sexual violence are required to engage in appropriate measures to prevent violations of this policy and promptly notify OEO, including notification of any actions taken to achieve informal resolution of the complaint. The University relies on its employees to notify the University's Title IX Coordinator of all disclosures of sex discrimination, sexual harassment, and sexual violence against students.

Further, if a supervisor fails to take action when he or she knows, or reasonably should have known, that a student or a subordinate employee is being subjected to sexual harassment, that supervisor could be held in violation of this policy. The University encourages reporting of all known or suspected unwelcome conduct of a sexual nature.

This section of the policy does not obligate an individual who is required by professional or University responsibilities to keep certain communications confidential (e.g., licensed healthcare professional) to report confidential communications received while performing those University responsibilities.

### **3.2 Reporting Sexual Violence**

In addition to violating Title IX and University policy, some forms of sexual harassment may constitute criminal activity. The University encourages individuals who have experienced unwelcome sexual behavior that involves sexual violence or threatening behavior to contact the UNM Police Department (505-277-0111) or local law enforcement agencies (911), as soon as possible after the offense occurs in order to preserve evidence necessary for the proof of criminal offenses. The UNM Police Department is available to assist victims in filing reports with other area law enforcement agencies. Persons who experience sexual violence may participate concurrently in a criminal process and University process to seek redress.

## **4. Confidentiality**

The University recognizes that individuals have a right to privacy; however, the University also has an obligation to address concerns and inquiries, as well as to investigate and resolve civil rights claims. Therefore, the University cannot guarantee anonymity to persons raising concerns. The University may not be able to fully address allegations received from anonymous sources or those requesting anonymity, unless sufficient information is furnished to enable the University to conduct a meaningful and fair investigation. All complaints will be handled in a confidential manner to the extent possible and consistent with principles of due process. Information will only be shared among University employees or external parties on a need-to-know basis and as permitted under University policy and applicable federal and state law.

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All participants involved with an internal discrimination or harassment investigation have a strict duty to keep investigation information confidential. Any attempt by any participant to influence the outcome of an investigation by divulging information to others (who have no legitimate “need to know”) is grounds for disciplinary action.

Persons may request anonymity when reporting sexual harassment. OEO will evaluate the anonymity request in the context of the University’s responsibility to provide a safe and nondiscriminatory work and learning environment. OEO will strive to abide by a complainant’s request for anonymity. However, when complainants continue to insist that their identity not be disclosed to the named respondent or alleged harasser, the complainant will be advised that an in-depth investigation might not be possible, depending on the circumstances presented in the claim. While not routinely done, OEO reserves the right to disclose a person’s identity when absolutely necessary to fulfill the University’s obligations under anti-discrimination laws and regulations or when legally required to do so.

with the aid of the second level supervisor will normally be handled by the office of Equal Opportunity Programs in cooperation with the Dispute Resolution Coordinator. The office of Equal Opportunity Programs will decide the proper method of handling the allegations. They are available to discuss the incident(s), assist in evaluating whether the conduct appears to be sexual harassment, and explain the options available, such as filing a formal complaint of sexual harassment, etc.

### **5. Retaliation**

It is the policy of the University to foster an environment where faculty, staff, and students may raise civil rights claims without fear of retaliation or reprisal. All members of the University community have a right to redress for perceived violations of this policy. It is contrary to federal and state civil rights laws, and to University policy, to retaliate against any persons for asserting their civil rights, which includes raising concerns related to civil rights, reporting to any of the offices listed above (Section 3), filing a claim of discrimination or harassment, or participating as a witness in an investigation related to an allegation of discrimination or harassment.

Students and employees who believe that retaliation was threatened, attempted, or occurred due to their testifying, assisting, or participating in an investigation related to an allegation of discrimination and or harassment should report the retaliation to any of the offices listed above (section 3). An employee or student who retaliates against a person for raising or filing a discrimination or harassment complaint or for seeking assistance from OEO may be subject to disciplinary action.

### **6. Providing False Information**

Because of the nature of discrimination, harassment, or retaliation complaints, allegations often cannot be substantiated by direct evidence other than the complaining individual’s own statement. Lack of corroborating evidence should not discourage individuals from seeking relief

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under this policy. No adverse action will be taken against an individual who makes a good faith allegation of discrimination, harassment, or retaliation under this policy, even if an investigation fails to substantiate the allegation.

Notwithstanding this provision, the University may discipline employees or students when it has been determined that they brought an accusation of discrimination or harassment in bad faith or with reckless disregard of the truth or falsity of the claim. Additionally, anyone participating in an investigation who intentionally misdirects an investigation, whether by falsehood or omission, may be subject to disciplinary action.

## **7. Related Policies and Resources [LINKS TO BE INSERTED]**

### **7.1. Policies**

Regents Policy 2.3 ("Equal Opportunity and Affirmative Action for Employees and Students")

Regents Policy 2.5 ("Sexual Harassment")

UAP 2200 ("Whistleblower Protection and Reporting Suspected Misconduct and Retaliation")

UAP 2220 ("Freedom of Expression and Dissent")

UAP 2310 ("Academic Adjustments for Student with Disabilities")

UAP 3110 ("Reasonable Accommodation for Employees with Disabilities")

Policy XXX, Sexual Harassment Policy

UNM Student and Visitor Code of Conduct

Campus Safety and Security Sexual Assault Policy

Consensual Relationships Policy

### **7.2. Resources**

Accessibility Services

Office of Equal Opportunity

Discrimination Claim Procedures

Dean of Students

Campus Police

Center for Academic Program Support

Counseling, Assistance, and Referral Service

Student, Health, and Counseling

Women's Resource Center

Rape Crisis Center of New Mexico

New Mexico Coalition Against Domestic Violence

Sexual Assault Response Team