

Faculty Senate Policy Committee
Meeting Agenda, Scholes Hall Room 101, December 3, 2014

Updates

1. E60 "Sponsored Research" will go out for 30-day campus comment after the start of the Spring Semester.

Action Items

Consent Agenda Topics: None

Agenda Topics

1. C200 Sabbatical Leave: Although this draft was approved to go to Operations for approval to send out for campus comment, prior to submission to Operations a substantive proposed change which received for consideration by the Committee. This proposed change is highlighted in the attached draft for review (Procedures Section 4.) pg. 1

Key pre-meeting preparation: Review proposed addition.

Desired outcome: Decide if proposed change should be included in the draft.

2. Policies A91 and Standard A91#1 RE: "Creation, Review, Reorganization, and Termination of Non-HSC Research Centers and Institutes. The Research Policy Committee revised the restructured drafts and approved them for review by the Policy Committee. pg. 8

Key pre-meeting preparation: Review A91 and A91#1.

Desired outcome: Approval of revised drafts.

3. Discuss meeting which included AF&T, Faculty Senate, Council on Governance, and Policy Committee leadership. Meeting was called to discuss the relationship between Section B AF&T and Section C of the Faculty Handbook and AF&T concerns about Policy A53 "Development and Approval of Faculty Policies." The process pertaining to a proposed draft of Professor of Practice was discussed.

Key pre-meeting preparation: Review A53 "Development and Approval of Faculty Policies" and C190 "Lecturer Annual and Promotion Reviews" and the applicable sections 2.3.2, 3.4.2, and 4.10. [Section B: Academic Freedom and Tenure](#).

Desired outcome: Discussion of process and potential recommendations.

4. Intellectual Property: Need to develop specific questions/concerns for memo from the Policy Committee to administration. pg. 17

Key pre-meeting preparation: Read E70 "Intellectual Property" and compare to the memo from Larson, Dougher, Abdallah, and Roth.

Desired outcome: Identify specific issues, concerns, and questions for the administration.

5. D170 Student Attendance: A student proposed a revision to D170 to address extracurricular activities and presented concerns and issues at November meeting. A number of issues were discussed in the meeting. The students were asked to bring data

to show the magnitude of the problem, if any. There was also discussion as to the degree of support from faculty for the revision and whether there was need to include AF&T in the process due to academic freedom. In addition the following issues were identified.

- a. Discrepancy between D170 and Dean of Students procedures in the Pathfinder.
<https://pathfinder.unm.edu/common/policies/class-absences-student-attendance.html>
- b. Do we need to provide specific information concerning student attendance at HSC?
- c. Branch Campuses—Does the policy as written work for Branch Campuses?

Key pre-meeting preparation: Consult with colleagues to determine degree of support for policy revision.

Desired outcome: In-depth discussion of proposed changes and related issues.

6. University Administrative Policies changes sent out for campus comment.

Key pre-meeting preparation: Review proposed changes

Desired outcome: Develop comments for Policy Office.

7. Work Status Table, Progress Report: Review target dates; discuss meeting schedule.

Future Business

C200: Sabbatical Leave

Approved By: Faculty Senate

Last Updated: **Draft 11/20/14**

Responsible Faculty Committee: Policy Committee

Office Responsible for Administration: Provost and Chancellor for Health Sciences

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

POLICY RATIONALE

The University of New Mexico (UNM) prizes an inclusive view of scholarship with the recognition that knowledge is acquired and advanced through research, synthesis, practice, and teaching. A sabbatical is an important tool in developing academic scholarship and is time for concentrated professional development. A sabbatical is a privilege granted by UNM to faculty for the advancement of the University, subject to the availability of resources. UNM faculty and the Board of Regents approve the principle of sabbatical leave.

POLICY STATEMENT

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

Eligibility

Sabbatical leave is available to any faculty member with tenure or to any faculty member in the last year of the probationary period for whom a favorable decision has been reached with regard to tenure. There are several options of sabbatical leave discussed below. Faculty members who qualify have the right to apply for sabbatical leave; however, sabbatical leave will not be granted automatically upon the expiration of the necessary period of service. Rather, the faculty member shall present, as part of the application, evidence of recent sound research, creative activity, or other academic achievement, including publications, to support the program of work which is planned for the sabbatical period. Also, this program shall give reasonable promise of accomplishing the major purpose of the leave as cited in the Policy Rationale section above.

Options

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

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

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

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

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

Faculty Obligation

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

Restrictions

1. Time toward each new sabbatical begins immediately after return to service regardless of the semester of return.

2. Sabbatical leave is counted toward retirement. While a person is on sabbatical leave, UNM will continue to pay its share toward retirement, group insurance, and social security benefits.

3. Upon returning to UNM, every faculty member granted a sabbatical leave shall submit promptly to the Provost/Executive Vice President for Academic Affairs or the Chancellor for Health Sciences, with copies to department chairperson and dean, a full report of the research, creative work, publications, or other results of the period of leave. The report submitted shall be placed in the faculty member's personnel file.

4. If the applicant believes that his or her sabbatical proposal has not been considered properly according to the provisions of this Policy, the applicant may appeal in accordance with the procedures listed in Item 8 below.

APPLICABILITY

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

DEFINITIONS

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

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

WHO SHOULD READ THIS POLICY

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

RELATED DOCUMENTS

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

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

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

[Faculty Contracts Sabbatical Leave Form](#)

CONTACTS

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

PROCEDURES AND GUIDELINES

1. As a general rule, the regular faculty members of the department concerned will be expected to absorb the teaching load of the individual on leave, and the departmental chairperson (or the dean in non-departmentalized colleges) shall present with each recommendation for sabbatical a statement of the planning in this regard. A department may, for example, decide to alternate courses or to cancel certain offerings. Further, it is expected that the department

shall prepare its program over a period of years so that essential courses need not be neglected because of the temporary absence of a member of the faculty.

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

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

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

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

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

3. Approval of Application: Primary responsibility for determining the merit of a proposed program from the point of view of the validity of the program and the probable value of the program to the faculty member and to UNM lies in the department and should be accomplished by the chair or a departmental committee appointed for the purpose who may make a recommendation to the chair. The chair shall forward to the dean his or her recommendation along with the committee evaluation if applicable and a statement as to how the teaching obligations of the department will be achieved in the event the proposal is approved. The dean with the advice of a college-wide faculty committee shall then evaluate the proposal both on its merits and on its effect on the operation of the college.

4. Sabbatical applications may be submitted 18 months (or three semesters) in advance of the proposed sabbatical leave in order to provide applicants with sufficient time to acquire fellowship support, obtain visiting faculty status at a host institution, enable family members to accompany the applicant (school and employment logistics for spouse and child(ren)), and acquire housing and airline tickets at reasonable rates. However, they must be submitted no later than the deadlines listed in the following sections.

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

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

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

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

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

8. Appeal: If at any stage of the approval process, the applicant believes that his or her proposal has not been considered properly according to the provisions of this Policy, that matters of academic freedom are involved, that improper considerations have entered into a negative decision, or that other demonstrable conditions prevented a fair and impartial evaluation, he or she may appeal to the Committee on Academic Freedom and Tenure for a review of the matter.

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

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

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

*programs, colleges or non-departmentalized schools

HISTORY

Amended:

May 14, 2004– Approved by the UNM Faculty

Amended:

April 3, 2004– Approved by the UNM Faculty

Amended:

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

May 10, 1978– Approved by the UNM Faculty

Amended:

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

April 8, 1975– Approved by the UNM Faculty

Effective:

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

March 12, 1974– Approved by the UNM Faculty

DRAFT HISTORY

November 20, 2014—Draft revised to incorporate proposed change received from a faculty member prior to submission of previously Committee approved draft was sent to Operations.

October 12, 2014—Draft revised to incorporate recommendations from Policy Committee at its September meeting.

August 8, 2014—Reformatted draft prepared to incorporated recommendations by Charlie Cunningham (FSPC Primary) with previous Committee recommendations.

March 5, 2014-- Charlie Cunningham (FSPC Primary) submitted recommendations in preliminary policy draft.

October 23, 2012—Analysis of other institutions prepared by OUS submitted to Committee with questions, issues, and concerns for Committee consideration.

October 22, 2012—Revised Draft prepared incorporating Committee recommendations.

September 18, 2012—Draft in new policy format developed for Committee discussion.

COMMENTS TO: handbook@unm.edu	FACULTY HANDBOOK HOME	TABLE OF CONTENTS	TABLE OF POLICIES	UNM HOME
----------------------------------	-----------------------	-------------------	-------------------	----------

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

Approved By: Faculty Senate

Last Updated: **Draft 11/19/14**

Responsible Faculty Committee: Research Policy Committee

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

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

POLICY RATIONALE

Research centers and institutes 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, interdisciplinary, and transdisciplinary in nature. Second, research centers and institutes encourage thematically focused but synergistic collaborations that go beyond those that occur in traditional academic departments. This enhances both the intellectual impact of the activities as well as extramural funding opportunities.

From time to time it is necessary for the University of New Mexico (UNM) to consider proposals for the creation of new research centers and institutes, or for major restructuring or termination of existing research centers and institutes. This Policy document provides policies and procedures for consideration of such actions regarding research centers and institutes.

POLICY STATEMENT

The creation of a new research center or institute located on or off the UNM Albuquerque campus, or major changes to an existing research center or institute require approval of the Faculty Senate and the Provost or HSC Chancellor. Approval of the proposed action must be sought and obtained prior to initiating operation of a new research center or institute, or making major changes to an existing research center or institute. In no case is this to be construed as prohibiting an existing research center or institute 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.

All proposals to create, re-organize, or terminate a research center or institute shall follow the policies and procedures described herein, and any applicable standards or guidelines established by representatives of the Provost or the HSC Chancellor and the Faculty Senate Operations Committee in consultation with relevant research center or institute heads.

APPLICABILITY

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

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

DEFINITIONS

Major actions: a merger of two or more research centers or institutes, a division or dissolution of a research center or institute, or a change in the basic mission of a research center or institute.

WHO SHOULD READ THIS POLICY

- Directors of research centers and institutes.
- Academic deans or other executives, department chairs, directors, and managers responsible for research centers and institutes.
- Administrative staff responsible for research centers and institutes.
- Faculty interested in creating a new center or institute

RELATED DOCUMENTS

Faculty Handbook:

[Policy A61.16](#) "Research Policy Committee"

[Policy A88](#) "Creation, Review, Reorganization, and Termination of UNM Academic Units"

[Policy E60](#) "Sponsored Research"

[Standard A91#1](#) "Creation, Review, Reorganization, and Termination of Non-HSC Research Centers and Institutes"

[Standard A91#2](#) "Creation, Review, Reorganization, and Termination of HSC Research Centers and Institutes"

UNM Board of Regents' Policy Manual:

[Policy 5.9](#) "Sponsored Research"

University Administrative Policies and Procedures Manual:

[Policy 2425](#) "Recovery of Facilities and Administration Costs"

CONTACTS

Commented [DH1]: I do not know if there is a draft of this yet.

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

PROCEDURES

Research centers and institutes have three conceptual phases in their life cycle: the proposal phase, the operational phase, and the termination/reinvention phase.

Proposal Phase. The life cycle of a research center or institute begins with the proposal phase, during which faculty, staff, and administrators must work together to build a strong case for UNM to invest in a research center or institute. UNM administration should be provided evidence of the intellectual value of the research center or institute beyond that which can be achieved within the departmental or college structure. The proposal shall clearly identify the scope of the research center or institute; in particular which academic units will be contributing resources, including faculty time, staff, facilities and funds. The proposal should have funding plans for the short (e.g., one to five years) and the long (e.g., decades) terms.

Operational Phase. Once established, all resources for a research center or institute shall be defined, including building space, equipment, staff, faculty appointments, and effort shares. The director is appointed by the administrator appropriate to the research center or institute, and the conditions of the appointment and the term of service, including options for renewal, shall be clearly stated in the appointment letter. Directors shall be evaluated annually by a representative group of individuals. Guidance for the review is drawn from the proposal for the research center or institute and must include criteria for evaluation of the research center or institute vitality, achievement of goals, resource allocations, and budgets.

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

The website maintained by the Office of the Vice President for Research (OVPR) or the Office of the HSC Vice Chancellor for Research shall contain an annually updated list of all research centers and institutes governed by the Provost and HSC Chancellor and a summary of the most recent review for each research center or institute.

Division Specific Standards

Standards for the organization and review of research centers and institutes may vary within major components at UNM. To accommodate these differences each component should develop a standards document specific to the component that provides standards and

guidelines to ensure compliance with this Policy. **Standard A91#1** provides standards and guidelines applicable to non-HSC research centers and institutes.— [Standard A91#2 provides standards and guidelines applicable to HSC research centers and institutes. In the event that a research center or institute has substantial involvement in both the HSC and non-HSC divisions of UNM, the director will work with the Provost and HSC Chancellor to determine which standard is applicable or if another standard needs to be developed.](#)

HISTORY

No history because a new policy is being proposed.

DRAFT HISTORY

[November 19, Revised to reflect input from the Research Policy Committee](#)
[October 18, 2014—Restructured to use the Standards process: one for non- HSC and one for HSC research centers and institutes.](#)
April 10, 2014 – Revised wording with FSRPC Chair’s approval
March 5, 2014—Chair of FSRPC presented draft to Faculty Senate Policy Committee (FSPC) for review.
September 25, 2013--Draft developed by the Faculty Senate Research Policy Committee (FSRPC).

Formatted: Font color: Auto

COMMENTS TO:
handbook@unm.edu

[FACULTY HANDBOOK HOME](#)

[TABLE OF CONTENTS](#)

[TABLE OF POLICIES](#)

[UNM HOME](#)

Standard A91 #1	Creation, Review, Reorganization, and Termination of Non-HSC Research Centers and Institutes
Approved By: Faculty Senate Research Policy Committee	
Effective Date: Draft 11/19/14	

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

Commented [DH1]: Should this also include the Policy Committee, and the Operations Committee?

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

Guiding Principles

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

Commented [DH2]: These were removed from A91 and shortened.

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

Research Center and Institute Organization

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HISTORY

No history because a new standard is being proposed.

DRAFT HISTORY

[November 19, Revised to reflect input from the Research Policy Committee.](#)

[October 12, 2014—Draft standards process one for non- HSC research centers and institutes.](#)

Formatted: Font color: Auto

COMMENTS TO: handbook@unm.edu	FACULTY HANDBOOK HOME	TABLE OF CONTENTS	TABLE OF POLICIES	UNM HOME
--	---------------------------------------	-----------------------------------	-----------------------------------	--------------------------



E70: Intellectual Property Policy

Policy

Approved by the Faculty Senate 2/23/99 and the Board of Regents 6/8/99. Revisions to IPP Section 2.7 approved by the Faculty Senate on February 26, 2002; approved by the Regents May 10, 2002; Revision of entire policy approved by the Faculty Senate April 27, 2010; approved by the Regents September 14, 2010.



Foreword

In the course of conducting their University-administered activities, the faculty, staff, and students often create intellectual property that may be protectable by patent, copyright, or other means. The University wants a policy that encourages the treatment of such property in ways beneficial to the creators of such works, as well as to the University and to the public. To these ends, the University and the creators should assist each other in identifying, evaluating, protecting, and exploiting such property. Such efforts will also help in recognizing the creation of intellectual property as a significant academic achievement.

Accordingly, this Policy seeks to recognize such achievements; to provide advice and assistance to faculty, staff, and students; to promote a clear understanding of legal relationships; and to realize and optimize the benefits of potentially valuable intellectual property to the creators as well as to the University. A feature of this Policy is to encourage creators to perform key roles in the utilization of intellectual property.

This Policy governs the ownership, protection, and transfer of Scholarly/Artistic Works (as defined in Section 2.2) and Technological Works (as defined in Section 2.3) created by University faculty, staff, and students. Inventors and authors are referred to in this Policy as creators. It is the purpose of this Policy to encourage, support, and reward scientific research and scholarship, and to recognize the rights and interests of creators, the University, and the public.

However, the University's commitment to teaching and research is primary and this Policy does not diminish the right and obligation of faculty, staff, and students to disseminate research results for scholarly purposes. The latter is considered by the University to take precedence over the commercialization of Scholarly/Artistic and Technological Works.

Summary

This summary of the Intellectual Property Policy is intended only as an aid to reading the Policy. Wording in the summary should not be relied upon as a substitute for the Policy.

1. The Policy applies to all University faculty, staff, and students, hereafter referred to as creators. (See Article 1.)
2. The University's commitment to teaching and research is primary, and the right and obligation of creators to disseminate research results for scholarly purposes takes precedence over the commercialization of Scholarly/Artistic and Technological Works.
3. Faculty members working with students on research projects must inform students in advance of the terms of this Policy and of any obligations of nondisclosure or confidentiality.
4. All inventions, tangible research results, and artistic and literary works are subject to this Policy and to federal and state laws

and regulations governing intellectual property. (See Sections 2.2 and 2.3.)

5. All Scholarly/Artistic Works are owned by creators unless they were created with substantial directed investment of University facilities or funds or capitalize on affiliation with the University. (See Section 2.2.)

6. Technological Works (inventions and tangible research results) that are owned by the University under this Policy are:

* those created using University facilities or funds;

* and those created without University facilities or funds but within the scope of the creators' employment (determined by the creators' recent teaching, research, or other University activities).

Exception is made for inventions and tangible research results that were assigned by creators to an outside entity pursuant to a consulting agreement that is consistent with other University policies (including conflict of interest) and that has received prior approval by the creators' department Chair and Dean or Unit Director. (See Sections 2.3, 2.4, and 2.5.)

7. The Policy is administered by the Provost or the Executive Vice President for Health Sciences for their, respective, reporting units. (See Article 3.)

8. Royalties from commercialization by STC.UNM (formerly known as Science & Technology Corporation @ UNM) (the main commercialization arm of the University) of inventions, tangible research results, and other types of intellectual property are allocated (see Section 2.6):

40% equally among the creators

40% to STC.UNM.

20% to the University.

9. Standard procedures for review are described in Article 4. 10. Appeal of University Ownership is covered in Article 5.

1 Scope

This Policy applies to all University faculty, staff, and students (hereafter referred to as creators). Reference to this Policy should be made in the University's Business Policies and Procedures Manual as well as in the University's Pathfinder. Faculty members working with students on research projects must inform students in advance of the terms of this Policy and of any obligations of nondisclosure or confidentiality.

2 Rights in Scholarly/Artistic and Technological Works

2.1 Commercialization

The term Commercialization shall mean the entire process of gaining commercial value for intellectual property, from seeking intellectual property protection to licensure of, granting of access to, or sale of said intellectual property.

2.2 Scholarly/Artistic Works

2.2.1

Scholarly, artistic, literary, and musical works in any medium are collectively referred to as Scholarly/Artistic Works. This category includes all materials developed by faculty and other personnel directly involved in instruction.

2.2.2 All rights in Scholarly/Artistic Works are owned by the creators, with three exceptions:

1) Works created by pre-arranged contractual obligation with substantial directed investment of University facilities or funds (exclusive of creators' salary) or in the performance of a written university work assignment or commission to create such a

work. All rights in such works are owned by the University.

2) Works that capitalize on an affiliation with the University by explicit labeling of the work to gain a market advantage, beyond the noting of the creator's affiliation. Such uses of the University's name, seal, or logo are regulated by Section 1010 of the University Business Policies and Procedures Manual (see also Section 2.5). All rights in such works are owned by the University.

3) Works created under a sponsored agreement that requires rights to be relinquished to the sponsor.

2.3 Technological Works and Technical Information

2.3.1

The term Technological Works means all inventions, discoveries, and other innovations that are protectable by patents, copyrights, mask works, or other means. Innovations include, for example, computer programs, integrated circuit designs, databases, and other technical creations..

2.3.2

The term Technical Information means all tangible and intangible research results, including data, graphs, charts, lab notebooks, technical drawings, biogenic materials, and samples..

2.3.3

All rights in Technological Works and Technical Information created by University creators with the use of University facilities or funds administered by the University are owned by the University, with income from commercialization of Technological Works distributed in accordance with this Policy.

2.3.4

All rights in Technological Works and Technical Information created by creators without the use of University facilities (with the exception of the University libraries) or funds administered by the University, but that fall within the creators' scope of employment (see Section 2.3.5) at the University are owned by the University. However, the University ordinarily will assert no ownership rights or interests in the following two instances:

1) Technological Works and Technical Information created pursuant to outside employment (see the Faculty Handbook) under a consulting agreement between a faculty member and an outside entity in which Technological Works and Technical Information are assigned to said entity. The consulting agreement must be consistent with University policies, including conflict of interest policies, and must be disclosed in writing and agreed to by the creators' Chair and Dean or Unit Director in advance of execution of the consulting agreement. (Contracts in existence at the time of adoption of this Policy must be disclosed within sixty (60) calendar days.)

2) Technological Works and Technical Information created pursuant to independent research or other outside activity that is consistent with University policies, including conflict of interest policies, and that was disclosed in writing and agreed to by the creators' Chair and Dean or Unit Director at the beginning phase of this research activity.

2.3.5

For purposes of this Policy, factors considered in determining the scope of a creator's employment normally shall include the relationship of the Technological Works and Technical Information to that creator's recent teaching, research, and other University activities, as well as activities stipulated in any appointment contract.

2.3.6

Disagreements concerning ownership can be appealed as described below in Article 5.

2.4 UNM Intellectual Property (UNM IP)

For purposes of this Policy, UNM IP means Scholarly/Artistic Works, Technological Works, or Technical Information deemed to be owned by the University. (See Sections 2.2 and 2.3.)

2.5 Use of UNM Name, Logos, or Trademarks

Commercial use of the University's name, seal, logos, or trademarks requires prior written approval from the Office of the Vice President for Institutional Advancement or (for the logo) the Director of Marketing and Licensing in the Athletic Department. (See Section 1010 in the University Business Policies and Procedures Manual.)

2.6 Costs, Royalties, and Other Commercialization Income

2.6.1

In the case of collaborations between the University and outside entities, the provisions of Section 2.6 are applicable only to the ownership interests of the University.

2.6.2

The University and/or the STC.UNM shall normally bear the costs they have elected to incur in securing protection for intellectual property (including evaluation, prior art searches, preparation, filing, and prosecution of any patent application, and issuance and maintenance of patents issuing therefrom) and commercializing said property, until said property is licensed, assigned, or otherwise commercialized.

2.6.3

Prior to distribution of royalties (which, for purposes of this policy, are deemed to mean all income received by the University or the STC.UNM for a license of UNM IP, but does not include payments for research, development, or reimbursement of patent costs), the STC.UNM shall be reimbursed for all unreimbursed or non-contractually reimbursable costs incurred in securing intellectual property protection and any litigation costs.

2.6.4

Royalties received by the University from commercialization of UNM IP by the STC.UNM shall be divided as follows:

- Forty percent (40%) to be divided equally (unless otherwise unanimously agreed to and represented on the submitted invention disclosure form) among the creators;
- Forty percent (40%) to the STC.UNM; and
- Twenty percent (20%) to the University to be invested and administered by the Vice President for Research (on main campus) or the Vice President for Research (at the Health Sciences Center (HSC)), generally, in amounts consistent with the source(s) of the UNM IP. Accrued revenues will be used, in consultation with faculty, to support University units involved in ongoing research and educational pursuits relevant to commercialization efforts or will otherwise be administered as required by sponsor(s).

2.6.5

In any case where royalties shall be represented by shares of stock or other intangible assets, these assets shall be held in the name of the University or the STC.UNM and managed by them. At the discretion of the managing unit (the University or the STC.UNM), such stock or other intangible assets may be divided prior to liquidation and distributed in the proportions specified in Section 2.6.4.

2.7 Duties of Creators

2.7.1

All provisions of Section 2.7 apply to individual efforts of creators and to collaborative efforts with outside entities.

2.7.2

The University's commitment to teaching and research is primary, and the right and obligation of creators to disseminate research results for scholarly purposes take precedence over the commercialization of Scholarly/Artistic and Technological Works.

2.7.3 Disclosure and Reporting Requirements Imposed by Agreements Sponsoring and Facilitating Research

Sponsored research agreements often carry requirements that any inventions or other intellectual property created in the performance of the agreement must be reported to the sponsor. Such agreements often also impose other requirements pertaining to commercialization of such intellectual property. Upon execution of any sponsored research agreement, the Office of Research Services, or the HSC Pre-Award Office, as appropriate, shall inform the principal investigator of any such requirements pertaining to intellectual property resulting from the work. In addition to sponsored research agreements from industry and government, other agreements facilitating research may impose intellectual property disclosure requirements, such as grants, equipment loan and transfer agreements, and material transfer agreements.

When UNM IP results from work under an agreement creating reporting obligations to sponsors or other third parties, then the Principal Investigator shall be responsible for ensuring disclosure of the UNM IP to the University by submitting a Copyright or Invention Disclosure Form to STC.UNM. Such disclosures shall be made as soon as possible and at least within two months of creation.

The University, and in some cases, STC.UNM shall in turn report UNM IP to research sponsors and other third parties as required by federal and state laws and regulations, and by third party agreements of which the University or STC.UNM has been made aware.

2.7.4. Voluntary Disclosure

If the invention is not subject to third party disclosure obligations, then the creators have the choice as to whether to disclose the UNM IP to the University or to STC.UNM. Any disclosures shall be made on forms provided by the University or STC.UNM. Creators may consult with either the OUC or STC.UNM as to the advisability of disclosure. Creators who choose not to disclose their UNM IP have no obligation to participate in the commercialization process outlined herein. Creators who chose to disclose thereby agree to participate in the commercialization process outlined herein.

Creators may not commercialize UNM IP created by them except by following the procedures outlined herein.

2.7.5

During as well as after their association with the University, creators of UNM IP shall assist and cooperate with efforts by the University and STC.UNM to secure intellectual property protection and to pursue commercialization by executing all appropriate legal documents, including assignments, to perfect the University's legal rights.

2.7.5.1 Creators shall make available to the University and STC.UNM all Technical Information necessary to support intellectual property protection.

2.7.5.2 Creators may, at their discretion, retain a copy of any Technical Information to use in scholarly pursuits.

2.7.6

In the event the University or the STC.UNM takes legal action against a creator who refuses to execute necessary documents pertaining to disclosed UNM IP or otherwise fails to act in accordance with this Policy, any costs reasonably and necessarily incurred by the University and/or the STC.UNM as a direct result thereof shall be deducted from that creator's share of royalties.

3 Administration of the Intellectual Property Policy

3.1 Provost of the University

The Provost, or designee, shall be responsible for the interpretation, implementation, and enforcement of this Policy on main campus; the Executive Vice President for Health Sciences, or designee, shall be responsible for the interpretation, implementation and enforcement of this Policy on the Health Sciences Center campus. The Provost and/or Executive VP for Health Sciences shall be responsible for University relations in areas where this Policy affects the University community, governmental authorities, private research sponsors, industry, and the public.

3.2 Office of University Counsel (OUC)

3.2.1

The OUC shall provide legal advice to the University on issues related to UNM IP.

3.2.2

The OUC is authorized with the prior approval of the Provost, Executive Vice President for Health Sciences and the RPC, to promulgate and publish information and procedures to implement this policy.

3.3 STC.UNM (formerly known as Science & Technology Corporation @ UNM) (STC.UNM)

3.3.1

STC.UNM was granted by the University a right to take assignment of UNM IP pursuant to a Memorandum of Agreement (MOA) between the University and the STC.UNM, for the purpose of active support by the STC.UNM for commercialization of UNM IP. The mission of the STC.UNM is to serve the University of New Mexico by facilitating University inventors' commercialization of UNM IP, increasing the University's non-governmental sponsored research, and contributing to economic development in New Mexico.

3.3.2

STC.UNM, among other duties as described in the MOA, pursues the licensing of UNM IP by assessing the market for the IP, selecting the best means to commercialize the IP, negotiating commercialization agreements, overseeing commercialization activity, and receiving and distributing royalties to creators and the University in accordance with this Policy.

3.3.3

The full text of the MOA can be obtained from the STC.UNM or the OUC.

4 Review of Disclosures and Commercialization

The University and the STC.UNM shall expedite processing of reviews of disclosures and commercialization decisions.

4.1 Review of Disclosures

The specific implementation of the items under Article 4 will be determined under written regulations agreed upon by STC.UNM and the University.

4.1.1

The University or STC.UNM may require creators to consult with STC.UNM prior to publishing for a reasonable period not to exceed ninety (90) calendar days from the date of disclosure, in order to enable a sponsor or the University or STC.UNM to evaluate a UNM IP and determine whether to pursue any form of intellectual property protection. In some cases, STC.UNM may require creators to refrain from publishing certain materials within the said 90-day period. The University and the STC.UNM shall cooperate in accelerating commercialization review to enable creators to publish their work in theses and dissertations or to pursue patent protection in cases of statutory bars.

4.1.2

When the OUC has accepted an appropriately completed disclosure as specified in Section 2.7.3, the OUC shall forward a copy to the STC.UNM within one (1) week. The creators may submit disclosures directly to STC.UNM, in which case STC.UNM shall forward a copy to the OUC within one (1) week of receipt.

4.1.3

STC.UNM shall make a written determination as to whether or not commercialization is to be pursued within 120 calendar days from the date of disclosure of the IP to STC.UNM.

(a) If STC.UNM determines to pursue commercialization, it will make a decision about intellectual property protection within the 120 days from the date of disclosure delineated above.

(b) The STC.UNM may find the work described in the disclosure to be of significant interest, but insufficiently developed or documented for commercialization. In that case, the STC.UNM may recommend that the disclosure be returned to the creator(s), with suggestions for further development or requests for additional documentation. The creator(s) may then submit a new disclosure on the more fully developed or documented work.

(c) In certain cases, the STC.UNM may determine that a disclosure should be held in abeyance because further similar inventions are anticipated within nine (9) months. In such cases, the STC.UNM may delay processing the disclosure for up to nine (9) months, or even longer with the consent of the creator(s).

4.1.4

If no determination is made by the STC.UNM within the deadline, the creator(s) shall have the option of extending the deadline or of sending a written letter to the STC.UNM requesting a determination within ten (10) UNM business days. If the STC.UNM does not respond within this period or responds that it will not pursue commercialization the University shall release the intellectual property to the creator pursuant to Section 4.4.2 .

4.1.5

If, at any step during the process, both the University and the STC.UNM determine not to pursue the commercialization of a particular UNM IP, the University shall release the intellectual property to the creator, subject to sponsor approval .

4.1.6

If the University or the STC.UNM shall have expended funds for prior art search and patent prosecution, reimbursement shall be in the manner described in Section 2.6.2 and 2.6.3 .

4.2 Reporting

Reporting Within twelve (12) months of a complete disclosure, and at 18 months and 24 months, respectively thereafter, the STC.UNM shall provide to the University and to each creator whose disclosure is in the hands of the STC.UNM a report detailing

the current state of commercialization of the disclosure, including patenting, marketing, and licensing efforts. Any UNM creator may request and obtain from STC.UNM access to STC.UNM's current activity related to the disclosures for which he or she is the creator or co-creator.

4.3 Commercialization

In the event the STC.UNM has not made a reasonable effort to commercialize the UNM IP within two (2) years of its decision to commercialize (as per Section 4.1.3), the University or the creator(s) may request the STC.UNM to return the UNM IP to the University. If the UNM IP is returned to the University, the University and the creator(s) will attempt to commercialize the UNM IP within a mutually agreeable period; if these efforts are unsuccessful, the creator(s) may require that the UNM IP be released to them, subject to sponsor approval.

4.4 Filing Deadlines

4.4.1

At least 90 calendar days in advance, STC.UNM shall advise the University and the creator(s) of Technological Works of the following three deadlines:

- A statutory bar to filing a U. S. patent application or provisional application;
- Initiation of filing for foreign patent rights under the Patent Cooperation Treaty(PCT); and
- Entry into national status under the PCT. Any exceptions in meeting the 90-day deadline shall be promptly communicated by STC.UNM to OUC and the creators.

4.4.2

In the event STC.UNM does not intend to continue commercialization efforts and does not commit itself to meeting the above deadlines, the University shall release the intellectual property rights to the creator(s), subject to sponsor approval, within 30 days of STC.UNM's notification to the University.

5 Appeal of University Ownership

5.1

In the event a creator does not believe the University is entitled to the rights in a Work, the creator may seek a determination or a waiver of the University's interests in said Work. The OUC will provide the creator with a Determination of Rights Form which must then be completed and returned to the OUC, with all documents supporting the creator's claim. The OUC will forward a copy of the Form and supporting documentation to the STC.UNM for comments.

5.1.2

The OUC shall forward the Determination of Rights Form with attachments and the OUC's and the STC.UNM's written comments (the "Record") to the Vice President for Research - main campus or Vice President for Research - HSC, as appropriate, who will form a three person advisory committee in consultation with the President of the Faculty Senate, or his/her designee. At least two advisory committee members shall be tenured faculty. One of the tenured faculty members shall chair the committee. Committee members should be selected on the basis of relevant research background and experience. The creator shall be notified of the proposed committee membership and may object in writing to any of the proposed appointees on the grounds that the person, or the committee as a whole, does not meet the criteria stated above. The Vice President for Research - main campus or Vice President for Research - HSC, as appropriate, in consultation with the President of the Faculty Senate, or his/her designee will determine whether the objection has merit, and, if so, will make appropriate substitution(s). In the case of disagreement regarding appointments, the Vice President for Research - main campus or Vice President for Research - HSC, as appropriate, will make a final decision on the matter.

5.1.3

The advisory committee will endeavor to review the Record and hear all evidence within thirty (30) calendar days of receipt of the Record and will issue a written recommendation to the Vice President for Research - main campus or Vice President for Research - HSC, as appropriate, within thirty (30) calendar days of hearing the last evidence. The committee will keep written minutes of all its meetings.

5.1.4

The Vice President for Research - main campus or Vice President for Research - HSC will issue his/her ownership determination within thirty (30) calendar days of receiving the advisory committee's recommendation.

5.1.5

Participation in an appeal of ownership as described herein does not prevent the creator from pursuing other remedies.

5.1.6

The creator may appeal the ownership determination made by the VP for Research - main campus or the VP for Research - HSC to the Provost or Executive Vice President for Health Sciences (based on the department of the creator(s)) by written request to the Provost or Executive Vice President for Health Sciences within ten (10) UNM business days of receiving notice of the ownership determination. The Provost/EVP HSC will meet with all interested persons. Within sixty (60) calendar days of receiving the creator's written request, the Provost/EVP HSC will make a final decision.

5.1.7

If the dispute involves rights in Works being claimed by the Provost/EVPHS, only the President shall have authority to review the ownership determination and make a final decision.

5.1.8

If the dispute involves rights in Works being claimed by the President, only a designee of the Board of Regents shall have authority to review the ownership determination and make a final decision.

5.1.8.1

Nothing in this section is in derogation of the Regents' discretionary right of review.

5.1.9

All materials produced by the creator and the University under this section shall be retained as a permanent University record. This record shall be made available by the OUC to any party upon consent of the owners of the intellectual property.

5.2 Determination of Inventorship or Authorship among Creators

In the event individuals believe they are creators of UNM IP, and have not been adequately acknowledged as such at any point in the protection and commercialization process, they may petition the University or STC.UNM to assess their claim. The OUC will provide the petitioners with a Determination of Inventorship/Authorship Form which must be completed and returned with any relevant attachments for review. The University or STC.UNM will seek the opinion of outside patent counsel for determination. Any further inventorship or authorship dispute among creators shall fall outside the scope of this policy.

6 Related Provisions

6.1 Flexibility

The University may accept, on terms beneficial to the University, a voluntary assignment of a Scholarly/Artistic or Technological Work. It may waive, assign or grant (subject to the MOA with the STC.UNM) all or part of its rights in any Scholarly/Artistic or Technological Work under terms and conditions deemed appropriate and beneficial for the University.

6.2 Legal Actions

The University or STC.UNM may take such action as it deems appropriate to defend or enforce any patent, copyright, or other intellectual property right. In the case of claims against the University, settlement of a claim or conduct of litigation shall be within the exclusive control of the University.

© The University of New Mexico, Albuquerque, NM 87131, (505) 277-0111
New Mexico's Flagship University