

**Faculty Senate Policy Committee**  
**Meeting Agenda, Scholes Hall Room 101, May 6, 2015**

**Updates**

1. **Faculty Senate Action on New and or Revised Policies:**  
A53 "Development and Approval of Faculty Senate Policies"  
A91 "Creation, Review ... of UNM Research Centers and Institutes"

**Action Items**

**Consent Agenda Topics: None**

**Agenda Topics**

1. **Committee Leadership:** Election of Chair and Vice Chair
  
2. **Discuss Campus Comments on:**  
C200 "Sabbatical Leave"  
E60 "Sponsored Research" pg. 1  
A88 "Creation and Reorganization of UNM Academic Units" pg. 3
  
3. **RE: Recent amendment to the Faculty Constitution:** Guest Pamela Cheek, Chair, Committee on Governance project for identifying Regents, UAP, and Pathfinder policies which apply to faculty and therefore need to be listed in the Faculty Handbook per the amendment.  
Key pre-meeting preparation: None  
Desired outcome: Understanding of project and implications for Policy Committee.
  
4. **C190 "Lecturer Annual and Promotion Reviews"** Carol Parker has some additional changes to procedures section. Carol Parker has drafted implementation standards.  
Key pre-meeting preparation: Review highlighted changes in attached draft and proposed implementation standards.  
Desired outcome: Approval of procedures to go to Operations for approval
  
5. **C07 "Faculty Disciplinary Policy"**  
a) The Office of University Secretary (OUS) has been assigned to responsibilities for conducting peer hearings pertaining to the Faculty Disciplinary Policy and C07 does not contain procedures for conducting such hearings. The proposed procedures follow the Model Hearing Procedures with adjustments to incorporate UNM specific information taken from the Dispute Resolution Peer Hearing Procedures. pg. 5  
b) Carol Parker is proposing additional changes.  
Key pre-meeting preparation: Review the peer hearing procedures and other related proposed changes to draft of C07. Review information presented by Carol Parker.  
Desired outcome: Discussion and recommendations for next step.
  
6. **C09 "Respectful Campus Policy"** Carol Parker is proposing changes.  
Key pre-meeting preparation: Review information presented by Carol Parker.  
Desired outcome: Discussion and recommendations for next step. pg. 10

**Future Business**

## Faculty Handbook

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

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

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

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

Sincerely,

Yemane Asmerom

### PROPOSED POLICY CHANGE:

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

Yemane Asmerom  
Professor, Earth & Planetary Sciences  
Director, Radiogenic Isotope Laboratory, University of New Mexico  
221 Yale Blvd NE Northrop Hall - MSC03 2040  
Albuquerque, NM 87131  
505 277-4434 (off); 505 379-4850 (cell)  
<http://asmerom.unm.edu>

## Faculty Handbook

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

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

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

Best,

Tobias

Tobias Fischer  
Professor  
Department of Earth and Planetary Sciences  
Northrop Hall  
University of New Mexico  
Albuquerque, NM 87131  
USA  
fischer at [unm.edu](http://unm.edu)  
Tel: +1 (505) 277 0683

## Faculty Handbook

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

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

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

Thanks.

Richard Holder

## Faculty Handbook

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**From:** Anita Obermeier  
**Sent:** Saturday, April 04, 2015 5:08 PM  
**To:** Faculty Handbook  
**Subject:** Comment on Handbook Policy A88

Hello,

I have a comment on

A88 "Creation, Review, Reorganization, and Termination of UNM Academic Units"

This sentence is grammatically incorrect and has a parallelism problem:

The creation of a new **academic** unit located on or off the UNM Albuquerque campus, including new branches or education centers, or to make changes in an existing **academic** unit require approval of at least the 1)

I would revise it to:

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 requires approval of at least the 1)

Best,  
Dr. Anita Obermeier  
Professor of English  
Associate Chair, Graduate Studies \*\*\*\*\* Director  
Department of English \*\*\*\*\* Feminist Research Institute  
Humanities 321 \*\*\*\*\* Humanities 464-468  
MSC03 2170 \*\*\*\*\* MSC03 2160  
1 University of New Mexico  
Albuquerque NM 87131-0001  
505.277.3103 \*\*\*\*\* 505.277.1198

"The lif so short, the craft so long to lerne."  
Chaucer, Parliament of Fowls

"Of all human pleasures, the study of literature is noblest,  
most lasting, most comforting, constantly useful."  
Petrarch

## C07 – Challenges in application

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

### What is #6 supposed to accomplish?

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

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

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

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

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

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

### Potential for Long Delays:

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

### Peer Hearing

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

### Suspension w/o Pay:

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

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

#### Unusual C07 Appeal/Review Processes:

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

#### AF&T Review:

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

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

#### Ethics Committee Review:

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

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

#### Concurrent or Consecutive Ethics Committee and AF&T Reviews:

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

#### Steps and timeline difficult to follow:

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

**C07 Table for Faculty Disciplinary Procedure**

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



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

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

C. Parker  
3/29/15

## C09 Implementation Problems

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

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

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

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

## C09 Respectful Campus - Investigation Timeline

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

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

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

3/29/15