

**Faculty Senate Policy Committee**  
**Meeting Agenda, Scholes Hall Room 101, February 3, 2016**

**Updates**

- 1. Respectful Campus Policy Task Force** Progress report from Kimberly Gauderman and Carol Stephens.
- 2. A60 “Faculty Senate Bylaws”** Progress report from Marsha Baum.
- 3. C150 and C240 “Political Activities”** Progress report by Martha Muller
- 4. D170 “Student Attendance”** Progress report by Leslie Oakes
- 5. UAP Policy Updates**
- 6. New Faculty Handbook Website Launch**

**Action Items**

**Consent Agenda Topics: None**

**Agenda Topics**

**1. C220 “Holidays” and D210 “Religious Accommodations”** At the January meeting, the Committee decided that a separate policy would be developed for “religious accommodations,” which would be referenced in the Holidays and Student Attendance policies. The Religious Accommodations and Holidays policies are ready for Committee action. The Student Attendance policy is under review with Leslie Oakes serving as Committee lead. **pg. 1**

Key pre-meeting preparation: Review the attached policy drafts C220 and D210.

Desired outcome: Discussion and approval of drafts to move forward for campus comment.

**2. E90 “Human Beings as Subjects in Research”** Richard Larson has submitted a formal request to the Faculty Senate Policy Committee to consider two documents regarding this policy.

Richard Larson indicated this policy change has been vetted with the IRB at the HSC, IRB on Main Campus, legal on Main Campus, legal at the HSC, IRB chairs, IRB staff, Main Campus VPR, and himself. Ricard Larson indicates all are in agreement with the proposed changes. **pg. 5**

Key pre-meeting preparation: Review the attached drafts from Richard Larson.

Desired outcome: Discussion and identify suggested changes and/or problems.

**3. A61.22 “Policy Committee”** The Policy needs to be revised to update membership and possibly include Committee Bylaws to address meeting procedures. **pg. 19**

Key pre-meeting preparation: Review HSC Council Bylaws. Think of possible issues for drafting the Policy Committee ByLaws. Desired outcome: Discussion and suggested content for Committee bylaws.

**4 A91 “Creation, Review, Reorganization, and Termination of UNM Research Centers and Institutes”**

- Standard A91 #1 has been developed with the suggestion that it be published on the VPR website. When it is published the following language in A91 needs to be revised. “This document will provide standards and guidelines to ensure compliance with this Policy. Standard A91#1 Policy A91 ”Creation, Review, Reorganization, and Termination of Research Centers and Institutes” DRAFT 2/4/15 Page 4 of 4 provides standards and guidelines applicable to non-HSC research centers and institutes.”

- Standard #2 A91 for HSC Policy A91 states “A standards document will be developed to provide standards and guidelines applicable to HSC research centers and institutes.”

**pg. 23**

Key pre-meeting preparation: Review the attached revised draft of A91.

Desired outcome: Approve revised draft of A91 for approval by Operations, once Standard A91 #1 is published on the VPR website. Determine process for developing Standard #2 A91 for HSC.

**5. C05 “Rights and Responsibilities at UNM”** The COG task force has requested the FS Policy Committee conduct a comprehensive review of C05. OUS has put C05 in the new policy format and researched the policy’s history. **pg. 29**

Key pre-meeting preparation: Review the attached the memo on Policy history and issues. Review the proposed draft of C05 in the new format with the possible suggestion that it serve as a professional ethics policy.

Desired outcome: Discussion and possible directions for C05 and any other faculty action that may be under consideration for an ethics policy. Appoint a Committee member to serve as lead on revision of C05.

**6. C20 “Employment of UNM Graduates”** This Policy is not current and includes processes not currently in use. The FS Policy Committee recommended deletion of the Policy, but FS Operations wants to keep the policy. Therefore C20 needs to be reviewed and made current. In addition, the COG task force has requested it be revised to reference Regent Policy 5.3.

**pg. 38**

Key pre-meeting preparation: Review current policy in new format.

Desired outcome: Discuss and determine course of action.

**7. D10 “Campus Security Authorities”** pertaining to the Clery Act. The FS Policy Committee needs to determine if the information that is required by the Department of Justice and is in a memorandum titled “Campus Security Authorities” included on the FH webpage under “Other University Policy Resources” should actually be a FH Policy. **pg. 39**

Key pre-meeting preparation: Review the attached memorandum.

Desired outcome: Discuss the issue and determine the best course of action.

**8. Work Status Table.** Use this table to assist the Committee is developing a work plan. **pg. 49**

Key pre-meeting preparation: Review the work status table and the table listing CoG recommended Committee action.

Desired outcome: Develop a work plan for the next 12 months.

**Future Business**



## C220: Holidays

Approved By: Faculty Senate

Effective Date: **Draft 1/14/16**

Responsible Faculty Committee: Policy Committee

Office Responsible for Administration: Office of the Provost or 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

Holidays play an integral part in faculty and student lives. This Policy Document identifies the specific holidays observed by the University of New Mexico (UNM).

### POLICY STATEMENT

The University of New Mexico observes the following specific holidays each year and most offices are closed during these holidays:

- Martin Luther King Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Day after Thanksgiving
- Winter break. The specific days observed as the holiday period are announced each year by the UNM Division of Human Resources. Holiday days observed during the winter break do not include weekend. ~~Four days during the Christmas, New Year season. These four days will be announced annually, based on the calendar and the needs of the University.~~

### APPLICABILITY

All UNM students, academic faculty and administrators.

### DEFINITIONS

No specific definitions are required for the Policy Statement.

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

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## WHO SHOULD READ THIS POLICY

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

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## RELATED DOCUMENTS

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[UNM Regents' Policy Manual \*\*Policy 2.4\*\* "Diversity and Campus Climate"](#)  
[Faculty Handbook \*\*Policy D210\*\* "Religious Accommodations."](#)

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## CONTACTS

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

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## PROCEDURES

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[UNM respects the right of all students and faculty to observe religious holidays and will make reasonable accommodation, upon request, for such observances in accordance with Faculty Handbook Policy D210 "Religious Accommodations."](#)

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## DRAFT HISTORY

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[January 14, 2016—Revised draft with Committee changes, next step consent agenda.](#)  
December 31, 2015—Revised draft in new format with addition for religious accommodations.

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## HISTORY

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unknown

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

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## D210: Religious Accommodations

Approved By: [Faculty Senate](#)

Effective Date: **Draft 1/14/16**

Responsible Faculty Committee: [Policy Committee](#)

Office Responsible for Administration: [Office of the Provost or 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) community is sensitive to the religious practices of the various faiths represented in its student body and employees. This Policy Document provides guidance to faculty, supervisors, and students pertaining to requests for religious accommodations.

### POLICY STATEMENT

Every reasonable effort should be made to help students avoid negative academic consequences when their religious obligations conflict with academic requirements. UNM respects the right of all students and faculty to observe religious holidays and will make reasonable accommodation, upon request, for such observances. If a request for accommodation is denied, the student or faculty member may appeal to the Provost or the Chancellor for Health Sciences.

### APPLICABILITY

All UNM students, academic faculty and administrators.

### DEFINITIONS

No specific definitions are required for the Policy Statement.

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

### WHO SHOULD READ THIS POLICY

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

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## RELATED DOCUMENTS

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*UNM Regents' Policy Manual [Policy 2.4](#) "Diversity and Campus Climate"*

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## CONTACTS

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

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## PROCEDURES

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[Students must submit written requests for accommodation to their course instructor in advance, and if possible by the end of the second week of the semester. The request should include the date, times, and specific event for which accommodation is being requested. Faculty are expected to give students the opportunity to do appropriate make-up work that is intrinsically no more difficult than the original exam or assignment. A refusal to accommodate is justified only when it would interfere unreasonably with the delivery of the course.](#)

[Faculty should work with their department chair to coordinate their teaching schedule with their religious observances.](#)

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## DRAFT HISTORY

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[January 14, 2016—Revised draft with Committee changes, next step consent agenda.](#)  
December 31, 2015—Revised draft in new format with addition for religious accommodations.

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## HISTORY

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unknown

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## E90: Human Subjects in Research

Approved By: Faculty Senate

Last Updated: **Draft 1/27/16**

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

In the oversight of all Human Subjects Research, the University of New Mexico (UNM) as a whole, is committed to protecting the rights and welfare of participants in Human Subjects Research consistent with the ethical principles outlined in the April 18, 1979, report of The National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research titled “Ethical Principles and Guidelines for the Protection of Human Subjects of Research,” also known as “The Belmont Report”:

- Respect for Persons
- Beneficence
- Justice

### POLICY STATEMENT

UNM aims to promote a culture of compliance with the highest legal and ethical standards for the conduct of human research. UNM recognizes research as one of its chartered enterprises and shares ~~with its individual faculty members~~ responsibility for promoting and managing ~~defending~~ this activity with its individual researchers when conducted under its auspices.

To ensure comprehensive protection of the rights and welfare of subjects in human research across a diverse social-behavioral and biomedical research enterprise, UNM holds two distinct Federal Wide Assurances (FWAs) approved by the U.S. Department of Health and Human Services, one for the University Main Campus and a separate FWA for the Health Sciences Center (HSC). Under these agreements, UNM assures that all of its activities related to human subjects in research (“Human Subjects Research”) are conducted in accordance with all applicable federal regulations (e.g., 45 C.F.R. § 46, 21 C.F.R. § 50, 21 C.F.R. § 56, 21 C.F.R. § 312, 21 C.F.R. § 812).

The following policy is not intended to relieve the individual scientist of his/her ultimate responsibility for moral and ethical conduct nor to deny her/him the right to reasonable freedom of inquiry. The policy does make explicit the criteria, by which the propriety of an action should be judged. The procedure is designed to protect human subjects who participate in research and UNM (including faculty, students and the administration) against alleged violation of these criteria.

1. In considering the participation of humans as research subjects, the guiding principle is that no one should be exposed to risk to health or well being without being given all reasonable protection and without being adequately informed. The rights and welfare of the study subjects are of paramount importance.
2. In general, informed consent must be obtained from all human subjects prior to their participation in research. The investigator must be satisfied that the explanation of participation has been understood, and consent must be obtained without duress, coercion, or undue influence.
3. It is the responsibility of the individual investigator to have adequate knowledge of the possible consequences of his/her research, or of research done under his/her direction.
4. Whenever possible, any hazards to health or well being of each procedure must first be investigated with animals.
5. Whenever medication or physical intervention is used, or whenever the subject is exposed to unusual environmental conditions, proper protection and supervision must be provided.
6. The subject's personal privacy and the confidentiality of information received from him/her must be protected.
7. The subject's time should not be invaded to the extent that the participation creates conflict with other obligations.
8. Remuneration may be offered for the time involved in a study, provided the remuneration is not so large as to constitute an improper inducement to participate.
9. Any individual may request termination of his/her participation at any time and this request will be honored promptly and without prejudice.
10. The review procedures as described below are intended to help maintain a positive attitude toward scientific research. All UNM faculty members are presumed to behave responsibly and in accordance to applicable local, state, and federal regulations, laws, and statutes.

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## APPLICABILITY

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

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

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[IRB NOTE](#) [May want to add a definition or explanation of acronym](#)



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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 the Research Policy Committee](#)
- [Academic deans or 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 5.14](#) "Human Beings as Subjects in Research"

[Policy 5.13](#) "Research Fraud"

*Faculty Handbook*, [Policy E40](#) "Research Misconduct"

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## CONTACTS

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Direct any questions about this policy to Office of the Vice President for Research or the HSC Office of the Vice Chancellor for Research.

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## PROCEDURES

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[All Principal Investigators and involved researchers engaged in Human Subjects Research are required to:](#)

- [1. Follow the procedures established by the Main Campus Office of the IRB \(OIRB\), the Main Campus IRB, the HSC Human Research Protections Office and the HSC's Human Research Review Committees \(HRRC\), depending on the Principal Investigator's primary appointment. Procedures are posted on the respective websites and are regularly and continually updated to comply with federal regulations and accreditation standards.](#)
- [2. Obtain approval by IRB procedures. Approval by IRB procedures is required for all researchers engaged in human research.](#)
- [3. Monitor ongoing research and teaching activities under their supervision to ensure that they continue to be conducted in accordance with approved protocols.](#)
- [4. Ensure that all personnel involved in Human Subjects Research under their supervision are appropriately trained on the applicable laws, rules, and regulations regarding Human Subjects Research as well as the Main Campus IRB's or HRRC's policies and procedures, as the case may be, with respect to Human Subjects Research.](#)
- [5. Comply with and ensure compliance with all determinations and additional requirements of the IRB and/or HRRC, as the case may be, with jurisdiction over the research.](#)

~~The policy described above shall be implemented as follows.~~

1. All Institutional Review Boards (IRBs) shall be established in accordance with relevant federal regulations (45 CFR 46.107, 21 CFR 56.107). In addition:

(a) The dean of each school or college, or the chair of each department involved in human research, is responsible for establishing procedures to evaluate the scientific merit of proposals which may come from her/his faculty or professional staff.

(b) The number of persons to serve on an IRB, the term of membership, and the type of faculty representation and expertise on such a committee would be consistent with the policies and procedures developed by the respective IRB office. However, each IRB must include in its membership one or more non-scientists and at least one person unaffiliated with the college, school, or agency it specifically serves. FDA-regulated projects must be reviewed by a committee that includes at least one licensed physician.

2. The IRBs shall evaluate proposals against this Policy and the specific standards of the federal regulations and/or IRB policies, as well as such additional standards as may be appropriate to the research area. All federally funded research shall be reviewed according to relevant federal regulations (45 CFR 46.111, 21 CFR 56.111). In so doing, the IRB can call upon specialists including, where appropriate, consultants not on the UNM faculty, and may interview the investigator and his/her staff.

3. Each IRB shall maintain formal records of its decisions for at least three years. It shall conduct continuing review of federally funded non-exempt research at least annually and according to IRB policies, although the IRB may require more frequent reporting on some research and may make inspections or take other such actions as found necessary to ensure compliance with the policies and procedures herein stated.

4. The investigator shall be responsible for obtaining approval from an IRB prior to conducting any research involving human subjects. Application for approval is submitted according to the IRB's policies and procedures. Any changes in risk or any unexpected problems adversely affecting the subjects or others will be reported promptly to the IRB.

5. The investigator shall obtain continuing IRB approval for all non-exempt studies.

6. A faculty member must retain adequate records concerning the procedures described above. Research records, including those documenting informed consent, should be held for at least three (3) years after the study is closed with the IRB. Sponsors and federal agencies may have other retention requirements beyond three (3) years that must be adhered to.

7. Whenever a study has been disapproved by the IRB, the investigator may appeal the decision to the IRB, as appropriate. The IRB has the final decision regarding disapproval and this cannot be appealed to or overturned by any UNM official.

8. All faculty members share the responsibility for compliance with the policy as herein stated, but first-line responsibility resides with the individual faculty member for all work done under his/her direction (including student research) and second-line responsibility resides with the department chair who should remain cognizant of the research activities within his/her department.

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## HISTORY

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### Effective:

Revised November 15, 1966

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## DRAFT HISTORY

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September 6, 2015—Proposed revised draft placed in new policy format for review by the  
Faculty Senate Policy Committee  
July 1, 2015 Revised draft prepared by HSC

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# Regents' Policy Manual - Section 5.14: Human Beings as Subjects in Research

Adopted Date: 09-12-1996

Revised Draft 1/27/16

## Applicability

This policy applies to all research related to the University whether conducted on or off campus, whether done by faculty or students, and whether or not supported by extramural funds.

## Policy

Research involving human beings as subjects is authorized at the University, subject to specific limitations and procedures. A human subject is any individual who may be at risk as a consequence of participation as a subject in research, development, demonstration or other activities.

- ~~1. In considering the participation of humans as subjects, the guiding principle is that no one should be exposed to risk to health or well being without being given all reasonable protection and without being adequately informed.~~
- ~~2. In general, the purpose of the study, the procedures to be followed, and the possible risks involved must be explained to the subject. The investigator must be satisfied that the explanation has been understood, and consent must be obtained without duress or deception. Such an explanation may be postponed or even omitted where there are no risks to the subject, and a full account of the purposes and procedure in advance might bias the results.~~
- ~~3. It is the responsibility of the individual investigator to have adequate knowledge of the possible consequences of his research, or of research done under his direction.~~
- ~~4. Whenever possible, any hazards to health or well being of each procedure must first be investigated with animals.~~
- ~~5. Whenever medication or physical intervention is used, or whenever the subject is exposed to unusual environmental conditions, proper protection and supervision must be provided.~~
- ~~6. The individual's personal privacy and the confidentiality of information received from her/him must be protected.~~
- ~~7. An individual's time should not be invaded to the extent that the participation creates conflict with other obligations.~~
- ~~8. Remuneration may be offered for the time involved in a study, provided the remuneration is not so large as to constitute an improper inducement to participate.~~
- ~~9. Any individual may request termination of his/her participation at any time and this request will be honored promptly and without prejudice.~~
- ~~10. Unless there are reliable indications to the contrary, all University of New Mexico faculty members are presumed to behave responsibly, and all experimental subjects should be willing to contribute to the advancement of knowledge, provided their personal rights are respected.~~

## Implementation

The Board, in adopting the original Regents' Policy Manual in 1981, incorporated detailed policies and procedures which had previously been approved in 1966. The full text is printed in the [Faculty Handbook](#).

Research involving human beings as subjects is also subject to applicable federal laws and regulations.

## **Reference**

[Faculty Handbook](#), [1990 ed.], pages D-1 through D-4.

# MEMORANDUM

**TO:** Faculty Senate Policy Committee

**FROM:** Richard Larson, M.D., Ph.D., Executive Vice Chancellor and Vice Chancellor for Research, and Professor, Department of Pathology, UNM School of Medicine

**DATE:** January 28, 2016

**RE:** Revisions to Faculty Handbook Policy E-90

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## Current Policy E-90

The Faculty adopted the current Faculty Handbook Policy E-90 in 1966. The Faculty has not updated that Policy since that time. That policy was, as is clear from a reading of it, thoughtfully considered and appropriately detailed in its substance. At that time, there was very little federal government oversight to protect those individuals who elected to participate in human subjects research. It was, therefore, appropriate for the Faculty to spell out in some detail the procedures under which the Faculty could and should perform human subjects research.

## **Federal Government Oversight of Human Subjects Research**

Since the adoption of Faculty Handbook Policy E-90 in 1966, a number of mid-twentieth century research efforts in involving human subjects raised the specter of questionable ethics underlying that research and the potentially harmful effects of that research on the participants. As such, thereafter, in the late 1970s the *Belmont Report* was published, which outlined the three fundamentals upon which a human subjects research program and research protocols should be based:

- *Respect for persons*: protecting the autonomy of all people and treating them with courtesy and respect and allowing for informed consent;
- *Beneficence*: The philosophy of “Do no harm” while maximizing benefits for the research project and minimizing risks to the research subjects; and
- *Justice*: ensuring reasonable, non-exploitative, and well-considered procedures are administered fairly and equally.

Out of the *Belmont Report* arose two federal regulatory oversight schemes in 1991: the Office of Human Research Protections (“OHRP”) and the Food & Drug Administration (“FDA”) both housed in the U.S. Department of Health & Human Services. Both the OHRP regulations and published guidances and the FDA regulations and published guidances are complementary but not identical. These regulations endeavor to effectuate the *Belmont Report* as follows:

1. Ensure the research study is approved by an IRB;

2. Get informed consent from the patient/study participant;
3. Ensure that the patient/study participant understands the full extent of the experiment, and if not, will contact the study coordinator;
4. Ensure the patient/study participant wasn't coerced into doing the experiment by means of threatening or bullying;
5. Be careful of other effects of the clinical trial or research study that was not mentioned , and report it to the proper study coordinator;
6. Support the privacy of the patients/study participants identity, their motivation to join or refuse the experiment;
7. Ensure that all patients at least get the minimal care needed for their condition.<sup>1</sup>

To be compliant with this and so as to be able to conduct research involving human subjects, the University submitted two separate Federal Wide Assurances ("FWA"s), one for the Health Sciences Center and one for the Main Campus. These FWAs set forth the University's commitment to these principles and set forth the University's commitment to compliance with the OHRP's and FDA's regulatory requirements. The OHRP and the U.S. Department of Health and Human Services ("HHS") approved each of these FWAs. These FWAs are not identical in the method and manner by which the HSC, on the one hand, and the Main Campus, on the other, will effectuate their human research protections programs. Under both, however, consistent with federal regulatory scheme requirements, both the IRB on Main Campus and the Human Research Review Committees have adopted their own "Standard Operating Procedures" or "SOPs." Each of these SOP's are audited by the OHRP and, in the case of the HSC, the FDA. Additionally, the human research protections program at the HSC is accredited by AAHRPP, while the program at the Main Campus is not. The AAHRPP accreditation standards drive different policies, procedures, and documentation requirements than are required for a non-accredited program.

### **The Need to Modify Faculty Handbook Policy E-90**

A review of the current Faculty Handbook Policy E-90 indicates significant areas of dissonance with the federal regulatory scheme under which the University must operate to be able to continue to receive federal funding for human subjects research. There are also areas of dissonance with AAHRPP accreditation requirements. We want to thank the Main Campus IRB office for bringing this dissonance to the forefront and opening this dialogue. Because of operational differences between the human research protections program on Main Campus and the program at the HSC, we began our analysis of this situation by recognizing that any University-wide policy must be cognizant of these differences and should attempt to have that policy work in harmony and alignment with those separate programmatic requirements.

As a result, the HSC undertook to do several thing to inform this dialogue:

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<sup>1</sup> See Simms, Jennifer (July-August 2010), "A Brief Review of the "Belmont Report," *Dimensions of Critical Care Nursing* 29(4): 173-74.

- Contacted a respected, national consultant that advises several leading academic institutions and the HSC on IRB compliance with the federal regulatory scheme to obtain that firm’s best recommendation as to the form that Faculty Handbook Policy E-90 should take;
- Reviewed a number of peer institutions to determine what human subject research protections policies they have adopted;
- Asked the Office of University Counsel to seek legal input on the suggested approach; and
- Based upon that “research,” developed a draft revised Faculty Handbook Policy E-90 as our recommendation to the Faculty Senate Research Policy Subcommittee.

### **Findings**

#### **(1) *Outside Consultant Opinion***

As stated previously, the HSC contacted Karen Christianson, RN, BSN, CCRP, with HRP Consulting Group, Inc. in Clifton Park, New York, and asked for her advice relating to the form that a revised Faculty Handbook Policy E-90 should take. Ms. Christianson opined that in reviewing a variety of faculty handbook policies and other institution-wide policies:

The content tends to vary from brief statements about the obligation for faculty to perform research in accordance with ethical standards, regulations, and policies with a cross-reference to separate research policies, to a few pages that go into greater detail (background, core values, excerpts and citations) but still refer to the university or college research policies.

We are also of the collective opinion that it is best practice to keep the faculty handbook policy statement brief with cross-references to free-standing research policies, because this approach helps avoid contradictory language and minimizes the need to manage concurrent updates. Further, it is of utmost importance to clearly establish the authority and independence of the IRB in the fulfillment of their research review and oversight functions. This is best managed through the promulgation of an overarching policy or statement from the highest levels of leadership establishing the authority, independence, and responsibilities of the IRB(s) accompanied by detailed policies and procedures for the operation of the human research protection program and the IRB(s) that are developed and managed by those individuals within the organization with specific experience and expertise in the complex and extensive regulations, guidelines, and accreditation standards that govern the functions of the IRB and the conduct of research. Finally, it is also important that updates to the detailed policies and procedures of the human research protection program and IRB(s) are able to be managed somewhat nimbly as new regulations, guidelines, and standards are issued. It is our experience that the processes for development and approval of faculty policies are too cumbersome to manage the need for real-time updates.



(2) *Review of Peer Institutions*

As a part of this process, the policies adopted at peer institutions in our region of the United States were reviewed. These institutions were the University of Colorado, the University of Arizona, and the University of Utah. Specifically, the University of Colorado in Chapter IV of its Faculty Handbook states:

**F. Research Involving Human Subjects or Animal Studies**

Each campus of the University of Colorado has a policy or guidelines for situations dealing with human research subjects and animal studies. These campus policies or guidelines conform to federal regulations.

A review of each University of Colorado campus's policies indicates that the policies to which they refer are the institutional administrative policies and federally required SOPs.

At the University of Arizona, the University of Arizona's policy on "Research Involving Human Subjects" is set forth in Section 2.13.02 of their Human Resources Policies and provides as follows:

The University is required to safeguard the rights and welfare of human subjects involved in research. Any project originated at The University of Arizona, University Medical Center, University Physicians, or the affiliated Veterans Administration Hospital which uses human subjects must be submitted for review and approval by the University's Human Subjects Protection Program (HSPP) and the Institutional Review Board (IRB).

In compliance with federal regulations, the review shall ensure: (1) that the rights and welfare of the subjects involved are adequately protected; (2) that the risks to an individual (whether physical, psychological, or social) in any activity which goes beyond the application of accepted procedures are outweighed by potential benefits; (3) that subject selection is fair; and (4) that legal, informed consent of participants is obtained by methods that are appropriate and adequate. Approval of the IRB or HSPP must be obtained before the project is initiated.

Forms and instructions for securing approval for research involving human subjects and information about the Human Subjects Protection Program are available online as follows:

- Human Subjects Protection Program  
<http://orcr.arizona.edu/hssp>

Lastly, the University of Utah policy in this regard is set forth in Policy 6-316, entitled "Code of Faculty Rights and Responsibilities" and more specifically in Section 4C.1 of that Policy:

1. Faculty members are responsible for insuring that approval has been obtained from the appropriate review committees prior to initiating or becoming involved in research that involves human subjects, vertebrate animals, radiation or radioactive compounds, biohazards, toxic substances, or any other material or activity covered by university, state or federal regulation. Faculty members are also responsible for monitoring ongoing research and teaching activities under their supervision to ensure that they continue to be conducted in accord with approved protocols. In addition, faculty must ensure that all personnel involved in such activities under their supervision are fully trained in accordance with relevant regulations.

As is evident from this review, these leading institutions have adopted a policy pertaining to human subjects research that embraces the broad principles of the *Belmont Report* and conformance to the federal regulatory scheme under which those universities, just like this University, must operate to continue to receive federal funding for research involving human subjects. At the same time, these leading institutions have rejected the urge to add the actual procedural steps for faculty members to comply with these principles and, instead, have referred faculty to the human research protection programs and their SOPs that are in place at those institutions.

(3) *Office of University Counsel*

The HSC Office of Research consulted with representatives of the Office of University Counsel concerning this matter. The OUC advised that the current Faculty Handbook Policy E-90 is in need, from a legal standpoint, of revision. The OUC's view is that it is advisable to adopt a policy pertaining to human subjects research that embraces the broad principles of the *Belmont Report* and conformance to the federal regulatory scheme under which this University must operate to continue to receive federal funding for research involving human subjects, without diving down into procedural details. This is because, in their view, including the procedural details in the Faculty Handbook Policy E-90 could increase the risk to the University and research faculty of future inconsistency and misalignment of those procedural details to the federal requirements and to institution's SOP's that implement and operationalize compliance with the federal requirements.

**Recommendation**

Based on the external advice, the review of peer institutions, and the advice of the University's legal counsel, the HSC and Main Campus recommend that the Faculty adopt a revision to Faculty Handbook Policy E-90 in the form of Exhibit 2 to this Memorandum.

# Exhibit 1

## DRAFT Re-write

### **Faculty Handbook Policy E90: Human Beings as Subjects in Research**

The University of New Mexico aims to promote a culture of compliance with the highest legal and ethical standards for the conduct of human research. The University recognizes research as one of its chartered enterprises and shares responsibility for promoting and managing this activity with its individual researchers when conducted under its auspices.

To ensure comprehensive protection of the rights and welfare of subjects in human research across a diverse social-behavioral and biomedical research enterprise, the University of New Mexico holds two distinct Federal Wide Assurances (FWAs) approved by the U.S. Department of Health and Human Services, one for the University Main Campus and a separate FWA for the Health Sciences Center (HSC). Under these agreements, the University of New Mexico assures that all of its activities related to human subjects in research (“Human Subjects Research”) are conducted in accordance with all applicable federal regulations (*e.g.*, 45 C.F.R. § 46, 21 C.F.R. § 50, 21 C.F.R. § 56, 21 C.F.R. § 312, 21 C.F.R. § 812).

In the oversight of all Human Subjects Research, the University of New Mexico as a whole, is committed to protecting the rights and welfare of participants in Human Subjects Research consistent with the ethical principles outlined in the April 18, 1979 report of The National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research titled “Ethical Principles and Guidelines for the Protection of Human Subjects of Research,” also known as “The Belmont Report”:

- Respect for Persons
- Beneficence
- Justice

All Principal Investigators and involved researchers engaged in Human Subjects Research are required to:

- Follow the procedures established by the Main Campus Office of the IRB (OIRB), the Main Campus IRB, the HSC Human Research Protections Office and the HSC’s Human Research Review Committees (HRRC), depending on the Principal Investigator’s primary appointment. Procedures are posted on the respective websites and are regularly and continually updated to comply with federal regulations and accreditation standards.
- Obtain approval by IRB procedures. Approval by IRB procedures is required for all researchers engaged in human research.

- Monitor ongoing research and teaching activities under their supervision to ensure that they continue to be conducted in accordance with approved protocols.
- Ensure that all personnel involved in Human Subjects Research under their supervision are appropriately trained on the applicable laws, rules, and regulations regarding Human Subjects Research as well as the Main Campus IRB's or HRRC's policies and procedures, as the case may be, with respect to Human Subjects Research.
- Comply with and ensure compliance with all determinations and additional requirements of the IRB and/or HRRC, as the case may be, with jurisdiction over the research.

**BYLAWS OF THE UNIVERSITY OF NEW MEXICO FACULTY SENATE  
HEALTH SCIENCES CENTER COUNCIL**

Article I. Name

The name of this organization is the University of New Mexico (UNM) Faculty Senate Health Sciences Center (HSC) Council. Throughout these bylaws, this name is abbreviated as HSC Council.

Article II. Purpose

Section 1. The purpose of the HSC Council is to enhance the role and visibility of the Health Sciences Center faculty in shared governance, and to deliberate and act on behalf of the UNM Faculty Senate in all matters relating to faculty governance and shared governance of the HSC, consistent with the UNM Faculty Constitution, Faculty Handbook, Faculty Senate Bylaws, and with the policies of the Board of Regents and the University. In matters pertaining to faculty governance and shared governance of the university as a whole, the HSC Council shall represent the faculty of the UNM HSC.

Section 2. The HSC Council shall have the right and duty to consider and advise on behalf of HSC faculty over

- a) Institutional aims and strategic plans of the HSC;
- b) Organizational structure and creation of new departments and divisions;
- c) Major curricular changes and other matters that, in the opinion of the Chancellor for Health Sciences or of the Faculty, affect the HSC as a whole;
- d) Matters of general concern or welfare for HSC faculty.

Section 3. The foregoing purposes do not supplant the rights and responsibilities of faculty within their respective academic units. Rather, the HSC Council shall serve as a forum and voice for the HSC faculty as a whole in representing the interests of HSC Faculty to the Board of Directors and Office of the Chancellor for Health Sciences as well as to the UNM Faculty Senate.

Article III. Membership

Section 1. Voting members of the HSC Council shall be:

- a) All duly elected faculty senators representing the academic units of the HSC
- b) Two at-large members elected by the faculty of each of the academic units of the HSC (School of Medicine, College of Nursing, College of Pharmacy) who need not be members of the UNM Faculty Senate.

Section 2. Non-voting ex officio members of the HSC Council shall be:

- a) The Chancellor for the Health Sciences Center
- b) The Vice-Chancellor for Academic Affairs
- c) The Provost or Associate Provost of UNM
- d) The President of the UNM Faculty Senate

#### Article IV. Officers

Section 1. Officers of the Council/Executive Committee

- a) The Senate shall elect the following officers and representatives to a two-year term:
  - 1) Chair
  - 2) Chair-elect
- b) The Executive Committee will include the immediate past Chair and current Chair of the HSC Council, whether or not they are members of the Senate and the current elected Chair-elect who must have at least one year remaining on his/her Senate term.

Section 2. Duties of Officers

- a) Chair
  - 1) Serve as chairperson of the HSC Council
  - 2) Establish priorities and set agenda for the HSC Council meetings
  - 3) Represent the Faculty before the Regents, Administration and other groups by attending requisite functions and committee meetings
  - 4) Report back to the HSC Council any relevant information gained from these meetings relating to or affecting HSC faculty
  - 5) Appoint Council members to *ad hoc* committees as necessary to conduct Council business.
  - 6) Serve as Chair of the Executive Committee
- b) Chair-elect
  - 1) Serve on the Executive Committee
  - 2) Perform the duties of the Chair in the absence of the Chair
  - 3) Assist the Chair in representing the faculty before the Administration, the Regents, and other groups as required
  - 4) Oversee HSC Council committee appointments
- c) Immediate Past-Chair
  - 1) Serve on the Executive Committee

Section 3. Duties of the Executive Committee

- a) Call special meetings of the HSC Council as needed

- b) Meet with the Chancellor of the HSC when issues of urgency occur
- c) Assist the Chair in establishing priorities and in setting the agenda for meetings

#### Section 4. Election of Officers

- a) The election of the Chair-elect shall be conducted at the June meeting of the HSC Council. At the discretion of the Executive Committee, the election may be conducted electronically.
- b) The election shall be chaired by the past-Chair of the HSC Council.
- c) The officers shall take office on September 1 of the year of the election.
- d) If the Chair-elect does not complete his or her term of office, the Executive Committee will arrange for the HSC Council to elect a replacement at the earliest opportunity.

#### Article V. Meetings

Section 1. The HSC Council shall be held monthly. The Executive Committee may call additional meetings as needed.

Section 2. A quorum shall consist of 25% of the voting membership.

#### Article VI. Committees

Section 1. HSC Council Committees will not replace any existing UNM Faculty Senate Committee *per se*.

#### Section 2. Standing Committees of the HSC Council

##### a) HSC Policy Committee

- 1) The charge of this committee is to review HSC policies and/or other policies that directly affect HSC faculty.

##### b) HSC Curriculum Committee

- 1) The charge of this committee is to review and recommend to the HSC Council on curricular requests prior to final approval by the UNM Faculty Senate.

#### Section 3. *Ad Hoc* Committees of the HSC Council

##### a) Nominating Committee

- 1) The charge of this committee will be to serve only at the yearly elections.

##### b) The HSC Council shall appoint other *ad hoc* committees as needed.

## Article VII. Parliamentary Authority

Section 1. The parliamentary authority of the HSC Council is the current edition of Sturgis' *Standard Code of Parliamentary Procedures*.

## Article VIII. Amendments to By-laws

Section 1. Changes to the by-laws require notice to the membership at the previous meeting.

Section 2. Amendments require two thirds (2/3) vote of the full membership, which may be conducted electronically.

## Article IX. Implementation

These procedures will be deleted from the by-laws after the first year.

1. In the first year after the approval of these by-laws, a Chair of the HSC Council will be elected for a two-year term.
2. In the first year after the approval of these by-laws, the HSC academic units will elect two at-large members, one of whom will be elected for a one-year term. Thereafter each unit will elect one new at-large member annually.



**Standard  
A91 #1**

**Creation, Review, Reorganization, and  
Termination of Non-HSC Research Centers  
and Institutes**

Approved By: Faculty Senate Research Policy Committee

Effective Date: April 29, 2015

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.

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:

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.

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## HISTORY

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April 28, 2015—Policy A91 “Creation, Review, Reorganization, and Termination of UNM Research Centers and Institutes” Approved by the Faculty Senate.

November 19, 2014—This standard A91#1 “Creation, Review, Reorganization, and Termination of Non-HSC Research Centers and Institutes” Approved by the Faculty Senate Research Committee.

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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Date: January 6, 2016 **DRAFT**

To: Gabriel Lopez, Vice President for Research

From: Co-Chairs, Faculty Senate Policy Committee

Re: Standard #1 A91\_“Creation, Review, Reorganization, and Termination of Non-HSC Research Centers and Institutes”

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When Policy A91\_“Creation, Review, Reorganization, and Termination of Research Centers and Institutes” was developed, significant differences in the administration of the Policy between main campus and HSC were identified. To address these differences, the Faculty Senate Policy and Research Policy Committees decided these differences could best be addressed in separate standard documents; one for main campus and one for HSC. These standard documents would provide procedures and guidelines designed to ensure compliance with Policy A91, and would be published on the applicable research office website.

The standard for main campus specifically addresses the different levels or categories of research centers and institutes on main campus. This standard was reviewed by the staff in the Office of the Vice President for Research and approved by both the Faculty Senate Policy and Research Policy Committees. We would appreciate if your Office would publish this standard on your website, and provide us with the URL so that a link can be placed in Faculty Handbook Policy A91. Thank you for your assistance.



## C05: Rights and Responsibilities at the University of New Mexico

### Policy

*(Adopted by the Regents, October 1965; revised August 1970, September 1975, November 1981, and July 1982)*



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

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

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

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

(b) Sanctions:

- (i) Any student who violates any of the rules set forth in 6(a)(i) through 6(a)(xi) shall be subject to censure, warning, disciplinary

probation, suspension, or expulsion.

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

(iii) As used in 6(b)(i) and (ii),

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

b) "Warning" means an oral censure.

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

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

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

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

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

As noted above, the Regents and the vast majority of students, faculty, staff, alumni, and citizens share the same goal for the University—that it be a stable and peaceful center of teaching, research, discussion, learning, and service, free from coercion and unlawful use of force. In situations where the stability and peace of the institution are threatened, extraordinary measures are required. The Regents are determined to use all lawful means to assure the continuity and the integrity of the educational process at the University. As part of this effort, we adopt the following as an interim measure pending further study and adoption of permanent policy:

#### **STATE OF EMERGENCY**

1. As used in this Policy:

a) "President" means the President (or acting President) of the University or any person or persons designated to act in his behalf for purposes of these rules.

b) "Official" means any person authorized by the President to act on behalf of the University.

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

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

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

2. The President is authorized to declare a State of Emergency at the University upon finding by him that the orderly processes of the University are seriously threatened. In making such a finding the President shall consider whether disruptive activities are such as to require immediate, extraordinary measures to safeguard persons or property or to maintain the University's educational function. As soon as reasonably possible after the Declaration of Emergency, the President shall inform available Regents of his action. When the President determines that the serious threat has passed, he shall, after consultation with available Regents, declare the State of Emergency to be at an end.

3. a) During a State of Emergency, the President, in the exercise of reasonable judgment in the circumstances, is authorized to take whatever actions he finds necessary in order to safeguard persons or property or to maintain the University's educational function. Such actions shall remain in effect during the State of Emergency unless sooner canceled by the President. During a State of Emergency, the President may, if in his judgment the circumstances warrant it, suspend University activities for a day or a portion thereof.

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

c) A visitor who, after appropriate hearing, is found to have violated a presidential order authorized by Section 3 of this Policy may be denied admission to and employment by the University.



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

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

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

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New Mexico's Flagship University

of the students. Students are called upon to reject the tactics of disruption as a method of implementing change and to work with the rest of the University community toward improving communication among all constituencies.

4. In order to assure its autonomy and integrity, this University shall not be an instrument of partisan political action. The expression of political opinions and viewpoints will be those of the individual and not of the University institutionally. The official adoption of any political position institutionally, whether favored by a majority or minority, tends to substitute partisanship for the continuing search for truth and in fact has a chilling effect on the search for truth.

5. The faculty individually and collectively must accept a full measure of responsibility for the orderly functioning of the University. Faculty should fulfill their teaching responsibilities with full recognition that the use of the classroom as a forum for indoctrinating rather than educating students or for the introduction of matter remote or unrelated to the scope of the particular course or seminar violates the professional standards set forth in the 1940 Statement of Principles on Academic Freedom of the American Association of University Professors. The Board calls upon the faculty to devise means for implementing this aspect of academic freedom and responsibility as provided in the 1940 Statement and for implementing the 1966 Statement on Professional Ethics endorsed by the Fifty-Second Annual Meeting of this same professional association. Unless there are effective means of insuring that professional standards of conduct are observed, public confidence in the importance of academic freedom may be lost.

6. The President is appointed by the Regents as the chief executive officer of the University, operating within policies established by the Regents.

7. Universities traditionally have been sanctuaries for diversity of thought, free exchange of ideas, and the search for truth. They are not and should not be sanctuaries for those who use unlawful means to pursue their ends. The law is as applicable on the campus as it is off the campus. No member of the academic community shall, by virtue of such membership, escape accountability for his actions. When any member of the University community violates a lawful University regulation or policy, such person shall be subject to disciplinary action by the University whether or not such violation constitutes a criminal act. If the person's behavior simultaneously violates a civil law, the University may take disciplinary action independent of action taken by civil authorities because all University regulations and policies are aimed at protecting a specific, independent interest of the academic community.

To implement the foregoing statement clarifying certain policies of the Regents, it is deemed appropriate to amend and add to the October, 1965 statement of the Regents on Rights and Responsibilities at the University of New Mexico. The revised statement follows.

#### **RIGHTS AND RESPONSIBILITIES AT THE UNIVERSITY OF NEW MEXICO**

(Adopted by the Regents, October 1965; revised August 1970, September 1975, November 1981, and July 1982)

The purpose of this statement is to help clarify relationships between the Regents and the administration, faculty, and students of the University. "Management and control" of the University are vested in the Regents, and they are also charged with the authority and "duty to enact laws, rules, and regulations for the government of the University." Inevitably, the management responsibilities of the Regents must be delegated, and so is much of their authority to govern the affairs of the institution, subject to overall policy which they establish. In this situation, it may be helpful to have a statement of the position of the Regents on certain topics of current interest and concern.

1. The Regents recognize and approve:

a. The authority and responsibility of the Administration in all matters relating to the operation of the University;

b. The authority and responsibility of the faculty, in cooperation with the Administration, to set educational policies, to select faculty personnel, and in general, in all matters relating to teaching and research;

c. The right and responsibility of the students of the University to provide their own self-government with authority in the affairs of the student community.

2. There presently exist adequate procedures for determining most matters affecting University operation. In order that the University may function properly under the authority of those in direct charge of its activities, the Regents ordinarily will not interfere with actions of the administration, the faculty, or student government. The Regents cannot, however, ignore the responsibilities of management and control vested in them by the Constitution and laws of the State of New Mexico. Thus, they reserve unto themselves the right to consider and determine, if in the exercise of sound discretion it is deemed necessary, any matter relating to the University.

Except as otherwise provided, appeals of administration, faculty, or student decisions should be addressed in writing to the Regents via the President of the University. The Regents will consider such appeals as a body. In their discretion, the Regents may request written briefs or oral argument, or both.

3. One of the general principles to which the Board of Regents is committed is freedom of speech and expression of opinion for all members of the University community. This First Amendment right will continue to be fully protected by the Regents. However, in order to minimize the risk of confusion, misunderstanding, or contradiction about the University's position on important matters, it is essential to understand that those who speak publicly shall not do so in the name of the University or any of its organizations unless there has been specific authorization to do so.

The President of the University is the one officer within the institution who can view it as a whole. He is the chief executive officer of the University and as such is authorized by the Board to serve as the primary spokesperson for the University to news media, constituent groups, representatives of state and federal government, and others.

Although responsibility and authority for management and control of the University may be exercised only by the Board of Regents as a unit, and although individual members are without power to act separately in connection with University business, individual officers of the Regents may be authorized to speak or act officially in the Board's behalf.

Under special circumstances, the Regents may also authorize other persons to speak in behalf of the University.

4. Off-campus speakers, if approved in accordance with University regulations, should be allowed free expression of their views. Students with diverse points of view should permit such speakers to be heard without harassment.

5. Any member of the University community—student or member of the faculty or staff—is subject to discipline if he acts in such a way as to affect adversely the University's educational function or to disrupt community living on campus. All authorized University activities are deemed to be part of its educational function. No member of the community has a right to interfere with another in the pursuit of an education or in the conduct of University duties and responsibilities.

The rights and responsibilities of each member of the University community, the same as every other citizen, are measured by the laws of our country. Respect for the law is fundamental and necessary for the preservation of our form of government. The Regents will take action to enforce this principle if it should be necessary.

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

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

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

(i) Obstruction or disruption, by any means, of teaching, research, administration, disciplinary procedures, or other University or University-authorized functions, events, or activities.

(ii) Unauthorized or prohibited entry into or onto, or unauthorized or prohibited occupation or use of, any University facility, building, vehicle, or other University property.

(iii) Physical abuse, the threat of physical abuse, or intimidation of any person on campus or

# Statement on Professional Ethics

*The statement that follows was originally adopted in 1966. Revisions were made and approved by the Association's Council in 1987 and 2009.*

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## Introduction

From its inception, the American Association of University Professors has recognized that membership in the academic profession carries with it special responsibilities. The Association has consistently affirmed these responsibilities in major policy statements, providing guidance to professors in such matters as their utterances as citizens, the exercise of their responsibilities to students and colleagues, and their conduct when resigning from an institution or when undertaking sponsored research. The *Statement on Professional Ethics* that follows sets forth those general standards that serve as a reminder of the variety of responsibilities assumed by all members of the profession.

In the enforcement of ethical standards, the academic profession differs from those of law and medicine, whose associations act to ensure the integrity of members engaged in private practice. In the academic profession the individual institution of higher learning provides this assurance and so should normally handle questions concerning propriety of conduct within its own framework by reference to a faculty group. The Association supports such local action and stands ready, through the general secretary and the Committee on Professional Ethics, to counsel with members of the academic community concerning questions of professional ethics and to inquire into complaints when local consideration is impossible or inappropriate. If the alleged offense is deemed sufficiently serious to raise the possibility of adverse action, the procedures should be in accordance with the [1940 Statement of Principles on Academic Freedom and Tenure](#), the 1958 [Statement on Procedural Standards in Faculty Dismissal Proceedings](#),<sup>1</sup> or the applicable provisions of the Association's [Recommended Institutional Regulations on Academic Freedom and Tenure](#).<sup>2</sup>

## The Statement

1. Professors, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognize the special responsibilities placed upon them. Their primary responsibility to their subject is to seek and to state the truth as they see it. To this end professors devote their energies to developing and improving their scholarly competence. They accept the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. They practice intellectual honesty. Although professors may follow subsidiary interests, these interests must never seriously hamper or compromise their freedom of inquiry.
2. As teachers, professors encourage the free pursuit of learning in their students. They hold before them the best scholarly and ethical standards of their discipline. Professors

demonstrate respect for students as individuals and adhere to their proper roles as intellectual guides and counselors. Professors make every reasonable effort to foster honest academic conduct and to ensure that their evaluations of students reflect each student's true merit. They respect the confidential nature of the relationship between professor and student. They avoid any exploitation, harassment, or discriminatory treatment of students. They acknowledge significant academic or scholarly assistance from them. They protect their academic freedom.

3. As colleagues, professors have obligations that derive from common membership in the community of scholars. Professors do not discriminate against or harass colleagues. They respect and defend the free inquiry of associates, even when it leads to findings and conclusions that differ from their own. Professors acknowledge academic debt and strive to be objective in their professional judgment of colleagues. Professors accept their share of faculty responsibilities for the governance of their institution.
4. As members of an academic institution, professors seek above all to be effective teachers and scholars. Although professors observe the stated regulations of the institution, provided the regulations do not contravene academic freedom, they maintain their right to criticize and seek revision. Professors give due regard to their paramount responsibilities within their institution in determining the amount and character of work done outside it. When considering the interruption or termination of their service, professors recognize the effect of their decision upon the program of the institution and give due notice of their intentions.
5. As members of their community, professors have the rights and obligations of other citizens. Professors measure the urgency of these obligations in the light of their responsibilities to their subject, to their students, to their profession, and to their institution. When they speak or act as private persons, they avoid creating the impression of speaking or acting for their college or university. As citizens engaged in a profession that depends upon freedom for its health and integrity, professors have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.

## Notes

1. AAUP, *Policy Documents and Reports*, 11th ed. (Baltimore: Johns Hopkins University Press, 2015), 91–93. [Back to text](#)
2. Ibid., 79–90. [Back to text](#)

Date: January 26, 2016

To: Faculty Senate Policy Committee

From: Carol Stephens, Professional Consultant

Re: Policy C05 “Rights and Responsibilities at the University of New Mexico”

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The COG task force asked the FS Policy Committee to conduct a full review of Policy C05 “Rights and Responsibilities at the University of New Mexico.” In their request they indicated that some content seems to be missing and the Policy appears to focus on a state of emergency, which seems inconsistent with the C05 title. The taskforce suggested that the Committee may wish to broaden C05 to provide a positive description of faculty rights and responsibilities. To assist the Committee in its review of C05 I prepared the following analysis and background research.

1. The current policy starts with Section 6, which makes it appear to be incomplete. The 10/1/90 edition of the Faculty Handbook shows the language that originally preceded Section 6 of Policy C05. This language primarily discusses the rights and responsibilities of the Board of Regents and the President, which may be why it was deleted from C05 at some point after 10/1/90. A complete copy of the deleted language is attached or you review. The following is the only language in this earlier text that could be construed to be specific to faculty and/or students:

“1(b) The authority and responsibility of the faculty, in cooperation with the Administration, to set educational policies, to select faculty personnel, and in general, in all matters relating to teaching and research.”

“1(c) The right and responsibility of students of the University to provide their own self-government with authority in the affairs of the student community.”

“5. Any member of the University community—student or member of the faculty or staff—is subject to discipline if he acts in such a way as to affect adversely the University’s educational function or to disrupt community living on campus. All authorized University activities are deemed to be part of its educational function. No member of the community has a right to interfere with another in the pursuit of an education or in the conduct of University duties and responsibilities.”

2. The current C05 policy, beginning with Section 6, relates to disciplinary action and declaration of a state of emergency. The majority of which is covered in other policies:

Disciplinary Action is addressed in:

a) C07 addresses Faculty Discipline and contains all the faculty-related definitions listed in Policy C05.

b) The Student Code of Conduct Policy addresses student discipline and contains all the student-related definitions listed in Policy C05.

c) UAP 3215 addresses staff discipline.

C05 (a)(i) – (a)(xi) lists actions that are subject to disciplinary action. C07 “Faculty Discipline” states “Any member of the faculty ... who violates a published University policy may be subject

to warning, censure, suspension without pay, or dismissal,” so it seems unnecessary and perhaps misleading to attempt to list some actions, in C05. The Student Code of Conduct lists actions that make students subject to discipline. In addition, most of the actions listed are addressed in other Regent, Faculty Handbook, or UAP policies such as 2200 “Whistleblower Protection and Reporting Suspected Misconduct and Retaliation” and 2210 “Campus Violence.” The following actions listed in C05 may not be specifically mentioned in other University Policy:

(vi) ... setting a fire ...

(x) Willfully refusing or failing to leave the property of, or any building or other facility owned, operated, or controlled by the Board of Regents upon being requested to do so by the President, if the person is committing, threatening to commit, or inciting others to commit, any act which would disrupt, impair, interfere with or obstruct the lawful mission, processes, procedures or functions of the University. As used herein, “President” means the President (or acting President) of the University or any person or persons designated by him to act on his behalf.”

The remaining information in the State of Emergency Section of C05 is covered almost verbatim in Regent Policies “3.1 “Responsibilities of the President,” 3.2 “Authority in an Emergency,” and 1.3 “Public Notice of Regent Meetings.”

### Conclusion

Given this analysis, it would appear that the entire text of C05 could be deleted; however, the COG task force suggested that C05 should be broadened to “provide a positive description of faculty rights and responsibilities.” Therefore, I reviewed policies at other colleges and universities to determine if such a policy is common practice. Most of the institutions reviewed have such a policy, although the title varies between faculty rights and responsibilities and academic rights and responsibilities. They also vary in the approach: some take a high level, general approach along the lines of a professional ethics statement, while a few are very detailed covering many of the issues covered by other policies in UNM’s Faculty Handbook, such as restrictions on outside employment, teaching and research assignments, and academic calendar.

If the Committee were to decide the keep Policy C05 with a focus on the COG task force recommendation, perhaps a policy similar to the University of Arizona policy “Statement on Professional Conduct.” based on AAUP’s “Statement of Professional Ethics” might be a possible approach. To assist the Committee in its discussion on this topic, I have drafted such a policy as an illustration..

### Attachments:

1. Current version of C05 on Faculty Handbook website
2. Pages deleted from 10/1/90 version of C05.
3. AAUP Statement on Professional Ethics
4. Draft of C05 based on AAUP Statement



## C20: Employment of UNM Graduates

### *Policy*

*Approved by Faculty on March 12, 1951*

As a general policy, no person who has received a degree from the University of New Mexico shall hereafter be employed as a regular member of the faculty in a position which may lead to permanent tenure unless subsequent to the last degree at the University of New Mexico, he or she has taken at least one academic year of advanced work at another reputable institution or has established himself or herself professionally elsewhere. Such work or professional experience must be in his or her teaching field.

At the discretion of the Provost/Vice President for Academic Affairs or the Vice President for Health Sciences for Health Sciences faculty, an exception may be made to this general policy in the case of a person who has taken a master's degree, its equivalent, or pursued other substantial graduate work at another reputable institution before receiving a more advanced degree at the University of New Mexico.

In case of the above or any other exceptions to the general policy, it is recommended that the Provost/Vice President for Academic Affairs consult with the Academic Freedom and Tenure Committee before taking action. For further information refer to "Employment of UNM Graduates" Section [5.3](#), *Regents' Policy Manual*.





## Campus Security Authorities

### What is the role of a CSA?

The University of New Mexico Police encourages all members of the campus community to report crimes to us on a timely basis. However, under the Clery Act, CSAs are required to report Clery Act qualifying crimes which occurred on campus, in public areas bordering campus and in certain non-campus buildings owned or controlled (leased) by the University. CSAs should only report those crimes that have not been previously reported to University Police or another University CSA. The intent of including non-law enforcement personnel in the CSA role is to acknowledge that some community members and students, in particular, may be hesitant about reporting crimes to the police, but may be more inclined to report incidents to other campus-affiliated individuals.

For additional information on the Clery Act and CSA responsibilities, visit the Online Campus Security Authority Training at <http://police.unm.edu>

### What makes you a CSA?

The law defines four categories of CSAs:

1. University Police Department sworn personnel and Department Administrators.
2. Non-police people of offices responsible for campus security. These CSAs have security presence or access control authority on university property, including, but not limited to, security guards, campus parking enforcement staff, student patrol officers, and security staff at athletic events.
3. The Officials with significant responsibility for student and campus activities category is defined broadly to ensure complete coverage and thorough reporting of crimes. To determine which individuals or organizations are CSAs consider job functions that involve relationships with students. Look for Officials (i.e., not support staff) whose functions involve relationships with students. An Official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the University. If someone has significant responsibility for student and campus activities, s/he is a CSA. Some examples of CSAs in this category include, but are not limited to: deans, student affairs professionals, student housing staff, athletic director/assistant directors, coaches, student activities coordinators, student judicial officers, and faculty/staff advisors to student organizations.
4. Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses - University Police.

### Who is not a CSA?

The following non-CSA positions/functions include but are not limited to: administrative staff members who are not responsible for students, clerical staff, individual faculty with no student activity duties

outside the classroom, doctors at University of New Mexico Hospital, or counselors in the Counseling Center who only provide care to individual students.

### CSA Crime Reporting

CSA Crime Reporting - When a crime is reported to a CSA, first ask the person if they would like to report it to University Police. If so, contact University Police at 505-277-2241. If the CSA has firsthand knowledge and confirmation that the reporting party filed a police report with University Police, then they are not obligated to complete and submit a Campus Security Authority Crime Report Form. However, if the reporting party says they will file a police report with University Police, leaving the CSA with no firsthand knowledge and confirmation that a police report was filed, then the CSA must still complete and submit a CSA Crime Report.

CSAs are encouraged to report all crimes reported to them, on a timely basis, to University Police via a CSA Crime Report Form. However, under the Clery Act, only Clery Act qualifying crimes are required to be reported. The CSA Crime Report Form is submitted to the University Police Department online.

If the reported crime is made in good faith, meaning that there is reasonable basis for believing that the information is not rumor or hearsay, then the crime is Clery reportable. CSAs, when interacting with the crime reporting party, need to gather incident information that would provide sufficient detail to properly classify the incident. This means CSAs need to document reporting party responses or lack thereof. Reporting party identifying information should only be included in the Report Form if the reporting party is willing to provide same (see Anonymous Reporting section below). CSAs should not investigate the crime or attempt to determine whether a crime, in fact, took place. When in doubt, a Report Form should be completed and submitted!

### Anonymous Reporting

The University Police Department, unless otherwise prescribed by law, does not take anonymous police reports. The exception related to anonymous reporting involves Campus Security Authorities. The University of New Mexico permits victims or witnesses to report crimes to CSAs on a voluntary, anonymous basis (and includes such anonymous reports in reported Annual Security Report crime totals) but encourages individuals who report crime to provide identifying information.

### What do I tell a reporting party?

The following is a sample of what you can tell a reporting party who comes to you to report a crime: "As part of my position on campus I am a federally mandated crime reporter for the University. I am required to report of this incident to University Police for data gathering. If you request confidentiality, the Report Form will not include your name, or that of any other involved individuals. My report will contain only the information you provide. Do you have any questions? Would you like to help me fill it out?"

## CSA Training

You can access the Campus Security Authority training through our online learning site. To access the training (s), please visit the appropriate following link:

For UNM Faculty and Staff: <https://learningcentral.health.unm.edu/learning/user/login.jsp>

For Non UNM employees, volunteers and Students:

<https://police.unm.edu/default.aspx/MenuItemID/220/MenuGroup/Public+Home.htm>

## What is done with CSA Reports?

The University Police reviews CSA reports and makes a determination if an incident warrants timely warning and/or emergency notification of the University community and whether it is a reportable crime in the Annual Security Report (ASR). The police department will consolidate crime data from multiple sources, report qualifying crime data to the federal Department of Education, publish campus ASRs and inform the campus community when and where ASRs are available. The University of New Mexico Annual security report is available online: <http://police.unm.edu>. Members of the community may also request a paper copy from the University of New Mexico Police Department.

## Crime / Emergency and Non-Emergency Reporting

Regardless of your status (CSA or non-CSA), all community members are encouraged to promptly report all criminal incidents and other public safety related emergencies to police. For incidents requiring immediate attention, dial 911 or use any Emergency Phone located throughout the campus. Non-emergency incidents can be reported by dialing 505-277-2241 from any phone or in person at the University of New Mexico Police Department – Hokona Hall at 2500 Campus NE, Albuquerque, New Mexico.

## CSA Contact Information

If you have questions, contact Deputy Chief/Interim Clery Coordinator Christine Chester at 505-277-1934, email [clerycoordinator@unm.edu](mailto:clerycoordinator@unm.edu)

## **CLERY ACT COMPLIANCE POLICY DRAFT OF 1-20-2016**

### **1. GENERAL**

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998 (“Clery Act”) is a federal law requiring institutions of higher education that receive federal funding to collect and publish statistics about certain crimes that occur on or adjacent to campus, or in other areas controlled by the institution and used by students. In addition, institutions are required to adopt and publish policies related to campus safety and security. The purpose of this policy is to ensure UNM’s compliance with the requirements of the Clery Act. Any changes in the Clery Act requirements will supersede the relevant provisions of this policy.

Many UNM offices and individuals must be involved in helping the University to comply with the Clery Act, including, but not limited to: UNM Police Department, Clery Act Compliance Officer, Athletics, Dean of Students Office, Residential Life, Vice Presidents, Deans, University Hospital, Human Resources, Office of Equal Opportunity, Admissions Office, Student Health and Counseling, and chartered student organization advisors.

The Clery Act requires the University to separately collect and publish statistics for the Albuquerque campus; branch campuses; and UNM West (collectively “UNM campuses” or “campuses”). The Clery Act Compliance Officer oversees the Clery Act compliance of the branch campuses and UNM West. Branch campuses and UNM West, which are addressed specifically in Section 6, have designed staff members (“Clery staff”) who are responsible for fulfilling the requirements of the Clery Act on their respective campuses.

### **2. REQUIREMENTS OF THE CLERY ACT**

In order to comply with the requirements of the Clery Act, UNM must:

- a. Compile statistics of reported Clery Act crimes (see Section 3) that occur on the UNM campuses, the immediately adjacent streets and sidewalks surrounding the campuses, and in remote classroom and other facilities some distance away from the campuses that are owned or controlled by UNM and used by students for educational purposes. These areas constitute the “Clery geography.”

- b. Collect reports of Clery Act crimes made to the UNM Police Department (which for the purposes of this policy includes the UNM Gallup Police Department and UNM Valencia Police Department unless indicated otherwise) other local law enforcement agencies, and, as defined in Section 4, Campus Security Authorities (CSAs).
- c. Publish and distribute to all students and employees by October 1st of each year an Annual Security and Fire Safety Report (Clery Report) which includes crime data for Clery Act crimes, fire incident data for UNM residential facilities, security policies, and procedures in place to protect the UNM community and information on the handling of threats, emergencies, and dangerous situations on campuses.
- d. On an annual basis, report Clery Act crime statistics and fire incident statistics to the U.S. Department of Education as required.
- e. Identify CSAs on a regular and ongoing basis and notify these individuals of their obligations under the Clery Act to report any and all Clery Act crimes that they witness, or are reported to them.
- f. Provide mandatory training for all CSAs during the first year they serve as CSAs.
- g. Maintain a daily crime log that includes all criminal incidents and alleged criminal incidents that are reported to the UNM Police Department. This log will be available for public inspection, upon request.
- h. Maintain a fire log that records all reported fires occurring in UNM student housing facilities on the Albuquerque campus and UNM Los Alamos campus. This log will be available for public inspection, upon request.
- i. Issue timely warnings to alert the campuses of Clery Act crimes that occur in Clery geography and pose a serious or continuing threat to the applicable campus community. Timely warnings will be disseminated throughout the community as soon as pertinent information is available and will provide information that will allow members of the campus community to protect themselves and prevent similar crimes from occurring.
- j. Issue emergency notifications for any significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the applicable UNM campus.
- k. In the event that a student residing in UNM student housing is reported as missing, the UNM Police Department shall be notified as well as the persons designated by the allegedly missing student as his or her missing student contacts within 24 hours.

### **3. CLERY ACT CRIMES**

The crimes required by the Clery Act to be reported annually to the UNM community include: murder and manslaughter; forcible and non-forcible sex offenses; robbery; aggravated assault; burglary; motor vehicle theft; arson; dating violence; domestic violence; and stalking.

If any of the above offenses were committed as “hate crimes,” that must be separately indicated in the annual Clery Report statistics. A hate crime occurs when the offender is motivated by bias against the victim. Under the Clery Act, “bias” is a preformed negative attitude or opinion towards a group of persons based on their race, gender, religion, disability, sexual orientation, or ethnicity/national origin. In addition to the above crimes, if any of the following offenses were motivated by the offender’s bias against the victim, they must be included in the annual Clery Act statistics: larceny--theft, simple assault, intimidation, or destruction/damage/vandalism of property.

Attempts of any of these types of crimes are also considered to be Clery Act crimes; for example, an attempted sexual assault must be included in the statistics for forcible sex offenses.

The final element of Clery Act crimes that must be reported in the annual Clery Report are arrests and referrals for UNM disciplinary action for any of the following: liquor law violations, drug law violations, and weapons law violations.

### **4. CAMPUS SECURITY AUTHORITIES**

CSAs are defined under the Clery Act as individuals at UNM who, because of their function for the University, have an obligation to notify the UNM Police Department of alleged Clery Act crimes that are reported to them in good faith, or alleged Clery Act crimes that they may personally witness. CSAs are defined by their University function, not by job title.

The Clery Act defines four categories of CSAs:

- a. Campus police or security department. All members of the UNM Police Department are CSAs. Security officers at branch campuses and UNM West are also CSAs.
- b. Any individual who is responsible for campus security in some capacity, but who is not a member of a UNM Police Department. This includes parking facility attendants; persons monitoring access to UNM events; UNM Hospital security; and student security.

- c. Any individual or office at UNM identified in a University policy as an individual or office to which crimes should be reported.
- d. University officials who have significant responsibility for student and campus activities. The Clery Act rules specifically designate the following as CSAs:
  - Police and security personnel
  - Dean of Students
  - Student Conduct Officer
  - Athletics Directors
  - Athletics Coaches
  - Director of Student Housing
  - Director of Student Activities
  - Faculty/staff advisors to chartered student organizations
  - Coordinator of Greek Life
  - Student Housing Resident Advisors/Assistants
  - Sexual Assault Response Team

Many other UNM officials, such as Deans, are also CSAs based on their job duties. The idea behind CSAs is that not all crimes on campus are reported to the police department. A student, for example, who is the victim of a crime may feel more comfortable telling his or her resident advisor or athletics team coach. The Clery Act requires colleges and universities to collect crime reports from all individuals and offices who are CSAs in order to present complete and accurate data to the campus community and respond to safety issues.

The role of CSAs is to record any information of alleged Clery Act crimes that are reported to them or that they may personally witness and promptly submit that information through the online reporting form on the [CSA website](#).

Once a year when the annual Clery Act crime statistics are being compiled for publication, CSAs will receive a survey form asking whether any crimes were reported to the CSAs. The Clery Act Compliance Officer will distribute the survey form to CSAs from the Albuquerque campus and the Clery staff will distribute the survey form to CSAs not from the Albuquerque campus. CSAs must complete and return the survey form as directed.

The role of a CSA **is not** to investigate the allegation and decide whether a crime took place—that is the function of law enforcement. A campus CSA should not try to apprehend the alleged perpetrator of the crime. That, too, is the responsibility of law enforcement. It is also not a CSA's responsibility to try and convince a victim to contact law enforcement if the victim chooses not to do so. A CSA's charge is to transmit information about alleged crimes to the Clery Act Compliance Officer and, if not from the Albuquerque campus, to Clery staff

for appropriate follow-up. A CSA may also provide information to a victim of an alleged crime about resources available to assist him or her.

CSAs are required to complete Clery Act training during the first year they serve as CSAs. The training is coordinated by the Clery Act Compliance Officer and can be taken via an online module through Learning Central or on the Albuquerque campus's UNM Police Department website. The Clery Act Compliance Officer also offers in-person training classes for CSAs. In particular, the Clery Act Compliance Officer will coordinate an annual mandatory training on counting, collecting, and classifying crime statistics for designated staff from the Dean of Students Office, Health Sciences Center, Residence Life, and American Campus Communities.

Identifying UNM's CSAs will be coordinated by the Clery Act Compliance Officer and Clery staff. Because personnel and job duties change, someone who is a CSA one year may not be a CSA the following year, and vice versa. Identifying CSAs requires knowledge of the functions performed by employees in each department. Therefore, all UNM vice presidents, deans, department chairs, and other unit heads shall assist the Clery Act Compliance Officer and Clery staff in identifying persons within their areas who may be characterized as a CSA for purposes of the Clery Act.

UNM's compliance with the Clery Act depends on the cooperation of CSAs. A CSA who fails to fulfill his or her responsibilities in that role is violating this policy and may be subject to disciplinary action.

## **5. ANNUAL CLERY REPORT**

By October 1st of each year the Clery Report must be published and distributed to all currently enrolled UNM students and employees. The Clery Act permits institutions to distribute the Clery Report by posting it online and sending individual notification to each student and employee announcing the availability of the report, briefly describing the information contained and the exact URL address where the complete Clery Report is posted. The UNM Police Department and Clery Compliance Officer are responsible for posting the annual Clery Report on the UNM Police Department's website for each of the UNM campuses. For the Albuquerque campus, the UNM Police Department fulfills the notification requirements by sending email to all UNM students and employees; for branch campuses and UNM West, the Clery staff fulfill the notification requirements. Any person requesting a paper copy of the Clery Report shall be provided one without charge.

The Clery Report must also be provided to prospective UNM students and employees upon request. Online and written materials for prospective students and employees should include



the exact URL address where the Clery Report for the applicable campus is posted and a statement that UNM will provide a paper copy of the report upon request.

The Clery Act Compliance Officer and Clery staff, in collaboration with the UNM Police Department, are responsible for compiling statistics of the Clery Act crimes reported to CSAs, local law enforcement agencies and UNM Police Department. For the Albuquerque campus, the Dean of Students Office, UNM Residence Life, and American Campus Community are responsible for providing statistics on referrals for disciplinary action for violations of state laws governing alcohol, drugs, and weapons use and possession to the Clery Act Compliance Officer. Corresponding offices, if any, at the branch campuses and UNM West provide such statistics to the Clery staff.

The annual Clery Report must also include information about any reported fires in University housing facilities. For the Albuquerque campus, Safety and Risk Services and UNM Residence Life will provide fire statistics to the Clery Act Compliance Coordinator for on-campus student housing and UNM Family Housing and the American Campus Community will do the same for the student housing facilities it operates for UNM. Safety and Risk Services and the UNM Activities Center will collect fire statistics information from UNM's Greek housing facilities and submit that information to the Clery Act Compliance Officer. Residence Life and American Campus Community will also provide to the Clery Act Compliance Officer all of the information on their respective fire safety policies and procedures required to be included in the annual Clery Report. For UNM Los Alamos, the Clery staff will coordinate the compilation of fire statistics for campus housing.

The UNM Clery Act Compliance Officer and Clery staff are responsible for ensuring that the annual Clery Report contains all of the statistics, University policies and procedures, program descriptions, and other information required by the Clery Act. The Clery Act Compliance Officer and Clery staff are also responsible for fulfilling UNM's obligation to annually report crime and fire incident statistics to the U.S. Department of Education via its web-based data collection.

## **6. BRANCH CAMPUSES AND UNM WEST**

Under the Clery Act, if an institution has more than one campus, each separate campus must comply independently with all of the Act's requirements. UNM's branch campuses at Gallup, Los Alamos, Taos, and Valencia qualify as separate campuses under the Clery Act and so must fulfill independently all of the Clery Act requirements.

Although the UNM West campus is **not** a branch campus, UNM West meets the Clery Act definition of an "other location," which requires UNM West to comply independently with the Act's requirements similar to the branch campuses. The Clery Handbook defines "other

locations” as “noncontiguous sites that have an organized program of study and administrative personnel on-site.”

Each branch campus director and the director of UNM West shall designate Clery staff to oversee the compilation, publication, and distribution of the annual Clery Report. The Clery Act Compliance Officer oversees the Clery staff’s compilation of the branch campuses and UNM West’s Clery Reports; reviews their Clery Reports before they are published and distributed; and reviews their crime and fire incident statistics before submission to the U.S. Department of Education.

## **7. RECORDS RETENTION**

All supporting records must be kept for three years following the publication of the last Clery Report to which they apply. Thus the records retention period is seven years after the date an incident was reported because each annual Clery Report includes data from the past three years. Records to be maintained include, but are not limited to, copies of crime reports; the daily crime logs; records for arrests and referrals for disciplinary action; timely warning and emergency notification reports; documentation, such as letters to and from local police having to do with Clery Act compliance; letters to and from CSAs; correspondence with the U.S. Department of Education regarding Clery Act compliance; and copies of notices to students and employees about the availability of the annual Clery Report.

### **References:**

[CSA Registration Portal](#)

UAP 2740 (“Sexual Violence and Sexual Misconduct”)

UAP 2710 (“Education Abroad Health and Safety”)

UAP 6110 (“Safety and Risk Services”)

Missing Student Notification Policy

Residence Life Community Living Guide

## Policy Committee Work Status Table (updated 1/17/16)

Policy #	Brief Title	Date Last Revised	Date Added to List	FSPC Primary	Summary of Recommended Action	Related Documents & Notes or Concerns	Est. Time to Review	Target Cycle	FSPC Action	Campus Comment Period	Faculty Senate Action	Final Action	FH Status
NA	Policy Approval Table	new	November 2015		Identify the required approvals for all FH Policies								
NA	Information Items		2014		OUS IT staff working on building webpage		3 months						
A53	Development of Policy	4/28/15	10/2015	C Stephens	Add process for individuals requesting policy changes or new policy. Add definitions.		1 month	Fall '15	To FS for electronic vote deadline 12/22/15	Policy change for comment, definition for OPS	Approved 12/22/16		
A53.1	Policies Applicable to Faculty	NA	10/8/15	COG task force	Reference all RPM and UAP policies applicable to faculty	numerous	1 month	Fall '15	To FS for electronic vote deadline 12/22/15	10/21/15 to 11/21/15	Approved 12/22/16		
A60	Faculty Senate Bylaws	4/27/04	11/4/15	M Baum	COG taskforce asked FSPC to add reference to RP{M 1.7. Committee determined other changes are required. Also look at related Committee policies affected by restructure		3-4 months	Spring '16					
A 61.7	Curricula Committee Policy	2/4/14	4/1/15	C Stephens	FS approved procedures were added to Committee Policy because no other policy existed, which raised the question-- Do we need a curriculum policy?			Fall '16					
A61.8	Faculty Ethics and Advisory Committee	unknown	June 2015		The Ethics Committee wants to update their charge. Referred to AF&T								
A61.22	Policy Committee	11/27/07	12/2/15	C Stephens	Update Committee membership and draft bylaws		3-4 months	Spring '16					
A91	Research Centers and Institutes	4/28/15	11/4/15	C Stephens	COG request reference be added.		1-2 months	Spring '16	Approved by FSPC; going to OPS with other similar policies	NA only need OPS approval			
Sec B	AF&T			AF&T and C Parker	Major review of faculty titles with priority on Professor of Practice title. Make sure FH is up to date.	Going out for faculty vote			Awaiting action of faculty				
C05	Rights and Responsibilities at UNM	July 1982	12/2/15	C Stephens	COG taskforce asked FSPC to perform a comprehensive review.		4-6 months	Spring '16					
C07	Faculty Disciplinary Policy	3/22/11	5/6/15	AF&T	Assigned to AF&T for review. 1) need to add peer hearing procedures. 2) C Parker has implementation concerns								

C09	Respectful Campus Policy		5/6/15	J. Hood	FSPC assigned review to a taskforce headed by J Hood. C Parker has implementation concerns. Prof Miller has free speech concerns								
C20	Employment of UNM graduates	03/12/51	01/29/14	C Sierra	Comprehensive review to address diversity and recruitment & NM Minority Doctoral Loan-for Service Program	RPM 5.3	12 months	Fall '16	Committee recommends deletion. But Operations wants to keep policy and asks Committee to propose revisions. Need to research other institutions, law, and UNM strategic plan on diversity.				
C50	Faculty Contracts	unknown	3/65/14	Stephens & Parker	Update and possibly remove annual leave issues if C205 developed		10 months	Spring '16	Refer to C Parker. Send memo to C Parker to remind her				
C60	Visiting Scholars				Richard Holder discussed issue with Committee and they determined no changes needed. Do we want to put in new format with references?	RPM 5.5, 5.6, FH C130 FH C180 UAP 2615 Will Require BOR approval	3 months	Spring '16	Approved by FSPC to go to OPS and campus comment.				
C150	Political Activities of UNM faculty	Sept 1970	12/2/15	M. Muller	COG taskforce asked FSPC to perform a comprehensive review.		4-6 months	Spring '16					
C170	Endowed Chairs	10/15/13		AF&T	Add definitions for endowed chairs and named professors. ON HOLD pending AF&T	Related to Sec B issues above	5 months	Spring '16	Researched other colleges and universities for definitions	3/17/16 to 4/17/16			
C200	Sabbatical Leave	05/14/04	01/29/14	Cunningham	Good enough for now, but needs to be updated.	RPM 5.4; May require BOR approval	18 months	Spring '16	Addressed campus comments. FSPC sent draft to AF&T for review	2/18/15 to 3/20/15			
C205	Annual Leave	Unknown	01/29/14	M Muller	Propose a policy be written that reflects current practice and removes annual leave information from C50 Faculty Contracts Policy	C50 RPM 5.4; May require BOR approval. Look at HSC policies for outside work	5 months	Spring '16 or not at all depends on C50	Tied to C 50 include in memo to be sent Parker to remind her				
C210	Sick Leave	08/29/78	01/29/14	L Brown	Out of date. Needs to be completely rewritten	C50 RPM 5.4; May require BOR approval	20 months	Fall '16	Discussed at 2/4/15 meeting. Per FSPV Chairs leave alone.				
C220	Holidays	Unknown	12/2/15	C Stephens	COG taskforce asked FSPC to perform a comprehensive review.	UAP 3405	2-3 months	Spring '16					
C225	Professional Leave	8/29/78	11/4/15	C Stephens	COG taskforce asked FSPC to add reference. FSPC identified a few other required changes		2-3 months	Spring '16					
C230	Military Leave	8/29/78	10/13/14	C Stephens	Review for consistency with revised admin policy; need to address tenure and also new military recruiting policy which Kim will send me	UAP 3425 Military recruit law	20 months	Fall '16	Discussed at 2/4/15 meeting				

C250	Academic Leave for Lectures	10/8/13	July 2015	C Stephens	Need to align with proposed changes to Sabbatical		3-4 months	Spring '16					
C305	Emeriti Policy	4/27/10	12/20/15	AF&T	Add dept. processes and criteria for emeriti status. Under consideration by AF&T		6 - 9 months	Spring '16					
D10	Clery Act Policy	New	12/20/15	C Stephens	Required by Dept of Justice, currently in the form of a link to a memo		2-3 months	Spring '16					
D170	Student Attendance	unknown	12/2/15	L Oakes	COG taskforce asked FSPC to perform a comprehensive review. Address military withdrawal and religious needs,	Pathfinder, Dean of Students pro, Catalog	2-3 months	Spring '16					
E40	Research Misconduct	4/13/04	9/2015	R Larson	Address ORI Concerns	RPM 5.13	4 months	Spring '16	FSPC added definitions and approved to send to RPC for review				

### Recently Completed Work

A88	New Units	10/11/94	2013	C Stephens	RPC proposing changes to remove research units from policy. A91 resolved and draft prepared for A88 to FSPC 3/4/15 mtg.	A91 Research Centers and Institutes		Spring '15	FSPC addressed campus comments and submitted draft to Faculty Senate for approval.	3/17/15 to 4/17/15	approved 10/27/15		Posted in October 2015
A91	Research Units	new	2013	C Stephens	Revised by Hanson and Trotter	A88 A91#1 Standard for non-HSC centers	5 months	Spring '15	Approval to send out for faculty comment	2/18/15 to 3/20/15	Approved 4/28/15		Posted 4/40/15
C190	Lecturer Annual and Promotion Reviews	11/26/13	6/4/14	C Parker	As a condition of approval Faculty Senate asked the Policy Committee to work with C Parker and P. Ganderton to develop procedures to address their concerns	Need to send standard to Carol Parker for her to post to Provost's website		Spring '15	FSPC recommends procedures are developed by the college with approval by faculty, dean, and provost/Chancellor. Need to develop a standard based on C. Parker's memo	Not required		Approved by FS Operations	Posted 2/19/15
E60	Sponsored Research	unknown	2/27/14	RPC	More involvement by Research Council in proposals and F&A allocation decisions	RPM 5.9 UAP2010 UAP 2425	1-3 months	Fall '15	Addressed Campus Comments. Submitted to FS for approval	2/18/15 to 3/20/15	approved 10/27/15		Posted in October 2015

### Policies Withdrawn From Review:

E70	Intellectual Property	9/14/10	10/11/14	RPC	What policy issues does the memo raise	8/12/14 memo from Dougher, Abdallah, Larson, & Roth	???	???	Withdrawn by VP Research and HSC Chancellor				
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**COG FH policies that need to be revised to include the applicable references and/or corrections.**

<b>FH Policy</b>	<b>References to be added</b>	<b>Reason and/or Other Recommendations or Concerns</b>	<b>FSPC Action</b>
A20	RPM 2.14 Branch Colleges and Off Campus Education Centers RPM 3.4 Health Sciences Center and Services UAP 1000 UNM History, Mission, and Organizations	A20 should be revised to better articulate the scope and how it relates to other policy documents.	
A50	RPM 5.1 The Faculty's Role in the University's Academic Mission	Regent policy that authorizes A50. Should RPM 2 <sup>nd</sup> para info be in A50? Is requirement for Regent approval too general?	
A60	RPM 1.7 Advisors to the Board of Regents	Regent policy lists Faculty Senate President as advisor to the Board of Regents.	Draft under review led by Marsha Baum
A88	RPM 5.1 The Faculty's Role in the University's Academic Mission	RPM 5.1 gives faculty a role in the creation and reorganization of academic units.	<b>Completed</b> Done before final policy was issued
A91	RPM 5.1 The Faculty's Role in the University's Academic Mission	RPM 5.1 gives faculty a role in the creation and reorganization of research centers and institutes.	Draft approved by FSPC with group to go to OPS for approval. Does not require FS approval.
C05	RPM 2.4 Diversity and Campus Climate RPM 5.1 The Faculty's Role in the University's Academic Mission UAP 2210 Campus Violence	These policies provide important information that should be referenced in the Faculty Handbook. Policy content which focuses on a state of emergency seems inconsistent with C05 title. Content that should be in this policy seems to be missing. The taskforce requests the Committee conduct a full review of this policy and perhaps broaden C05 to provide a positive description of faculty rights and responsibilities.	On 2/3/16 FSPC agenda

C07	RPM 2.5 Sexual Harassment RPM 2.6 Drug Free Environment RPM 2.9 University Archives and Records RPM 6.4 Employee Code of Conduct and Conflicts of Interest policy UAP 2140 Possession of Alcohol on University Property UAP 2200 Whistleblower Protection and Reporting Suspected Misconduct and Retaliation UAP 2210 Campus Violence UAP 2215 Consensual Relationships and Conflicts of Interest UAP 2730 Sexual Harassment UAP 3715 Code of Conduct UAP 3720 Conflicts of Interest UAP 3270 Suspected Employee Impairment at Work UAP 3290 Professional Development and Training	These policies provide important information that should be referenced in the Faculty Handbook.  Include these references in C07 because they discuss behavior that can result in disciplinary action.	AF&T Committee is reviewing this policy for changes.
C09	UAP 2200 Whistleblower Protection and Reporting Suspected Misconduct and Retaliation UAP 2210 Campus Violence	These policies provide important information that should be referenced in the Faculty Handbook.	The Respectful Campus task force is reviewing this policy for changes.
C20	RPM 5.3 Employment of UNM Graduates	Regent policy that authorizes C20. Update HSC Chancellor title.	On 2/3/16 FSPC agenda
C70	RPM 2.17 Public Access to University Records RPM 5.7 Confidentiality of Faculty Records RPM 6.8 Disclosure of Information About Employees UAP 2300 Inspection of Public Records UAP 3710 Personnel Information Disclosure Policy	These policies contain information that is important for faculty to know—such as “opt out procedures” to protect home address, phone#, personal cell phone #, and personal email addresses.	
C130	RPM 5.5 Outside Employment	RPM 5.5 authorizes C130.	

	RPM 6.4 Employee Code of Conduct and Conflicts of Interest Policy UAP 3720 Conflicts of Interest	RPM 6.4 and UAP 3720 provide conflict of interest restrictions and state law pertaining to financial disclosure requirements.	
C140	RPM 5.6 Extra Compensation	Update Chancellor title.	
C150	RPM 2.7 Use of University's Name and Symbols RPM 6.5 Political Activity UAP 1010 University External Graphic Identification Standards UAP 2060 Political Activity UAP 3740 Media Response	Useful information for faculty engaging in political activity. Newly revised political activity policy number changed to 2060. Either revise C150 to state UAP 2060 does not apply to faculty or ask Policy Office to update 2060 to reference process for leave for faculty to serve in legislature.	Draft under review led by Martha Muller.
C220	Holidays	Update for current holidays and add language asking instructors to accommodate student religious holidays. See UAP 3405 for useful language.	On 2/3/16 FSPC agenda
C225	RPM 7.7 Travel UAP 4030 Travel Reimbursement and Per Diem	These policies provide important information that should be referenced in the Faculty Handbook.	Draft approved by FSPC with group to go to OPS for approval. Requires campus review and FS approval because in new format.
C230	Military Leave of Absence	Required by law, C230 is outdated and provides little guidance. Needs to address tenure clock—tricky because based on federal law; need assistance from legal counsel. See UAP 3425 for guidance.	
NEW	Domestic Abuse Leave	This leave is required by NM State Law. Do faculty need a separate policy?	
C240	RPM 6.5 Political Activity by Employees	Regent policy authorizes C240.	Draft under review led by Martha Muller.
C305	RPM 6.3 Privileges and Benefits	Regent policy authorizes C304.	
NEW	Copyright Policy and Law	Consider developing a policy on copyrights. See Pathfinder for useful language.	
D100	RPM 4.8 Academic Dishonestly	Regent policy that authorizes D100. Does D100 need to be revised to include full RPM definition?	



D170	Student Attendance	Need to add a section to address military withdrawal, recognize the use of on-line systems to drop, and make it clear it is the student's responsibility to make sure a drop happens.	Draft under review led by Leslie Oakes.
D175	RPM 4.2 Student Code of Conduct RPM 4.3 Student Grievances	Regent policy that authorizes D175; and RPM 4.2 describes conduct subject to D175.	
D176	RPM 4.3 Student Grievances	Regent policy that authorizes D176. Update to allow for appeal to BOR.	
E10	RPM 5.11 Classified Research	Regent policy authorizes and restricts classified research. Update E10 #4 for HSC counterparts.	
E20	RPM 5.12 Overseas Research	Discusses overseas research. Revise references in E20 to state the provisions of E40. E60 & E70 apply.	
E40	RPM 5.13 Research Fraud	Authorizes and requires E40. Update HSC titles.	Reference is included with current revision of E40 awaiting review by the Research Policy Committee.
E60	RPM 5.9 Sponsored Research UAP 2425 Recovery of Facilities and Administration Costs UAP 2480 Incentives to Program Participants UAP 2470 Sub-Award Administration	These policies provide important information that should be referenced in the Faculty Handbook.	Draft approved by FSPC with group to go to OPS for approval. Does not require FS approval.
E70	RPM 2.15 Science and Technology Corporation at UNM RPM 5.8 Intellectual Property	Describes requirements for protection and commercialization of intellectual property. Update HSC titles; possibly add sentence from RPM 2.15; add STC requirements from RPM 2.15 to E70.	
E80	RPM 5.17 Conflict of Interest Waiver for Technology Transfer	Authorizes E80. Update HSC title.	
E90	RPM 5.14 Human Beings as Subjects in Research	Provides guidance for E90.	

E100	RPM 5.15 Use of Animals in Education and Research	Provides guidance for E100. Is the FH Policy title complete?	
E110	RPM 5.10 Conflict of Interest in Research	Provides guidance for E110.	

**Placeholder Policies in FH:** In addition to the references listed below, the taskforce identified a few general topics that are not discussed in the FH, but that have a number of important RPM or UAP policies that are applicable to faculty, which made it difficult to associate the applicable policies with a FH policy that would reference them. These topics include employee benefits, information technology, safety and security, and student policies. The taskforce recommends that the Policy Committee review these topics to determine if a high level faculty policy should be developed to address the issue and contain references to applicable RPM or UAP policies.

Employee Benefits	RPM 6.11 Dependent Education Benefits UAP 3600 Eligibility for Employee, Retiree, and Dependent Benefit Plans UAP 3625 Retirement UAP 3630 Worker's Compensation UAP 3635 Unemployment Compensation UAP 3640 Supplemental Retirement Savings Plans UAP 3650 Flexible Spending Accounts UAP 3700 Education Benefits UAP 3745 Service Awards UAP 3750 Counseling, Assistance, and Referral Service UAP 3790 Domestic Partners
Information Technology and Security—Does there need to be a separate IT Policy in the Faculty Handbook?	UAP 2000 Responsibility and Accountability for University Information and Transactions UAP 2030 Social Security Numbers UAP 2500 Acceptable Computer Use UAP 2510 Computer Use Guidelines UAP 2520 Computer Security Controls and Access to Sensitive and Protected Information UAP 2540 Student Email UAP 2550 Information Security UAP 2570 Official University Webpages
Payroll	UAP 2615 Non Standard Payment Processing UAP 2620 Distribution of Pay UAP 2635 Payroll Deductions, W-2s, and Tax Reporting

	UAP 2650 Payment When Terminating Employment UAP 2670 Garnishments and Other Wage Withholdings UAP 2680 Payroll Overpayments and Collection
Safety and Security	RPM 3.7 Health Sciences Center Institutional Compliance Program RPM 7.14 Risk Management and Insurance RPM 8.2 Law Enforcement on Campus RPM 8.3 Parking and Vehicles on Campus UAP 2210 Campus Violence UAP 2250 Tobacco-Free Campus UAP 2260 Bicycles and Other Non-Motorized Vehicles UAP 2290 Animal Control on University Property UAP 6100 Risk Management UAP 6110 Safety and Risk Services UAP 6130 Emergency Control UAP 6150 Casualty and Liability Insurance and Claims
Student Policies	UAP 2310 Academic Adjustments for Student with Disabilities UAP 2710 Education Abroad Health and Safety

**Major Concerns with:**

**UAP 2100 “Sustainability”** Please review UAP 2100 pertaining to academic freedom. Sec 3.2.2 of UAP 2100 addresses faculty's role and Sec 5 addresses curriculum and research. The taskforce raised the following concerns about 2100:

- 1) Does there need to be a partner policy that protects academic freedom?
- 2) Should University Counsel be asked if this should even be a policy—isn't it more a value?
- 3) Can a faculty member be disciplined for not complying with UAP 2100? If so, should C07 be revised to address academic freedom concerns?

**UAP 3425 “Military Leave and Related Service”** Please review UAP 3425 to determine applicability to faculty and students. There is concern as to how the policy would relate to the tenure clock. Also there are specific grade, credit, and graduation legal requirements for faculty pertaining to students who are called to active service during a semester. The Policy Committee should determine if changes need to be made to UAP 3425 or whether a separate Faculty Handbook policy should be developed.

**Political Activities, Freedom of Speech and Media Response Policies.** Please review UAP 3740 to determine if changes are needed to address the faculty role. This should be done in conjunction with a review on C150, RPM 2.1, RPM 6.5, UAP 2220, and UAP 3735, which pertain to

political activity and freedom of speech. After review by the Policy Committee, requests should be made to the Policy Office for any revisions to applicable RPM and/or UAP policies.

**Public Records.** The Committee may want to revisit the discussion of public records and how faculty information is or is not released in response to an Inspection of public records request.

**FIRE Report:** The Foundation for Individual Rights in Education issued the report “Spotlight on Speech Codes 2015: The State of Free Speech on our Nation’s Campuses.” Professor Geoffrey Miller performed an analysis on UNM policies that he feels support or undermine academic free speech. He raised concerns, which may or may not be valid about the policies listed below. The taskforce wanted to bring his concerns to the attention of the Policy Committee for possible review.

FH A20 Vision, Mission, and Value Statements

FH C05 Rights and Responsibility at UNM

FH C09 Respectful Campus

FH C150 Political Activity—Professor Miller had only good comments for this policy, but as the Committee reviews it for other issues raised by the taskforce, it might be helpful to read Professor Miller’s analysis on this policy.