

Faculty Senate Policy Committee
Meeting Agenda, Scholes Hall Room 101, June 1, 2016 11:00 am – 3:00 pm

Updates

1. Information Section of Faculty Handbook website
2. Approval Table

Action Items

1. **Consent Agenda Topics: None**
2. **Election of Officers**

Agenda Topics

1. **C09 “Respectful Campus”** Taskforce has completed their work and submitted their report and revised draft for Policy Committee review. **pg. 1**

Key pre-meeting preparation: Review Task Force Summary report and proposed revised draft. A clean copy is enclosed for reading ease and a highlighted copy is included to show all proposed changes.

Desired outcome: Discussion of proposed changes with any questions and/or recommendations for the task force.

2. **Ombuds/ Dispute Resolution Policy for Faculty.** The Respectful Campus Policy refers to the Ombuds Dispute Resolution Services for Faculty and the HSC Office of Professionalism, but there is not current Faculty Handbook policy that discuss these resources. The Respectful Campus taskforce recommends that such a policy should be developed. **pg. 28**

Key pre-meeting preparation: Review: 1) Ombuds/Dispute Resolution Services for Faculty brochure and 2) UAP Policy 3220 “Ombuds/Dispute Resolution Services for Staff.” to determine what information should go in the Faculty policy.

Desired outcome: Discuss task force recommendation and determine course of action.

3. **C20 Employment of UNM Graduates.** This Policy has not been revised since 3/12/1951 and many provisions seem no longer applicable. **pg. 36**

Key pre-meeting preparation: Review: Faculty Handbook policy C20

Desired outcome: Determine course of action.

4. **C50 “Faculty Contracts” and C205 “Annual Leave”** C205 currently states “This policy is under revision or is being developed. Current provisions for annual leave are located in [Faculty Contracts, Section C50.](#)” The Committee needs to determine if C205 “Annual Leave” should exist and, if so, the annual leave provisions need to be moved from C50 to C205. It is unclear when C50 was last revised, so other elements of C50 may need to be updated. **pg. 37**

Key pre-meeting preparation: Review: Faculty Handbook policy C50

Desired outcome: Determine course of action.

5. **C05 “Rights and Responsibilities at UNM”** The COG task force has requested the Policy Committee conduct a comprehensive review of C05. OUS has analyzed the existing policy and provided some background information. **pg. 40**

Key pre-meeting preparation: Review C05, the attached the memo, and related documents.

Desired outcome: Discussion and possible direction for C05.

6. Work Plan for next Academic Year. pg. 57

Key pre-meeting preparation: Review Work Status Table and Committee on Governance Recommendations Status Table

Desired outcome: Determine priorities, assign FSPC Primary Lead Person, and set target dates..

Future Business

Memorandum **DRAFT REPORT**

Date: May 18, 2016

To: Faculty Senate Policy Committee

From: Faculty Senate Policy Committee Respectful Campus Task Force

Re: Report on Task Force Review of Policy C09 “Respectful Campus” and Proposed Changes

Task Force Membership:

Jackie Hood, Chair

Marsha Baum

Jonathan Bolton

Jean Civikly-Powell

Kimberly Gauderman

Richard Holder

Steven Rugala

Carol Stephens

John Trotter

Kimberly Bell –legal advisor

On January 6, 2016, the task force began its review of Policy C09 “Respectful Campus” to address policy applicability, enforceability, and ease of use; and review free speech concerns raised by the Faculty Senate. Drafts of the proposed revision are included for your consideration (a clean copy for reading ease and an highlighted copy which shows all insertions and deletions). Below is a summary of proposed changes and the rationale for the changes. This summary could go out with the Policy when it goes out for campus comment.

Policy Rationale Section:

- **1st Paragraph**--added language to indicate that the Policy is not intended to infringe on free speech.
- Introduce the term “destructive actions” to broaden the Policy beyond bullying behavior.

Policy Statement Section:

- **1st Paragraph**--Introduces the concept that all members of the UNM Community have a responsibility to address behaviors that are not in accordance with a respectful campus.
- **Section 1** --Removed item 1.4 because possibly contrary to free speech.
- **Section 2**--Consolidated items 2.1 and 2.2
- **Section 3, 1st Paragraph**—emphasizes the concept that only credible reports and substantiated findings of destructive actions will result in corrective actions.
- **Section 3.1.1** --Added to indicate that bullying is a type of destructive behavior prohibited by C09.
- **Section 3.1.2** --Added to clarify that one incident of severe destructive behavior may be covered.
- **Section 3.2**--Discusses specific behaviors prohibited by other UNM policies.
- **Sections 5.1 – 5.3**--This information was moved to applicability section of Policy document.
- **Delete Section 6** on Monitoring because it has not been implemented since inception.

Applicability Section: expanded to clarify that C09 is applicable when a faculty member is accused of destructive behavior to list which policies are applicable when students or staff members are accused. Replaces Sections 5.1 through 5.3 of current policy.

Related Documents Section expanded to include additional applicable documents.

Procedures Section:

- **Change respondent to “alleged wrongdoer”** to clarify the concept of innocent until proven otherwise and to avoid confusion with others responding to inquiries from an investigation.
- **Section 1**--Added to encourage informal resolution when possible.
- **Section 2.3**--Added to provide guidance for investigating incidents when the alleged wrongdoer is unknown.
- **Section 2.5** --Added to provide procedures for supervisors on informal and formal processes for addressing complaints.
- **Section 2.5**—Added procedures for determinations on whether the allegations, if true, would constitute a violations of Policy C09.
- **Section 2.6** --Contains information pertaining to AF&T Committee jurisdiction.
- **Section 8** --Added to provide more information on UNM ombuds services offices, informal assistance and counseling resources, and the HSC Office of Professionalism.



C09: Respectful Campus

Approved By: Faculty Senate

Effective: February 4, 2014 **Draft Revision 5/18/16**

Responsible Faculty Committee: Policy Committee

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

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) is committed to freedom of academic inquiry and encourages an environment of spirited and open debate. UNM does not attempt to shield people from ideas they may find unwelcome, disagreeable, or even offensive. At the same time, UNM ~~promotes~~ is committed to providing a respectful campus ~~free from bullying in all of its forms, that includes~~ a working, learning, and social environment where all members of the UNM community including, but not limited to, regents, administrators, faculty, staff, students, and volunteers work together in a mutually respectful, psychologically-healthy manner. UNM strives to foster such an environment ~~that reflects courtesy, civility, and respectful communication because such an environment promotes learning, research, and productivity through relationships~~. because a respectful campus is a necessary condition for success in teaching and learning, in research and scholarship, in patient care and public service, and in all other aspects of UNM’s mission and values.

POLICY STATEMENT

Everyone at UNM has a right to be treated with respect and a responsibility to treat others with respect. When these rights and responsibilities are honored and practiced, the UNM campus is a respectful one. This Policy describes the values, behaviors, and cornerstones, that characterize ~~delineate~~ a respectful campus and to which ~~applies to~~ all members of the UNM community ~~including but not limited to students, faculty and staff~~ should aspire. Actions that are destructive to a respectful campus will not be tolerated. All members of the UNM community who have witnessed or been a target of destructive actions are encouraged to raise concerns in accordance with this Policy.

1. Values and Behaviors

A respectful campus exhibits and promotes the following values and behaviors:

- 1.1. Displaying personal integrity and ~~professionalism~~ professional ethics (Faculty Handbook, Section B, Appendix V).

~~1.2. Practicing fairness. [and understanding.](#)~~

1.3. Exhibiting respect for individual rights and differences.

~~1.4. [Demonstrating harmony in the working and educational environment.](#)~~

1.4. ~~Respecting~~ [Demonstrating respect for](#) diversity and difference.

1.5. Being [responsible and](#) accountable for one's actions.

1.6. Emphasizing communication and collaborative resolution of problems and conflicts.

1.7. Developing and maintaining confidentiality and trust.

~~• [achieving accountability at all levels.](#)~~

2. Cornerstones of a Respectful Campus

The commitment to a respectful campus calls for promotion of an environment where the following are upheld:

~~2.1. All individuals have important contributions to make toward the overall success of UNM's mission, 2.2. UNM's mission is best carried out in~~ [UNM strives for](#) an atmosphere where individuals at all levels and in all units value each other's [contributions](#) and treat each other with respect.

2.2. Individuals in positions of authority serve as role models in the promotion of a respectful campus. Promoting courtesy, civility, and respectful communication is consistent with the responsibility of leadership.

2.3. Individuals at all levels are allowed to discuss issues of concern in an open and honest manner, without fear of reprisal or retaliation. ~~from individuals above or below them in UNM's hierarchy.~~

2.4. At the same time, the right to address issues of concern does not grant individuals license to make untrue allegations, unduly inflammatory statements or unduly personal attacks, or to harass others, to violate confidentiality requirements, or engage in other conduct that violates the law or UNM policy.

~~Bullying is unacceptable in all working, learning, and service interactions.~~

3. Destructive Actions

Actions that are destructive to a respectful campus will not be tolerated; [credible reports of destructive actions will be addressed in accordance with applicable UNM policy; and substantiated findings that an individual has engaged in destructive actions will lead to appropriate consequences.](#)

[3.1. Destructive Actions Covered by This Policy](#)

This Policy covers the destructive behavior described in sections 3.1.1 through 3.1.2. Credible reports of such actions will be addressed in accordance with the Procedures Section of this Policy.

3.1.1. ~~4.~~ Definition of Bullying Behavior

~~Bullying can occur when one individual or a group of individuals exhibits bullying behavior toward one or more individuals.~~ Bullying is defined by UNM as repeated mistreatment of one individual or a group of individuals. This mistreatment can include, but is not limited to the following behaviors:

~~by verbal abuse, threatening, intimidating, humiliating conduct or sabotage that creates or promotes an adverse and counterproductive environment, so as to interfere with or undermine legitimate University learning, teaching, and/or operations. Bullying is not about occasional differences of opinion, conflicts and problems in workplace relationships as these may be part of working life. Bullying can adversely affect dignity, health, and productivity and may be grounds for corrective disciplinary action, up to and including dismissal. The University Counseling, Assistance, and Referral Services (CARS) Department and the University Ombuds/Dispute Resolution Services for Faculty and Staff can provide guidance for determining whether behavior meets the definition of bullying. Examples of behaviors that meet the definition of bullying above include, but are not limited to:~~

4.1. Physical Bullying

~~Physical bullying is pushing, shoving, kicking, poking, and/or tripping; assault or threat of physical assault; damage to a person's work area or property; damage to or destruction of a person's work product.~~

3.1.1.1. ~~4.2.~~ Verbal Bullying

Verbal bullying, which can be oral, written, or electronic, includes repeated slandering, ridiculing, or maligning of a person or persons; addressing abusive and offensive remarks to a person or persons in a sustained or repeated manner; shouting at others in public and/or in private where such conduct is so severe or pervasive as to cause or create a hostile educational or working environment ~~that~~ or unreasonably interferes with a person's work or school performance or participation.

3.1.1.2. ~~4.3.~~ Nonverbal Bullying

Nonverbal bullying includes, but is not limited to, directing threatening gestures toward a person or persons or invading personal space after being asked to move or step away.

3.1.1.3. ~~4.5.~~ Threatening Behavior toward a Person's Job or Well-Being

Making threats, either explicit or implicit, to the security of a person's job, position, or personal well-being can be bullying. It is not bullying behavior for a supervisor to ~~note~~ address an employee's poor job performance and discuss potential consequences within the framework of UNM policies and procedures, or for a professor or academic program director to advise a student of

unsatisfactory academic work and the potential for course failure or dismissal from the program if uncorrected.

3.1.1.4. 4.4. Anonymous Bullying

Anonymous bullying ~~can consist of~~includes withholding or disguising one's identity while treating a person in a malicious manner, sending insulting or threatening anonymous messages, placing objectionable objects among a person's belongings, or leaving degrading written or pictorial material about a person where others can see.

Differences of opinion, conflicts, or problems in workplace relationships may occasionally occur as a normal part of working life and should not be considered bullying.

3.1.2. Single Incident of Destructive Behavior

Bullying is defined as a repetitive pattern of behavior; however, a single incident of the bullying behavior defined above may be so severe or egregious that it creates a hostile environment and may be reported according to the provisions of this Policy.

3.2. Destructive Actions Covered by Other UNM Policies

Credible reports of the destructive actions described below will be addressed in accordance with the applicable policy listed. Destructive actions covered by UNM Policy include, but are not limited to:

3.2.1. Violent Behavior—refer to UAP 2210 “Campus Violence.”

3.2.2. Sexual harassment--refer to UAP 2730 ~~3780~~ "Sexual Harassment Policy."

3.2.3. Other forms of harassment—refer to UAP 2720 “Equal Opportunity, Affirmative Action, and Non-Discrimination.”

3.2.4. Retaliation-- refer to UAP 2200 "Whistleblower Protection and Reporting Suspected Misconduct and Retaliation Policy."

~~**3.5. Conduct which can adversely affect UNM's educational function, disrupt community living on campus, or interfere with the right of others to pursue the pursuit of their education or to conduct their UNM duties and responsibilities—refer to UNM Faculty Handbook, Section C05, "Rights and Responsibilities at the University of New Mexico." "Visitor Code of Conduct," "Student Code of Conduct," and UAP 2220 "Freedom of Expression and Dissent."**~~

3.2.5. Unethical conduct--refer to UNM Faculty Handbook, Section B, Appendix V, "Statement of Professional Ethics." "Harassment and Professional Ethics Policy" and bullying behavior which is defined in Section 4 below.

5.1 Students

An individual who believes a student has engaged in bullying behavior should report the behavior to the Dean of Students Office. Students in the School of Medicine who believe that a faculty member has engaged in bullying behavior towards them should follow the procedures in the UNM School of Medicine "Teacher Conduct and Learner Complaints." All other students who believe that a staff or faculty member has engaged in bullying behavior towards them may follow the procedures listed in Sections 5.2. and 5.3. below. Students may also report bullying behavior by:

- contacting the Dean of Students Office,
- calling the UNM Hotline 1-888-899-6092 (call may be anonymous, but doing so may limit the University's ability to conduct a full investigation), or
- contacting the University Internal Audit Department.

If the bullying of students is based on race, color, religion, national origin, physical or mental disability, age, sex, sexual preference, gender identity, ancestry, medical condition, or spousal affiliation, it should be reported to the University Office of Equal Opportunity.

5.2 Staff

An individual who believes a staff member has engaged in bullying behavior may report the behavior using any of the options listed in UAP 2000, Section 4 of "Whistleblower Protection and Reporting Suspected Misconduct and Retaliation." The individual should select the reporting method he or she is most comfortable with and is most appropriate to the situation. Although bullying behavior may not meet the definition of misconduct in Policy 2200, suspected bullying behavior will be reported and investigated in the same manner as misconduct.

5.3. Faculty

An individual who believes a faculty member has engaged in bullying behavior should follow the procedures listed in the Procedures Section below. These procedures were approved by the Faculty Senate and all subsequent changes must be approved in accordance with processes defined by the Faculty Senate.

6. Monitoring

An annual survey will be undertaken by the Faculty Senate Policy Committee in collaboration with the Staff Council and the Division of Human Resources to measure the effectiveness of the Respectful Campus Policy. The survey should provide ongoing monitoring of faculty and staff attitudes concerning the campus climate and culture. The survey results will be distributed to the Faculty Senate, Staff Council, President of the University, and executive vice presidents.

APPLICABILITY

This Policy is applicable to all UNM faculty and academic administrators, including the Health Sciences Center and Branch Campuses. The reporting and investigatory procedures listed in this policy document are applicable whenever a UNM faculty member or academic administrator is accused of actions destructive to a respectful campus. However, when a resident, fellow, or faculty member in the School of Medicine is accused by a student of violations of this Policy, the reporting and investigatory procedures described in the UNM School of Medicine "Teacher Conduct and Learner Complaints" should be followed.

Whenever other members of the UNM Community are accused of actions destructive to a respectful campus, refer to the following policies for reporting and investigatory procedures:

- [Staff member accused: Report the destructive behavior in accordance with **Policy 2200** “Whistleblower Protection and Reporting Suspected Misconduct and Retaliation” and **Policy 2240** “Respectful Campus.”](#)
- [Student accused: Report the destructive behavior to the Dean of Students Office.](#)
- [Unknown Identity of Alleged Wrongdoer: In incidents of anonymous destructive behavior when the wrongdoer is unknown, a staff or faculty member should report the destructive behavior to his or her supervisor, and a student should report the destructive behavior to Dean of Students Office or any of the resources listed in **Policy 2200** “Whistleblower Protection and Reporting Suspected Misconduct and Retaliation.”](#)

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

DEFINITIONS

Bullying. Refer to Section 3.7 above for detailed definition.

WHO SHOULD READ THIS POLICY

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

RELATED DOCUMENTS

University Administrative Policies and Procedures Manual:

[Policy 2200](#) “Whistleblower Protection and Reporting Suspected Misconduct and Retaliation”

[Policy 2210](#) “Campus Violence”

[Policy 2220](#) “Freedom of Expression and Dissent”

[Policy 2240](#) “Respectful Campus”

[Policy 2720](#) “Equal Opportunity, Non-Discrimination, and Affirmative Action”

[Policy 2730](#) “Sexual Harassment”

[Policy 3320](#) “Ombuds/Dispute Resolution Services for Staff”

[Policy 3750](#) “Counseling, Assistance, and Referral Services”

Faculty Handbook:

[Policy C05](#) “Rights and Responsibility at the University of New Mexico”

[Policy C07](#) “Faculty Disciplinary Policy”

[Policy C70](#) “Confidentiality of Faculty Records”

[Section B, Section 5.5.](#) “Suspension” and “Appendix V”

UNM Pathfinder:

[Student Code of Conduct](#)

[Visitor Code of Conduct](#)

[UNM School of Medicine "Teacher Conduct and Learner Complaints."](#)

CONTACTS

Direct any questions about this Policy to the Office of the Provost or the Office of the HSC Chancellor.

PROCEDURES

~~Below are the procedures for reporting and investigating complaints of faculty bullying~~

~~1. Initial Complaint~~

~~Behaviors reasonably believed to constitute actions destructive to a respectful campus as described in this Policy should be reported in accordance with the procedures listed herein. Bullying behavior should be. These procedures are designed to encourage use of informal and/or formal processes for reporting and resolving destructive behavior. Individuals impacted by the negative behavior may use any of the procedures listed below. Taking informal action does not preclude individuals from taking formal action.~~

~~Extreme incidents that result in a fear for one's safety should ~~may~~ be reported directly to UNM Police in accordance with **UAP 2210** "Campus Violence."~~

1. Informal Processes

When the destructive actions described in this Policy occur, it is in the best interest of UNM and all parties involved that the actions be stopped as soon as reasonably possible. When possible and practical under the circumstances, all efforts should be made to address and resolve complaints informally.

In many cases resolution can be achieved by bringing the negative behavior to the attention of the impacted individual's supervisor or the alleged wrongdoer's supervisor. Supervisors at all levels, are responsible for addressing indications of destructive actions and resolving them in an appropriate, fair, and prompt manner with the goal of restoring the respectful nature of the individual's learning or work environment. If the impacted individual is not comfortable reporting the destructive actions to a supervisor, the individual may report the actions in accordance with the provisions described in this document.

UNM processes and resources can help individuals with informal resolution. These resources which include Counseling, Assistance, and Referral Services (CARS) for faculty and staff, HSC Office of Professionalism, Ombuds Dispute Resolution Services for Faculty, Ombuds Dispute Resolution Services for Staff, Ombuds Dispute Resolution Services for Graduate Students, and the Dean of Students office for undergraduate students, and are described in Section 8 below.

~~2. Initial~~ Formal Processes and Written Complaints

2.1. A ~~initial~~ formal written complaint pursuant to this Policy should be brought to the attention of the person who has direct supervisory responsibility over the individual(s)

whose actions are in question (e.g., chairperson, supervisor, director, dean, Provost, Chancellor for Health Sciences), or who is the supervisor of the unit in which the alleged destructive behavior occurred. A ~~initial~~ formal complaint may also be made by using the procedures specified in **UAP 2200** “Whistle Blower Protection and Reporting Suspected Misconduct and Retaliation,” which includes a UNM Hotline phone number.
~~namely:~~

~~2.1.1. Calling the UNM Hotline 1-888-899-6092. The call may be anonymous, but doing so may limit an individual’s protection from retaliation and UNM’s ability to conduct a full investigation.~~

~~2.1.2. Reporting the conduct— orally or in writing— to the Internal Audit Department.~~

2.2. A complainant should report suspected destructive behavior ~~misconduct~~ as soon as reasonably possible, preferably within 60 days from the time the complainant becomes aware of the suspected destructive behavior ~~misconduct~~. The complaint should only include those events that occurred no earlier than one year before the date of the complaint. The complaint should include as much of the following as possible:

2.2.1. Clear specific allegations against the named person or persons.

2.2.2. Dates, times, locations, and witnesses to incidents, when possible.

2.2.3. Factual description of events with direct quotes where possible.

2.2.4. Indication of how each incident made the complainant feel.

2.2.5. Documentary evidence.

2.2.6. Description of any action the complainant or others have already taken.

2.3. A report of destructive behavior that is made under this Policy may or may not identify a specific individual as the alleged wrongdoer. A report of anonymous bullying can be made under this Policy, even though the alleged wrongdoer is unknown. Regardless of the identification of an alleged wrongdoer, the procedures delineated below will be followed, including an investigation if warranted.

2.4. Regardless of the mechanism chosen for the ~~initial~~ formal complaint, a written complaint must be prepared and signed by the complainant or – if the complainant chooses to remain anonymous – by the preparer. All written complaints must be brought to the attention of the ~~cognizant supervisor. respondent’s direct supervisor.~~ If an alleged wrongdoer is named in the report, the report will be shared with the person accused ~~a copy of the written complaint must be provided to the respondent,~~ of the behavior so that he or she is made aware that the behavior described may have been perceived as destructive to a respectful campus. The alleged wrongdoer may provide a written response within the time-frame specified by the supervisor. The written response from the alleged wrongdoer ~~respondent~~ will be provided to the complainant. In most cases, the person accused of destructive behavior may be given a reasonable opportunity to correct or otherwise cease the behavior before any formal action is taken. If the destructive behavior continues, formal investigatory action will result.

2.5. Upon receipt of a formal written complaint, the responsible supervisor should interview the complainant, unless the complaint has been anonymous. If an alleged wrongdoer is named, the supervisor should interview both the complainant and the alleged wrongdoer.

Following the interview(s), the responsible supervisor may make an initial effort to effect an informal resolution of the matter, but only if an informal approach has not already been tried prior to the receipt of the formal complaint. The supervisor may suggest any of the processes specified in this document or other informal processes as appropriate. In most cases, the alleged wrongdoer may be given a reasonable opportunity to correct or otherwise cease the behavior before any formal action is taken.

If informal processes are not pursued or are not successful in resolving the matter, the supervisor will make a determination whether the allegation, if substantiated, would constitute a violation of this Policy. If so, the supervisor will initiate an investigation as specified below. If the supervisor determines that the alleged destructive behavior would not be a violation of C09, but might be a violation of another UNM policy, the supervisor will refer the matter for review and action as appropriate. If the supervisor determines that the alleged destructive behavior would not be a violation of UNM policy, but that the situation would benefit from some positive intervention, the supervisor should intervene as appropriate. If the supervisor determines that no further action is needed, the supervisor will submit a written report that includes a copy of the initial complaint, a description of the findings, and the reasons for not conducting an investigation in accordance with Section 3 of these Procedures. The report will be submitted to the supervisor's supervisor with a copy to the complainant and the alleged wrongdoer. If the complainant is not satisfied with the determination, he or she may appeal the decision in accordance with Section 4 of these Procedures.

2.6. Faculty may also consult with the Academic Freedom and Tenure Committee (AF&T) if there are allegations of possible violations that are within the jurisdiction of the AF&T Committee. If the AF&T Committee decides that the complaint is within their jurisdiction, they will follow the procedures in Section B of the Faculty Handbook.

3. Investigation

The procedures specified below apply to cases in which both the complainant and the alleged wrongdoer are named. In cases in which the complaint is anonymous or the alleged wrongdoer is not named, or both, the Office of University Counsel (OUC) will advise the responsible supervisor on how to modify the specified procedures.

The responsible supervisor is charged with initiating the investigation within 10 UNM business days of receiving the written complaint, or following the conclusion of informal processes if they have been unsuccessful. It is of paramount importance that the investigation ~~should~~ be conducted by an unbiased investigator. Prior to initiating the investigation, the responsible supervisor must confer with the OUC for guidance in interpreting this Policy and in formulating the specific steps to be followed in conducting an unbiased investigation and in preparing the final investigatory report. The OUC will inform the supervisor of the responsible supervisor that it has counseled the responsible supervisor on the specific matter. Following the advice of OUC, the supervisor who receives the complaint may appoint an independent investigator with no connection to either the complainant or the alleged wrongdoer ~~respondent~~; the investigator may in turn decide to appoint a three to five person ad hoc investigatory committee of

independent, unbiased individuals whose UNM status is similar to that of the complainant and that of the [alleged wrongdoer respondent](#).

As soon as it has been determined who will conduct the investigation and how [it the investigation](#) will be conducted, the investigator will notify the complainant, the [alleged wrongdoer respondent](#), and the supervisor of the [alleged wrongdoer respondent](#), that an investigation has been initiated. If either the complainant or the [alleged wrongdoer respondent](#) wishes to request that a different investigator be appointed, a written request, including a detailed justification, must be provided to the supervisor of the [alleged wrongdoer respondent](#) within five UNM business days. The supervisor will take the request into consideration and will either confirm the appointment of the original investigator or will appoint a different investigator. The parties will be notified of the supervisor's decision no later than five UNM business days after receipt of the request. If the investigator decides to appoint an ad hoc committee to assist with the investigation, the [alleged wrongdoer respondent](#) and the complainant will be notified in writing and given 10 UNM business days to submit a written objection to the membership of the ad hoc committee. The investigator will take the objections into consideration before finalizing the appointments. The membership of the investigatory committee must be finalized no later than 20 UNM business days after the [alleged wrongdoer respondent](#) and complainant have been provided with the initial notification referenced above.

The investigation should normally include interviews with all parties to the complaint, as well as any others who the complainant or [alleged wrongdoer respondent](#) believes will be able to provide material information relevant to the complaint. [recognizing that an investigation will often exclude redundant or immaterial information or information that is not readily available. Additional information may be provided by any of the parties at any point during the investigation.](#) The investigation should normally be completed no later than 30 UNM business days after the [initial formal written](#) complaint has been brought to the supervisor of the [alleged wrongdoer respondent](#), or after the membership of the ad hoc committee has been finalized, whichever is later. If the investigation cannot be completed within this time frame, a written notification of the delay, and the reasons for delay, should be provided to the complainant, the [alleged wrongdoer respondent](#), and the supervisor of the [alleged wrongdoer respondent](#). When the investigation has been completed, a confidential report of the investigation will be sent for appropriate action to the supervisor of the [alleged wrongdoer respondent](#), with a written copy provided to the [alleged wrongdoer respondent](#) and the complainant, unless the complainant is anonymous. The confidential report will include, at a minimum, the following information:

- Identity of investigator and others involved in conducting the investigation
- Allegations
- Investigative process, including the number of witnesses interviewed, but excluding the identities of the witnesses
- Summary of facts
- Final determination of whether this Policy was violated

The investigator may also choose to include recommendations in the report. Information or recommendations pertaining to disciplinary action will not be included in any documents provided to the complainant.

The investigator will make reasonable efforts to maintain confidentiality. The identities of the [alleged wrongdoer respondent](#) and the complainant should be treated with sensitivity. It is recommended, but not required, that the investigator ask everyone involved in the investigation, including witnesses, to sign confidentiality agreements.

The investigator is responsible for thoroughly documenting the investigation and creating an investigatory file. Except as noted in Section 7 below, this file will be maintained in the [alleged wrongdoer's respondent's](#) personnel file in the [alleged wrongdoer's respondent's](#) college or school. The file is confidential and shall be secured in accordance with **Policy C70** "Confidentiality of Faculty Records." The file should include the following:

- ~~Initial~~ [Formal written](#) complaint
- Evidence collected from all sources, including interviews
- If applicable, documentation associated with the selection of ad hoc committee members, including any objections made by the [alleged wrongdoer respondent and complainant](#)
- If applicable, signed confidentiality agreements
- If applicable, ad hoc committee meeting minutes
- Copy of investigation report

~~3. Alternative Procedures~~

~~The procedures set forth in this policy document are not exclusive. Although complainants are encouraged to utilize the procedures set forth above, the complaint may also be taken to the Ombuds Dispute Resolution Services for Faculty and Staff, or to the Academic Freedom and Tenure Committee (AF&T), if the complainant is a faculty member and the complaint involves allegations of violations that are within the jurisdiction of the AF&T Committee. If the Ombuds Dispute Resolution office or the AF&T Committee is presented with the complaint, and if they decide that it is within their jurisdiction, they will follow the procedures stated in the Faculty Handbook Policies (Policy C345 and Section B, respectively). If AF&T determines that it has jurisdiction and accepts the complaint, its proceedings would supplant the procedures set forth under this Policy.~~

4. Appeals of Investigatory Findings

If the responsible supervisor does not resolve the issue to the satisfaction of the parties to the complaint or within the required time frame, the parties will have 10 UNM business days from the date on which they received written notification of the results of the investigation to appeal the decision to the next higher level person in the supervisory chain, who will review the record and determine whether the investigation was reasonably conducted and the findings supported by the evidence. The reviewing official will usually obtain the advice of OUC on how to conduct the review. The reviewing official may uphold, reverse, or modify the findings or may remand the matter for further investigation. A written copy of the reviewing official's decision, concerning whether a violation of this policy occurred, will be provided to the supervisor of the [alleged wrongdoer respondent](#) and the initial investigator; a summary statement will be provided to the [alleged wrongdoer respondent](#) and the complainant. If the reviewing official's determination is not satisfactory to the complainant or the [alleged wrongdoer respondent](#), a final appeal can be made to the Provost or Chancellor for Health Sciences, who in his or her discretion may review the record. Absent discretionary review by the Provost or Chancellor for Health Sciences, the decision of the reviewing official, concerning whether a violation of this

policy occurred, shall be final. If the Provost or Chancellor for Health Sciences reviews the matter, his or her decision shall be final.

5. Actions Following Investigation

If the final determination is that ~~the respondent~~ [an individual](#) has violated this Policy, UNM shall take appropriate action, which may include disciplinary sanctions up to and including dismissal from UNM in accordance with [Policy C07](#) "Faculty Disciplinary Policy."

Whether or not ~~the respondent~~ [an individual](#) is found to have violated this Policy, reasonable efforts will be undertaken to ensure that complainants who make allegations of [destructive actions](#) [bullying](#) in good faith and others who cooperate in good faith with inquiries and investigations of such allegations are not retaliated against for initiating or participating in the investigation. [Refer to UAP Policy 2200 for information on retaliation.](#)

6. False Information

An employee who knowingly gives false information or knowingly makes a false report of alleged violation of this Policy or who knowingly provides false answers or information in response to an ongoing investigation will be subject to disciplinary action, up to and including dismissal, by UNM.

7. False or Inaccurate Accusations

It is important to protect individuals from false, unsubstantiated, or inaccurate accusations. Therefore, when an allegation of violation of this Policy is not substantiated, the file containing all documents relating to the report, review, or investigation will be sealed and delivered to University Counsel's office. The file will be stored for six years after the date the file is sealed, after which time it may be destroyed.

8. UNM Processes and Resources That Can Assist Individuals Impacted by Destructive Actions

The following UNM processes and resources are available to assist individuals impacted by destruction actions. Participation is voluntary. With the agreement of the individuals involved, these services may be utilized in a stand-alone fashion or before, during, or after the investigatory procedure.

8.1. The UNM Counseling, Assistance, and Referral Services (CARS) is an important resource available to all benefits-eligible UNM faculty and staff. CARS can help faculty or staff members to better understand their experience, facilitate resilience, identify options and take action in a constructive manner. Refer to UAP [Policy 3750](#) "Counseling, Assistance, and Referral Services."

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[8.4. Ombuds Dispute Resolution Services for Staff provides constructive conflict management support for staff and faculty who supervise staff as described in UAP Policy 3220 “Ombuds/Dispute Resolution Services for Staff.” This is an informal, confidential, impartial, and independent resource.](#)

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DRAFT HISTORY

May 18, 2016—New draft based on discussion of May 17 draft.

May 15, 2016 – New draft based on discussion of May 3, 2016 drafts.

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April 28, 2016—Highlighted draft prepared based on task force discussions to date.

HISTORY

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C09: Respectful Campus

Approved By: Faculty Senate

Effective: February 4, 2014 **Draft Revision 5/18/16**

Responsible Faculty Committee: Policy Committee

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

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) is committed to freedom of academic inquiry and encourages an environment of spirited and open debate. UNM does not attempt to shield people from ideas they may find unwelcome, disagreeable, or even offensive. At the same time, UNM is committed to providing a respectful campus that includes a working, learning, and social environment where all members of the UNM community including, but not limited to, regents, administrators, faculty, staff, students, and volunteers work together in a mutually respectful, psychologically-healthy manner. UNM strives to foster such an environment because a respectful campus is a necessary condition for success in teaching and learning, in research and scholarship, in patient care and public service, and in all other aspects of UNM's mission and values.

POLICY STATEMENT

Everyone at UNM has a right to be treated with respect and a responsibility to treat others with respect. When these rights and responsibilities are honored and practiced, the UNM campus is a respectful one. This Policy describes the values, behaviors, and cornerstones that characterize a respectful campus and to which all members of the UNM community should aspire. Actions that are destructive to a respectful campus will not be tolerated. All members of the UNM community who have witnessed or been a target of destructive actions are encouraged to raise concerns in accordance with the Policy.

1. Values and Behaviors

A respectful campus exhibits and promotes the following values and behaviors:

- 1.1. Displaying personal integrity and professional ethics (Faculty Handbook, Section B, Appendix V).
- 1.2. Practicing fairness.

- 1.3. Exhibiting respect for individual rights and differences.
- 1.4. Demonstrating respect for diversity and difference.
- 1.5. Being responsible and accountable for one's actions.
- 1.6. Emphasizing communication and collaborative resolution of problems and conflicts.
- 1.7. Developing and maintaining confidentiality and trust.

2. Cornerstones of a Respectful Campus

The commitment to a respectful campus calls for promotion of an environment where the following principles are upheld:

- 2.1. UNM strives for an atmosphere where individuals at all levels and in all units value each other's contributions and treat each other with respect.
- 2.2. Individuals in positions of authority serve as role models in the promotion of a respectful campus. Promoting courtesy, civility, and respectful communication is consistent with the responsibility of leadership.
- 2.3. Individuals at all levels are allowed to discuss issues of concern in an open and honest manner, without fear of reprisal or retaliation.
- 2.4. The right to address issues of concern does not grant individuals license to make untrue allegations, unduly inflammatory statements, or unduly personal attacks; to harass others; to violate confidentiality requirements; or to engage in other conduct that violates the law or UNM policy.

3. Destructive Actions

Actions that are destructive to a respectful campus will not be tolerated. Credible reports of destructive actions will be addressed in accordance with applicable UNM policy, and substantiated findings that an individual has engaged in destructive actions will lead to appropriate consequences.

3.1. Destructive Actions Covered by This Policy

This Policy covers the destructive behavior described in sections 3.1.1 through 3.1.2. Credible reports of such actions will be addressed in accordance with the Procedures Section of this Policy.

3.1.1. Bullying Behavior

Bullying is defined by UNM as repeated mistreatment of one individual or a group of individuals. This mistreatment can include, but is not limited to, the following behaviors:

3.1.1.1. Verbal Bullying

Verbal bullying, which can be oral, written, or electronic, includes repeated slandering, ridiculing, or maligning of a person or persons; addressing abusive and offensive remarks to a person or persons in a sustained or repeated manner; shouting at others in public and/or in private where such conduct is so severe or pervasive as to cause or create a hostile educational or working environment or unreasonably interferes with a person's work or school performance or participation.

3.1.1.2. Nonverbal Bullying

Nonverbal bullying includes, but is not limited to, directing threatening gestures toward a person or persons or invading personal space after being asked to move or step away.

3.1.1.3. Threatening Behavior toward a Person's Job or Well-Being

Making threats, either explicit or implicit, to the security of a person's job, position, or personal well-being can be bullying. It is not bullying behavior for a supervisor to address an employee's poor job performance and discuss potential consequences within the framework of UNM policies and procedures, or for a professor or academic program director to advise a student of unsatisfactory academic work and the potential for course failure or dismissal from the program if uncorrected.

3.1.1.4. Anonymous Bullying

Anonymous bullying includes withholding or disguising one's identity while treating a person in a malicious manner, sending insulting or threatening anonymous messages, placing objectionable objects among a person's belongings, or leaving degrading written or pictorial material about a person where others can see.

Differences of opinion, conflicts, or problems in workplace relationships may occasionally occur as a normal part of working life and should not be considered bullying.

3.1.2. Single Incident of Destructive Behavior

Bullying is defined as a repetitive pattern of behavior; however, a single incident of the bullying behavior defined above may be so severe or egregious that it creates a hostile environment and may be reported and addressed according to the provisions of this Policy.

3.2. Destructive Actions Covered by Other UNM Policies

Credible reports of the destructive actions described below will be addressed in accordance with the applicable policy listed.

3.2.1. Violent Behavior—refer to [UAP 2210](#) “Campus Violence.”

3.2.2. Sexual harassment--refer to [UAP 2730](#) "Sexual Harassment Policy."

3.2.3. Other forms of harassment—refer to [UAP 2720](#) “Equal Opportunity, Affirmative Action, and Non-Discrimination.”

3.2.4. Retaliation-- refer to [UAP 2200](#) "Whistleblower Protection and Reporting Suspected Misconduct and Retaliation Policy."

3.2.5. Unethical conduct--refer to UNM *Faculty Handbook*, [Section B, Appendix V](#), "Statement of Professional Ethics."

APPLICABILITY

This Policy is applicable to all UNM faculty and academic administrators, including the Health Sciences Center and Branch Campuses. The reporting and investigatory procedures listed in this policy document are applicable whenever a UNM faculty member or academic administrator is accused of actions destructive to a respectful campus. However, when a resident, fellow, or faculty member in the School of Medicine is accused by a student of violations of this Policy, the reporting and investigatory procedures described in the UNM School of Medicine “Teacher Conduct and Learner Complaints” should be followed.

Whenever other members of the UNM Community are accused of actions destructive to a respectful campus, refer to the following policies for reporting and investigatory procedures:

- Staff member accused: Report the destructive behavior in accordance with [Policy 2200](#) “Whistleblower Protection and Reporting Suspected Misconduct and Retaliation” and [Policy 2240](#) “Respectful Campus.”
- Student accused: Report the destructive behavior to the Dean of Students Office.
- Unknown Identity of Alleged Wrongdoer: In incidents of anonymous destructive behavior when the wrongdoer is unknown, a staff or faculty member should report the destructive behavior to his or her supervisor, and a student should report the destructive behavior to Dean of Students Office or any of the resources listed in [Policy 2200](#) “Whistleblower Protection and Reporting Suspected Misconduct and Retaliation.”

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

DEFINITIONS

Bullying. Refer to Section 3.1.1 above for detailed definition.

WHO SHOULD READ THIS POLICY

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

RELATED DOCUMENTS

University Administrative Policies and Procedures Manual:

[Policy 2200](#) “Whistleblower Protection and Reporting Suspected Misconduct and Retaliation”

[Policy 2210](#) “Campus Violence”

[Policy 2220](#) “Freedom of Expression and Dissent”

[Policy 2240](#) “Respectful Campus”

[Policy 2720](#) “Equal Opportunity, Non-Discrimination, and Affirmative Action”

[Policy 2730](#) “Sexual Harassment”

[Policy 3220](#) “Ombuds/Dispute Resolution Services for Staff”

[Policy 3750](#) “Counseling, Assistance, and Referral Services”

Faculty Handbook:

[Policy C05](#) “Rights and Responsibility at the University of New Mexico”

[Policy C07](#) “Faculty Disciplinary Policy”

[Policy C70](#) “Confidentiality of Faculty Records”

[Section B, Section 5.5.](#) “Suspension” and “Appendix V”

UNM Pathfinder:

[Student Code of Conduct](#)

[Visitor Code of Conduct](#)

UNM School of Medicine ["Teacher Conduct and Learner Complaints."](#)

CONTACTS

Direct any questions about this Policy to the Office of the Provost or the Office of the HSC Chancellor.

PROCEDURES

Behaviors reasonably believed to constitute actions destructive to a respectful campus as described in this Policy should be reported in accordance with the procedures listed herein. These procedures are designed to encourage use of informal and/or formal processes for reporting and resolving destructive behavior. Individuals impacted by the negative behavior may use any of the procedures listed below. Taking informal action does not preclude individuals from taking formal action.

Extreme incidents that result in a fear for one's safety should be reported directly to UNM Police in accordance with [UAP 2210](#) "Campus Violence."

1. Informal Processes

When the destructive actions described in this Policy occur, it is in the best interest of UNM and all parties involved that the actions be stopped as soon as reasonably possible. When possible and practical under the circumstances, all efforts should be made to address and resolve complaints informally.

In many cases resolution can be achieved by bringing the negative behavior to the attention of the impacted individual's supervisor or the alleged wrongdoer's supervisor. Supervisors at all levels, are responsible for addressing indications of destructive actions and resolving them in an appropriate, fair, and prompt manner with the goal of restoring the respectful nature of the individual's learning or work environment. If the impacted individual is not comfortable reporting the destructive actions to a supervisor, the individual may report the actions in accordance with the other provisions described in this document.

UNM processes and resources can help individuals with informal resolution. These resources include Counseling, Assistance, and Referral Services (CARS) for faculty and staff, HSC Office of Professionalism, Ombuds Dispute Resolution Services for Faculty, Ombuds Dispute Resolution Services for Staff, Ombuds Dispute Resolution Services for Graduate Students, and the Dean of Students Office for undergraduate students, and are described in Section 8 below.

2. Formal Processes and Written Complaints

2.1. A formal written complaint pursuant to this Policy should be brought to the attention of the person who has direct supervisory responsibility over the individual(s) whose actions are in question (e.g., chairperson, supervisor, director, dean, Provost, Chancellor for Health Sciences), or who is the supervisor of the unit in which the alleged destructive behavior occurred. A formal complaint may also be made by using the procedures specified in [UAP 2200](#) "Whistle Blower Protection and Reporting Suspected Misconduct and Retaliation," which includes a UNM Hotline phone number.

2.2. A complainant should report suspected destructive behavior as soon as reasonably possible, preferably within 60 days from the time the complainant becomes aware of the suspected destructive behavior. The complaint should only include those events that occurred no earlier than one year before the date of the complaint. The complaint should include as much of the following as possible:

- 2.2.1.** Clear specific allegations against the named person or persons.
- 2.2.2.** Dates, times, locations, and witnesses to incidents, when possible.
- 2.2.3.** Factual description of events with direct quotes where possible.
- 2.2.4.** Indication of how each incident made the complainant feel.
- 2.2.5.** Documentary evidence.
- 2.2.6.** Description of any action the complainant or others have already taken.

2.3. A report of destructive behavior that is made under this Policy may or may not identify a specific individual as the alleged wrongdoer. A report of anonymous bullying can be made under this Policy, even though the alleged wrongdoer is unknown. Regardless of the identification of an alleged wrongdoer, the procedures delineated below will be followed, including an investigation if warranted.

2.4. Regardless of the mechanism chosen for the formal complaint, a written complaint must be prepared and signed by the complainant or – if the complainant chooses to remain anonymous – by the preparer. All written complaints must be brought to the attention of the cognizant supervisor. If an alleged wrongdoer is named in the report, the report will be shared with the person accused of the behavior so that he or she is made aware that the behavior described may have been perceived as destructive to a respectful campus. The alleged wrongdoer may provide a written response within the time-frame specified by the supervisor. The written response from the alleged wrongdoer will be provided to the complainant.

2.5. Upon receipt of a formal written complaint, the responsible supervisor should interview the complainant, unless the complaint has been anonymous. If an alleged wrongdoer is named, the supervisor should interview both the complainant and the alleged wrongdoer. Following the interview(s), the responsible supervisor may make an initial effort to effect an informal resolution of the matter, but only if an informal approach has not already been tried prior to the receipt of the formal complaint. The supervisor may suggest any of the processes specified in this document or other informal processes as appropriate. In most cases, the alleged wrongdoer may be given a reasonable opportunity to correct or otherwise cease the behavior before any formal action is taken.

If informal processes are not pursued or are not successful in resolving the matter, the supervisor will make a determination whether the allegation, if substantiated, would constitute a violation of this Policy. If so, the supervisor will initiate an investigation as specified below. If the supervisor determines that the alleged destructive behavior would not be a violation of C09, but might be a violation of another UNM policy, the supervisor will refer the matter for review and action as appropriate. If the supervisor determines that the alleged destructive behavior would not be a violation of UNM policy, but that the situation would benefit from some positive intervention, the supervisor should intervene as appropriate. If the supervisor determines that no further action is needed, the supervisor will submit a written report that includes a copy of the initial complaint, a description of the findings, and the reasons for not conducting an investigation in accordance with Section 3 of these Procedures. The report will be submitted to the supervisor's supervisor with a copy to the complainant and the alleged wrongdoer. If the complainant is not satisfied with the determination, he or she may appeal the decision in accordance with Section 4 of these Procedures.

2.6. Faculty may also consult with the Academic Freedom and Tenure Committee (AF&T) if there are allegations of possible violations that are within the jurisdiction of the AF&T Committee. If the AF&T Committee decides that the complaint is within their jurisdiction, they will follow the procedures in Section B of the Faculty Handbook.

3. Investigation

The procedures specified below apply to cases in which both the complainant and the alleged wrongdoer are named. In cases in which the complaint is anonymous or the alleged wrongdoer is not named, or both, the Office of University Counsel (OUC) will advise the responsible supervisor on how to modify the specified procedures.

The responsible supervisor is charged with initiating the investigation within 10 UNM business days of receiving the written complaint, or following the conclusion of informal processes if they have been unsuccessful. It is of paramount importance that the investigation be conducted by an unbiased investigator. Prior to initiating the investigation, the responsible supervisor must confer with the OUC for guidance in interpreting this Policy and in formulating the specific steps to be followed in conducting an unbiased investigation and in preparing the final investigatory report. The OUC will inform the supervisor of the responsible supervisor that it has counseled the responsible supervisor on the specific matter. Following the advice of OUC, the supervisor who receives the complaint may appoint an independent investigator with no connection to either the complainant or the alleged wrongdoer; the investigator may appoint a three to five person ad hoc investigatory committee of independent, unbiased individuals whose UNM status is similar to that of the complainant and that of the alleged wrongdoer.

As soon as it has been determined who will conduct the investigation and how it will be conducted, the investigator will notify the complainant, the alleged wrongdoer, and the supervisor of the alleged wrongdoer, that an investigation has been initiated. If either the complainant or the alleged wrongdoer wishes to request that a different investigator be appointed, a written request, including a detailed justification, must be provided to the supervisor of the alleged wrongdoer within five UNM business days. The supervisor will take the request into consideration and will either confirm the appointment of the original investigator or will appoint a different investigator. The parties will be notified of the supervisor's decision no later than five UNM business days after receipt of the request. If the investigator decides to appoint an ad hoc committee to assist with the investigation, the alleged wrongdoer and the complainant will be notified in writing and given 10 UNM business days to submit a written objection to the membership of the ad hoc committee. The investigator will take the objections into consideration before finalizing the appointments. The membership of the investigatory committee must be finalized no later than 20 UNM business days after the alleged wrongdoer and complainant have been provided with the initial notification referenced above.

The investigation should normally include interviews with all parties to the complaint, as well as any others who the complainant or alleged wrongdoer believes will be able to provide information relevant to the complaint. Additional information may be provided by any of the parties at any point during the investigation. The investigation should normally be completed no later than 30 UNM business days after the formal written complaint has been brought to the supervisor of the alleged wrongdoer, or after the membership of the ad hoc committee has been finalized, whichever is later. If the investigation cannot be completed within this time frame, a written notification of the delay, and the reasons for delay, should be provided to the complainant, the alleged wrongdoer, and the supervisor of the alleged wrongdoer. When the

investigation has been completed, a confidential report of the investigation will be sent for appropriate action to the supervisor of the alleged wrongdoer, with a written copy provided to the alleged wrongdoer and the complainant, unless the complainant is anonymous. The confidential report will include, at a minimum, the following information:

- Identity of investigator and others involved in conducting the investigation
- Allegations
- Investigative process, including the number of witnesses interviewed, but excluding the identities of the witnesses
- Summary of facts
- Final determination of whether this Policy was violated

The investigator may also choose to include recommendations in the report. Information or recommendations pertaining to disciplinary action will not be included in any documents provided to the complainant.

The investigator will make reasonable efforts to maintain confidentiality. The identities of the alleged wrongdoer and the complainant should be treated with sensitivity. It is recommended, but not required, that the investigator ask everyone involved in the investigation, including witnesses, to sign confidentiality agreements.

The investigator is responsible for thoroughly documenting the investigation and creating an investigatory file. Except as noted in Section 7 below, this file will be maintained in the alleged wrongdoer's personnel file in the alleged wrongdoer's college or school. The file is confidential and shall be secured in accordance with [Policy C70](#) "Confidentiality of Faculty Records." The file should include the following:

- Formal written complaint
- Evidence collected from all sources, including interviews
- If applicable, documentation associated with the selection of ad hoc committee members, including any objections made by the alleged wrongdoer and complainant
- If applicable, signed confidentiality agreements
- If applicable, ad hoc committee meeting minutes
- Copy of investigation report

4. Appeals of Investigatory Findings

If the responsible supervisor does not resolve the issue to the satisfaction of the parties to the complaint or within the required time frame, the parties will have 10 UNM business days from the date on which they received written notification of the results of the investigation to appeal the decision to the next higher level person in the supervisory chain, who will review the record and determine whether the investigation was reasonably conducted and the findings supported by the evidence. The reviewing official will usually obtain the advice of OUC on how to conduct the review. The reviewing official may uphold, reverse, or modify the findings or may remand the matter for further investigation. A written copy of the reviewing official's decision, concerning whether a violation of this policy occurred, will be provided to the supervisor of the alleged wrongdoer and the initial investigator; a summary statement will be provided to the

alleged wrongdoer and the complainant. If the reviewing official's determination is not satisfactory to the complainant or the alleged wrongdoer, a final appeal can be made to the Provost or Chancellor for Health Sciences, who in his or her discretion may review the record. Absent discretionary review by the Provost or Chancellor for Health Sciences, the decision of the reviewing official, concerning whether a violation of this policy occurred, shall be final. If the Provost or Chancellor for Health Sciences reviews the matter, his or her decision shall be final.

5. Actions Following Investigation

If the final determination is that an individual has violated this Policy, UNM shall take appropriate action, which may include disciplinary sanctions up to and including dismissal from UNM in accordance with [Policy C07](#) "Faculty Disciplinary Policy."

Whether or not an individual is found to have violated this Policy, reasonable efforts will be undertaken to ensure that complainants who make allegations of destructive actions in good faith and others who cooperate in good faith with inquiries and investigations of such allegations are not retaliated against for initiating or participating in the investigation. Refer to UAP [Policy 2200](#) for information on retaliation.

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8.4. Ombuds Dispute Resolution Services for Staff provides constructive conflict management support for staff and faculty who supervise staff as described in UAP [Policy 3220](#) “Ombuds/Dispute Resolution Services for Staff.” This is an informal, confidential, impartial, and independent resource.

8.5. Ombuds dispute resolution services are available for graduate students at the Office of Graduate Studies. With the graduate student’s permission, the Ombuds for Graduate Students coordinates with the Ombuds for Faculty or the Ombuds for Staff for any continued services.

8.6. The Dean of Students Office is available to undergraduate students for addressing concerns about respectful campus interactions.

DRAFT HISTORY

May 18, 2016—New draft based on discussion of May 17 draft.

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Mediation—What I Can Expect

Mediation is a joint meeting with another person and faculty mediators. It is confidential, voluntary and non-adversarial. The mediators help faculty explore options and work together to craft their own custom and mutually satisfactory agreements. Mediators do not judge, take sides, or make decisions for the faculty.

- ☞ Each person plays an active part in the resolution of the difficulties
- ☞ Early attention to conflicts helps to lessen further escalation
- ☞ Agreements minimize continued conflict, in both personal and financial ways
- ☞ Stress and energy spent on conflict can be re-directed to other goals.

How are Consults and Mediations Scheduled?

If attending to your needs and interests as you work through a conflict sounds like a positive approach to you, it's easy to get started — all it takes is a phone call: 277-3212.

Jean Civikly-Powell
Ombudsperson for Faculty
Professor Emerita, Communication
Ombuds/Dispute Resolution
Services for Faculty
1800 Las Lomas NE
277-3212
<http://ombudsfac.unm.edu>

Additional Services

Mediation Training

UNM's Ombuds/Dispute Resolution Services for Faculty offers no-cost mediation training for UNM faculty (full-time and part-time) and administrators. Please feel welcome to sign up for this free training and learn skills for work, home, and social settings.

Respectful Conversation Coaching

Learn ways to have a private respectful conversation about what matters to you.

Workshops

ODR Services for Faculty offers workshops each semester on topics relevant to faculty concerns with conflict prevention, management and resolution.

Some Thoughts

ODR Dispute Resolution Services for Faculty provides a private and safe setting for sitting down with the other person and mediators to discuss your interests and to work towards a resolution.

Mediation is about listening, being heard, paying attention to and expressing what is important, and moving forward for more constructive workplace interactions.

People are usually more convinced by reasons they discovered themselves than by those found by others.
—Blaise Pascal, French philosopher

Beyond ideas of right and wrong, there is a field. I'll meet you there.
—Rumi, Persian poet

You can't always get what you want . . .
But if you try sometimes, you just might find you get what you need.
—Mick Jagger & Keith Richards, songwriters





Administrative Policies and Procedures Manual - Policy 3220: Ombuds/Dispute Resolution Services for Staff

Date Originally Issued: 11-01-1994

Revised: 04-01-2003, 05-29-2014



1. General

Ombuds/Dispute Resolution Services for Staff ("Ombuds/DR") provides independent, impartial, confidential, and informal processes for managing or resolving work-related issues and problems. Except as limited in [Section 3](#), herein, Ombuds/DR is available to staff and their co-workers ("employees") and supervisors, as well as to faculty who supervise employees. Emphasis is on early and informal identification and resolution with fair consideration of all sides of an issue or problem. The procedures in this policy should be administered flexibly and expeditiously at the lowest possible level with the cooperation of all concerned.

1.1. Retaliation

Retaliation against an employee for raising an issue or participating in any way in dispute resolution under this policy is strictly forbidden and shall be cause for disciplinary action if found to have occurred. Refer to [UAP 2200](#) ("[Whistleblower Protection and Reporting Suspected Misconduct and Retaliation](#)") for policies and procedures on retaliation.

2. Confidentiality

Information obtained by Ombuds/DR staff in the course of facilitation, informal attempts at resolution, mediation, or other activities is confidential to the extent permitted by law. At the initial visit, Ombuds/DR staff will explain any limitations to confidentiality before discussing specific issues. With permission from the employee, Ombuds/DR staff may seek assistance from various University offices such as the Office of Equal Opportunity (OEO); Counseling, Assistance, and Referral Service (CARS); Human Resources; Risk Management; and Internal Audit to resolve issues or problems in a flexible, cooperative, and responsive manner.

3. Scope

This policy is intended to help employees with issues or problems that affect them in the workplace. Ombuds/DR staff serve in a neutral role and use alternative dispute resolution methods, described in [Section 6](#), herein, to return the primary responsibility for resolving conflicts to the individuals involved. If an individual believes there is a conflict of interest with Ombuds/DR staff conducting the dispute resolution process, a mediator selected by mutual agreement from a panel of outside mediators is available to conduct dispute resolution. Ombuds/DR staff assist and guide individuals or groups in their efforts to identify mutually agreeable solutions. The Faculty Dispute Resolution Office offers alternative dispute resolution methods to faculty. Ombuds/DR Department may work with the Faculty Ombuds/Dispute Resolution Office in instances of faculty/staff disputes with appropriate consent and releases from all participants. Both programs coordinate services and protocols to assist faculty and staff, in accordance with the "best practices" of the International Ombudsman Association [Standards of Practice](#) and [Code of Ethics](#), and applicable University policies and procedures.

Employees with concerns about possible violations of University policy or state or federal laws or regulations that are more general in nature (sometimes called "whistleblowing"), should report such concerns according to [UAP 2200 \("Whistleblower Protection and Reporting Suspected Misconduct and Retaliation"\)](#). Allegations of unlawful discrimination or sexual harassment are handled by the Office of Equal Opportunity (OEO) in accordance with [UAP 2720 \("Equal Opportunity, Non-Discrimination, and Affirmative Action"\)](#) and [UAP 2730 \("Sexual Harassment"\)](#). Ombuds/DR staff will refer employees to report such allegations to OEO.

Employees who are members of a collective bargaining unit have specific grievance procedures, some of which include participation in the Ombuds/DR process. These employees should refer to their specific collective bargaining agreements. Employees should be aware that there may be federal or state laws and remedies pertaining to workplace complaints, and that use of the dispute resolution process under this policy does not extend the deadlines within which to seek assistance from outside agencies or file legal proceedings.

4. Resources

The University has a number of resources that can provide employees with advice and assistance in resolving work-related issues and problems. These resources include:

- the management chain
- Ombuds/DR
- the Faculty Ombuds/Dispute Resolution Office
- the Human Resources Division
- OEO

If employees are working with more than one (1) of the offices mentioned above concerning the same issue or problem, they should inform the other offices involved, in order to avoid duplication of services.

5. Supervisor Responsibilities

Supervisors at all levels, are responsible for resolving work-related issues and problems in an appropriate, fair, and prompt manner as soon as reasonably possible after becoming aware of the issues or problems. Supervisors are responsible for participating in training offered by the University on management and supervisory skills. Supervisors should seek advice and assistance in resolving issues and problems, as appropriate, from the University resources listed in [Section 4](#), above.

6. Employee Responsibilities

Employees should try to resolve work-related issues or problems as soon as reasonably possible after becoming aware of the issues or problems. Employees are encouraged to consider their supervisors as resources in their problem-solving efforts. Employees are also encouraged to go to Ombuds/DR for assistance with constructive dispute resolution efforts.

Non-bargaining unit employees may request and have advisors of their choice present for all Ombuds/DR processes listed herein. Bargaining unit employees may request advisors if defined in their collective bargaining agreement. Advisors provide support and assistance to employees using the Ombuds/DR process. The extent of the advisor's role may vary on a case-by-case basis. Advisors share the responsibility with employees of making efforts to resolve concerns in a collaborative manner and observe the confidentiality of all relevant Ombuds services and DR processes.

To assist employees in resolving work-related problems and issues, the University offers communication skills and conflict resolution training. Employees may seek advice and assistance in resolving work-related issues or problems, as appropriate, from the University resources listed in [Section 4.](#) above.

7. Dispute Resolution Processes

In all instances Ombuds/DR staff serve in a neutral role. In collaboration with Ombuds/DR staff, the individuals affected by the issue or problem will select one or more of the appropriate dispute resolution methods described below.

- Collaborative problem solving: Ombuds/DR staff facilitates conversations with individuals involved in a conflict in finding ways to work together to acknowledge their interests and improve their relationship.
- Employee/supervisor consultation: Ombuds/DR staff assists employees and supervisors with problem solving, effective communication, management skills, and/or preventing conflicts.
- Mediation: Ombuds/DR staff assists individuals in reaching a mutually acceptable resolution to workplace issues.
- Staff as Mediators Program: UNM employees coordinated by the Ombuds/DR staff are available to assist employees on request.
- Ombuds/DR staff reviews and assesses situations and makes recommendations.
- Formal policy interpretation obtained from the applicable office.
- Departmental consultations, assistance, and training designed to improve interactions and productivity and reduce conflict.
- Facilitation: Ombuds/DR staff creates a process intended to encourage ongoing communication and problem solving.
- Training: Ombuds/DR staff provides training in dispute resolution and other related issues.
- Referral to other University resources.

All individuals involved in an issue or problem are required to participate in the dispute resolution process unless otherwise provided by in the applicable collective bargaining agreement. If one or more of the involved individuals does not participate, the Ombuds/DR has the discretion to pursue resolution through the applicable management chain or appropriate administrators. The Ombuds/DR may also bring forward to the appropriate administrators concerns about specific supervisors or employees when a policy violation or pattern of inappropriate behavior is observed, subject to the confidentiality requirements described in [Section 2.](#) herein.

7.1. Progressive Discipline

Upon request, Ombuds/DR staff will assist employees and supervisors in their efforts to resolve disagreements or conflicts. This assistance may eliminate the need for disciplinary action. If a supervisor initiates disciplinary action, non-bargaining unit employees may request an advisor of their choice be present at any meeting with the supervisor where the disciplinary action is initiated, but such meetings must be coordinated by Ombuds/DR. Bargaining unit employees may request advisors if defined in their collective bargaining agreement.

Ombuds/DR is intended to supplement, not replace, formal procedures. Employees can contest any disciplinary action through Ombuds/DR, although the final decision on disciplinary action is made by the employee's supervisor. Participating in an informal dispute resolution process does not necessarily put discipline on hold. However, supervisors in consultation with the Ombuds may choose to place disciplinary action on hold pending the results of dispute resolution process. Refer to [UAP 3215 \("Performance Management"\)](#).

8. Dean or Director's Decision

If after a good faith effort the individuals have not resolved the conflict, any party involved in the dispute resolution process may ask Ombuds/DR to forward a request for a decision to the cognizant dean or director. The dean or director will issue a written decision within four (4) weeks concerning the issues raised unless extenuating circumstances delay such action. If the dean or director was involved in the dispute resolution process, the request shall be forwarded to the next level supervisor or cognizant vice president not involved in the dispute resolution process.

Ombuds/DR will forward the dean or director any written concerns provided by either party to the issue. The dean or director shall meet with the parties involved and consult with Ombuds/DR before making a decision. In most circumstances the dean or director may choose to meet separately with each of the parties. Non-bargaining unit employees may request an advisor of their choice be present in the meeting with dean or director. Bargaining unit employees may request advisors if defined in their collective bargaining agreement. Meetings in which an employee wishes to have an advisor present must be coordinated by Ombuds/DR. The decision of the dean or director shall be final, unless there is discretionary review by the President or Board of Regents as provided in [Section 10](#), herein.

9. Review of Suspension Without Pay or Termination

If a post-probationary employee has been suspended without pay or discharged, the employee is entitled to a peer hearing or arbitration upon request. The employee should send the request, with the Notice of Final Action, to Ombuds/DR within two (2) weeks of the employee's receipt of the Notice of Final Action per Section 6.5. [UAP 3215 \("Performance Management"\)](#). Failure to do so may have legal consequences. Because a peer hearing or arbitration is a process with significant legal implications, the employee may wish to seek the advice of a private attorney in considering how to proceed. Upon receiving the request for a peer hearing, Ombuds/DR forwards the request to the Office of University Counsel, which appoints an attorney to advise the peer panel. Ombuds/DR's role in peer hearings and arbitration is limited to providing administrative support.

9.1. Peer Hearing

If a peer hearing is requested, Ombuds/DR will arrange for the hearing. Identification of potential Peer Review Panel members will begin within five (5) working days from the date of the request and Notice of Final Action. The hearing will be held as soon as reasonably possible before a Peer Review Panel. The decision of the Panel is final, unless a discretionary appeal is allowed by the President or the Board of Regents, as provided in this policy ([Section 10.](#)). Non-bargaining unit employees may request an advisor of their choice be present at the peer hearing. Bargaining unit employees may request advisors if defined in their collective bargaining agreement. Hearings shall be conducted according to the University's Dispute Resolution Hearing Procedures ([Exhibit B.](#)). A copy of these procedures may also be obtained from Ombuds/DR. Hearings shall be recorded and shall be private unless both parties agree that the hearing be open.

9.1.1. Peer Review Panel

The Peer Review Panel shall consist of three (3) uninvolved University employees who have no connection with the dispute, nor any interest in the outcome of the hearing. All faculty and staff who are called upon to serve on a Panel are required to participate in peer hearings. Individuals will be excused only in extreme circumstances as determined by Ombuds/DR. Members of the Peer Review Panel will be randomly selected from a pool consisting of all University employees as follows.

Names of five (5) individuals from the same "Primary Occupational Activity" in the University's biennial EEO-6 Report as the complainant will be drawn at random by computer. Two (2) of these individuals will serve on the Panel and a third will be an alternate who will sit on the Panel should one of the two (2) selected individuals be unable to serve on the Panel.

Names of four (4) individuals from the same "Primary Occupational Activity" in the University's biennial EEO-6 Report as the respondent will be drawn at random by computer. One (1) of these individuals will serve on the Panel and a second will be an alternate who will sit on the Panel should the selected individual be unable to serve on the Panel.

The nine (9) individuals randomly selected will complete a screening form to determine whether any individual has a conflict of interest that would prohibit him/her from serving in a neutral capacity. The complainant and respondent will then select the Panel members from the randomly chosen names. The members of the Panel will select one of their number to serve as chair. University Counsel will provide the Panel with training on conducting hearings and will also serve as legal advisor to the Panel.

9.2. Arbitration

If both parties agree, the dispute may be submitted for final and legally binding arbitration instead of a peer hearing. Non-bargaining unit employees may request an advisor of their choice be present at the arbitration. Bargaining unit employees may request advisors if defined in their collective bargaining agreement. If arbitration is requested, Ombuds/DR will arrange for the arbitration as soon as reasonably possible. Arbitrators are non-UNM employees selected by mutual agreement from a pool of professional arbitrators.

10. Discretionary Review by President and Board of Regents

The President and the Board of Regents reserve the discretionary authority to review all decisions other than final and binding arbitration. The President and the Regents will normally accept review only in extraordinary cases, such as those where proper procedures have apparently not been followed, where the decision appears to be unsupported by the facts, or where the decision appears to violate University policy. If an appeal is accepted, it will first go to the President. The Board of Regents has the discretion to review the President's decision. Any appeal will be handled pursuant to the policies of the President and Regents concerning discretionary reviews.

11. Attachments

[Exhibit A.](#) Dispute Resolution Process Flowchart

[Exhibit B.](#) Dispute Resolution Hearing Procedures

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New Mexico's Flagship University

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** (<http://policy.unm.edu/regents-policies/section-5/5-3.html>), *Regents' Policy Manual*.

C50: Faculty Contracts

Policy

Contracts are usually issued during May or June for the following year. For most faculty members, contracts call for nine months of service (see Dates of Campus Duty).

Payments in every case are made in monthly installments, on the last working day of each month. Faculty members who are employed on a nine-month basis have the option of choosing payment of their salaries in ten or twelve installments. For example: for a given year, the first check is paid at the end of August; faculty members may decide whether they wish to receive their contracted salaries in twelve equal installments ending on July 31 or in ten equal installments ending on May 31.

The following procedure has been established for computing the salary of a faculty member whose period of employment (1) does not begin with the start of the academic year, or (2) ends before Commencement. Count the number of weeks of service and relate that number to 39 weeks in the nine-month academic year. Example A: A faculty member starts work in February on a date which is 14 weeks before Commencement; salary amount will be 14/39 of a nine-month base salary. Example B: A faculty member who starts work one week before classes begin, as is customary, finishes work at the end of the first semester; salary amount will be 50% of a nine-month base salary, and contract dates for one semester will include 19.5 weeks.

The contract of a person employed for the fiscal year administrators and certain faculty is written to indicate a 12-month period of employment, it being understood that a one-month vacation, i.e., annual leave on an accrual basis, is implicit in the agreement. One month here is construed as 21 working days, and a paid holiday in a vacation period is counted as a holiday and not as a day of vacation. While vacations will be granted whenever possible to satisfy individual requests, continuity of operations must be maintained. Consequently, vacation must be scheduled with the approval of the dean or director concerned.

For full-time faculty members on 12-month contracts: vacation is accrued at a rate of 1.75 days per month for a total of 21 days per year; to earn vacation during a given month, faculty must receive pay for at least twelve days during that month; faculty may accrue up to a total of 31.5 days.*

For part-time faculty members on 12-month contracts for at least 1/2-time but less than 3/4-time work, vacation is accrued at a rate of 7 hours per month for a total of 84 hours per year with maximum allowable accrual of 126 hours. For such persons working at least 3/4-time but less than full-time, the accrual rate is 11 hours per month, or 132 hours per year with a maximum allowable accrual of 189 hours. To earn vacation for a given month, 1/2-time employees must work a minimum of 48 hours in that month, and 3/4-time employees must work a minimum of 64 hours in that month.

Employees on 12-month contracts with the University who are terminating their employment are expected to take all accrued annual leave within the contract period. If, however, accrued annual leave extends beyond the contract period, and if the employee has given adequate notice of termination, the employee's supervisor may request that an additional contract be issued to include payment of accrued annual leave (not to exceed 21

days for full-time faculty, 15.75 days for 3/4 time faculty, and 10.5 days for 1/2 time faculty.) Employees terminating employment for retirement purposes (under The New Mexico Educational Retirement Act) would be paid for the full unused annual leave credits not to exceed the maximum allowed accrual.

When a nine-month faculty salary is converted to a twelve-month salary, the nine-month salary is multiplied by 11/9. A twelve-month salary figure is converted to a nine-month salary by multiplying the twelve-month figure by 9/11. This procedure recognizes the different leave policies required by the contracts and compares nine months' work with eleven months' work, with no annual leave accruals for those on nine-month contracts and one month's annual leave within the twelve month contract.

For a person on a 12-month contract whose period of employment does not coincide with the start and end of the fiscal year (July 1-June 30), salary is computed as follows:

*Faculty members on 12-month contracts may not accrue annual leave while on sabbatical leave.

Divide the annual base salary by 12 and multiply the quotient by the remaining number of months in the budget year; i.e., a person employed on December 1 on an annual base salary of \$36,000 would receive a contract for \$21,000-\$3,000 per month for the 7 months remaining in the fiscal year.

C205: Annual Leave

Policy

This policy is under revision or is being developed. Current provisions for annual leave are located in [Faculty Contracts, Section C50](#) (</policies/section-c/employment-appointment/c50.html>).

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”

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

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.

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](#),¹ or the applicable provisions of the Association's [Recommended Institutional Regulations on Academic Freedom and Tenure](#).²

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](#)

Faculty Rights and Responsibilities - Faculty Handbook

IV. ACADEMIC HUMAN RESOURCES POLICIES (Cont.)

The following policy was approved by the Board of Trustees on July 27, 1984.

The [Bylaws](#) of the Michigan State University Board of Trustees state that "the Constitution (of the State of Michigan) confers upon the Board of Trustees the freedom, power, and responsibility to develop a free and distinguished university and to promote the welfare of mankind through teaching, research, and public service." ^{1,2,3}

As the primary functions of an academic community, learning, teaching, scholarship, and public service must be characterized by a fundamental commitment to academic freedom and maintained through reasoned discourse, intellectual honesty, mutual respect and openness to constructive criticism and change. Faculty members, as central to this community, serve as scholars pursuing the search for knowledge and its free expression, as teachers instructing students, and as professionals and citizens contributing special knowledge and skills through public service and community participation. In the performance of all these functions faculty members are held accountable to the University, in accordance with established policies and procedures, by the Board of Trustees which, as an elected body, is responsible to the people of the State of Michigan. ⁴

In order to carry out the mission of the University, faculty members, as members of both the academic and the broader public community, have the right to a clear statement of academic freedom, tenure, and other fundamental faculty rights and responsibilities. The purpose of this document is to acknowledge these fundamental rights and responsibilities. ⁵

Academic Freedom and Responsibility

Michigan State University endorses academic freedom and responsibility as essential to attainment of the University's goal of the unfettered search for knowledge and its free exposition. Academic freedom and responsibility are fundamental characteristics of the University environment and are always closely interwoven and at times indistinguishable. Academic freedom and responsibility are the twin guardians of the integrity and quality of universities. The University looks to its faculty members to exercise their rights responsibly and to meet their obligations fully as professionals. Faculty acceptance of their responsibilities to students, colleagues, the scholarly community, and the public explains in great part why society historically has accepted the concept of academic freedom and has afforded its protection through the institution of academic tenure.

For faculty members, the principal elements of academic freedom include:

1. The right, as teachers, to discuss in the classroom any material which has a significant relationship to the subject matter as defined in the approved course description;
2. The right to determine course content, grading, and classroom procedures in the courses they teach;
3. The right to conduct research and to engage in creative endeavors;
4. The right to publish or present research findings and creative works;
5. The right to engage in public service activities; and
6. The right to seek changes in institutional policy through established University procedures and by lawful and peaceful means.

Academic freedom carries with it responsibilities. For faculty members, the principal elements include:

1. The responsibility to carry out assigned teaching, research, and public service duties in a professional manner and in keeping with University policy;
2. The responsibility, as teachers, to refrain from introducing matters which are not consistent with their teaching duties and professional competence and which have no significant bearing on the subject matter of the course as approved under University procedures;
3. The responsibility to pursue excellence and intellectual honesty in teaching, research, and other creative endeavors and in public service activities; and in publishing or presenting research findings and creative works;
4. The responsibility to encourage students and colleagues to engage in free discussion and inquiry; and to evaluate student and colleague performance on a scholarly basis;
5. The responsibility to work in a collegial manner with appropriate individuals and bodies to encourage the free search for knowledge; its free exposition, and the University's continuing quest for excellence; and
6. The responsibility to differentiate carefully their official activities as faculty members from their personal activities as citizens and, when the situation warrants, to make it clear that, when speaking as private citizens, they do not speak for the University.

The above list provides a summary outline of the principal elements of academic freedom and responsibility. More detailed and explicit definitional statements applicable to specific faculty rights and responsibilities are set forth below under the following headings:

Academic Tenure, Academic Governance, Teaching, Research and Creative Activity, Public Service, Relations with Colleagues, Relation to the University and the Community, and Resolution of Conflicts.

Academic Tenure

The faculty have a right to expect that the University's tenure system is characterized by high integrity and a responsibility to participate in the operation of the tenure system seriously and in good faith. All decisions involving tenure system recommendations shall be made in conformity to the University-approved policies and procedures that govern the tenure system.

Academic Governance

The faculty have a right and responsibility to participate in the establishment and functioning of a governance system at the department or school, college, and University levels in accordance with Michigan State University *Bylaws for Academic Governance* to ensure academic freedom and the promotion of the goals of the institution. The University looks to the faculty for recommendations on various academic personnel matters including faculty appointments, reappointments, promotions, the award of tenure, and salary increase guidelines; on the development of new academic programs and the modifications or discontinuance of existing programs, on academic curricula and standards; on definition of University mission and goals; on policies governing research and creative endeavors; on the formulation of annual budget requests and allocations; and on the selection and review of specified administrative officials, as well as other issues that concern the general welfare of the University, including student affairs and the academic environment.

Through the academic governance system, the University accords a central role to faculty peer review in the departments or schools, colleges, and the University. Faculty have a responsibility to participate in peer review procedures to ensure personnel recommendations which promote excellence. In accordance with established departmental or school, college, and University policies, faculty members have the right to be informed of the standards, criteria, procedures and other conditions which affect all aspects of their appointment in the tenure system, to be evaluated in a fair, objective manner, and to receive timely notice regarding their future appointment status at Michigan State University.

Teaching

Because the faculty's role in the educational process is primary and central, the faculty member, as teacher, has the responsibility to make every effort to be accurate, objective, and effective. In the classroom, the teacher shall address topics and present materials consistent with the teaching assignments as defined in the approved course objectives.

The teacher has the responsibility to encourage the pursuit of learning by students by manifesting the best academic standards of the discipline or profession. To accord students respect as individuals, the teacher shall seek to establish a relationship of mutual trust and to establish an appropriate role as an intellectual guide, counselor and mentor, both in and out of the classroom. If problems arise in the relationship between teacher and student, whether on personal matters or on instructional materials or methods, both teacher and student shall attempt to resolve them in informal, direct discussions as between well-intentioned, reasonable persons.

The teacher has the responsibility not to exploit students for private advantage; the teacher also should avoid any form of discrimination or harassment, with the understanding that racism, sexism, and other forms of bias preclude the establishment of an effective learning environment.

The teacher has the responsibility to foster and require honest academic conduct. The teacher has authority and responsibility for grades and shall assure that the evaluation and assessment of academic performance reflect each student's true achievement by good faith application of criteria appropriate to the field of study and the course. The teacher shall further protect academic freedom for faculty and students by acknowledging the contributions of students to professional work of faculty members and by assuring that each student is free to voice opinions openly and to exchange ideas free from retaliation. Teachers have the responsibility to observe the University, college and department/school policies regarding such matters as the statement of course objectives, examination policy, office hours, course evaluations, and other provisions of *The Michigan State University Code of Teaching Responsibility*.

Research and Creative Activity

To fulfill the University's mission of advancing and disseminating knowledge for the improvement of the welfare of the public, faculty members have a responsibility to conduct research and engage in creative activity in their area(s) of appointment and professional competence. Recognition of professional competence and definition of area(s) of appointment occur in the basic academic units (departments, schools, non-departmentally organized colleges) through procedures in which established systems of peer review play a central role.

As scholars, faculty members have the right and responsibility to create, seek, and state knowledge freely and openly and to strive for scholarly excellence. The scholar has the right and responsibility to exercise critical self-discipline and judgment in generating, using, extending, and transmitting knowledge, to adhere to the highest standard of intellectual honesty, and to oversee and evaluate the research and creative efforts of students and subordinates. Faculty shall conduct all research and creative activity in a manner consistent with accepted scholarly standards and in conformity with legal, professional, and University codes, policies, and regulations governing research and creative endeavors.

Public Service

As the land-grant university of the State of Michigan, Michigan State University is committed to public service as an integral aspect of its mission; this entails a commitment to the creation, dissemination, and application of knowledge. Public service involves the application of the faculty member's professional training and competence to issues and problems of significance to constituencies and it is related to academic program objectives of the unit(s) in which the faculty member is appointed. Faculty members engaging in public service activities enjoy the same rights and have the same responsibilities which were previously stated as pertaining to them as teachers and scholars.

Faculty members, in accordance with University policy and regulations, can serve as valuable resources and provide valuable services by working with government, industry, public organizations, and others off-campus. Faculty members have the right to engage in a limited amount of outside work for pay in accordance with University policy and regulations.

Relation with Colleagues

As colleagues, faculty members have rights and responsibilities that derive from common membership in a community of scholars. Faculty have the responsibility to respect and right to defend the free inquiry of associates and, in the exchange of ideas and criticism, the responsibility to respect the views and rights of others. Faculty members shall acknowledge the contributions of colleagues to their own work. In the evaluation of the professional performance of a colleague, the faculty member shall provide an honest and objective appraisal in accordance with established department/school, college, and University criteria. The faculty member shall foster collaboration with and support of colleagues. Acts of racism or sexism, including harassment and other forms of bias and discrimination, violate University policies, and are unacceptable.

Relation to the University and the Community

As members of Michigan State University, the faculty have a primary responsibility to strive for academic excellence in instruction, research, and public service. When the situation warrants, faculty members acting or speaking as citizens have a responsibility to make clear that these actions and utterances are entirely their own and not those of the University or any component of the University. Faculty members have the responsibility not to abuse their standing within the University for personal or private gain nor use University employees, facilities, equipment, supplies, or other property for personal or private business.

As a member of the wider community, the faculty member has the rights and obligations of any citizen. In exercising these rights, the faculty member speaks only as an individual, either as a professional scholar with a field of special competence or as a private citizen.

Faculty members should be mindful that membership in the academic community inevitably involves identification and association with the University and that the University often is judged by the actions, performance, attitudes and expressions of its faculty members. Faculty members normally do not face a conflict between the exercise of their rights as a citizen and their responsibilities as a faculty member. If citizenship activities interfere with faculty responsibilities, faculty members should request a leave of absence, resign from their appointment, or limit those activities to ensure a complete discharge of faculty responsibilities.

Resolution of Conflicts

The University is committed to respect the rights of the faculty. Faculty members who believe that their rights have been violated have the right to seek redress through the University's established procedures for the hearing and resolution of complaints. Faculty members have the obligation to meet their responsibilities as defined in this document and in those cited in Appendix A to help the University maintain academic excellence and realize its goals. Faculty members accused of failing to meet these responsibilities have a right to be informed of the accusations and accorded timely access to University procedures to determine whether or not the accusations are valid and any sanctions justified.

Amendment Procedures

Amendments to this document may be initiated by any individual member of the faculty and shall be submitted to the Office of the Provost and the University Committee on Faculty Affairs for consideration and action in accordance with Section 4.7.3 of the *Bylaws for Academic Governance*.

APPENDIX A

Michigan State University Policy Documents Generally Applicable to Faculty Rights and Responsibilities:

- Bylaws of the Board of Trustees
- Board of Trustees Policy Manual
- Bylaws for Academic Governance
- The University Catalog

Academic Programs
Description of Courses
Graduate Study

- Sponsored University Programs for Research and Education
- Academic Freedom for Students

- Traffic Regulations
- Travel Regulations
- Manual of Business Procedures
- Faculty Group Practice, Colleges of Human and Osteopathic Medicine
- Medical Student Rights and Responsibilities
- Bylaws of the College or Colleges
- Bylaws of the Department(s) or School(s)

Policy Documents Specifically Applicable to the Statement on Faculty Rights and Responsibilities:

- Abrogation of Faculty Responsibility
- Academic Advisement, Enrollment, Registration and Counseling
- Academic Freedom
- Academic Freedom for Students (especially Article 2)
- *Academic Programs: Michigan State University*
- Anti-Discrimination: Policy and Procedures
- Appointment, Reappointment, Tenure, and Promotion Recommendations
- *Bylaws for Academic Governance*
- *Bylaws of the Board of Trustees* (especially the Preamble and Article 7)
- Code of Teaching Responsibility
- Development of Copyrighted Material
- Discipline and Dismissal of Tenured Faculty for Cause
- Equal Opportunity and Non-Discrimination
- Faculty Grievance Procedure
- Faculty Group Practice, Michigan State University
- Final Examination Policy (*Schedule of Courses*)
- Freedom of Expression (Board of Trustees Policy Manual)
- Integrity of Scholarships and Grades (*Academic Programs*, General Information, General Procedures and Regulations)
- Interim Guidelines for Potential Conflicts of Interest in Academic Areas of the University
- Medical Service Plan for Colleges of Human Medicine and Osteopathic Medicine
- Mission Statement, Michigan State University
- Non-Tenured Faculty in the Tenure System
- Ordinance on Examinations (*Ordinance #17.00*, Michigan State University)
- Outside Work for Pay
- Overload Pay
- Patents
- On Preventing Conflicts of Interests in Government-Sponsored Research at Universities
- Protection of Human Subjects
- Regulatory Guidelines for Research
- Rights of Students to Receive Instruction
- Sponsored Research and Creative Endeavor
- Sponsored University Programs for Research and Education
- Student Instructional Rating System
- Student Records
- Tenure of Appointment at Michigan State University
- Use of Animals in Research, Teaching and Outreach

Footnotes:

¹ The terms, "faculty" or "faculty members," as used in this document, apply to individuals appointed in the tenure system with the rank of instructor through professor. (However, as applicable in the context of assigned duties and responsibilities, the provisions of this policy apply to all faculty and academic staff).

² *Bylaws of the Board of Trustees*, as amended January 24-25, 1980, *Preamble*, page 1.

³ "The Board of Trustees, the administration, and the faculty carry out their respective responsibilities not as isolated entities, but as major and primary constituents of the total University organization and structure which remain mutually independent and must be

supportive of each other's purposes, functions, and obligations. It is within this context that the rights and responsibilities of the faculty are to be construed" (*Bylaws of the Board of Trustees*, as amended January 24-25, 1980, Article 7, page 7.)

⁴"The Board of Trustees, elected by the voters of the State and responsible to all the people of Michigan, exercises the final authority in the government of the University, within the limits fixed by the State Constitution. In exercising its responsibility, the Board delegates to the President of the University and through the President to the faculty, appropriate authority and jurisdiction over matters for which they are held accountable by the Board. These matters include educational policy and the development of a strong and efficient organization with which to accomplish the objectives of the University." (*Bylaws of the Board of Trustees*, as amended January 24-25, 1980, *Preamble*, page 1.)

⁵Some faculty rights and responsibilities referred to in this document are stated elsewhere (see Appendix A).

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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

C05: Rights and Responsibilities of UNM Faculty

Approved By: Faculty Senate

Effective Date: **Draft 12/31/15**

Responsible Faculty Committee: [Operations Committee](#)

Office Responsible for Administration: [Office of the Provost](#)

Legend: Text in Blue: Language copied from AAUP Statement of Professional Ethics

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

POLICY RATIONALE

Membership in the academic profession carries with it special responsibilities. This Policy document lists a variety of faculty responsibilities based on Statement of Professional Ethics published by the American Association of University Professors.

POLICY STATEMENT

The rights and responsibilities defined in this document assist faculty in the [exercise of their responsibilities to students and colleagues, their conduct when undertaking sponsored research, speaking as citizens, or resigning](#) from UNM. The enforcement of these responsibilities will be made in accordance with Policy C07 “Faculty Discipline.”

1. As academic professionals, faculty [seek and state the truth as they see it](#), and are responsible for:

- [developing and improving their scholarly competence;](#)
- [exercising critical self-discipline and judgment in using, extending, and transmitting knowledge, and](#)
- [ensuring that any subsidiary interests do not seriously hamper or compromise their freedom of inquiry.](#)

2. As teachers, faculty shall [encourage the free pursuit of learning in their students](#) and are responsible for:

- [demonstrating respect for students as individuals;](#)
- [adhering to their proper roles as intellectual guides and counselors;](#)
- [making every reasonable effort to foster honest academic conduct;](#)
- [ensuring that their evaluations of students reflect each student’s true merit;](#)
- [respecting the confidential nature of the faculty/student relationship;](#)

- avoiding any exploitation, harassment, or discriminatory treatment of students;
- acknowledging significant academic or scholarly assistance provided by students; and
- protecting students' academic freedom.

3. As colleagues, faculty are members of a community of scholars and are responsible for:

- avoiding discrimination or harassment of colleagues;
- respecting and defending the free inquiry of associates, even when it leads to finding and conclusions that differ from their own;
- acknowledging academic debt and string to be objective in their professional judgment of colleagues; and
- sharing responsibilities for shared governance.

4. As members of an academic institution, faculty seek to be effective teachers and scholars and are responsible for:

- observing the published policies of the institution, provided the policies do not contravene academic freedom, they may maintain the right to criticize and see revision;
- giving due regard to their paramount responsibilities within their institution in determining the amount and character of work done outside it;
- recognizing the effect of any decision to interrupt or terminate their service on the program or institution, and giving due notice of their intentions.

5. As members of their community, faculty have the rights and obligations of other citizens and are responsible for:

- measuring the urgency of these obligations in the light of their responsibilities to their subject, to their students, to their profession, and to their institution; and
- avoiding creating the impression of speaking or acting for their institution when they are speaking or acting as private person.

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.

APPLICABILITY

All UNM academic faculty.

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

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

RELATED DOCUMENTS

UNM Regents' Policy Manual

[Policy 2.1](#) "Free Expression and Advocacy"

[Policy 2.4](#) "Diversity and Campus Climate"

[Policy 4.2](#) "Student Code of Conduct"

[Policy 4.8](#) "Academic Dishonesty"

[Policy 5.1](#) "The Faculty's Role in the University's Mission"

[Policy 5.5](#) "Outside Employment"

[Policy 6.4](#) "Employee Code of Conduct and Conflicts of Interest"

[Policy 6.5](#) "Political Activity by Employees"

Faculty Handbook

[A50](#) "The Faculty's Role in the University's Mission"

[C07](#) "Faculty Discipline"

[C09](#) "Respectful Campus"

[C130](#) "Outside Employment"

[C150](#) "Political Activity"

University Administrative Policies

[Policy 2200](#) "Whistleblower Protection and Reporting Misconduct and Retaliation"

[Policy 2060](#) "Political Activity"

Policy 3720 "Conflicts of Interest"

Policy 3740 "Media Response"

Pathfinder

Student Code of Conduct

CONTACTS

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

PROCEDURES

[There are no procedures at this time.](#)

DRAFT HISTORY

December 31, 2015—Revised draft in new format with references added.

HISTORY

_____ first part of policy removed
July 1982—Revised
November 1981--Revised
September 1975--Revised
August 1970--Revised
October 1965 – Adopted by the Board of Regents

COMMENTS TO: handbook@unm.edu	FACULTY HANDBOOK HOME	TABLE OF CONTENTS	TABLE OF POLICIES	UNM HOME
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Chapter 7: Academic Policies And Related Information

7.01 Professional Conduct

University of Arizona

7.01.01 Statement On Professional Conduct

Policy Number:

7.01.01

The following "Statement on Professional Conduct" was adopted by the Faculty Senate on January 4, 1971. Although the statement refers most often to faculty members, its principles also apply to administrative and professional personnel.

Membership in the academic community imposes on students, faculty members, administrators, and regents an obligation to respect the dignity of others, to acknowledge their right to express differing opinions, and to foster and defend intellectual honesty, freedom of inquiry and instruction, and free expression on and off the campus.

As teachers, faculty members encourage the free pursuit of learning in students; hold before them as best they can the scholarly standards of the discipline; demonstrate respect for the student as an individual; adhere to the proper role as intellectual guide and advisor; make every reasonable effort to foster honest academic conduct and assure that the evaluation of students reflects their true merit; and respect the confidential nature of the relationship between faculty member and student.

The faculty, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognize the special responsibilities placed upon them. The faculty's primary responsibility to their subject is to seek and state the truth as they see it. To this end, the faculty devote their energies to developing and improving scholarly competence. The faculty member accepts the obligations to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge; and practices intellectual honesty.

As members of the broader community, the faculty have the rights and obligations of any citizen. Faculty members measure the urgency of these obligations in the light of their responsibilities to the subject, to students, to the profession, and to the institution. When the faculty speak or act as private persons, they avoid creating the impression of speaking or acting for the college or University.

In order to accomplish these goals, faculty members assume certain specific responsibilities:

- A. To conduct each course they have been employed to teach in general conformity with the content, format, and official description of such course as established by the faculties and approved by the President and Board of Regents.
- B. To meet and conduct classes at all regularly scheduled times and places. The President or a duly appointed representative may authorize a member of the faculty to be absent from classes or to reschedule the work for reasons of health or when in the best interests of the University.
- C. To notify as promptly as possible the head of the department whenever emergencies such as illness or accident prevent meeting a scheduled class so that a replacement may be arranged.
- D. To be engaged in undergraduate education and the education of graduate and professional students, as appropriate to the mission of each College and/or unit.
- E. To establish individual relationships with undergraduate, graduate and professional students in the role of mentor and advisor, as appropriate to the mission of each College and/or unit.
- F. To be committed to discharging their duties and responsibilities primarily on the campus of the University and other such sites as appropriate to the mission of each College and/or unit.

In addition to fulfilling the responsibilities listed in the above "Statement," faculty members are expected to support students in the following ways:

- By meeting and terminating classes at the scheduled times;
- By posting and keeping a schedule of office hours during which they are available for conferences;
- By advising students during orientation and registration.

They are encouraged to support students:

- By attending commencement exercises (in academic dress);
- By serving as advisors to student honorary and professional societies, and other student organizations and clubs.

Policy Committee Work Status Table (updated 5/18/16)

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	FH Status
NA	Policy Approval Table	new	November 2015		Identify the required approvals for all FH Policies							
A53	Development of Policy	1/19/16			Update definition of Standard to require approval by FSPC				Due to Operations suggested changes, FSPC rescinded approval.			
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	Fall '16				
A61 – A70	Council and Committee Charges				Need to be developed or revised in accordance with revision of A60 above			Fall '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	Fall '16				
A91 Standard	Research Centers and Institutes	4/28/15		C Stephens	Need to post standard on FH webpage							
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			Done			Posted
C05	Rights and Responsibilities at UNM	July 1982	12/2/15	M Baum L Oakes	COG taskforce asked FSPC to perform a comprehensive review.		4-6 months	Fall '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			Fall '16				
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 '17	Refer to C Parker. Send memo to C Parker to remind her			
C60	Visiting Scholars				Put in new format, no significant changes.	RPM 5.5, 5.6, FH C130 FH C180 UAP 2615 Will Require BOR approval	3 months	Spring '16	Approved by OPS for campus comment.	Ends 4/19/16	Approved by FS 4/26/16	
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			
C190 Standard	Implementation	new		C Stephens	Incorporate C Parkers webpage							
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	Approved by OPS for campus comment.	Ends 4/19/16	Approved by FS 4/26/16	
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	Approved by OPS for campus comment.	Ends 4/19/16	Approved by FS 4/26/16	

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			
C240	Leave of Absence Incident to Political Activity			M.Muller	See C 150 above							
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				
C260	Religious Accommodations	New	Jan 2016	L Oakes	Provide guidance to faculty, supervisors, and students pertaining to requests for religious accommodations.				Approved by OPS for campus comment.	Ends 4/19/16	Approved by FS 4/26/16	
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				
XXX 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	Requirement will be met by the proposed UAP Policy "Clery Act Compliance			No longer needed.
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			
E90	Human Beings as Subjects in Research	11/15/1966	1/27/16		IRB and Dr. Larson propose revisions	RPM 5.13 & 5.14; FH E40	6 months	Fall '16	With RPC			

Recently Completed Work

NA	Information Items		2014		OUS IT staff working on building webpage		3 months		Approved		NA		Posted Jan 2016
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		Posted 1/19/16
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 12/22/15		Posted 12/22/15
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 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	Ops approved 3/7/16		Posted 3/31/16
A91	Research Units	new	2013	C Stephens	Reveiwed 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
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				

COG FH policies that need to be revised to include the applicable references and/or corrections.

Status of FSPC Action Updated 4/28/16

FH Policy	References to be added	Reason and/or Other Recommendations or Concerns	FSPC Action
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 nd 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.	Completed 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.	Completed. Effective 3/7/16
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.	Draft under review led by Marsha Baum and Leslie Oakes.

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; no action taken.
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.	Completed. Effective 4/26/16
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.	Completed. Effective 4/26/16
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.	Completed effective 10/27/15.
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.	Policy under review the Policy Committee then will go to RPC for review.

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.