

Faculty Senate Policy Committee
Draft Meeting Agenda, Scholes Hall Room 101, December 5, 2018

Agenda Topics

Updates

1. D170 “Student Attendance”
2. D175 and D176 Student Grievance policies
3. Discussion of Policy Process and Policies with Operations Committee
4. F70 “Articulation, Degree Approval, Transfers of Course Credit, and Approval of Credentialing Standards” issued.

Action Items

1. C290 “Ombuds/Dispute Resolution for Faculty” This draft policy was developed based on information from Ombuds/Dispute Resolution Services for Faculty brochure, Policy C09 “Respectful Campus,” and UAP Policy 3220 “Ombuds Services for Staff.” It has been reviewed and endorsed by Jean Civikly-Powell, Ombudsperson for Faculty. **pg. 1**

Discussion

1. C230 “Military Leave of Absence” Discuss policy language that may be needed to discuss the tenure clock. **pg. 7**
2. Copyright Policy Issues: Pathfinder document, Educause guidelines, Fair Use. Etc. **pg. 12**
3. Meeting Schedule **pg. 14**

C290: Ombuds/Dispute Resolution Services for Faculty

Approved By: Faculty Senate

Last Updated: **Draft 11/27/18**

Responsible Faculty Committee: Faculty Senate Policy Committee

Office Responsible for Administration: Ombuds/Dispute Resolution Services for Faculty

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 providing a working and learning environment where all members of the UNM community work together in a mutually respectful and constructive manner. At times however, workplace conflicts can occur, and when possible under the circumstances, UNM encourages faculty to address and resolve complaints informally and at the least adversarial level. Ombuds/Dispute Resolution Services for Faculty is a confidential, impartial, informal, and independent resource for faculty concerns and conflicts.

POLICY STATEMENT

Ombuds services are provided for all faculty and faculty administrators. Ombuds services include individual consultations, joint meetings/mediations, no-cost mediation training, and periodic workshops. The services provide for confidential respectful consultations about experiences and concerns, discussion of options, information about policies and relevant UNM resources, collaborative problem-solving, and mediation. Difficulties experienced often include, but are not limited to, communication breakdowns, information voids, differing views about how work is done, interpersonal tensions, and difficult collaborations. The Ombuds office adheres to the principles and standards of practice established by the [International Ombudsman Association \(IOA\)](#) and to UNM policies and procedures.

1. Confidential

Visitors' identities and the contents of their conversations are private. Only with the individual's permission would ombudspersons contact other UNM individuals or services to help resolve a dispute. The exceptions to confidentiality are disclosures of imminent harm to self, others, or property or if disclosure is required by law.

2. Impartial

Ombudspersons are neutral and maintain no personal stake in the outcome of any dispute. The Ombuds office promotes a fair non-judgmental process. It does not take sides or advocate for an individual.

3. Informal

The use of Ombuds services is voluntary. The guiding standard is resolution of difficulties at the least adversarial level. The focus is on alternative ways for resolving problems other than by formal institutional procedures. Ombuds staff do not participate in formal proceedings.

4. Independent

Ombudspersons exercise autonomy regarding their responsibilities. The Ombudsperson for Faculty reports to the Provost, or designee, for administrative and budgetary purposes only.

5. No Retaliation for Participation

Retaliation against a faculty member for raising an issue or participating in Ombuds services is prohibited.

6. Recordkeeping

Ombudspersons maintain no official records. Any recordkeeping or note-taking related to a specific individual is used only as a temporary aid to help informally serve visitors. These informal records are kept in the sole possession of the office, securely maintained, and destroyed in accordance with IOA standards.

7. Limitations of Services

The ombudsperson does not:

- handle legal issues or formal grievances or provide legal advice;
- accept legal notice for UNM, should you wish to go “on record” about an issue or put UNM on notice; or
- address disputes between faculty and persons or organizations not affiliated with UNM.

APPLICABILITY

All academic UNM units, including the Health Sciences Center and Branch Community Colleges.

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

DEFINITIONS

Ombudsperson. One who assists individuals and groups in resolution of conflicts or concerns. The Ombuds for Faculty is a designated neutral position appointed by UNM to facilitate informal resolution of faculty concerns and to bring systemic concerns to the attention of the organization for resolution.

- Faculty members
- Faculty administrators

RELATED DOCUMENTS

Faculty Handbook

- Policy **C07** “Faculty Misconduct and Progressive Discipline Policy”
- Policy **C09** “Respectful Campus”

University Administrative Policy Manual

- Policy **2200** “Reporting Suspected Misconduct and Whistleblower Protection from Retaliation
- Policy **2720** “Prohibited Discrimination and Equal Opportunity”
- Policy **2740** “Sexual Misconduct”

CONTACTS

Direct any questions about this policy to Ombuds/Dispute Resolution Services for Faculty.

PROCEDURES

These services are voluntary and are available to faculty at all levels and to faculty administrators. When pertinent and with permission of the individual, the Ombuds/Dispute Resolution Services for Faculty coordinates services with Ombuds Services for Staff, Ombuds Dispute Resolution for Graduate Students, and with the Dean of Students office.

Initiation of requests for appointments for individual consults or joint meetings/mediations begins with the individual faculty member. In the mediation process, the mediators provide a private safe setting and facilitate the individuals’ conversations. The mediators do not tell the individuals what to do. The individuals decide if and how they will resolve their difficulties, and they can create mutually satisfactory agreements for moving forward.

HISTORY

Effective: New Policy

DRAFT HISTORY

November 27, 2018 – Revise draft to include changes requested by the Ombuds for Faculty.
November 13, 2018—Revise draft to include recommendations from Ombuds for Faculty.
October 24, 2018 – Draft new policy



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

Date Originally Issued: 11-01-1994

Revised: 04-01-2003, 05-29-2014, 04-21-2017, 01-04-2018

Process Owner: University Ombudsperson, Staff

1. General

Ombuds Services for Staff (Ombuds Services) is an independent, neutral, confidential, and informal resource that promotes constructive conflict management on campus. Ombuds Services provides informal dispute resolution and collaborative problem solving processes, free of charge, to all staff, their supervisors (including faculty supervising staff), and their coworkers. Ombuds Services operates in accordance with the International Ombudsman Association (IOA) Standards of Practice and Code of Ethics and applicable University policies and procedures.

2. Confidentiality

Ombuds Services shall not disclose the identity of a visitor or the substance of confidential or personally identifiable communications--whether written, spoken, or otherwise--unless the office:

- receives permission from a visitor to make a disclosure;
- determines there is imminent risk of serious harm to the visitor or to others; or
- is compelled or required by law to make the disclosure.

The University supports the confidentiality of Ombuds Services and encourages parties to make use of Ombuds Services to develop options for addressing their concerns.

3. Informal and Voluntary Resource

Ombuds Services provides informal assistance to voluntarily pursue constructive outcomes. A supervisor may require staff to schedule an initial visit with Ombuds Services. The visitor to Ombuds Services may then choose whether to pursue such services. The level of participation with Ombuds Services is determined by the visitor. Ombuds Services is not a required step in any formal processes at the University; it supplements, but does not replace, formal processes (such as disciplinary actions).

4. Responsibilities and Authority

Ombuds Services tailors its responses to each visitor's concerns and questions based on the particular dynamics of a situation. Services provided by Ombuds Services may include:

- visits, or private conversations, with a neutral ombuds who will listen and may help develop options for problem solving;

- referrals to specific University offices or resources or to University policy for guidance in addressing the visitor's situation;
- informal inquiries to gain a greater understanding of a situation;
- mediations or informal conversations facilitated by an experienced neutral party; and
- trainings on constructive conflict management skills and related topics.

Ombuds Services regularly informs University leadership about campus trends or systemic problems in a manner that protects confidentiality.

5. Limitations of Ombuds Services

Ombuds Services does not conduct formal investigations. It does not adjudicate disputes, issue findings, impose remedies or sanctions, or make decisions on behalf of the University, its administrators, or the Board of Regents. It does not take sides or advocate on behalf of any individual, University unit, or cause.

Disclosures to Ombuds Services of alleged violations of law or policy are not considered notice to the University, nor can the office accept formal complaints on behalf of the University. Visitors are encouraged to discuss any concern with Ombuds Services, and Ombuds Services can provide assistance and referral information about providing formal notice to the University of alleged violations.

While Ombuds Services can listen and provide visitors with information and assistance in constructive conflict management, visitors are solely responsible for deciding what actions they wish to take.

6. No Retaliation for Participation in Ombuds Services

Employees have the right to consult Ombuds Services without fear of retaliation or reprisal. Retaliation against an employee for raising an issue or participating in Ombuds Services is prohibited. Furthermore, discouraging or preventing employees from seeking Ombuds Services is inappropriate because it is contrary to the University's intent of promoting constructive conflict management and resolution.

7. Recordkeeping

Ombuds Services does not keep permanent records regarding any individual. Any recordkeeping or note-taking related to a specific individual is used only as a temporary aid to help informally serve visitors. These informal records created by Ombuds Services are kept in the sole possession of the office, securely maintained, and destroyed in accordance with IOA standards.

Ombuds Services may create or maintain generic data, not attributable to specific visitors, for use in annual reporting and other similar purposes.

8. References

[UAP 2200 \("Reporting Suspected Misconduct and Whistleblower Protection from Retaliation"\)](#)

[UAP 2240 \("Respectful Campus"\)](#)

[UAP 2720 \("Prohibited Discrimination and Equal Opportunity"\)](#)

[UAP 2740 \("Sexual Misconduct"\)](#)

[UAP 3215 \("Performance Improvement"\)](#)

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C230: Military Leave of Absence

Approved By: Faculty and Board of Regents

Effective Date: **Draft 11/11/18**

Responsible Faculty Committee: Policy Committee

Office Responsible for Administration: Office of the Provost

Legend: **Red highlights**—changes from current policy.

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

POLICY RATIONALE

The University of New Mexico (UNM) recognizes the need of some faculty to fulfill military obligations.

POLICY STATEMENT

Any full-time member of the faculty on regular (i.e., not temporary) appointment as instructor or above is eligible for Military Leave of Absence upon presentation of official military orders indicating that he/she is entering active military duty. When a Military Leave of Absence is granted for active duty for training or local emergency during the period of a regular contract (whether nine-, ten-, or twelve-month), UNM will continue to pay the faculty member's salary, uninterrupted, up to a maximum of 15 working days per calendar year (see 20-4-7 New Mexico Statutes Annotated, 1978 Compilation). When a Military Leave of Absence is granted for active duty other than annual duty for training or local emergency, such leave is without pay. Unless called to active duty for a "local emergency," faculty may not receive Military Leave of Absence with pay during the period of a summer session supplemental contract.

NOTE: Need to discuss tenure clock.

APPLICABILITY

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

DEFINITIONS

Refer to University Administrative Policy 3425 "Military and Related Service Leave"

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 5.3** "Leaves of Absence"](#)
[University Administrative **Policy 3425** "Military and Related Service Leave"](#)

CONTACTS

Direct any questions about this policy to the UNM Office of the Provost.

PROCEDURES

[Applicable procedures are discussed in University Administrative **Policy 3425** "Military and Related Service Leave"](#)

DRAFT HISTORY

[November 27, 2018 – Preliminary draft for consideration by Policy Committee.](#)

HISTORY

August 29, 1978—Approved by the Board of Regents
May 10, 1978—Approved by Faculty
May 18, 1975 May 18, 1975—Approved by Board of Regents
April 8, 1975—Approved by Faculty
February 1, 1975—Approved by the Board of Regents
March 14, 1974—Approved by the Board of Regents
March 12, 1974—Approved by Faculty

COMMENTS TO:
handbook@unm.edu

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Administrative Policies and Procedures Manual - Policy 3425: Military and Related Service Leave

Date Originally Issued: 10-01-1983

Revised: 11-01-1991, 10-26-1994, 01-01-2008, 11-25-2014

Authorized by RPM 6.3 ("Privileges and Benefits")

Process Owner: Vice President for Human Resources

1. General

The University grants a leave of absence for military or related service ("military leave") to regular staff employees. Related service refers to intermittent disaster response appointees of the National Disaster Medical System (NDMS), part of the Department of Homeland Security's Federal Emergency Management Agency, and to volunteer emergency responders assisting in national or local emergencies and disasters.

This policy fulfills the requirements of Title 38 U.S.C. 4301-433.5, the Uniformed Service Employment and Reemployment Rights Act ("USERRA"). The intent of USERRA is to promptly return members of the uniformed services to their civilian employment upon completion of their service, with the seniority, status, and rate of pay they would have received had they remained continuously employed.

New Mexico state law and University policy extend the additional benefit of up to fifteen (15) workdays of paid leave per federal fiscal year for certain types of military leave. The University extends this paid leave benefit to volunteer emergency responders, who are covered under § 12-10C-3, NMSA 1978.

2. Eligibility and Definitions

Regular full-time and part-time staff employees are covered under this policy. Part-time employees are provided pro-rated military leave according to their FTE.

For the purpose of this policy, "fifteen (15) workdays" of paid leave are defined as up to 120 paid hours for nonexempt employees.

3. Military Leave With Pay

Active military duty, service, and training with the following organizations qualify for fifteen (15) paid workdays of military leave per federal fiscal year:

- Armed Forces of the United States, defined to include the Army, Navy, Air Force, Marine Corps, Coast Guard, and their reserve components and National Guard;
- New Mexico National Guard;
- NDMS;
- Commissioned Corps of the Public Health Service;

- Civil Air Patrol performing search and rescue missions;
- State Defense Force to attend officially authorized training or instruction courses;
- Volunteer emergency responders assisting in an emergency or disaster; or
- Any other category designated by the President of the United States, Governor of New Mexico, or federal or New Mexican law.

Such military leave is paid at the employee's straight-time rate of pay. Once the fifteen (15) workday period is used, the employee may take annual leave or leave without pay for any remaining absence, unless the Governor of New Mexico grants an additional fifteen (15) workdays of paid leave.

4. Military Leave Without Pay

An unpaid military leave of absence may be granted for the following reasons:

- Active duty, training, or service beyond the fifteen (15) paid workdays of military leave provided in Section 3 of this policy;
- Voluntary active duty for a special training purpose;
- Required active duty as part of a reserve obligation;
- Voluntary enlistment for military service. Normally, a tour of three (3) years or more of active duty is required.

5. Notification of Military Leave

Employees or their designated representatives (such as an officer of the military) shall give their supervisor notice of military duty in order to record a military leave of absence. When applicable, employees should provide their supervisor with a copy of official military orders or other evidence showing that the employee is entering active military duty, service, or training.

6. Benefits While on Extended Military Leave Without Pay

Although activated employees and dependents will be eligible for health care through the military, those who choose to continue the health insurance through the University may do so, and the University will continue its contribution toward the premiums. Upon reinstatement after the tour of duty, employees and dependents who chose to temporarily disenroll from a University health insurance program while the employee was on military duty are permitted to reenroll.

7. Reinstatement

An employee returning from a military leave of absence is reinstated into his or her original position, or to a position with the same status and pay rate, with no loss of seniority, as provided by USERRA. The employee who is re-employed under USERRA shall be treated as not having incurred a break in service and all raises that would have been granted the employee during the leave of absence shall apply.

If the duration of the tour of active duty is uncertain or is of an extended period, such as in a national emergency, the department may choose to fill the temporary vacancy with a regular employee. However, reinstatement of the returning veteran to the same or similar job may require the relocation or layoff of the new employee. In such cases, the department must inform the new employee in writing, at the point of hiring, of the potential consequence.

8. Record Keeping

Each department must maintain supporting documentation for the military leave and record both paid and unpaid military leave granted to its employees.

9. References

38 U.S.C. § 4301-433.5 (“Uniformed Service Employment and Reemployment Rights Act of 1994”) (USERRA)

N.M. STAT. ANN. § 12-10C-3 (1978) (“Termination of employment of volunteer responder prohibited; limitation; notice; certification; withholding pay”)

N.M. STAT. ANN. § 20-4-7 (1978) (“Military leave for national guard and reserves”)

N.M. STAT. ANN. § 20-5-14 (1978) (“Military leave”)

N.M. STAT. ANN. § 20-7-5 (1978) (“Military leave”)

N.M. Code R. § 1.7.7.16 (“Military Leave”)

Faculty Handbook Policy C230 (“Military Leave of Absence”)

[UNM A-Z \(http://directory.unm.edu/departments/\)](http://directory.unm.edu/departments/)[myUNM \(https://my.unm.edu\)](https://my.unm.edu)[Directory \(http://directory.unm.edu\)](http://directory.unm.edu)[Q \(http://search.unm.edu\)](http://search.unm.edu)

The Pathfinder - UNM Student Handbook

(<http://www.unm.edu>)

Copyright Policy and Law

University Counsel's Office

Subject to Change Without Notice

The unauthorized distribution of copyrighted material, including through peer-to-peer file sharing, may subject a student to criminal and civil penalties. The laws that govern copyright are not specific to any one technology. Students can violate the rights of a copyright holder using many different types of technology. Both uploading and downloading of files can pose a violation of the copyright law. Students should be cautious when obtaining any copyrighted material. As a rule of thumb, before a student receives anything for free, they should research whether that source provides material licensed by the copyright owner. A group called EDUCAUSE has a list of legal file sharing alternatives at <http://www.educause.edu/legalcontent> (<http://www.educause.edu/legalcontent>).

Individuals who violate copyright law by illegally uploading and downloading copyrighted files may be subject to civil penalties of between \$750 and \$150,000 per song. These penalties are established by federal law. In the past, pre-litigation settlements offered by copyright owners have been in the \$3,000 to \$4,000 and up range while juries in some jurisdictions have issued verdicts of hundreds of thousands and up. In addition, a court may, in its discretion, grant the copyright owner reasonable attorney fees. Although criminal prosecution of students for file sharing is extremely rare, federal law lays out criminal penalties for intentional copyright infringement which can include fines and jail time. In addition to potentially violating the law, unauthorized distribution or receipt of copyrighted material is a violation of University Business Policies and Procedures Manual 2500. That policy states that: "Users shall respect all copyrights

including software copyrights...Use of University computing services in violation of applicable laws or University policy may result in sanctions, including withdrawal of use privilege; disciplinary action, up to and including, expulsion from the University or discharge from a position; and legal prosecution under applicable federal and/or state law.”

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(<http://www.youtube.com/user/unmlive>)

more at social.unm.edu (<http://social.unm.edu>)

Accessibility (<http://www.unm.edu/accessibility.html>) Legal (<http://www.unm.edu/legal.html>)

Contact UNM (<http://www.unm.edu/contactunm.html>)

New Mexico Higher Education Dashboard (<http://nmhedss2.state.nm.us/Dashboard/index.aspx?ID=21>)

Faculty Senate Policy Committee
Meeting Schedule
2018-2019
Location: Scholes Hall, Room 101
3:30PM-5:00PM

Dates:

Wednesday, September 5, 2018

Wednesday, October 3, 2018

Wednesday, November 7, 2018

Wednesday, December 5, 2018

Wednesday, February 6, 2019 (long-meeting)

Wednesday, March 6, 2019

Wednesday, April 3, 2019

Wednesday, June 5, 2019 (long-meeting)