

Faculty Senate Policy Committee

Draft Meeting Agenda, Scholes Hall Room 101, March 6, 2019, 3:30 – 5:00 pm

Updates

1. Update on **D175** “Undergraduate Student Conduct and Grievance Policy” and **D176** “Graduate and Professional Student Conduct and Grievance Policy”
2. **C290** “Ombuds/Dispute Resolution for Faculty” needs approval by Operations to go out for comment.
3. Committee membership and vacancies

Agenda Topics

Consent Agenda Topics: None

Action Items

1. D170 “Student Attendance,” review campus comments **pg. 1**

Discussion Items:

1. Consensual Relationships **pg. 55**
2. C07 Faculty Discipline **pg. 87**
3. D75 “Classroom Conduct” discuss classroom attendance, course content and copyright issues pertaining to online classes and including student rights. **pg. 101**

D170: Student Attendance

Approved By: Faculty Senate

Last Updated: **Draft 1/18/19**

Responsible Faculty Committee: Faculty Senate Policy Committee

Office Responsible for Administration: Dean of Students

Legend: Proposed changes are highlighted in red.

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

POLICY RATIONALE

Class attendance is critical for the overall success of the students at the University of New Mexico (UNM). However, there are situations when a student may qualify for an excused absence and be provided with the opportunity to make up assignments or examinations missed. This Policy describes absences that normally qualify as excused absences and provides the process for reporting such absences and completing missed assignments and exams.

POLICY STATEMENT

The absences listed below are normally excused unless the instructor determines that the absences are excessive or adversely impact learning. An excused absence does not relieve the student of responsibility for missed assignments, exams, etc. The student is to take the initiative in arranging with his/her instructor(s) to make up missed work, and it is expected that the faculty member will cooperate with the student in reasonable arrangements in this regard. Students should have the opportunity to make up any assignments or examinations missed. Instructors should provide an opportunity to make up an assignment or test and not limit the accommodation to dropping the lowest test or assignment grade. However, the student must recognize that some classes or class-work (quizzes, seminars, small labs, etc.) cannot be made up. Classes or class-work that cannot be made up will be identified in the syllabus.

To ensure equitable treatment of students, when there is concern on the type of absences that should be excused and reasonable accommodations for such absences, instructors are encouraged to consult with their chair or dean, or the Dean of Students or equivalent position designated for graduate or professional schools or colleges and branch community colleges.

1. UNM Official Absences

Instructors should excuse absences due to UNM official absences which result when a student is required to represent UNM at University functions or related extracurricular activities such as

professional meetings, academic competitions, field trips, research activities, NCAA athletic competitions, or other similar activities.

2. Legally or Administratively Compelled Absence(s)

Instructors should excuse absences due to a legally or administratively compelled absence when a student is required to participate in legal proceedings or administrative procedures. This includes mandatory admissions interviews for professional or graduate school, or internships that cannot be rescheduled.

3. Military Obligations

Instructors should excuse absences due to military obligations for students serving in the military, military reserves, or National Guard of the United States who are required to miss class due to military obligations. If the military obligations require withdrawal, ~~in recognition of the service of deployed military personnel,~~ the instructor should refer to the UNM Catalog or contact the Dean of Students Office or equivalent position for graduate or professional schools or colleges and branch community colleges for procedures pertaining to withdrawal and re-enrollment of military personnel.

4. Illness, Accident, or Death in the Family

Instructors should excuse unexpected absences due to personal or family illness, accident, or death in the family. Instructors may require students who are ill for six (6) class days or longer to obtain official notification from the Dean of Students office or equivalent position designated for graduate or professional schools or colleges and branch community colleges.

5. Disability

Instructors should excuse absences due to disabilities where reasonable, although instructors may require students to provide confirmation from the Accessibility Resource Center for ADA protected disabilities. For a short-term disability due to an illness or injury not covered by the ADA, students should contact the Dean of Students Office or equivalent position designated for graduate or professional schools or colleges and branch community colleges for assistance. They can also assist instructors with verification of the short-term disability.

6. Pregnancy

In accordance with Title IX of the Educational Amendments of 1972, instructors should treat pregnancy related absences as excused as long as deemed medically necessary by the student's healthcare provider. If the length of absence is more than six (6) class days, the student may be required to obtain official notification from the Dean of Students Office or equivalent position designated for graduate or professional schools or colleges and branch community colleges.

7. Religious Observances

In recognition of UNM’s diverse student population, instructors are encouraged to schedule important class events to minimize conflict with major religious observances. Students who request that an absence be excused for religious reasons should be granted reasonable accommodations. Instructors should be sensitive to the difficulty some students may have anticipating all religious obligations. Absences due to religious accommodations should be requested in accordance with Policy C260 “Religious Accommodations.” ~~the faculty member will cooperate with the student in reasonable arrangements in this regard.~~

3. Request for Reconsideration

If a request for an excused absence and/or reasonable accommodation is denied by an instructor, the student may seek informal resolution of the matter by submitting a request for reconsideration to the college/school dean or his or her designee. Given the need for timeliness of the issue, the student’s request for reconsideration should be addressed as expeditiously as possible. This does not preclude the student from addressing the matter further in accordance with Policies D175 “Undergraduate Student Conduct and Grievance Policy” or D176 “Graduate and Professional Student Conduct and Grievance Policy.”

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

WHO SHOULD READ THIS POLICY

- Faculty members
- Staff in Office of the Dean of Students
- Staff at Student Health and Counseling (SHAC)
- Administrative staff responsible for student events

RELATED DOCUMENTS

Faculty Handbook

Policy C220 “Holidays”

Policy C260 “Religious Accommodations”

D175 “Undergraduate Student Conduct and Grievance Policy”

D176 “Graduate and Professional Student Conduct and Grievance Policy.”

CONTACTS

Direct any questions about this policy to Dean of Students Office [or equivalent position designated for graduate or professional schools or colleges and branch community colleges.](#)

PROCEDURES

[The following procedures pertain to undergraduate students at the Albuquerque campus. Branch community college, graduate, and professional students should follow the attendance procedures issued by their respective school or college, when available.](#)

Absences due to [the situations described in the Policy Statement above](#) ~~illness or to attend~~ authorized University activities such as field trips, athletic trips, etc. are to be reported by the student to his/her instructor(s) and to the Dean of Students Office [in accordance with the procedures listed herein.](#) If the student is unable to contact his/her [the](#) instructor(s), the student should leave a message at the instructor’s department.

[UNM Official Absence\(s\) will be determined by a college dean or the Provost, or designee.](#)

1. Course Attendance Expectations

Students are expected to [fulfill all course requirements including attendance if specified.](#) ~~attend~~ all meetings of the classes in which they are enrolled. ~~No extensions of the vacation periods are given to any students, regardless of the location of their homes.~~ [Course instructors are responsible for setting attendance policies for their individual courses except where academic units, required by special circumstances such as accreditation standards, establish unit-wide policies through normal faculty governance procedures. Instructors should inform students of their expectations for attendance and participation on the first day of class and are encouraged to include this Policy in the course syllabus. Instructors may also require students to notify them of anticipated absences at the beginning of the semester and may require reasonable verification of the reason for an excused absence such as a doctor’s note, hospital billing, military orders, or death notices.](#)

Instructors may drop students with excessive absences with a grade of [W](#) ~~W/P or W/F.~~ [The instructor](#) They may also assign a failing grade of "F" at the end of the semester [for excess unexcused absences, but should inform students if they will be dropped or penalized for unexcused absences. Academic units may also reserve the right to cancel a course reservation for a student who does not attend the first class meeting of the semester, although notification should be made before the student is dropped and reasonable accommodations should be made for excused absences.](#) ~~Instructor drop request forms are available at all academic department offices.~~ [Students should not assume that nonattendance results in being dropped from class. It is the student’s responsibility to initiate drops or complete withdrawals within published deadlines utilizing the appropriate process.](#)

2. Verification of Absence

Verification (such as doctor's note, hospital billing, military orders, death notices, etc.) of a student's report of absence will be provided by the student if requested on request by the instructor or the Dean of Students Office. and in accordance with the following general procedures: Student Athletes shall submit documentation to their instructors.

3. Short-Term Absence (1- ~~5~~ 4-class-days). When notified in advance of an absence of 1-4 days, the Dean of Students Office will prepare an absence notice which the student may pick up and personally deliver to his/her instructor(s). On absences of 1-4 days reported to the Dean of Students Office after the fact, an absence notice may be picked up by the student after consultation with a dean, if such consultation provides a basis for issuing a notice. The Dean of Students Office will encourage the student to speak directly with the faculty member to work out absences that are less than six (6) class days. When requested by a faculty member, the Dean of Students Office may assist with verification of absences that are less than six (6) class days on a case-by-case basis.

4. Extended Absence (~~5~~ Six (6) days or longer). The Dean of Students Office, as a service to faculty and students, will send absence notifications to the respective faculty member should an absence be longer than five (5) class days. This service will only be utilized when an absence is for a family/student medical issue, death of a family member, military leave, or a UNM sponsored activity. The absence notification process is only meant as a notification and not meant to excuse the absence. Excusing an absence is entirely up to the faculty member of the course. notices to instructor(s) on absences of 5 days or longer when notification of the absence is received prior to or at the onset of the absence. If notified after the absence, the absence notice will be prepared, but the student must hand carry the notice to his/her instructor(s). Verification of extended absences is recommended (such as a doctor's note, hospital billing, etc.)

5. Exceptions. On request, members of the Dean of Students staff will review specific absence situations to determine if exceptions to the established absence procedures are warranted. It should be noted that written medical excuses for class absence will not be issued routinely by Student Health and Counseling (SHAC) ~~the Student Health Center~~ except in the case of physical education classes, where participation would be detrimental to the student's condition. Where confirmation of a student's attendance at SHAC ~~the Health Center~~ is required by a faculty member of the teaching staff, this will be furnished on direct inquiry, without revealing the medical details necessitating such attendance. If it appears that a student will be absent for more than five class days ~~a week or more~~, the Dean of Students Office will be notified.

HISTORY

Effective:

Unknown (effective date not listed in current policy.)

DRAFT HISTORY

November 11, 2018 – Draft revised for Policy Committee changes.

September 5, 2018 – Draft revised to refine policy revisions further.

June 27, 2018 – Draft revised to address different procedures for graduate and professional students and branch community colleges.

April 28, 2017 -- Draft revised for task force recommendations. April 4, 2017 – Draft revised for task force recommendations.

September 29, 2016 – Draft revised to incorporate input from FSPC member L. Oakes.

January 2, 2016—Draft developed to address COF task force recommendations.

July 19, 2015 Draft developed for Information Items taskforce review.

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

Candyce Torres

From: Faculty Handbook
Sent: Wednesday, February 6, 2019 11:58 AM
To: Kenedi Hubbard
Cc: Candyce Torres
Subject: FW: Policy A53 Comment

FYI.

Thank you,
Candyce

From: Rebecca Blankley <RBlankley@salud.unm.edu>
Sent: Wednesday, February 6, 2019 10:36 AM
To: Faculty Handbook <handbook@unm.edu>
Subject: RE: Policy A53 Comment

Hello-

I agree that this policy needs addressing. Regarding our own department, Radiologic Sciences, we are annually addressing the issue of absences and if UNM had a student policy, this would better inform our policy for the department handbook.

I also encourage to review other institutional polices on the issue.

Respectfully

Rebecca Blankley

Rebecca R Blankley MFA, RT R M CT MR

Director Radiologic Sciences

Senior Lecturer III

Radiologic Sciences Program

MSCO9 5260

1 University of New Mexico

Albuquerque, NM 87131-0001

(505) 272-5254 P

(505) 272-8079 F

Rblankley@salud.unm.edu

Candyce Torres

From: Faculty Handbook
Sent: Wednesday, February 6, 2019 12:20 PM
To: Martha Muller; Kimberly Gauderman; Kenedi Hubbard; Carol Stephens
Cc: Candyce Torres
Subject: FW: D170 Student Attendance

FYI on behalf of Professor Brandzel.

Thank you,
Candyce

From: Amy Lucinda Brandzel <brandzel@unm.edu>
Sent: Tuesday, February 5, 2019 9:35 PM
To: Faculty Handbook <handbook@unm.edu>
Subject: D170 Student Attendance

Hello,

Can we please be more specific regarding what exactly a “class day” is? For example, the policy repeatedly states that a limit could be “the length of absence is more than six (6) class days,” but 6 class days of a class that meets once per week is the equivalent of almost half the semester. So could this be described in terms of class hours instead or something equivalent that could then apply to our various schedules?

Thank you,
Amy

Amy L. Brandzel (*they, them, theirs*)
Associate Professor, American Studies and Women Studies
Acting Director, Feminist Research Institute
University of New Mexico
brandzel@unm.edu

<https://www.press.uillinois.edu/books/catalog/85ayb3xp9780252040030.html>

Candyce Torres

From: Faculty Handbook
Sent: Wednesday, February 6, 2019 12:20 PM
To: Martha Muller; Kimberly Gauderman; Kenedi Hubbard; Carol Stephens
Cc: Candyce Torres
Subject: FW: Comment on D170

FYI on behalf of Professor Campos.

Thank you,
Candyce

From: Luis Campos <luiscampos@unm.edu>
Sent: Tuesday, February 5, 2019 7:57 PM
To: Faculty Handbook <handbook@unm.edu>
Subject: Comment on D170

I would like to register significant concerns with this revision of D170.

Missing up to six class sessions in a sixteen-week term for a course that meets twice a week is missing nearly 20% of the entire term. It seems imprudent for a general policy to specify that missing so much of class is excusable as a matter of general policy. On its face, this level of excused absences seems excessive with adverse impacts for learning.

It is also terribly wrong to declare that faculty must provide alternate tests for students who miss an exam. While this may be easy enough to do in some disciplines and in some types of exams, where new numbers can be substituted for old or one term replaced with another, in other disciplines or types of exams the questions posed are the product of very careful thought and writing and replacements cannot simply be churned out on demand in a way that would produce a comparable exam.

In the light of this, there is also no reason why dropping the lowest test or assignment grade is not an appropriate response to excused student absence. Furthermore, in most lecture courses, there is simply no way for a student to make up material that they have not been present to hear. Absence itself is the impairment to learning (and it should not be incumbent on faculty to deliver lectures a second time, re-run a class discussion, or submit to being recorded for reasons of student absence).

I also have deep concerns about forcing students to register the reason for their absence. While I appreciate the noble motives at place in the work done in this revision--that students have complicated lives and that

sometimes tragedy strikes--it is simply none of a faculty member's business what state of health the student is in or what illness they are dealing with, or that of any of their family members; whether they have court appointments, or other legally compelled appointments; whether the student is enrolled in the military, or has a job of any kind or any other outside commitment; or whether a student is pregnant. Under no circumstances should a student's absence for any of these reasons be something they must present to the attention of their instructors. As faculty, we should also not be placed in a position where we are to receive such information and determine the merit, status, or weigh the significance of a student's absence. A blanket policy of a certain number absences per term is one neutral position respectful of students' rights to privacy. There may be others that faculty have devised. But a blanket policy of this sort is intrusive and inappropriate. Moreover, a student who is willing to share their personal status or needs with a faculty member should not have be more justified in or have an easier time having their absences considered as excused than a student who prefers to keep their private life to himself or herself.

Religious observances are already accounted for under a separate policy.

The section on request for reconsideration by a dean or designee suggests clear conflicts with matters of academic freedom and the right of a faculty member to determine which aspects of their courses are essential to learning and which may or may not be made up in the event of absence. It is inappropriate for a dean to make this determination instead of the instructor.

It is simple and fair enough for a university policy to declare that course attendance policies be made clear in the syllabus and at the outset of the course to all students enrolled in the course, so students can manage their lives accordingly and without needing to sacrifice their privacy or be compared to other students. Anything else, no matter how well-intentioned, opens up a Pandora's box of issues.

From: ALLFAC-L <ALLFAC-L@LIST.UNM.EDU> on behalf of UNM Faculty <allfac@UNM.EDU>
Sent: Tuesday, February 5, 2019 11:21 AM
To: ALLFAC-L@LIST.UNM.EDU
Subject: Faculty Policies Available for Review and Comment!

Dear Faculty:

In accordance with Faculty Policy A53 "Development and Approval of Faculty Policies," the following proposed amended policy is available for a faculty review and comment period which ends March 1, 2019. Please email your comments to handbook@unm.edu.

Click on the Policy # below to view the proposed policy or visit <http://handbook.unm.edu/under-review>.

#	Policy	Proposed Action
D170	Student Attendance	<p>Policy D170 has not been revised since its inception, and the Policy Committee was asked by the Committee on Governance and student leaders to conduct a comprehensive review of the policy, review policies from other institutions, and recommend changes to bring it up-to-date to reflect current practices, laws, and regulations. The proposed revision describes absences that normally qualify as excused absences, some of which are defined in federal laws and regulations that address military obligations, disability, pregnancy, and religious observations. The revised Policy also provides the process for reporting such absences and completing missed assignments and exams. The revised Policy places the authority to excuse an absence with the instructor, but also provides an avenue for a student to request reconsideration by the college or school dean.</p>

Kenedi Hubbard
 Office of the University Secretary
 University of New Mexico
 277-4664

Candyce Torres

From: Faculty Handbook
Sent: Wednesday, February 6, 2019 12:22 PM
To: Martha Muller; Kimberly Gauderman; Kenedi Hubbard; Carol Stephens
Cc: Candyce Torres
Subject: FW: comments regarding Faculty Policy A53 "Development and Approval of Faculty Policies"

Hi there,

FYI on behalf of faculty member Marisa Clark. She references A53 but she is really commenting on D170.

Thanks,
Candyce

From: Marisa Clark <clarkmp@unm.edu>
Sent: Tuesday, February 5, 2019 7:02 PM
To: Faculty Handbook <handbook@unm.edu>
Subject: comments regarding Faculty Policy A53 "Development and Approval of Faculty Policies"

Hello,

Several places in the document refer to allowing the student "six (6) class days" of absences. It is unclear what this means. Missing 6 days of a MWF class differs from 6 absences on a TTh class or a once-a-week class. Clarification would be appreciated throughout.

Thank you,

Marisa P. Clark, Ph.D.

Principal Lecturer, Creative Writing

Department of English Language and Literature

University of New Mexico

Humanities 261

Candyce Torres

From: Faculty Handbook
Sent: Wednesday, February 6, 2019 12:02 PM
To: Martha Muller; Kimberly Gauderman; Kenedi Hubbard; Carol Stephens
Cc: Candyce Torres
Subject: FW: policy D170

Please see additional comment from Professor Ezra Depperman.

Thank you,
Candyce

From: Ezra Depperman <ezrad@unm.edu>
Sent: Wednesday, February 6, 2019 6:14 AM
To: Faculty Handbook <handbook@unm.edu>
Subject: policy D170

The phrase "and not limit the accommodation to dropping the lowest test or assignment grade" could be problematic for science instructors. Writing an effective exam takes many hours to both create and review. If we are writing a new exam for every one of our students who misses one, that's potentially many extra hours that we will have to find each semester. I have a policy of dropping the lowest exam for all students anyway, since sometimes they have a bad day.

If a student misses a second exam, then I do make reasonable accommodations. Of course, if an exam is missed due to a school trip or family emergency, I give the student the option to make it up. My concern is that this new wording could potentially mean my having to write a larger number of extra exams per semester, and I'm already pressed for time.

Thanks for your consideration.

Ezra C. Depperman, PhD

Lecturer III

The University of New Mexico
Dep't of Chemistry and Chemical Biology

MSC03 2060
300 Terrace St. NE
Albuquerque, NM 87131-0001

ezrad@unm.edu

Office: Clark 142

Candyce Torres

From: Faculty Handbook
Sent: Wednesday, February 6, 2019 12:01 PM
To: Martha Muller; Kimberly Gauderman; Kenedi Hubbard; Carol Stephens
Cc: Candyce Torres
Subject: FW: Attendance for Public Speaking

Hello,

Please see D170 comment from faculty member Leslie Helgeson.

Thank you,
Candyce

From: Leslie Helgeson <lhelgeson@unm.edu>
Sent: Wednesday, February 6, 2019 8:03 AM
To: Faculty Handbook <handbook@unm.edu>
Subject: Attendance for Public Speaking

As a long time college instructor from other institutions of higher learning, a clear understanding of what is required by any given professor for his or her attendance policies greatly enhances overall students awareness.

Consider the following:

Many situations can arise, suddenly without warning, for a student whereas the student is unable to attend a class in person. The use of email has usually proven to be, for myself, the gateway of communication as to when someone is not able to be in class. Arrangements are usually made to help individuals who have missed lectures, handouts, etc. This being said, as a teacher of public speaking dealing with individuals who may suddenly have severe apprehension when their time comes to present a speech requires that I, the instructor make is very clear in the beginning of the semester, that a designated date for a speech must be adhered to unless there exist a valid excuse, i.e., medical or personal, that prevents the student from his or her delivery of their assignment. My policy on facing apprehension, or anxiety for this reason, dictates that faculty must have some leeway in enforcing attendance.

I feel that students, within the scope of participating within my classes, really need to know that I understand that "life happens," but that we also need to be considerate of the policy of the institution and the faculty who adhere to the rules of attendance.

Leslie J. Helgeson

Adjunct UNM - Gallup

lhelgeson@unm.edu

Candyce Torres

From: Faculty Handbook
Sent: Wednesday, February 6, 2019 12:03 PM
To: Martha Muller; Kimberly Gauderman; Kenedi Hubbard; Carol Stephens
Cc: Candyce Torres
Subject: FW: Policy D170

Hello,

Please see comment below from Professor Hutchison.

Thank you,
Candyce

From: Elizabeth Hutchison <ehutch@unm.edu>
Sent: Tuesday, February 5, 2019 9:52 PM
To: Faculty Handbook <handbook@unm.edu>
Subject: Policy D170

Excellent as revised. Affirms instructor jurisdiction over course absences, while introducing mechanisms for verifying absences and assuring compliance with federal civil rights laws. Excellent work!

Dr. Elizabeth Quay Hutchison (she, her, hers)

Professor, Latin American History (On leave, Spring 2019)
Marjorie Bell Chambers Distinguished Professor
President, Faculty Concilium on Latin America and Iberia

Director, Feminist Research Institute

The University of New Mexico

Candyce Torres

From: Faculty Handbook
Sent: Wednesday, February 6, 2019 12:23 PM
To: Martha Muller; Kimberly Gauderman; Kenedi Hubbard; Carol Stephens
Cc: Candyce Torres
Subject: FW: Student Absences Feedback

FYI from Professor Pleil.

Thanks you,
Candyce

From: Matthias Pleil <mpleil@unm.edu>
Sent: Tuesday, February 5, 2019 6:01 PM
To: Faculty Handbook <handbook@unm.edu>
Subject: Student Absences Feedback

Perhaps I missed it, but there is nothing in the policy relating to providing documentation for an excused absence if the instructor wants it. I currently will excuse students and request some sort of documentation to be exempted from attending. If they are too ill to attend class, they should see someone at SHAC, for example. Sports, conferences, weddings, death in the family is always excused - most can provide some sort of documentation easily enough.

If no documentation can be requested, there will be some students that take advantage of the system.

Kind Regards,

Matthias Pleil, Ph.D.
Research Professor & Lecturer III of Mech. Eng - UNM
UNM MTTC Cleanroom Manager
PI - Southwest Center for Microsystems Education, Support Center for Microsystems Education
scme-nm.org, scme-support.org
(505)272-7157

Candyce Torres

From: Faculty Handbook
Sent: Wednesday, February 6, 2019 12:19 PM
To: Martha Muller; Kimberly Gauderman; Kenedi Hubbard; Carol Stephens
Cc: Candyce Torres
Subject: FW: Comments on proposed changes to D170

FYI, see D170 comment from faculty member Lisa Whalen.

Thank you,
Candyce

From: Lisa Whalen <lwhalen@unm.edu>
Sent: Tuesday, February 5, 2019 9:51 PM
To: Faculty Handbook <handbook@unm.edu>
Subject: Comments on proposed changes to D170

Hello,

Thank you for the opportunity to submit comments regarding the revision of policy D170, Student Attendance.

I teach organic chemistry classes with more than 100 students, a course where students are sometimes anxious to the point of being unable to take an exam. Many times they have not used their time well, and have not attended class, and when exam day comes, they are panicking. This manifests itself in no-shows on exam day. Sometimes the student will go to the SHAC and acquire a medical note, which in your policy would be considered an excused absence. But they are always pretty stressed out and clearly unable to take the exam. A very reasonable accommodation is to allow them to drop the lowest exam grade and it offers some advantages for both students and instructors. First, I don't have to spend hours writing another exam for a very competitive course in which students will do everything they can to have an advantage over their classmates. And it does take hours to write a good organic chemistry exam without mistakes. Second, it gives the student time and space to re-learn the material. If I schedule an exam right after this absence, I can guarantee they are not ready and will not pass. At what point is it unfair to the rest of the students in the course to give one student two extra weeks to prepare for the same exam they just took with less study time? If they don't pass, they often give up or drop the course. This contributes to a higher D/F/W rate. I think the phrase, "and not limit the accommodation to dropping the lowest test or assignment grade" should be removed from the recommended policy changes. Allowing the student to drop the lowest exam for the first absence can have a beneficial effect on their ability to complete the course. A second absence must be dealt with differently. Both must be excused according to your guidelines to qualify for accommodation.

I also coordinate over 400 students in organic chemistry lab courses between 26 sections. Our laboratory classrooms are set at a certain capacity according to the Fire Marshal. Allowing students to "make up" labs by attending another section doing the same experiment in a given week will result in a violation of fire code. I can't in good conscience give students permission to do this when it could result in legal action against UNM were there to be an accident in the lab, and I actively warn against it. We are also limited on equipment and ventilated hood space and each section is limited to a certain capacity for that reason too. I recommend that you replace the phrase "small labs" with "labs limited by capacity for safety reasons" to the policy to clarify. We are not trying to harm student progress and we do have an accommodation for them, but it does involve dropping the lowest assignment grade, because I do not have an option to allow them to make up the lab experiment.

Thank you,

Lisa

Lisa J. Whalen
Principal Lecturer III
Department of Chemistry and Chemical Biology
University of New Mexico
MSC03 2060
1 University of New Mexico
Albuquerque, NM 87131
Phone: 505-277-0268

Faculty Handbook

From: Tiffany Enache <TPelletier@salud.unm.edu>
Sent: Monday, February 11, 2019 3:51 PM
To: Faculty Handbook
Subject: student attendance for post-graduate interviews
Attachments: letter to CESIG and RFSIG - Sept 2017.docx

Hello,

I have a comment for #2 where it says “This includes mandatory admissions interviews for professional or graduate school, or internships that cannot be rescheduled.” For Physical Therapy, the post-graduate interviews occur while the students are in their final rotations. Each rotation is 9 weeks long, and we have a policy in our program that students are only allowed to miss 2 days per rotation for residency interviews. This is to prevent students from taking inordinate amounts of days off during their Clinical Education Experiences, because it could affect their clinical performance and also can affect our relationships with our clinical sites and thus make it more difficult to place students in the future. There is a position statement under review at our national organization (American Physical Therapy Association) on this topic, attached as a reference for you to review the numerous concerns that missed time causes.

I recommend deleting the sentence in #2: “This includes mandatory admissions interviews for professional or graduate school, or internships that cannot be rescheduled” and allowing individual programs to manage this allowance as they see fit.

The other option could be limiting the amount of time missed or number of interviews, but this would have to be considered as a ratio compared to how long the clinical experience is. For example, any more than 1 residency interview out-of-state during a 9 week rotation will result in excessive missed time.

Thank you for your consideration,

Tiffany Enache, PT, DPT

Director of Clinical Education
University of New Mexico
Division of Physical Therapy
1 University of New Mexico
MSC09 5230
Albuquerque, NM 87131-0001
Office (505) 925-0807
Cell (505) 974-7938
Fax (505) 272-8079 – general fax line
Fax (505) 925-1143 – for referrals to REACH Clinic
tpelletier@salud.unm.edu

September 27, 2017

To the Leadership Team of the CESIG,

What follows is a position statement from the Northwest Intermountain Consortium (NIC) to the Clinical Education Special Interest Group (CESIG) regarding the conflict of residency interviews occurring during the same time frame as when DPT students are completing their full-time terminal clinical education experiences. It is our hope that our position will be presented to the CESIG membership body and also to the Residency and Fellowship Special Interest Group (RFESIG) membership body to foster open collaboration to address these concerns. Especially as the future vision of clinical education may involve more and more graduates pursuing residencies, we feel that resolving competition in our schedules is a timely discussion and warrants your attention.

We, the NIC, feel that the timing and scheduling of residency interviews is having a detrimental effect on DPT clinical education, and is creating what we would like to term a “professional dilemma”. On one side of the dilemma is the desire to support any student’s interest in pursuing a post-graduate education. On the other side of the dilemma is the desire to reinforce students’ accountability to their academic commitments while in the DPT program. The timing and structure of residency interviews is often inflexible – many facilities only offer their interviews one day per year, and the interview often has to be live on-site. As a result, DPT students are often placed in a situation where they have to ask for time off during their full-time terminal clinical education experiences in order to attend the residency interview. This time off is compounded by students pursuing more than one residency interview, as well as the need for travel time across the country. The following are concerns that DCEs and Associate DCEs in the NIC have noted, as related to DPT students asking for time off during their terminal clinical education experiences.

Accountability: If DPT students are encouraged to abandon their current academic commitments in order to pursue residency interviews, this sends a message that the student’s self-interests are more important than their responsibilities during the clinical education experience. Of particular concern is the message this sends about a DPT student’s responsibility to their patients. The code of ethics states that physical therapists shall place the needs of their patients above their own self-interests. In the same way that a PT employee is not granted time off within the first few months of employment, so should a DPT student be expected to show dedication to the clinical internship schedule to which that they have committed.

Underappreciation: When the student takes time off during a clinical education experience, this sends a message that the current clinical site and the clinical instructor’s time and generosity is undervalued. We need to remember that CIs donate their time and clinical sites often lose revenue when they take a DPT student on a clinical education experience, and they do so because they believe in making a difference in the future of our profession. We owe it to our CIs to create as predictable of a schedule as possible, and not be asking them to change schedules and arrange make-up time – a predictable schedule is a reflection of our appreciation for their generosity. We would rather see the clinical education experience and the residency experience as equally valued components along the continuum of professional development, instead of one causing interruption of the other.

Roadblocks: Some clinical instructors may not be able to grant time off for the student during the clinical education experience. Reasons may include the clinic schedule, productivity concerns, professionalism concerns, accountability to patients, planned learning activities, inability to make up the time, and wanting to avoid disruption of the clinical education experience. Students who are interested in pursuing residencies should receive opportunities to interview, even if circumstances prevent them from taking time off.

CI apprehension: Some clinical instructors may be willing to agree to time off for students to pursue residency interviews, but feel some discomfort about their decisions. For example, a CI may not want to be the “bad guy” and prevent the student from pursuing his/her professional goals. However, after having granted the time off, these CIs often contact the DCE to express their apprehension. The CI should not be expected to give permission for this time off. Instead, we feel that the student and DCE should work together to negotiate a plan with the clinical education facility and the residency facility.

Continuity and Risk: Time off from the clinical education experience leads to disruption of the learning experience. This disruption can place students at risk for unsuccessful completion of the clinical education experience.

Professional Image: Students who pursue residency interviews during their full-time terminal clinical education experiences, and are pursuing residency in an area of expertise that contrasts with their current clinical education experience, risk offending their clinical sites and sending a message of disinterest in their current clinical setting. Even if this message is unintentional, it can compromise the relationship between the student, the clinical instructor, and the clinical site. Additionally, it can compromise the relationship between the clinical site and the academic program, thus impacting the potential for future internship experiences. In some situations, students may show blatant disinterest in their clinical education experience, and allowing time off to pursue a residency interview can magnify and even encourage a student’s disinterest and appreciation for their current learning experience.

Students at Risk: Some students struggle during their clinical education experiences, yet would make fine candidates for a residency. In situations where students are struggling to meet clinical expectations, have already missed time for illnesses, are undergoing remediation, or are working on improving on professional behaviors concerns, these students should not be taking time off for residency interviews. They should be focusing on successful completion of the DPT program. However, we want to treat all students fairly and feel that even students who are struggling deserve to pursue a residency if that is their desire. It would be unwise to allow time off to a student in this situation, yet would be an unfair penalty to require them to defer their residency pursuits for an entire year.

In light of the above-mentioned concerns, the NIC asks the RFSIG to consider the following suggestions, and welcomes their suggestions as well:

- 1) Begin your searches for residents via Skype or telephone interviews.

- 2) Narrow down your search to the few applicants to whom you will offer a live interview. This can be based on number of available residency openings. For example, if you only have 1 residency opening, narrow down to 3 live interviews.
- 3) Schedule your live interviews on a weekend to minimize disruption of most clinical education experiences. If this is not possible, schedule live interviews on a Monday or a Friday, to minimize disruption of the clinical education experience.
- 4) Consider where your applicants are traveling from, and try to modify your interview schedule to allow minimal loss of clinical internship time. For example, if an applicant has to travel 6 hours for your residency interview, consider allowing them to start the interview at 12:00. This will allow them to travel the previous evening, after their clinical education experience hours are complete.
- 5) Have the option of more than one interview date from which to choose.

Our hope is that DPT students will be able to pursue residency interviews without having to miss any days of clinical internship time. However, given that our students often travel outside of our region to pursue residencies, we understand that one missed day may occasionally be required. We would not like our students to miss more than one day of their clinical education experiences for residency interviews. There is also still the challenge of students pursuing more than one residency interview, so it would be ideal for residency directors to have the ability to negotiate dates and times with the student and with the DCE to prevent interruption of the clinical education experience.

The following are two examples of how our consortium is working with residency directors to minimize disruption of the clinical education experience:

At the University of Washington (UW) in Seattle, we have a residency programs in collaboration with our medical center. Residency interviews are conducted live on-site. Even UW students interested in a residency encounter the above-listed conflicts, especially when participating in a clinical education experience out-of-state. As a result, our DPT program is actively working with the UW residency program directors to develop alternatives that decrease the interruption of the clinical education experience. We have proposed conducting interviews by Skype or other electronic media. If the directors determine that electronic media options are not acceptable, we have requested that interviews be conducted on weekends.

At A.T. Still University, our residency interviews are conducted via Zoom or Skype and typically take only an hour of time. Applicants have been able to schedule their clinical education experience around this interview schedule with minimal issues.

We understand that a live interview can be viewed as incredibly important when determining who to accept into a residency, and that phone and Skype interviews can often reveal different traits in applicants. However, we also understand that there is limited evidence that live interviews can predict the quality of the applicants that are admitted. We hope that the RFSIG and residency directors

understand how valuable the full-time terminal clinical education experiences are, and understand our concerns about students asking for time off. We encourage a culture shift that embraces today's technology in the best benefit to all stakeholders in our profession. We are all working toward the same missions and goals - of DPT graduate development and professionalism. We hope that we can work together to address the concerns presented above.

We invite perspectives from other DPT schools and residency programs that have worked together to create solutions that address these concerns and prevent interruption of the clinical education experience.

Sincerely,

The Northwest Intermountain Consortium

A.T. Still University, Mesa, AZ
Eastern Washington University, Spokane, WA
Franklin Pierce University, Goodyear, AZ
George Fox University, Newberg, OR
Idaho State University, Pocatello, ID
Midwestern University, Glendale, AZ
Northern Arizona University, Flagstaff, AZ
Pacific University, Hillsboro, OR
Regis University, Denver, CO
Rocky Mountain University of Health Professions, Provo, UT
University of Colorado, Aurora, CO
University of Montana, Missoula, MT
University of Nevada, Las Vegas, NV
University of New Mexico, Albuquerque, NM
University of Puget Sound, Tacoma, WA
University of Utah, Salt Lake City, UT
University of Washington, Seattle, WA

Faculty Handbook

From: Alessandro Seazzu
Sent: Friday, February 15, 2019 12:17 PM
To: Faculty Handbook
Cc: Mary Margaret Rogers; Raj Mahto; Robert Tepper; ASM-MIDS-DU
Subject: RE: Faculty Policies Available for Review and Comment!

Observations in no particular order:

1. As currently articulated, the ongoing use of the word “should” makes the document a recommendation or perhaps suggested guidelines but not a policy.
2. The recommendations included may actually be in violation of other existing campus wide policies, this needs to be researched and confirm that there would be no conflict.
3. There are departmental policies that do not allow for these recommendations, will these be grandfathered in? If so what will be the process?
4. The implementation of these recommendations is not resource neutral, what policy changes are being proposed to supplement faculty resources in order to meet these recommendations?

Alex

Alessandro (Alex) Seazzu
Director of the University of New Mexico Center for Information Assurance Research and Education (CIARE)
MSC05 3090
1 University of New Mexico
Albuquerque, NM 87131-0001
(505) 277-6471
<http://ia.unm.edu>
CAE, CAE-R, CyberCorps SFS

From: ALLFAC-L <ALLFAC-L@LIST.UNM.EDU> **On Behalf Of** UNM Faculty
Sent: Tuesday, February 5, 2019 11:21 AM
To: ALLFAC-L@LIST.UNM.EDU
Subject: Faculty Policies Available for Review and Comment!

Dear Faculty:

In accordance with Faculty Policy A53 “Development and Approval of Faculty Policies,” the following proposed amended policy is available for a faculty review and comment period which ends March 1, 2019. Please email your comments to handbook@unm.edu.

Click on the Policy # below to view the proposed policy or visit <http://handbook.unm.edu/under-review>.

#	Policy	Proposed Action
D170	Student Attendance	Policy D170 has not been revised since its inception, and the Policy Committee was asked by the Committee on Governance and student leaders to conduct a comprehensive review of the

		<p>policy, review policies from other institutions, and recommend changes to bring it up-to-date to reflect current practices, laws, and regulations. The proposed revision describes absences that normally qualify as excused absences, some of which are defined in federal laws and regulations that address military obligations, disability, pregnancy, and religious observations. The revised Policy also provides the process for reporting such absences and completing missed assignments and exams. The revised Policy places the authority to excuse an absence with the instructor, but also provides an avenue for a student to request reconsideration by the college or school dean.</p>
--	--	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Kenedi Hubbard
Office of the University Secretary
University of New Mexico
277-4664

Faculty Handbook

From: John Reed
Sent: Friday, February 15, 2019 2:56 PM
To: Faculty Handbook
Cc: Mary Margaret Rogers
Subject: Comments Regarding Changes to Student Attendance Policies

My primary concern with the proposed changes centers around verification of 'excused' absences in cases of illness, injury, accident, or death in the family.

- I previously excused 'illness' with submission of a doctor's note. What I found is that a number of students presented documentation that was obviously false. (Photocopies of a form that had been altered....excuses from 'pediatric nurses'....blanks they had somehow obtained and filled-in...) I don't find it reasonable to be expected to verify the authenticity of doctor's notes. If we are to excuse these, there should be some mechanism for students to submit them to someone in the UNM hierarchy who's responsible for verification and notifying the instructor.
- I've had 'injury and accident' excuses that are unverifiable. (Interestingly, they often revolve around missed assignments or exams.)
- For long-term illness or recovery from an injury, I've received email notification from within UNM (student services?) and this works fine.
- I've also had a number of 'death in the family/attendance of a funeral' excuses for absence. Often difficult to confirm even with obituary notices. Also, I currently have a student who is going to miss two weeks of classes for a funeral. Seemed unreasonable to me, but informed that she has to be involved in 'planning'....how do you judge?

My current approach is to give students two 'free' absences a semester for the things that might be expected to come up – accident, car won't start, can't get a babysitter, not feeling well, etc. – then, start deducting points for attendance prior to dropping from the course at a certain number. (All of this detailed in my syllabi.) Longer term (illness, injury) excused with verification from Student Services (or whomever it is that emails me). University-related – athletic participation, class trips, representing the University, etc. – are excused.

This seems to be working well for me; although, I imagine it might be difficult to spell these out in a set of policy guidelines.

Hope this is helpful in your assessment.

John Reed
ASM

Faculty Handbook

From: Nora Wendl
Sent: Sunday, February 17, 2019 8:29 PM
To: Faculty Handbook
Cc: Mark Childs
Subject: Questions from the School of Architecture & Planning (specifically Architecture Department):

Our concerns are: how this will impact six credit courses like studio, in which if one misses six classes, it's truly impossible to make up for the absence? We have our own departmental policy in architecture because of accreditation. There are other units with similar situations. Our question was whether departments can maintain their own standards.

Nora Wendl

Associate Professor

School of Architecture and Planning

University of New Mexico

Faculty Handbook

From: Burcu Tan Erciyas
Sent: Wednesday, February 20, 2019 10:25 AM
To: Faculty Handbook
Subject: Comment on the newly drafted Student Attendance Policy

Dear Committee,

I went over the draft for the new Student Attendance Policy. I noticed a potentially problematic language/description. The document says short term absences are up to 5 class-days. If this means what I think it means, I find this designation problematic. One of my classes meets once a week. Missing 5 class days means missing 5 weeks of instruction, which is one third of the semester. I do not think anyone would want to call missing 5 weeks a “short term absence”. So perhaps, the designation may be reframed in terms of missing a certain percentage of classes in a course, rather than the same number of days for all courses.

Another concern I have is the language that says “...not limit the accommodation to dropping the lowest test or assignment grade”. In prolonged absences, expecting the faculty to give a makeup for all the missed assignments is unduly burdensome to the faculty. And how exactly will “Classes or class-work that cannot be made up will be identified in the syllabus”? What if a faculty writes “no make up for HW assignments” into their syllabus? Which will be binding, the handbook or the syllabus?

Thank you for your work.

Best regards,
Burcu

Burcu Tan Erciyas, PhD
Assistant Professor of Operations Management
Department of Marketing, Information Systems, Information Assurance, and Operations Management
Anderson School of Management
The University of New Mexico
btan@unm.edu

Faculty Handbook

From: Robert Tepper
Sent: Saturday, February 23, 2019 12:39 PM
To: Faculty Handbook
Subject: Comments on Proposed D170

My primary concern is with the following:

Students should have the opportunity to make up any assignments or examinations missed. Instructors should provide an opportunity to make up an assignment or test and not limit the accommodation to dropping the lowest test or assignment grade.

As I read the policy, dropping the lowest exam score/assignment is still a possible accommodation but if a student is not satisfied with this, the student should be given the opportunity to complete a make-up exam or assignment. This should be clarified. This proposal has significant resource and workload implications particularly for large undergraduate classes where in-class exams are the most reliable and secure way of testing.

- It will be necessary to make multiple exams/assignments because exams usually are returned the next class period (seems like sound educational practice). Obviously, once an exam/assignment is returned, we cannot use that exam/assignment for the make-up. It could be weeks before a student is ready to take a make-up exam or complete an assignment. In that regard, I think it is necessary to clarify that an instructor can put reasonable conditions on a make-up exam/assignment, e.g. must be taken within one week of the regular exam/assignment.
- The policy will require the instructor to schedule make-up exam times and proctor the exams. It seems unlikely that students will be able to make up the exams at one set time so there could be several different make-up times. If it is possible to designate one make-up time and comply with the policy, that should be explicit in the policy.
- My greatest concern is that we have no facilities for giving make-up exams. This proposed policy really needs UNM to provide a staffed testing center before it is implemented. I have an office, but it is quite small and is not set up for another person to take an exam while I work. Usually our adjunct faculty do not have regular offices. There should be some formal way of scheduling a facility for the makeup—depending on finding a vacant classroom is problematic. This needs to be addressed before the policy becomes operational—the few times I have given makeup exams, students have taken the exam with another class I teach (wearing ear protection so they could not hear the other class proceedings) because I don't have facilities to give it elsewhere.
- Returning to our adjunct faculty, I suspect it will be harder to recruit if we add these responsibilities. Extra exams, scheduling, finding a location for makeup exams, and additional proctoring is more than we should ask of them.

The policy seems to envision extended absences. Six class days is three weeks for classes that meet twice a week, and six weeks for classes that meet once a week. While I have no problem with excusing absences, I think that the policy should make it clear that the instructor is not responsible for providing one-on-one make-up classes.

Thanks for considering my comments.

Robert Tepper, Lecturer, ASM

Faculty Handbook

From: John Benavidez
Sent: Sunday, February 24, 2019 5:42 PM
To: Faculty Handbook
Subject: Fwd: Faculty Policies Available for Review and Comment!

I am opposed to this policy as written for the following reasons:

1. It puts an undue burden on faculty to determine whether or not an absence should be excused. I have more than 200 students enrolled in my courses each semester. For this reason, I do not distinguish between excused and unexcused absences—an absence is an absence. Students are allowed 5 absences before they are dropped from the course.
2. Several of the absence types mention situations where a student misses 6 or more class days. Students who miss that many days cannot be successful in most course. Moreover, education is a co-creation process and it is important for students to be present in order to make a meaningful contribution to the learning community.
3. The first paragraph of the policy statement states “instructors should provide an opportunity to make up an assignment or test and not limit the accommodation to dropping the lowest test or assignment grade.” This practice is not at all practical for instructors with large courses, especially for make exams that need to be individually scheduled and proctored.
4. In closing, a one-size-fits-all attendance policy is not feasible. Faculty should continue to have the flexibility to set their own attendance policy that takes into account the size of their classes, pedagogy and class type (e.g., lecture, experiential).

Begin forwarded message:

From: UNM Faculty <allfac@UNM.EDU>
Subject: Faculty Policies Available for Review and Comment!
Date: February 5, 2019 at 11:21:19 AM MST
To: <ALLFAC-L@LIST.UNM.EDU>
Reply-To: UNM Faculty <allfac@UNM.EDU>

Dear Faculty:

In accordance with Faculty Policy A53 “Development and Approval of Faculty Policies,” the following proposed amended policy is available for a faculty review and comment period which ends March 1, 2019. Please email your comments to handbook@unm.edu.

Click on the Policy # below to view the proposed policy or visit <http://handbook.unm.edu/under-review>.

#	Policy	Proposed Action
D170	Student Attendance	Policy D170 has not been revised since its inception, and the Policy Committee was asked by the Committee on Governance and student leaders to conduct a comprehensive review of the

		<p>policy, review policies from other institutions, and recommend changes to bring it up-to-date to reflect current practices, laws, and regulations. The proposed revision describes absences that normally qualify as excused absences, some of which are defined in federal laws and regulations that address military obligations, disability, pregnancy, and religious observations. The revised Policy also provides the process for reporting such absences and completing missed assignments and exams. The revised Policy places the authority to excuse an absence with the instructor, but also provides an avenue for a student to request reconsideration by the college or school dean.</p>
--	--	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Kenedi Hubbard
Office of the University Secretary
University of New Mexico
277-4664

Faculty Handbook

From: Lonna Atkeson <atkeson@unm.edu>
Sent: Monday, February 25, 2019 8:59 AM
To: Faculty Handbook
Subject: D170

Dear Sir/Madam:

This policy should not expand the number of days defined as short term and extended absences. 5 class days for a graduate course is 1/3 of the class. 5 days could be over two weeks for a T/R schedule.

The number of days should remain the same or be contracted or be more particularly tied to hours—which is how classes are structured—as opposed to days. Days are not a functional unit for courses that vary by especially the number of days per semester.

Warmest regards,

Lonna

Professor Lonna Atkeson
Department of Political Science
Director Center for the Study of Voting, Elections and Democracy
Director Institute for Social Research
University of New Mexico

Faculty Handbook

From: bolli@math.unm.edu
Sent: Monday, February 25, 2019 12:50 PM
To: Faculty Handbook
Subject: Attendance Policy comments

Hello,

I have been at UNM teaching in Math and Stat for over 30 years, and I am quite surprised about these proposed changes. I think that they are overly complicated, quite contradictory, mostly in favor of students to the point of being unfair towards the students who attend and who take the exams at the indicated time and day. In my experience the old policy worked just fine since it gave enough flexibility to the instructor to deal with excused absences and real emergencies.

Here are my comments:

About the Policy Statement:

1. Students should NOT have the opportunity to make up ANY assignment; this new language is in direct contradiction to the statement at the end: "However, the student must recognize that some classes or class work...cannot be made up." In my view identifying work that cannot be made up in the syllabus is enough. I am copying the wording that we have on all of our 100- and 200-level syllabi regarding make-up exams.
2. In a class of 50 or 60 students it becomes impractical to allow students to make up work at will. Some student may want to take the exam early, 2 days, a week, others may want to take the exam 2 days after, 2 weeks after, etc. And it would be unreasonable to expect faculty to make 5 or 10 different make-up exams in a large class.
3. There must be a time limit on making up an exam. This must be mandated by the Dean of Students Office and must be included in the syllabus; again, see our wording that we have on our syllabi. Also, giving any student the opportunity to make up any exam would require faculty to delay handing back exams to the class, and that will interfere with their learning. So a statement on the syllabus would be needed: "Make-up exams must be taken before the exam is handed back to the class".
4. An instructor should have the opportunity to drop an exam score, a quiz score, a homework score in order to keep the class on track with the syllabus. Otherwise these delays put an undue burden on the person who grades the material or who has to write a make-up exam or quiz, see point 2 above.
5. Late registration should NOT be an excused absence. We have many students who do not attend the first 2 weeks and enroll at the end of week 2. Those students are far behind when they start attending, and that adversely impacts their learning a great deal.
6. It is not clear to me what the suggested policy is regarding official absences: the policy mentions a student "required to represent UNM at University functions ..., or similar activities". It is unclear what would qualify as "similar activities": would that decision lie with the student or the faculty? Are UNM club sports included in this? In my view this policy statement is far too vague.
7. The same argument can be made regarding religious observances: can any student request an excused absence for any religious activity of their choice? Can the policy be more clear and more specific?

In the Procedures:

8. The policy should specify "Contact Hours" rather than "Class Days" 2 days in a TR class amount to 3 days in a MWF class, and so missing 2 days in a TR class is much more than missing 2 days in a MWF class. Contact hours clears this up: missing a T class amounts to missing 1.5 contact hour, missing a M class amounts to missing 1 contact hour.

In general it is not clear to me why a new policy is needed: in the Procedures part of the new policy we read: "Excusing an absence is entirely up to the faculty member of the course". This is a good idea, and our department has always been

very accommodating to students that have REAL excuses, no new policy, much longer than the old one, is needed.

Common statement on all 100- and 200-level syllabi:

Attendance: Attendance is mandatory. Tardiness or early departure may be regarded as an absence. After the Withdrawal deadline the instructor will not drop any student. Please note that it is the student's responsibility to drop the course if he/she stops attending. A failing grade of F may be assigned if the student stops attending and does not drop before the posted deadline. No early final exams will be permitted except in documented emergencies: flight reservations, weddings, vacations, birthdays, non-NCAA sporting events etc. are not considered emergencies.

Exams: If you must miss an exam, you must contact your instructor on or before the day of the exam in order to discuss a make-up test. Make-up tests will be given solely at your instructor's discretion. If you do not contact your instructor immediately, you may be dropped from the course.

Faculty Handbook

From: Karen Sorensen-Unruh
Sent: Thursday, February 28, 2019 4:18 PM
To: Faculty Handbook
Subject: Comments on Policy D170: Student Attendance

Thank you for the opportunity to submit comments regarding the revision of policy D170: Student Attendance.

I am a math lecturer and teach 100- and 200-level math courses. My sections typically have 25-50 students each. I have some concerns about the proposed policy.

Policy Statement, paragraph 1:

Statement 1: "Students should have the opportunity to make up **any** assignments or examinations missed."

Statement 2: "Classes or class-work that cannot be made up will be identified in the syllabus."

The first statement conflicts with the second statement. Clearly this policy is not intended to let students make up **any** assignment if instructors can add restrictions to make-up work. I would prefer to omit the first statement and keep the second statement. It is reasonable that instructors communicate this information in the syllabus.

I would like the phrase "not limit the accommodation to dropping the lowest test or assignment grade" removed. In my courses, students cannot make up smaller in-class formative assessments (short quizzes and group responses). In some courses there is a small graded assignment nearly every class period. It is impractical to track excused absences for a large section, write new quizzes, and administer them in a timely fashion. Rather, I drop several of these small assignment grades to account for absences (excused or unexcused).

Policy Statement: 1. UNM official Absences

The Athletic Department does a great job communicating information about NCAA related absences. The dates and times of arrivals/departures are shared at the beginning of the semester. This allows time to plan for reasonable accommodations. It would be helpful if other departments also formally communicated the names of students required to represent UNM and the dates they will miss class. It is not always easy to tell when absences are required UNM official absences or optional non-official absences based on the information students provide. Can the policy state who determines that an absence is "UNM Official"?

Policy Statement: 8. Late registration (not currently included)

It would be nice to clarify whether late registration counts as an excused absence. In my opinion, it is not an excused absence.

Procedure: 1. Course Attendance Expectations, paragraph 1

I would like an additional statement addressing unanticipated absences. "In the case of an unanticipated excused absence, students should communicate with the instructor on or before the day class is missed. Instructors may limit the timeframe for make-up work." I have had students miss an exam on Thursday and not communicate with me until

the next class on Tuesday, when I handed the exam back. In general, I require students to take makeup exams early (planned excused absence) or before the next class period (unplanned excused absence). It would become unmanageable in a large class to have to write multiple exams and corresponding answer keys to accommodate all excused absences on all timeframes.

Procedure 3. Short Term Absence (1-5 class days)

Six class days for a MWF class is two weeks. Six class days for a TR class is three weeks. I would replace “class days” with “contact hours” to make it two weeks for either case.

Procedure: 4. Extended Absence (6 days or longer).

Again, I would replace “days” with “contact hours”.

Thank you,

Karen

Karen Sorensen-Unruh
Lecturer and Math Education Course Coordinator
Department of Mathematics and Statistics
University of New Mexico

Faculty Handbook

From: John Grey
Sent: Thursday, February 28, 2019 8:05 PM
To: Faculty Handbook
Subject: D170 comments

As I understand, this policy only concerns excused absences which according to the language is a very subjective topic. Requiring that faculty allow makeup exams, homework, etc., for every student under any circumstance is bad policy. This means that anyone can claim a legitimate absence which means that instructors will have to write multiple exam and homework assignment versions. Many faculty in my department allow one exam or assignment to be dropped regardless of the nature of absence. However, many faculty permit students to take the exam early if sufficient notice is given that should be the case for excused absences.

In large courses it is not reasonable to require that instructors make this accommodation for every student regardless of the nature of absence. It is also my view that some students will exploit this new rule where a simple appeal to the dean will very likely override the instructor decision. Unless additional considerations are put in place to mitigate the new and unjustified workload, this policy should be abolished.

John Grey
Professor
Regents' Lecturer
Department of Chemistry and Chemical Biology and Center for High Technology Materials (CHTM)
University of New Mexico
MSC03 2060
Albuquerque, NM 87131
jkgrey@unm.edu

Faculty Handbook

From: Ylva M Pihlstrom
Sent: Thursday, February 28, 2019 8:47 PM
To: Faculty Handbook
Subject: Comments on D170 proposed policy changes

After reviewing the proposed changes to policy D170, the Undergraduate Majors Committee in the Department of Physics and Astronomy has the following comments:

For instructors teaching the introductory classes with a large number of students, we are concerned that some of the proposed wording can have unintended consequences, and/or be misinterpreted. Instructors of those courses are dealing with a large number of absences, and providing additional make up tests and homework will significantly increase their workload. The proposed wording indicates that when it comes to exams and homework assignments, the instructor will not be allowed to utilize the method of dropping the lowest score exams/assignments:

“Instructors should provide an opportunity to make up an assignment or test and not limit the accommodation to dropping the lowest test or assignment grade. “

We note that the following statement ‘Classes or class-work that cannot be made up will be identified in the syllabus’ seems contradictory to the above, so perhaps some clarification of the text is needed - we find that it would be a good idea that the instructors can specify conditions for exceptions to work that cannot be made up.

We think it is reasonable that the syllabus should clearly spell out how a missed test or homework will be dealt with in order for students to address their absences appropriately. We also think it is more than reasonable (and very important!) that the method for how this is handled should be determined by the instructor, as classes have a large variation in their structure and enrollment. However, the proposed wording implies a ban of a fair method of providing several tests and homework assignments throughout the semester and allowing some of the lowest scores to be dropped (thereby not penalizing students for missing one assignment/exam). Banning this seems counterproductive for our teaching goals:

- The instructor would have to spend increased amount of time preparing make up exams and homework instead of, for example, lecture preparation and office hours.

- Many of us use the results of homework and exams to revisit important material in class, to make sure the students have the required background knowledge for the following course modules. If there would be a trend with more make-up exams and homework assignments occurring at later dates than outlined in the class schedule, it will have the consequence that details of solutions to exams and homework cannot be discussed timely in class (as that would not be fair to students who already completed their assignments).

In summary, we propose that the sentence should be changed to “Instructors should provide an opportunity to make up an assignment or test, which may include dropping the lowest test or assignment grade.”

On behalf of the Undergraduate Majors Committee, Department of Physics and Astronomy

Ylva Pihlström
ylva@unm.edu

Faculty Handbook

From: Ylva M Pihlstrom
Sent: Friday, March 1, 2019 12:21 PM
To: Faculty Handbook
Subject: Fwd: Comments on D170 proposed policy changes

To Whom it May Concern,

Just a clarifying note regarding my own wording of the comments I sent yesterday:

However, the proposed wording implies a ban of a fair method of providing several tests and homework assignments throughout the semester and allowing some of the lowest scores to be dropped (thereby not penalizing students for missing one assignment/exam). Banning this seems counterproductive for our teaching goals:

Should better read ' However, the proposed wording implies a ban of **solely using** a fair method..'.

We didn't read the proposed policy as it was not allowed at all to drop the lowest grade method, just not allowed to use as the sole accommodation, and we argue it should be a decision of the instructor.

Regards,
Ylva Pihlström

Begin forwarded message:

From: Pihlstrom Ylva <ylva@unm.edu>
Subject: Comments on D170 proposed policy changes
Date: February 28, 2019 at 8:46:51 PM MST
To: handbook@unm.edu

After reviewing the proposed changes to policy D170, the Undergraduate Majors Committee in the Department of Physics and Astronomy has the following comments:

For instructors teaching the introductory classes with a large number of students, we are concerned that some of the proposed wording can have unintended consequences, and/or be misinterpreted. Instructors of those courses are dealing with a large number of absences, and providing additional make up tests and homework will significantly increase their workload. The proposed wording indicates that when it comes to exams and homework assignments, the instructor will not be allowed to utilize the method of dropping the lowest score exams/assignments:

“Instructors should provide an opportunity to make up an assignment or test and not limit the accommodation to dropping the lowest test or assignment grade. “

We note that the following statement 'Classes or class-work that cannot be made up will be identified in the syllabus' seems contradictory to the above, so perhaps some clarification of the text is needed - we

find that it would be a good idea that the instructors can specify conditions for exceptions to work that cannot be made up.

We think it is reasonable that the syllabus should clearly spell out how a missed test or homework will be dealt with in order for students to address their absences appropriately. We also think it is more than reasonable (and very important!) that the method for how this is handled should be determined by the instructor, as classes have a large variation in their structure and enrollment. However, the proposed wording implies a ban of a fair method of providing several tests and homework assignments throughout the semester and allowing some of the lowest scores to be dropped (thereby not penalizing students for missing one assignment/exam). Banning this seems counterproductive for our teaching goals:

- The instructor would have to spend increased amount of time preparing make up exams and homework instead of, for example, lecture preparation and office hours.

- Many of us use the results of homework and exams to revisit important material in class, to make sure the students have the required background knowledge for the following course modules. If there would be a trend with more make-up exams and homework assignments occurring at later dates than outlined in the class schedule, it will have the consequence that details of solutions to exams and homework cannot be discussed timely in class (as that would not be fair to students who already completed their assignments).

In summary, we propose that the sentence should be changed to “Instructors should provide an opportunity to make up an assignment or test, which may include dropping the lowest test or assignment grade.”

On behalf of the Undergraduate Majors Committee, Department of Physics and Astronomy

Ylva Pihlström
ylva@unm.edu

Faculty Handbook

From: Leandra Goldflam
Sent: Friday, March 1, 2019 9:11 AM
To: Faculty Handbook
Subject: Policy D170 Comments

Hello,

I would like to provide the following comments on the proposed changes to policy D170, "Student Attendance":

I believe that the proposed changes would place undue burden on all introductory course instructors, and in particular, faculty lecturers. I believe that overall, the new policy would have a negative impact on student success; the amount of time and resources it would take instructors to implement would necessarily reduce their time spent on other duties, including office hours and individual student help. The requirement that instructors allow for make-up assignments and exams for all excused absences, without "limit[ing] the accommodation to dropping the lowest assignment or test grade" can be untenable given the size of many introductory courses.

To provide background for this, I teach on average 300 students per semester. A semester lasts 15 weeks (75 work days). Given an extremely conservative estimate that each student has only one excused absence per semester, the new policy means that I would have to make at least 4 individualized exceptions every day. The burden this would place on my time could be severe. As a direct result, I would almost certainly need to reduce the number of office hours and other service hours that I provide to my students. I believe this would be extremely detrimental to student success and would limit their options for receiving help.

As another example, I post solutions to homework assignments immediately after they are due. This has the benefit of allowing students to learn from their mistakes before assignments are graded and returned, while the questions are still fresh in their minds. However, it means that any students with excused absences would have access to full worked solutions before they are required to turn in their late assignments. This would provide them with an unfair advantage, and, in my past experience, can lead to direct plagiarism. Conversely, if I were to delay posting solutions in order to accommodate late submissions, it would have a detrimental impact on the learning and success of the remainder of the students in the class.

Additionally, there is a proposed statement that reads: "However, the student must recognize that some classes or class-work (quizzes, seminars, small labs, etc.) cannot be made up. Classes or class-work that cannot be made up will be identified in the syllabus." This policy could use further clarification. Would it be possible to include tests or certain homework assignments in this category of exceptions, provided that they are identified clearly in the syllabus?

Finally, I have a concern regarding Point 5, listed under Procedures, which includes the statement: "Where confirmation of a student's attendance at SHAC is required by a faculty member this will be furnished on direct inquiry, without revealing the medical details necessitating such attendance." Does this statement mean that the burden of verifying an excused absence in the case that a student attends SHAC lies with the faculty member, instead of with the student?

Most forms of excused absences prevent a student from being physically present in class but do not necessarily prevent them from completing required out-of-class assignments on time. As a result, I feel that a reasonable revision to the student attendance policy could allow instructors to set strict deadlines but to accept alternate means of submission (such as for a student to email their assignment) in the case of excused absences.

If you have any questions, please feel free to let me know. Thank you for your consideration.

Dr. Leandra Goldflam
Lecturer III
Department of Physics & Astronomy
University of New Mexico

Faculty Handbook

From: Michael Rocca
Sent: Friday, March 1, 2019 9:28 AM
To: Faculty Handbook
Subject: Student Attendance Policy

To Whom it May Concern,

My name is Mike Rocca and I am chair of the UNM Faculty Senate's Athletic Council. The chief duties and functions of the Athletic Council are to formulate, maintain, and review general policies pertaining to intercollegiate athletics. The purpose of the council is to support the personal and academic welfare of the student athlete, protect institutional integrity, and ensure compliance with the National Collegiate Athletic Association (NCAA) and affiliated conference rules. It is made up of 12 voting faculty, 4 voting students (1 graduate student and 3 undergraduates), 1 voting alum and 2 non-voting, ex-officio members (VP of Athletics and the Faculty Athletics Representative).

We discussed the proposed revisions to the student attendance policy at length at our meeting yesterday. I would like to inform you that the following motion was passed unanimously: **"The Athletic Council supports the proposed revision to D170 student attendance policy."**

Thank you!
Mike

Michael Rocca, Ph.D.
Associate Professor
Coordinator, Political Science Internship Program
Department of Political Science
University of New Mexico
<https://polisci.unm.edu/people/faculty/profile/michael-s.-rocca.html>

Faculty Handbook

From: Raj Mahto
Sent: Friday, March 1, 2019 11:30 AM
To: Faculty Handbook
Subject: Fw: Attendance Policy

Good morning!

ASM has strong reservation on proposed changes to policy D170. Please see reasons for our reservations below.

Thanks,
Raj

Raj V. Mahto, PhD
Creative Enterprise Endowed Professor
Associate Professor of Entrepreneurship
Anderson School of Management
The University of New Mexico
Albuquerque, NM 87131-0001.
Phone: 505.277.2423
Email: rmahto@unm.edu

Associate Editor, *Journal of Small Business Management*
Associate Editor, *Journal of Small Business Strategy*

From: Catherine Roster
Sent: Tuesday, February 26, 2019 5:10 PM
To: Raj Mahto; Robert Tepper
Subject: Attendance Policy

Hi Raj, Bob:

For some reason, I got an error message when I sent the feedback below to the Faculty Senate link for feedback on the Attendance Policy. Please voice our concerns regarding these revisions!

I understand that the policy needs to reflect current federal laws and regulations. What I object to is that the policy seems to go beyond its intention, which is to define “absences that normally qualify as excused absences.” It directs specific recourses that instructors “should” take with regards to completing missed assignments and exams, and eliminates accommodations such as “dropping the lowest test or assignment grade” without explaining why these options represent an *unreasonable* accommodation or conditions under which such actions might be a suitable option. All considered, this policy places the burden of accommodation on the instructor. There are no specific requirements mentioned with regards to student obligations for verification or timing of notification prior to exams or assignment due dates, and no room for accommodations that take into consideration the nature of the course, assignments, the student’s overall attendance record, or other factors that may bear on decisions regarding the instructor’s accommodations for absenteeism. Further, the numerous references to “6 or more absences” do not apply to courses that are offered on non-traditional schedules, like inter-session, 4- or 8-week courses, or other

classes that meet for longer periods twice per week. Missing even a few of these longer class sessions could easily equate to a quarter or more of a semester.

Importantly, the revisions to this policy are NOT free of significant resource implications. Many units, including Anderson School of Management, do not have “testing centers” to administer make-up examinations to students in a controlled setting. When make-ups are given, they require a different test be written by the instructor, especially if there is a significant time interval between the group testing period and the make-up exam. This policy does not take into account departmental resources needed to administer a general “make-up” examination policy, nor the instructor’s time and effort to create multiple exam versions. Also, the suggested paths for recourse, should a student voice a complaint, could potentially place an undue burden on instructors, college administrators, and the Dean of Students.

I am **strongly opposed** to these revisions and request that the Faculty Senate further articulate the legal obligations of instructors with regards to making “reasonable” accommodations. I do not see that there is a need to create policy regarding HOW instructors meet federal obligations with regards to excused absences. Rather, the policy should outline clearly the growing variety of situations that MUST be regarded as “excused” to be in compliance with federal laws. How material is made up for excused absences should remain under the discretion of the particular instructor, and clearly stated in the instructor’s course syllabus.

Catherine Roster, Ph.D.
Professor of Marketing
Anderson School of Management

Faculty Handbook

From: Diana Habel-Rodriguez
Sent: Friday, March 1, 2019 12:34 PM
To: Faculty Handbook
Subject: Attendance policy D170
Attachments: Response to attendance policy changes D170_DHR.pdf

Dear faculty,

please see attached for my comments on the proposed changes to the attendance policy D170.

I've also pasted the text of the document below for convenience:

Thank you for the opportunity to submit comments regarding the revision of policy D170, Student Attendance.

I teach general chemistry classes with 120-200 students per section. These courses are very competitive courses in which some students will do everything they can to have an advantage over their classmates. As a teacher my main concerns are to have an environment in class that incentivizes learning and that course policies are fair to all students.

After exploring various possible policies we found dropping the lowest exam to be a reasonable accommodation for absences during the scheduled exam day. Individual make-up exams are hugely impractical in classes that are simultaneously large and very competitive. It takes many hours to write a good general chemistry exam without mistakes, placing a burden on the instructor – potentially multiple times per week for the various make-ups of the various students requesting make-ups - and taking the instructor's time and energy away from teaching.

Allowing make-up exams also potentially creates an unfair situation to the rest of the students in the course, where a few students are granted extra days to prepare for an exam the class just took with less study time.

In fact, if taken to the extreme, the policy may even create scenarios where it may be perceived as advantageous by some students, who are not prepared, to skip the exam on exam day and seek a make-up exam instead.

To be specific: assume a student is not adequately prepared for the exam.

- With a “drop the lowest exam” policy it is more advantageous to come in to take the exam, do his or her best, and then drop the exam score as the lowest score, if that is what it turns out to be
- With a “allow make-up exams” policy the student who comes in to take the exam and tries her best will have the potentially low exam score “on record” and counting. The student who misses the exam and seeks a make-up exam (for one of the many reasons cited in the policy D170) has the extra time and thus advantage to study and potentially receive a higher grade.

Please note how extensive examples of “internships which cannot be rescheduled” and “family illness and accident” may become. Placing students in a position where missing an exam may be the better option to taking the exam is likely not in the student’s best long-term interest and unfair to other students.

I strongly think the phrase, "and not limit the accommodation to dropping the lowest test or assignment grade" should be removed from the recommended policy changes.

I would also like to comment on your proposal to allow make-up assignments. Class formats and class sizes vary significantly, which effects what an appropriate practice for each class may be. Active learning class rooms utilize in-class activities and discussion that cannot be reproduced for students that miss them. Furthermore, I regularly make answer keys available to the class after the due dates, so that students can review their work and use the assignment answer key as a learning tool. Answer details may also be part of a follow-up discussion during class. Withholding these discussions and keys from the class (to allow for individual extensions) would negatively impact student learning for the majority of the class.

Again, I strongly think the phrase, "and not limit the accommodation to dropping the lowest test or assignment grade" should be removed from the recommended policy changes.

Finally, I understand that there are certain federal regulations regarding pregnancy and religious observance that the university needs to comply with. I would requests that accommodations for make-up exams that exceed dropping the lowest exam grade be restricted to those cases that specifically fall under federal regulation such as pregnancy and religious observance. Doing otherwise would create an environment of unfairness toward the majority of the class and would place a rather large time-burden on instructors taking away from time spend to actually teach and help students learn!

Thank you for considering our feedback,

Diana Habel-Rodriguez

Hello,

Thank you for the opportunity to submit comments regarding the revision of policy D170, Student Attendance.

I teach general chemistry classes with 120-200 students per section. These courses are very competitive courses in which some students will do everything they can to have an advantage over their classmates. As a teacher my main concerns are to have an environment in class that incentivizes learning and that course policies are fair to all students.

After exploring various possible policies and have found dropping the lowest exam to be a reasonable accommodation for absences during the scheduled exam day. Individual make-up exams are hugely impractical in classes that are simultaneously large and very competitive. It takes many hours to write a good general chemistry exam without mistakes, placing a burden on the instructor – potentially multiple times per week for the various make-ups of the various students requesting make-ups - and taking the instructor's time and energy away from teaching.

Allowing make-up exams also potentially creates an unfair situation to the rest of the students in the course, where a few students are granted extra days to prepare for an exam the class just took with less study time.

In fact, if taken to the extreme, the policy may even create scenarios where it may be perceived as advantageous by some students, who are not prepared, to skip the exam on exam day and seek a make-up exam instead.

To be specific: assume a student is not adequately prepared for the exam.

- With a “drop the lowest exam” policy it is more advantageous to come in to take the exam, do his or her best, and then drop the exam score as the lowest score, if that is what it turns out to be
- With a “allow make-up exams” policy the student who comes in to take the exam and tries her best will have the potentially low exam score “on record” and counting. The student who misses the exam and seeks a make-up exam (for one of the many reasons cited in the policy D170) has the extra time and thus advantage to study and potentially receive a higher grade.

Please note how extensive examples of “internships which cannot be rescheduled” and “family illness and accident” may become. Placing students in a position where missing an exam may be the better option to taking the exam is likely not in the student's best long-term interest and unfair to other students.

I strongly think the phrase, "and not limit the accommodation to dropping the lowest test or assignment grade" should be removed from the recommended policy changes.

I would also like to comment on your proposal to allow make-up assignments. Class formats and class sizes vary significantly, which effects what an appropriate practice for each class may be. Active learning class rooms utilize in-class activities and discussion that cannot be reproduced for students that miss them. Furthermore, I regularly make answer keys available to the class after the due dates, so that students can review their work and use the assignment answer key as a learning tool. Answer details may also be part of a follow-up discussion during class. Withholding these discussions and keys from the class (to allow for individual extensions) would negatively impact student learning for the majority of the class.

Again, I strongly think the phrase, "and not limit the accommodation to dropping the lowest test or assignment grade" should be removed from the recommended policy changes.

Finally, I understand that there are certain federal regulations regarding pregnancy and religious observance that the university needs to comply with. I would requests that accommodations for make-up exams that exceed dropping the lowest exam grade be restricted to those cases that specifically fall under federal regulation such as pregnancy and religious observance. Doing otherwise would create an environment of unfairness toward the majority of the class and would place a rather large time-burden on instructors taking away from time spend to actually teach and help students learn!

Thank you,
Diana Habel-Rodriguez

Faculty Handbook

From: K. Joseph Ho
Sent: Friday, March 1, 2019 2:26 PM
To: Faculty Handbook
Cc: K. Joseph Ho
Subject: Comments on D170

Dear Policy Committee:

I have the following comments about the proposal policy in Handbook for D170:

1. In general, I have no problem with the listed excused absences from the proposal. However, there is not any mention about how the excuses can be verified and who will verify it. For example, for illness should the student submit doctor's note. Without a requirement of documentation, it is not fair for other students who do not have the excuse.
2. The proposed language does not explain how a lab course has the options to allow students to make up lab work in additional to dropping their lowest score. There are three main concerns about making up lab work: (1) safety (2) financial burden (3) management nightmare. For example, because of safety reason, we cannot ask a lab instructor or a TA to watch most students doing the scheduled experiment and also watch additional one or two students to do a make-up experiment. In order to provide additional make-up experiment for a few students, we will need to hire more TAs and teaching lab tech which will increase the financial burden and cause management problem. In addition, can we find a time or place for students to make up an experiment in the existing lab schedule and room capacity? We can probably answer the request from a few students, but what if there are requests that we cannot fulfill? Will the unfulfillment of student's requests create more problems than solving it? The large lab courses are limited by its resources, safety and nature of the course work for providing make-up experiments and should be given a separate consideration in the policy. I believe for large lab courses, the policy should allow the course instructor to make a reasonable arrangement for excused absences, which can include dropping a lab grade as the best interest for students in some cases.
3. The proposal policy might hinder the implementation of learning strategies that could benefit student's learning according to educational research. For example, research has shown that dropping the lowest exam is correlated with better student performance from the final exam (I have the citations). Most of active learning strategies (using iclicker, small group discussion, etc.) require student participation and cannot be re-created for make-up. The policy should not discourage the use of evidence-based practices by faculty for the sake of allowing students to be excused from absence.

Joe

K. Joseph Ho, Ph.D.

Director of Chemical Education

Associate Chair of Undergraduate Studies

AAGE UNM Faculty Fellow

Department of Chemistry & Chemical Biology

University of New Mexico

khoj@unm.edu

Student Attendance Policy
Content Specific to Exams and/or Makeup Work

Boise State University

Re: Official absence... students have both the right and the responsibility:

- To make up any work missed during their official absence;
- To make up examinations given during their official absence; and
- To have the same privileges as other students in the class

Faculty have the responsibility to allow a student to make up any work missed during his or her official absence. Make-up work or examinations will be scheduled at times mutually convenient for the student and the instructor.

Colorado State University

Instructors must make reasonable efforts to enable students to make up work which must be accomplished under the instructor's supervision (e.g examination, laboratories).

Cornell University

"3. It shall be the responsibility of the faculty and of the administrative officials of each institution of higher education to make available to each student who is absent from school, because of his or her religious beliefs, an equivalent opportunity to make up any examination, study or work requirements which he or she may have missed because of such absence on any particular day or days.

Portland State University

The instructor will allow students to make up missed work and/or give an option to attain attendance points.

Purdue University

The work may be made up at the discretion of the instructor.

San Diego State

... instructors must accommodate students who notify them in advance of planned absence for religious observances. Even if a student fails to provide notification, however, instructors should be aware that Section 89320 of the California Education Code requires that student be permitted to take a test or examination at a time when it does not violate the student's religious creed.

Texas A&M:

JD students are expected to take examinations as scheduled. Requests to reschedule an examination must be submitted to the Associate Dean for Academic Affairs in accordance with the process set forth in the [School of Law Academic Standards](#).

Accommodations sought for absences due to the observance of a religious holiday can be sought either prior or after the absence, but not later than two working days after the absence.

If the absence is excused, the instructor must either provide the student an opportunity to make up any quiz, exam or other work that contributes to the final grade or provide a satisfactory alternative by a date agreed upon by the student and instructor. If an instructor has a regularly scheduled make up exam, students are expected to attend unless they have a university approved excuse. The make-up work must be completed in a timeframe not to exceed 30 calendar days from the last day of the initial absence.

Texas Tech

A student who is absent from classes for the observance of a religious holiday shall be allowed to take an examination or complete an assignment scheduled for that day within a reasonable time after the absence.

University of Colorado, Denver

7. For students with excused absence(s), faculty members will provide accommodations consistent with the number of assignments missed, pedagogy of the discipline, and time frame available. Any makeup accommodations must be at a time and place mutually agreeable to the instructor and student. Accommodations are restricted to material(s) for which the student was originally responsible. Accommodations may include, but are not limited to, the following:

- a. appropriate substitute assignments, examinations, quizzes, or projects
- b. assignment of individual extra credit equivalent to the missed graded assignment(s)
- c. recalculation of grade on remaining assignments

University of Iowa

University policy does require that students be permitted to make up examinations missed because of illness, mandatory religious obligations, certain University activities, or unavoidable circumstances.

University of Nevada-Las Vegas

Any student missing quizzes, examinations, or any other class or lab work because of observance of religious holidays shall be given an opportunity during that semester to make up missed work. ... Students who represent the UNLV at any official extracurricular activity shall have the opportunity to make up any assignments or examinations missed as a result of this event. ... This Policy shall not apply in the event that administering the test or examination at an alternate time would impose an undue hardship on the instructor or the university that could not reasonable be avoided. ... Any student who is denied a make-up assignment shall have the right to appeal that decision through the normal appeal mechanism in place at the university. ... There should be good-faith effort by both faculty and student to come to a reasonable resolution.

University of Nevada-Reno

Students who represent the University at such events [extracurricular activities] shall be provided with alternate, timely make up exams, quizzes, or other coursework missed as result of their participation. The make-up coursework should in no way penalize or disadvantage the student. ... Any student who is denied a make-up assignment shall have the right to appeal that decision through the Academic Compliant System.

University of Texas at El Paso

A student whose absence is excused for religious reasons may not be penalized for that absence and shall be allowed to take an examination or complete an assignment for which the student is excused.

University of Wyoming

All instructors shall permit students who have official authorized absences to make up work without penalty in the classes missed.

Utah State University

... the instructor must either provide the student an opportunity to make up any quiz, exam, or other work that constitutes to the final grade or provide a satisfactory alternative by a date agreed on by the student and instructor. Students with an excused absence shall be “held harmless” and benefit from all classroom policies. In some cases, such as classes that include time-dependent group, field, lab, or studio work, instructors are not required to recreate a precisely equivalent experience, but should identify a suitable alternative that respects both their own and the student’s time and meets educational goals.

Content Specific to Providing Reason/Documentation for Absence

Utah State University

A student requesting an excused absence is responsible for providing evidence to the instructor substantiating the reason for absence.

University of Iowa

Requires documentation of absences

Portland State University

Instructor may require a document from the relevant authority.

Texas A&M

If needed, the student must provide additional documentation substantiating the reason for the absence, that is satisfactory to the instructor...

Standard Practice Guide Policies

Prohibitions Regarding Sexual, Romantic, Amorous, and/or Dating Relationships Between Teachers and Learners 601.22

Applies to: Regular Instructional Faculty, Supplemental Instructional Faculty, Research Faculty, Graduate Student Instructors, and Undergraduate Students Responsible for the Delivery of Course Content

I. POLICY BACKGROUND

This policy applies to “*Covered Relationships*.” A *Covered Relationship* includes any relationship which may reasonably be described as sexual, romantic, amorous, and/or dating. Physical contact is not a required element of such relationships. A *Covered Relationship* may exist on the basis of a single interaction.

The University of Michigan strives to create and maintain a community that enables each person to reach their full potential. To do so requires an environment of trust, openness, civility, and respect. The University is firmly committed to a policy of prohibiting behaviors that adversely impact a person’s ability to fully participate in the scholarly, research, educational, patient care, and service missions of the University.

The teacher-student relationship lies at the foundation of the educational process. As a matter of sound judgment and professional ethics, faculty members have a responsibility to avoid any apparent or actual conflict between their professional responsibilities and personal relationships with students.

Faculty have a collective responsibility to the student experience as members and representatives of the University community, and with each class of incoming students who are bound together in space and time.

The faculty at the University fulfill their essential role with students in learning, research, and service environments, and do so with a commitment to honoring the highest professional and ethical standards. An overarching goal for the context of the faculty-student relationship is to create a professional, productive, and equitable environment for independent learning and academic growth. Student well-being and the pursuit of academic excellence are central to any faculty-student relationship. At its best, the faculty-student relationship nurtures the

advancement and pursuit of knowledge and can lead to life-long professional mentorships and connections. At its worst, the inherent imbalance in the power dynamic between faculty and students can lead to real or perceived exploitation of the power differential.

The University is committed to putting students' interests first in addressing the challenges and competing interests that arise when defining limitations on certain types of teacher-student relationships. The limitations set forth in this SPG are based on roles and responsibilities, group affiliations, and community norms, as well as the University's diversity, scope, scale, and geographic and virtual reach. The University similarly recognizes the importance of its members' interests in academic freedom, freedom of expression, and intellectual inquiry, and believes these are best protected by common understandings and avoidance of unprofessional relationships.

In all cases, a *Covered Teacher* (defined below) is prohibited from having a *Covered Relationship* (defined below) with any *Learner* (defined below) in a class, lab, field, or other setting in which the *Covered Teacher* has *Academic or Supervisory Authority* (defined below) over the *Learner*. If a *Covered Teacher* has such authority, and has in the past had a *Covered Relationship* with any *Learner* who subsequently is in the *Covered Teacher's* class, lab, field, or other such setting, the *Covered Teacher* must disclose the prior relationship immediately to the Dean or designee in the Dean's Office, so that the situation may be promptly and properly managed (e.g., re-assigning grading responsibilities).^[1]

As defined more specifically below, *Faculty Members* are subject to broader prohibitions than other *Covered Teachers*. Among other things, *Faculty Members* are prohibited from having *Covered Relationships* with undergraduate students.

II. POLICY DEFINITIONS

For purposes of this SPG, the following definitions apply:².

- A. *Covered Relationship*: "*Covered Relationship*" includes any relationship which may reasonably be described as sexual, romantic, amorous, and/or dating. Physical contact is not a required element of such relationships. A *Covered Relationship* may exist on the basis of a single interaction.
- B. *Covered Teacher*: "*Covered Teacher*" means any *Faculty Member*, *Graduate Student Instructor*, and *Undergraduate Student Responsible for the Delivery of Course Content*.³
- C. *Faculty* or *Faculty Member*: "*Faculty*" or "*Faculty Member*" means all regular instructional *Faculty*⁴ and all supplemental instructional *Faculty*⁵ as defined by SPG 201.34-1 (<https://spg.umich.edu/policy/201.34-1>). It also includes research track *Faculty* as defined in Regents' Bylaw 5.24 (<http://regents.umich.edu/bylaws/bylaws05b.html#15>)⁶

- D. *Graduate Student Instructor: "Graduate Student Instructor" ("GSI")* means any graduate student appointed as a *Graduate Student Instructor* as defined in the UM/Graduate Employees' Organization collective bargaining agreement.⁷
- E. *Postdoctoral Research Fellow: "Postdoctoral Research Fellow"* means any individual appointed or employed under SPG 201.19 (<https://spg.umich.edu/policy/201.19>)⁸.
- F. *Undergraduate Student Responsible for the Delivery of Course Content: "Undergraduate Student Responsible for the Delivery of Course Content"* means any undergraduate student who is assigned by an academic unit to provide course content including instruction, grading, formal mentoring, tutoring, or similar activities.
- G. *Academic or Supervisory Authority: "Academic or Supervisory Authority"* includes, but is not limited to, teaching, research, academic advising, coaching, service on evaluation or thesis committees, grading, evaluation, and/or recommending in an institutional capacity for employment, fellowships, and awards.
- H. *Learner: "Learner"* means all undergraduate, graduate, professional, non-degree, and visiting students, as well as *Postdoctoral Research Fellows*.

III. Policy Regulations

A. Faculty Members and Learners

1. Prohibited *Faculty* and Student Relationships

The provisions apply regardless of delivery mechanism for the instructional content, or the form of communication (e.g., in person, online, mobile, and hybrid methods).

- a. *Faculty* and Undergraduate Students – *Covered Relationships* between a *Faculty Member* and an undergraduate student at any of the three U-M campuses (Ann Arbor, Dearborn, and Flint) are prohibited.
- b. *Faculty* and Graduate and Professional Students
 - (1) *Covered Relationships* between a *Faculty Member* and a graduate or professional student over whom the *Faculty Member* currently has, has had, or might reasonably be expected to have direct or indirect *Academic or Supervisory Authority* are prohibited.
 - (2) Additionally, *Covered Relationships* between a *Faculty Member* and a graduate or professional student who is in the same discipline or academic program in which the *Faculty Member* is appointed or teaches, regardless of *Academic or Supervisory Authority*, are prohibited.
- c. *Faculty* and Non-Degree Students – The prohibitions described above apply in accordance with a non-degree student's status as

undergraduate, graduate, or professional.

- d. *Faculty* and Visiting Students – The prohibitions described above apply in accordance with a visiting student’s status as undergraduate, graduate, or professional.

B. Prohibited *Faculty and Postdoctoral Research Fellows* Relationships

1. *Covered Relationships* between a *Faculty Member* and a *Postdoctoral Research Fellow* over whom the *Faculty Member* currently has, has had, or might reasonably be expected to have *Academic or Supervisory Authority* are prohibited

C. *Faculty* Requests for Exceptions from Prohibitions

1. Exceptions from the prohibitions outlined in this SPG will be granted only in rare circumstances. A *Faculty Member* may request an exception, and each will be considered on a case-by-case basis. As a starting premise, and as the broadest prohibition in this SPG applies to undergraduate students, an exception permitting a *Covered Relationship* with an undergraduate student would require an extraordinary set of circumstances.
2. Examples of situations in which an exception might be appropriate include:
 - a. The *Faculty Member’s Covered Relationship* with a *Learner* precedes the individual’s status as a *Learner* subject to these prohibitions (e.g., a *Faculty Member* and *Learner* have been in an established relationship [e.g., marriage], and the *Learner* subsequently enrolls as an undergraduate student at the University);
 - b. A *Faculty Member* and a *Learner* had a *Covered Relationship* under the prior version of this SPG that either did not require disclosure or was appropriately disclosed and managed, but upon the effective date of the revised SPG, the *Covered Relationship* is prohibited.⁹
3. A *Faculty Member’s* request for an exception must be made in writing to the *Faculty Member’s* Dean¹⁰. or designee in the Dean’s Office. The Dean or designee in the Dean’s Office, after consultation with Academic Human Resources,¹¹ will determine whether an exception is appropriate. If an exception is appropriate, a management plan will be implemented as described below.
4. If an exception is denied, the *Covered Relationship* must be discontinued. The *Faculty Member* may request an exception if the circumstances leading to the denial change.
5. The affected *Faculty Member* may file a grievance challenging the denial of an exception request under the applicable *Faculty* grievance procedure.

D. Managing Approved *Faculty* Exceptions

1. In the event an exception is granted, a written management plan will be created. At minimum, the plan will document the rationale for the exception and outline any steps necessary to resolve actual and potential conflicts of interest and commitment.
2. The management plan will be developed by the Dean or designee in the Dean's Office, which may include consultation with the *Faculty Member and Learner*.
3. To ensure consistent administration of this policy, the Dean or designee in the Dean's Office will consult with Academic Human Resources¹² in managing the rare cases in which an exception is granted.
4. The approved management plan must be placed in the *Faculty Member's* personnel file in the *Faculty Member's* home administrative unit.

E. Prohibited Relationships Between Other *Covered Teachers* and *Learners*

1. *Graduate Student Instructors and Learners*

- a. *Covered Relationships* between a *GSI* and any *Learner* over whom the *GSI* has *Academic or Supervisory Authority* are prohibited.
- b. Immediately upon learning that a student with whom the *GSI* currently has or previously had a *Covered Relationship* is or will be in the *GSI's* class or otherwise under the *GSI's Academic or Supervisory Authority*, the *GSI* will disclose the situation to the Dean or designee in the Dean's Office of the department in which the *GSI* is appointed. The Dean or designee in the Dean's Office will establish appropriate supervision of the *Learner*.

2. *Undergraduate Students Responsible for the Delivery of Course Content and Learners*

- a. *Covered Relationships* between an *Undergraduate Student Responsible for the Delivery of Course content* and any *Learner* over whom they have *Academic or Supervisory Authority* are prohibited.
- b. Immediately upon learning that a *Learner* with whom the *Undergraduate Student Responsible for the Delivery of Course Content* currently has or previously had a *Covered Relationship* is or will be under their *Academic or Supervisory Authority*, the *Undergraduate Student Responsible for the Delivery of Course Content* will disclose the situation to the Dean or designee in the Dean's Office. The Dean or designee in the Dean's Office will establish appropriate supervision of the *Learner*.

F. Reporting

1. Any student, faculty member, staff member or other affiliate (e.g., individuals in a position to observe or have knowledge of such a relationship) who reasonably believes a *Covered Teacher* is engaged in a prohibited *Covered Relationship*, or is otherwise in violation of this policy, is encouraged to report the concern to the *Covered Teacher's* Dean and/or the Office of Academic Human Resources.¹³.
2. In addition, anonymous reporting can be made through the University's Compliance Hotline (<http://www.compliancehotline.umich.edu/>) (1-866-990-0111) and/or the Office for Institutional Equity (<https://hr.umich.edu/working-u-m/workplace-improvement/office-institutional-equity/discrimination-discriminatory-harassment-sexual-misconduct-reporting-form>).
3. A person who knowingly and intentionally makes a false report under this policy is subject to University discipline.

IV. Discipline

Violations of this policy will be considered misconduct on the part of a *Covered Teacher* and will be subject to discipline up to and including separation from the University. Any such discipline will follow the applicable due process requirements, and will be subject to the applicable grievance procedure.

Prompt self-disclosure may mitigate potential violations of this policy. *Covered Relationships* that are not self-disclosed will be considered more severe violations of this policy.

V. Related Policies

This SPG does not preempt existing codes of student conduct.

This SPG will be implemented in coordination with related policies, such as SPG 201.65-1 (<https://spg.umich.edu/policy/201.65-1>), Conflicts of Interest and Conflicts of Commitment, which remain in full force and effect.

Nothing in this policy shall be deemed as supplanting or otherwise affecting the University's sexual harassment policy, Standard Practice Guide 201.89-0 (<http://spg.umich.edu/policy/201.89-0>), or the policy on the appointment of relatives, Standard Practice Guide 201.23 (<http://spg.umich.edu/policy/201.23>).

¹A Covered Teacher may have separate disclosure obligations for certain personal relationships under other University policies (see, e.g., SPG 201.65-1 (<http://spg.umich.edu/policy/201.65-1>) – Conflicts of Interest and Conflicts of Commitment).

²These defined terms are identified by the use of italics.

³The University engages people who are not University employees to assume educational responsibility for our Learners through internships, affiliation and cooperation agreements, and other arrangements. The University encourages units to incorporate the provisions of this SPG into formal agreements with these types of educators, their employers, etc.

⁴SPG 201.34-1 (<http://spg.umich.edu/policy/201.34-1>) defines “regular instructional faculty” to include tenure track faculty, clinical track faculty, lecturers, and bargained-for lecturers. For bargained-for lecturers, the UM/LEO agreement (<https://hr.umich.edu/sites/default/files/lecturers-employee-organization-agreement-2018-2021.pdf>) provides additional information.

⁵SPG 201.34-1 (<http://spg.umich.edu/policy/201.34-1>) defines “supplemental instructional faculty” to include adjunct instructional faculty (bargained-for; see UM/LEO agreement (<https://hr.umich.edu/sites/default/files/lecturers-employee-organization-agreement-2018-2021.pdf>)), adjunct clinical instructional faculty, and visiting instructional faculty.

⁶Regents’ Bylaw 5.24 (<http://regents.umich.edu/bylaws/bylaws05b.html#15>) defines the research track faculty as including the Research Scientist and Research Professor tracks.

⁷The UM/GEO agreement (<https://hr.umich.edu/sites/default/files/geo-agreement-2017-2020.pdf>) provides additional information.

⁸SPG 201.19 (<http://spg.umich.edu/policy/201.19>) provides additional information for Postdoctoral Research Fellows.

⁹Upon the 2019 effective date of this revised SPG, relationships that were not prohibited by prior versions of this SPG may become prohibited. In such cases, an affected Faculty Member must immediately disclose such relationship to the Faculty Member’s Dean or designee in the Dean’s Office. In the event the Faculty Member wishes to request an exception to the prohibitions in the revised SPG, the Faculty Member must submit a request in writing to the Dean or designee in the Dean’s Office, as set forth in the SPG.

¹⁰In the limited number of cases in which the Dean or designee in the Dean’s Office has a conflict of interest which directly bears on the evaluation of an exception request, alternative reporting may be appropriate through Academic Human Resources.

¹¹On the Flint and Dearborn campuses, consultation with the campus Human Resources Office is also required.

¹²On the Flint and Dearborn campuses, consultation with the campus Human Resources Office is also required.

¹³On the Flint and Dearborn campuses, reports may also be made to the respective campus Human Resources Office.

Notes

This SPG was revised February 18, 2019. The revised policy is broader in scope and more restrictive than the previous policy.

File Attachments

PDF of SPG 601.22, Prohibitions Regarding Sexual, Romantic, Amorous, and/or Dating Relationships Between Teachers and Learners (<https://spg.umich.edu/sites/default/files/policies/1%20-601x22.pdf>)

SPG Number:

601.22

Applies To:

Regular Instructional Faculty, Supplemental Instructional Faculty, Research Faculty, Graduate Student Instructors, and Undergraduate Students Responsible for the Delivery of Course Content

Date Issued:

April 2, 2004

Last Updated:

February 18, 2019

Owner:

Office of the Provost and Executive Vice President for Academic Affairs

Next Review Date:

February 18, 2022

Primary Contact:

Office of the Provost and Executive Vice President for Academic Affairs

Related Policies:

Appointment of Relatives or Others with Close Personal or External Business Relationships; Procedures to assure Equal Opportunity and to Avoid the Possibility of Favoritism (Nepotism) (/policy/201.23)

Classification and Appointment of Instructional Faculty (/policy/201.34-1)

Conflicts of Interest and Conflicts of Commitment (/policy/201.65-1)

Postdoctoral Research Fellows (/policy/201.19)

Sexual Harassment (/policy/201.89-0)

Related Links:

Frequently Asked Questions (<https://www.provost.umich.edu/faculty/FSRP/>)

Hard copies of this document are considered uncontrolled. If you have a printed version, please refer to the University SPG website (spg.umich.edu) for the official, most recent version.

© 2019 The Regents of the University of Michigan

Working Group on Faculty-Student Relationships (SPG 601.22)
Final Recommendations

November 16, 2018

I. INTRODUCTION

On October 9, 2018, the University of Michigan’s provosts (Interim Provost Susan E. Alcock, University of Michigan Flint, Provost Catherine A. Davy, University of Michigan Dearborn, and Provost Martin A. Philbert, University of Michigan Ann Arbor) established a Working Group on Faculty-Student Relationships (the “Group”). The Group’s purpose was to develop and make recommendations to the president for revisions to SPG 601.22 (Faculty-Student Relationships) and enhanced educational efforts intended to ensure adherence to the new policy.

The Group was charged with the following primary objectives:

1. To gather information and assess the current state of faculty-student relationship policies at peer institutions;
2. To develop recommendations for revisions to SPG 601.22 that reflect our shared community values and align University of Michigan policy with the best practices of peer institutions;
3. To develop recommendations for implementing a revised policy, including raising awareness of the policy, its relationship to other university policies, available resources, etc.

In three multi-hour meetings, the Group worked through the task list in a discussion format. Having a diverse group allowed us to discuss the issues from multiple perspectives. From these discussions we created a list of shared values and recommended revisions to the current SPG 601.22. We then collaboratively drafted this report, and had an additional meeting to finalize the report.

Working Group Members

Faculty:

Susan A. Gelman, Heinz Werner Distinguished University Professor of Psychology and Linguistics, Professor of Psychology and Professor of Linguistics (Chair)

Peter Chen, Arthur F. Thurnau Professor of Electrical Engineering and Computer Science, College of Engineering

Freda Herseth, Arthur F. Thurnau Professor and Professor of Music (Voice), School of Music, Theatre & Dance

Dave Mayer, Professor of Management and Organizations, Ross School of Business

Terrence McDonald, Arthur F. Thurnau Professor, Professor of History; Director, Bentley Historical Library

Shelby Newport, Department Chair and Associate Professor, Department of Theatre and Dance, U-M Flint

Robert Ortega, Associate Professor of Social Work; University Faculty Ombuds

Jennifer Proctor, Associate Professor of Journalism and Screen Studies, U-M Dearborn

Ex-Officio Members:

Jeffery Frumkin, Academic Human Resources

Gloria Hage, Office of the Vice President and General Counsel

Timothy Wood, University Human Resources

Administrative Leads:

James Burkel, Assistant Vice Provost for Academic and Faculty Affairs

Christine Gerdes, Special Counsel to the Provost

The recommendations set forth below have the Group's unanimous support.

II. PRINCIPLES AND VALUES

In his famous 1963 book, *The Uses of the University*, University of California Chancellor Clark Kerr called the American research university "the city of intellect," and commentators have endorsed this metaphor ever since. Regardless of the reach of its research and now internet-based teaching, the core of the university is still very much like a city: bounded, self-governing, and charged with creating some form of community, in our case on three campuses. The University of Michigan's "President's Commission on the Undergraduate Experience" endorsed this metaphor in its 2001 report:

"...the image of the good, livable city has struck the Commission as a useful tool to think with, a lodestar guiding our exploration of the undergraduate experience. It points to the ideal of the public research university as an expansive, inclusive, civic-minded, diverse, dynamic, integrative, and welcoming community of inquiry and practice."

We believe that when this "city of intellect" operates as it should, students are infatuated with knowledge, bonded to their peers, and courageous in their intellectual exploration. The role of faculty, staff, and graduate student instructors is crucial to this process. They are mentors, guides, and--more than ever in the era of "engaged" education--collaborators. Although the destinations of undergraduate students, graduate students, and medical and postdoctoral trainees are quite different, we hope that, through the process of intellectual discovery all find the adult identify that is, as Andrew Delbanco has written, "true to themselves and responsible to others."

We begin with these reflections because our Group was charged with reconsidering whether there is an appropriate role for sexual and romantic relationships among faculty, staff, graduate

student instructors, and other instructors on the one hand, and undergraduates, graduate students, and trainees on the other hand. But this is not simply a legal or legalistic question; it goes instead to the heart of our intellectual enterprise and core values. Rephrasing the above we ask: If our goal is the creation of an "expansive, inclusive, civic-minded, diverse, dynamic, integrative, and welcoming community of inquiry and practice," and if the appropriate role of faculty is as mentors, guides, and collaborators, then exactly what space is there for such relationships in what we do?

The Faculty Handbook declares that the University of Michigan strives to create and maintain a community that enables each person to reach their full potential. "To do so requires an environment of trust, openness, civility, and respect. The University is firmly committed to a policy of prohibiting behaviors that adversely impact a person's ability to participate in the scholarly, research, educational, patient care, and service missions of the University." (Section 1.D.) As noted in Section 8.D.11. of the Faculty Handbook:

"Romantic and/or sexual relationships between a faculty member and a student have the potential to pose risks to the faculty member, the student, or third parties. In such relationships, voluntary consent by the student is suspect because of the inherently unequal nature of the relationship.... In addition, other faculty members, staff members, or students may have concerns about undue access or advantage, favoritism, restricted opportunities, or unfavorable treatment as a result of the relationship. These concerns are damaging whether the favoritism is real or perceived."

We make our recommendations on this record of historic commitment to the view that, as the 1986 Senate Assembly "Faculty Statement on Gender and Respect in the University Community," put it:

"Our general principle is this: the position, autonomy, respect and authority of the faculty impose a particular responsibility in the matter of sexual relationships with students; the structured asymmetry of faculty-student relationships cannot be overcome by collegiality or mutual affection. Those who neglect this principle also neglect their professional responsibility as faculty members." (Appendix A)

Our recommendations, then, stem from this understanding of what we do and where we stand – and where we have stood before. The faculty at the university understand and fulfill their essential role with students in learning, research, and service environments, and do so with a commitment to honoring the highest professional and ethical standards. An overarching goal for the context of the faculty-student relationship is to create a safe and equitable environment for independent learning and academic growth. Student well-being is a primary consideration of any faculty-student relationship. At its best, the faculty-student relationship nurtures the advancement

and pursuit of knowledge and can lead to life-long professional mentorships and connections. At its worst, the inherent imbalance in the power dynamic between faculty and students can lead to real or perceived exploitation of the power differential.

There is a collective responsibility that the faculty have to the student experience as members and representatives of the university community, and with each class of incoming students who are bound together in space and time. The nature of the relationship that students have to the university and to the collective faculty can and does vary by student population. Generally, undergraduate students have an unknown scope and span of academic disciplines to explore and, as such, the greatest potential to interact with faculty from across the university. The academic discipline-based focus of graduate students sets clearer parameters over the nature of their relationship to the university and is the foundation for relationships over an academic and professional career.

The diversity, scope, and scale of the university, as well as its geographic and virtual reach, create challenges in balancing competing interests when defining limitations on certain types of faculty-student relationships. Nonetheless, it is necessary to define prohibitions in the area of faculty-student romantic and/or sexual relationships. Such constraints are tied to putting the interests of students first, and are based on roles/responsibilities, group affiliations, community norms, and the greater good. Bright-line standards for prohibited relationships (described in the recommendations that follow) meet the need for clarity in expectation and consequence, reduce the need for situational judgment, align with the norms of institutional peers, and align with the 1986 Senate Assembly Statement.

To summarize, guiding relational principles include the following:

Safety and Trust: Interactions are based on safety and trust, free of exploitation, placing health and well-being first, and providing support and mentoring. In particular, faculty have a duty of care to each and every student.

Equity and Fairness: The university values creating an equitable environment for independent learning and academic growth for students and faculty.

Respect: We value one another and maintain norms of compassion, freedom, liberty, and affiliation for the greater good, for all members of the community.

Ambassadorship: Each member of the university represents our collective good such that the behaviors of individuals or groups can have a ripple effect on other members of the university community as well as on the university's reputation and standing. Members of the university

community serve beyond the confines of the classroom to include all contexts within the geographic and virtual reach of our institution.

Diversity: The university community represents our global society, reflecting a broad range of cultural differences and relational practices. In addition, relationships among representatives of diverse groups will be present within the broad scope and span of academic disciplines. This breadth of experience and expansive teaching and learning is particularly the case within undergraduate student education. Graduate students are more discipline-based and may have lasting professional connections with faculty over the course of their academic and professional careers.

Responsibility and Ethics: We recognize the importance of professional standards of conduct (analogous to those established in other professions, such as medicine, law, social work, and clinical psychology) that apply to all relationships built among members of the university community. Professional ethical expectations for relationship boundaries align with institutional peers and with the AAUP Statement on Professional Ethics. Also important are principles of individual responsibility, for both students and faculty, in their university roles.

Accountability: Relationship expectations within the university community align with expectations of external stakeholders, including family, honor the spirit, not just ‘the letter’ of the policy, and require a commitment to enforcing established policy that includes implications of discovery and disclosure of a restricted relationship.

Clarity and Transparency: Bright line standards aid clarity of policy and administration, and reduce the need to apply situational judgment. The Group recognizes that a bright line standard will likely result in some relationships that exist today becoming inappropriate under the new policy.

III. REVIEW OF PEER INSTITUTIONS

As part of our process, the Group reviewed summaries of similar policies at more than 40 peer institutions, including private, public, and multi-campus institutions. These policies can be grouped into three main types:

1. A policy statement that romantic, intimate, amorous, or sexual relationships between faculty and undergraduate students, regardless of their academic or scholarly relationships, are prohibited. While some policies include graduate students in the prohibition, most policies limit the prohibition for graduate students and faculty to where there is an academic or supervisory relationship.

2. A policy statement that romantic, intimate, amorous, or sexual relationships between faculty and students (undergraduate or graduate) are prohibited when the faculty member has, or can reasonably be expected to have, an academic or supervisory relationship with the student.
3. A policy statement that requires the faculty member to disclose a romantic, intimate, amorous, or sexual relationship with any undergraduate student or graduate student, so that a conflict of interest plan can be developed, and/or to recuse themselves from supervisory or evaluative relationships in such cases.

Additionally, the Group noted that a number of policies prohibited romantic or sexual relationships between faculty and graduate students in the same department or academic discipline, regardless of supervisory relationship.

The peer policies to which the Group most often referred for guidance and information were: NYU, Yale, MIT, Harvard, and Georgetown (2017 Faculty Handbook statement of policy). Additionally, the Group often returned to UM's own 1986 Senate Assembly "Faculty Statement on Gender and Respect in the University Community" (referenced above; see Appendix A), emphasizing such language as the following:

"The relationship between faculty and adult students, however complex it may be, is ultimately and structurally asymmetrical. Like any professional relationship, it rests upon a special form of trust and reciprocal respect. Sexual relationships between faculty members and students risk diminishing or even voiding this trust and respect to the detriment of all. Moreover, the asymmetry of this relationship means that any sexual relationship between a faculty member and a student is potentially exploitative and should be avoided."

The Group noted that the concerns of power imbalances between faculty and students, particularly undergraduates, as laid out in this document are reflected widely in policies at peer institutions.

IV. RECOMMENDATIONS – OVERVIEW

Overall Recommendation

The Group recommends replacing the content of the current SPG 601.22 with a new faculty-student relationships policy that furthers the goals and values statement outlined above, is broader in scope, and outlines clear and understandable expectations.

The current policy contains the following prohibition:

“A faculty member is prohibited from having supervisory responsibility over a student with whom he or she is currently having a romantic and/or sexual relationship. A faculty member may be prohibited from having supervisory responsibility over a student with whom he or she has had a romantic and/or sexual relationship in the past.”

Thus, the current policy accepts faculty-student relationships as long as there is disclosure and a plan in place to manage the conflict; management may require ending the relationship. The Group believes that the scope of prohibited relationships in the current policy is too narrow, as it focuses exclusively on those students over whom direct supervisory authority is exercised. The Group further believes that the new policy should allow for exceptions that permit the relationship to continue only in very narrow, limited circumstances.

These recommendations are deemed necessary to avoid conflicts of interest and imbalances of power. These dynamics apply to all those at the university who teach, supervise, evaluate, or have grading authority over students, including, but not limited to, regular and supplemental instructional faculty, undergraduate students involved in the delivery of course content, graduate student instructors, and postdoctoral fellows.

In all cases, the Group recommends that university employees and affiliates be prohibited from having romantic or sexual relationships with any student in a class or other setting in which that person has instructional, supervisory, evaluative, grading, or other academic authority over the student. If a person with such authority has had a prior romantic or sexual relationship with any student in his/her class or other such setting, that person must disclose the relationship immediately.

In addition, with respect to faculty, the Group recommends a ban on any relationship between (a) a faculty member and an undergraduate student, regardless of academic discipline or UM campus affiliation, (b) a faculty member and a graduate student for whom the faculty member currently has, has had, or may reasonably be expected to have academic supervisory roles, as well as a graduate student who is in the same discipline or academic program in which the faculty member is appointed or teaches, regardless of academic or supervisory authority, and (c) a faculty member and postdoctoral fellow or trainee for whom the faculty member currently has, has had, or may reasonably be expected to have any academic supervisory role.

Violations of this policy will be taken very seriously, and can lead to discipline, up to and including separation from the university.

Types of relationships between students, faculty, and other instructors that are covered by these recommendations:

These relationships may be characterized as: romantic, sexual, amorous, dating, and/or intimate (though this is not intended as an exhaustive list). Such relationships extend beyond shared interest in course content/subject matter or other scholarly and/or personal interests; they cross beyond “friend and mentor.” Relationships need not involve physical contact to come under the recommendations. They include digital romantic and/or sexual relationships (e.g., texting, online, and other non-face-to-face communications).

Other Authority

In addition to SPG 601.22, reference was made to other university authority that may be relevant, including:

1. SPG 201.23 – Appointment of Relatives or Others with Close Personal or External Business Relationships; Procedures to assure Equal Opportunity and to Avoid the Possibility of Favoritism (Nepotism)
2. SPG 201.34-1 – Classification and Appointment of Instructional Faculty
3. SPG 201.65-1 – Conflicts of Interest and Conflicts of Commitment
4. SPG 201.89-0 – Sexual Harassment
5. SPG 601.22-1 – Employee/Student Relationships
6. SPG 601.34 – Policy on Minors Involved in University-Sponsored Programs or Programs Held in University Facilities

Exceptions to Recommended Bans and Other Guidance

The Group recognizes that very narrow exceptions may be appropriate. For example, exceptions may be appropriate for relationships that pre-date a student’s enrollment at the university (e.g., a married couple in which one person subsequently enrolls as a student). The Group acknowledges that other, rare fact patterns may warrant exceptions as well (e.g., a non-traditional undergraduate student enrolled in one course on one campus who dates a faculty member in an unrelated field on another campus), but we did not view it as useful to develop an exhaustive list.

School and College Coordination with Central Offices

The Group recommends that units work with central offices (e.g., Academic Human Resources) in managing cases that arise after the new SPG goes into effect. This will help to ensure consistent administration.

V. RECOMMENDATIONS – SPECIFICS

We have organized our specific recommendations into two main parts, below:

- A. **Faculty and Student Relationships** (separated by student level: undergraduates, graduate and professional students, postdoctoral fellows, house officers, and other learners)
- B. **Other Instructors and Student Relationships** (separated by other instructor status, including: graduate students, postdoctoral fellows, undergraduate students involved in the delivery of course content, and other instructors)

A. Faculty and Student Relationships

For purposes of these recommendations, we define faculty to include regular and supplemental faculty as outlined in SPG 201.34-1 for purposes of this report. We also note that these bans should apply regardless of delivery mechanism for the instructional content, or the form of communication (e.g., in person, online, mobile, and hybrid).

Faculty and Undergraduate Students. The Group recommends a presumptive ban on romantic, sexual, or amorous relationships between faculty and undergraduates across all three UM campuses (Ann Arbor, Dearborn, and Flint). Narrow possible exceptions, which might include pre-existing relationships, will require disclosure by the faculty member to a dean or designee, written approval, and an appropriate management plan.

Faculty and Graduate and Professional Students. The Group recommends a presumptive ban on romantic, sexual, or amorous relationships between faculty members and any graduate or professional student over whom the faculty member currently has, has had, or might reasonably be expected to have academic or supervisory authority. Additionally, we recommend a ban on such relationships between faculty members and any graduate or professional student who is in the same discipline or academic program in which the faculty member is appointed or teaches, regardless of academic or supervisory authority. Narrow possible exceptions, which might include pre-existing relationships, will require disclosure by the faculty member to a dean or designee, written approval, and an appropriate management plan.

Faculty and Postdoctoral Fellows. As temporary members of our university community, postdoctoral fellows hold a unique status that goes beyond the ordinary definition of an employee, but is not equivalent to a student. In essence, they are “trainees.” In that capacity, faculty hold significant power in being able to influence their futures, via reference letters, for instance, and thus the power imbalance is akin to that of traditional students. Thus, we recommend a presumptive ban on romantic, sexual, or amorous relationships between faculty

members and any postdoctoral research fellow over whom the faculty member currently has, has had, or might reasonably be expected to have academic or supervisory authority. However, the Group felt that, where there is no academic or supervisory authority, relationships between faculty and postdoctoral fellows in the same discipline or department would not pose the same kind of risks as with graduate student relationships, and thus does not recommend such a ban.

Faculty and House Officers. The Group acknowledges its limited expertise and experience in the medical fields. As such, we recommend input from Graduate Medical Education to make a more informed recommendation on how a relationship policy should govern house officers. In the interim, we recommend covering house officers under the same policy as postdoctoral fellows.

Faculty and Other Learners. The Group recognizes that the campus may have people enrolled in university programs who cannot be clearly defined as students who are earning a credential or otherwise being assessed, but are nonetheless part of our university community in a learning capacity. These may include non-UM students taking UM classes; students in continuing education courses; students in executive education programs; or students taking MOOCs (e.g., Coursera courses). We have outlined some of these cases below.

Non-degree students. The Group recommends the presumptive bans apply as described above regardless of whether the student is in a degree-granting or non-degree program due to the asymmetrical relationship between faculty and students that still remains.

Visiting students. The bans apply as outlined above in accordance with the student's status as undergraduate or graduate.

Executive education programs. In cases where the faculty assess no grades, and have no authority over the student, the restrictions outlined in these recommendations do not apply.

MOOCs. In cases where a person who is not formally a University of Michigan student is taking a MOOC course offered by UM, these recommendations do not apply.

B. Other Instructors and Student Relationships

As with Faculty and Student Relationships, we note that these bans should apply regardless of delivery mechanism for the instructional content, or the form of communication (e.g., in person, online, mobile, and hybrid).

Graduate Students. The Group recommends a presumptive ban on romantic, sexual, or amorous relationships between a GSI and any students (undergraduate or graduate) in the classes the GSI is teaching or grading, or over whom the GSI has academic or supervisory authority. If a GSI ends up with a student in the GSI's class with whom the GSI has or has had a relationship, the GSI must disclose immediately.

Postdoctoral Fellows. The Group recommends a presumptive ban on romantic, sexual, or amorous relationships between postdoctoral fellows and any student (undergraduate or graduate) under the postdoctoral fellow’s supervision, or over whom the postdoctoral fellow has academic or supervisory authority (including in a lab). If a postdoctoral fellow ends up with a student with whom they have had or have a relationship in any of these situations, the postdoctoral fellow must disclose immediately.

Undergraduate Students Involved in the Delivery of Course Content. The Group recommends a presumptive ban on romantic, sexual, or amorous relationships between undergraduate students involved in the delivery of course content and any students in the classes for which they have any instructional, grading, or other academic authority. If an undergraduate student involved in the delivery of course content ends up with a student in their class with whom they have or have had a relationship, they must disclose immediately.

Other Instructors (e.g., internship instructors, university-vetted teachers in programs with which we have a study-abroad agreement, etc.). The Group recommends a presumptive ban (similar in principle to that for GSIs) for instructors in this category. University-vetted teachers and mentors are prohibited from having relationships with any students (e.g., undergraduate and graduate students) in their classes (meaning courses they are teaching), or under their supervision.

VI. COMMUNICATIONS PLAN

The Group noted that communication (including outreach) is key to the success of the new policy. We recommend broad outreach to different constituencies on campus for input in the next phase of the policy’s development (e.g., SACUA, deans, chairs, and student representatives).

Once new language for SPG 601.22 is finalized, the Group recommends broad and repeated communications to all members of the university community, including restatement of the policy each academic year. We believe communications must come from deans and chairs in faculty meetings, and it will be important that these academic leaders express full support of the policy changes, including the underlying values and rationale. Relatedly, the Group believes that it will be important to provide an explanation to deans/chairs about why there is a new policy, and how the new policy reflects our values as an institution. Other reasons to communicate include that the SPG has not been revised since 2004, the 2004 version predates recent societal changes (e.g., #MeToo), many of our peers have more progressive (i.e., stricter) policies than our current policy, etc. The Faculty Senate can also be enlisted to help to spread the word. Publications such as the University Record can be leveraged when the new policy is announced. In addition, we may be able to ask some peer schools if they have any “best practices” for disseminating and reinforcing these types of policies.

As part of the communication strategy, the Group recommends that Student Life and Rackham Graduate School be engaged to develop appropriate messaging for students regarding the revised policy. This messaging should communicate both the policy and its underlying rationale and values statements, with a focus on the ways in which the policy defines the university's expectations for faculty in their relationships with students.

The Group acknowledges that the recommended changes, if implemented, could result in some relationships that exist today becoming inappropriate under new policy language. This should be explicitly acknowledged, and handled with tact and sensitivity. Question-and-answer opportunities are important (e.g., "Town Halls" led by university leaders). It may be useful to have a one-pager on the policy and FAQs about what is acceptable and appropriate. This one-pager could also provide examples of behaviors suggesting that a policy violation may be occurring or on the horizon (e.g., texting students about topics unrelated to the instructional relationship or inappropriately intimate conversations). The communication plan will need to address the possible consequences of violating the policy, up to and including separation from the university.

APPENDIX A

October 23, 1986 Senate Assembly Statement on Gender and Respect
<https://digital.bentley.umich.edu/midaily/mdp.39015071754787/513>

FACULTY STATEMENT ON GENDER AND RESPECT IN THE UNIVERSITY COMMUNITY

Faculty members have complex – sometimes paradoxical – obligations and responsibilities regarding students. We share with these adult students, and contribute substantially to, an important period in their intellectual and professional growth. When they are our co-workers, as teaching and research assistants or junior colleagues in research and scholarship, we are simultaneously responsible for them and dependent upon them.

The relationship between faculty and adult students, however complex it may be, is ultimately and structurally asymmetrical. Like any professional relationship, it rests upon a special form of trust and reciprocal respect. Sexual relationships between faculty members and students risk diminishing or even voiding this trust and respect to the detriment of all. Moreover, the asymmetry of this relationship means that any sexual relationship between a faculty member and a student is potentially exploitative and should be avoided.

Sexual interactions between faculty and students may be characterized variously as coercive, offensive or consenting. Any attention paid to an individual which suggests that his or her grade or other evaluation will be influenced by sexual activity is coercive and cannot be condoned. We are particularly concerned with such practices since they undermine the professional trust upon which the faculty-student relationship is founded and clearly conflict with University Policy.

Similarly, we oppose offensive or derogatory treatment of individuals or groups of students based on their gender. Behavior which stigmatizes in this way is a violation of the respect with which we are all obliged to treat each other. Including salacious remarks or illustrations in lectures, or consistently inviting comments or opinions from members of one gender more than the other are two examples. Likewise, overly insistent attention to the personal aspects of a student's life demonstrates an offensive disregard for the personal autonomy of students. Especially difficult is the problem of what might appear on the surface to be a consenting sexual relationship. Because of the asymmetry of the faculty-student relationship, consent is very difficult to assess. In particular, we feel that when the faculty member has any professional responsibility for the student's academic performance or professional future, sexual relationships, even mutually consenting ones, are a basic violation of professional ethics and responsibility.

We take special note of teaching assistants who have the same responsibilities in relation to their students as the professorial faculty. Supervising faculty have an obligation to make this clear to their assistants.

Our general principle is this: the position, autonomy, respect and authority of the faculty impose a particular responsibility in the matter of sexual relationships with students; the structured asymmetry of faculty-student relationships cannot be overcome by collegiality or mutual affection. Those who neglect this principle also neglect their professional responsibility as faculty members.

POLICY

Policy on Consensual Intimate Relationships

Entering into a sexual, dating or romantic relationship (“Intimate Relationship”) when one individual has power or authority over the other may compromise freely given consent, put the academic and professional development of the individuals at risk, and seriously undermine the foundation of trust, fairness and integrity that is essential to NYU’s academic mission. Faculty, administrators, and others who educate, supervise, evaluate, employ, counsel, coach or otherwise make decisions or recommendations as to the other person in connection with their employment or education at the University, or who otherwise have actual or apparent authority over a student or subordinate, should understand the fundamentally asymmetrical nature of the relationship. In the context of the University’s educational and employment context, Intimate Relationships in circumstances where one individual has greater power or authority over another individual may raise sexual harassment concerns and can create perceptions of favoritism and preferential treatment. Such relationships are prohibited.

Intimate Relationships between the following individuals are specifically prohibited:

- A faculty member and an undergraduate student;
- A faculty member and a graduate student in the same discipline or academic program;
- An academic or faculty advisor and an advisee;
- A teaching assistant and a student in the teaching assistant’s class;
- A coach and a student-athlete; and,
- A manager/supervisor/dean and an employee over whom they have supervisory authority.

This list is not exhaustive; other circumstances in which one individual has greater power or authority over another may also violate this policy. In the employment context, supervisory authority means the ability to affect or impact an employee’s terms, conditions, or privileges of employment because the manager/supervisor/dean can take or impact action such as hiring, firing, promoting, disciplining, scheduling, training, or deciding how to compensate that employee.

If individuals already in an Intimate Relationship foresee the possibility of entering into a relationship of power or authority (for example, through one party enrolling in a program or a class, or taking up a new position), or where an Intimate Relationship arises in the context of an existing relationship of power or authority, the individual with supervisory, evaluative or other position of authority and power must notify the relevant supervisors, directors or deans immediately. The relevant supervisor, dean or director shall have the authority, in consultation with the Office of Equal Opportunity, to set reasonable conditions to eliminate both the substance and appearance of conflict of interest or abuse of power or authority; to prevent the establishment of direct authority; to minimize and attenuate indirect authority; or to grant an exception to the policy; provided, however, that exceptions will be granted only in extenuating and extraordinary circumstances. The relevant supervisor, dean or director may also take measures to prevent the deprivation of educational or employment opportunities for the student or subordinate, and will have the authority, in consultation with the Office of Equal Opportunity, to make exceptions to normal academic rules and policies as warranted by the circumstances.

Although it is recognized that the student or subordinate may be a full and willing participant in an Intimate Relationship, both the responsibility for adhering to this policy and the consequences for violating it fall upon the person in a position of power or authority, rather than the student or subordinate. Violations of this policy are referred to the appropriate disciplinary procedure based on the status of the employee in the position of greater power or authority over the other individual.

When allegations of sexual misconduct, relationship violence, or stalking arise in connection with an Intimate Relationship, the University will address such charges in accordance with NYU's [Sexual Misconduct, Relationship Violence, and Stalking Policy](#).

About This Policy

Effective Date

Jan 21, 2018

Supersedes

Section XI of Sexual Misconduct, Relationship Violence, and Stalking Policy

Issuing Authority

Office of the President

Responsible Officer

Executive Director of the Office of Equal Opportunity

+ Related Policies

HOME

SEARCH

Search this site

Office of the Provost

ABOUT THE OFFICE

PROVOST COMMUNICATIONS

REPORTING UNITS

PROGRAMS, PROCESSES, &
AWARDS

FACULTY INFORMATION

STUDENT INFORMATION

FUNDING OPPORTUNITIES

BUDGET

SPACE PLANNING &
UTILIZATION

ACCREDITATION

CALENDARS

REPORT ARCHIVE

FOR OFFICE OF THE PROVOST
STAFF

Frequently Asked Questions & Answers (“FAQs”) About SPG 601.22 Prohibitions Regarding Sexual, Romantic, Amorous, and/or Dating Relationships Between Teachers and Learners at the University of Michigan

(Standard Practice Guide Section 601.22)
February 18, 2019

[\[Back to Policy page\]](#)

SPG 601.22 is the authoritative policy statement, and these FAQs are intended to supplement the policy. In the event any information in these FAQs is inconsistent with information in the SPG, the SPG prevails.

In addition, these FAQs will evolve. New FAQs may be added, and existing ones revised, as situations give rise to new opportunities for further clarification, information, and guidance. As such, please re-visit this page periodically.

1. **What are the most important things for me to know about this policy?**
2. **Are there specifically defined terms in the SPG?**
3. **What if a relationship occurs between a *Faculty Member* and a *Learner* where no supervisory relationship exists? Does the University have an interest in that situation?**
4. **Does the policy apply to trainees such as *Postdoctoral Research Fellows*?**
5. **Does this policy apply to people who do not hold UM appointments but who interact with UM students?**
6. **What about romantic and/or sexual relationships between UM staff and students?**
7. **Why can't the *Covered Teacher* and the *Learner* choose how best to handle the impacts of their relationship in the university context?**
8. **Does this policy apply to a *Covered Relationship* between a *Graduate Student Instructor* and a *Learner*?**
9. **What if the relationship is over? Does the policy still apply?**
10. **Who is responsible for disclosing a *Covered Relationship*?**
11. **To whom should disclosures be made?**
12. **When the *Covered Teacher* discloses a relationship to the Dean or designee in the Dean's Office, who will find out about it?**
13. **For a *Faculty Member* with joint appointments, to whom should disclosures be made?**
14. **As a *Faculty Member*, I'm not certain whether my relationship with a *Learner* (current or past) is one that is prohibited, or one that I am required to disclose. I'd like to get some general advice as a first step. Who can I contact?**
15. **As a *GSI* or *Undergraduate Student Responsible for the Delivery of Course Content*, I'm not certain whether my relationship with a *Learner* (current or past) is one that I am required to disclose. I'd like to get some general advice as a first step. Who can I contact?**
16. **What should I do if I believe a *Covered Teacher* is having a *Covered Relationship* with a *Learner*?**
17. **Why are faculty-student relationships singled out for coverage in an independent policy rather than in a general conflict of interest/conflict of commitment policy?**
18. **If a *Covered Teacher* is alleged to have violated the policy, what steps will be taken and what types of sanctions can be issued?**
19. **If a *Learner* has a *Covered Relationship* with a *Covered Teacher* and then later files a claim of sexual harassment against the *Covered Teacher*, will the University defend and indemnify that *Covered Teacher* (i.e., provide the *Covered Teacher* with legal defense against the charges)?**
20. **How does this policy compare to those at other universities? Which others schools, if any, have a policy like this one?**

21. **Who can students, faculty members, and academic administrators contact when they have questions about this policy?**
22. **With respect to *Covered Teachers* and visiting or non-degree students, how do the prohibitions apply?**
23. **How does the policy apply to a *Faculty Member* with a dry or courtesy appointment?**
24. **What happens if I am in a *Covered Relationship*, but I was not aware that my partner in that relationship is a *Learner* until after the *Covered Relationship* began?**
25. **Are Graduate Student Staff Assistants (“GSSAs”) and Graduate Student Research Assistants (“GSRAs”) covered by this policy vis-a-vis *Learners*?**
26. **The policy states that it “does not preempt existing codes of student conduct.” To what codes of conduct is this language referring?**
27. **The policy prohibits “*Covered Relationships* between a *Faculty Member* and a graduate or professional student who is in the same discipline or academic program in which the *Faculty Member* is appointed or teaches, regardless of *Academic or Supervisory Authority*.” Who decides the scope of a particular graduate student’s “discipline” for purpose of the policy?**
28. **Who decides the scope of a particular graduate student’s “academic program” for purpose of the policy?**
29. **When does a relationship become sexual, romantic, amorous, and/or dating?**
30. **Does the SPG extend to electronic (e.g., online) relationships?**
31. **I am a *Faculty Member* and I believe my Dean may have a conflict of interest such that he/she cannot objectively assess my request for an exception. What can I do?**
32. **Are individuals in academic administrator roles like Chair, Dean, Institute Director, etc. considered faculty for purposes of this policy?**
33. **I have a management plan in my personnel file for a *Covered Relationship* that is now over. Will the management plan be removed from my file?**
34. **I am primarily a non-instructional staff member, but on occasion I teach courses (e.g., under a Lecturer appointment). My effort in the instructional title never exceeds 50% (i.e., I maintain at least 50% on my staff appointment). Does this policy apply to me, or am I covered under the Staff-Student Relationship policy (SPG 601.22-1), when I am teaching?**

Responses to Questions

1.

What are the most important things for me to know about this policy?

[\[Back to Top\]](#)

The University of Michigan strives to create and maintain a community that enables each person to reach their full potential. To do so requires an environment of trust, openness, civility, and respect. The University is firmly committed to a policy of prohibiting behaviors that adversely impact a person's ability to fully participate in the scholarly, research, educational, patient care, and service missions of the University.

The University is committed to putting students' interests first in addressing the challenges and competing interests that arise when defining limitations on certain types of faculty-student relationships. These limitations address the inherent power imbalance between faculty and students.

In all cases, a *Covered Teacher* (defined in question #2) is prohibited from having a *Covered Relationship* (defined in question #2) with any *Learner* (defined in question #2) in a class, lab, field, or other setting in which the *Covered Teacher* has *Academic or Supervisory Authority* (defined in question #2) over the *Learner*.

If a *Covered Teacher* has such authority, and has in the past had a *Covered Relationship* with any *Learner* who subsequently is in the *Covered Teacher's* class, lab or other such setting, the *Covered Teacher* must disclose the prior relationship immediately to the Dean or designee in the Dean's Office, so that the situation may be promptly and properly managed (e.g., re-assigning grading responsibilities).

In addition, *Faculty Members* (defined in question #2) are subject to broader prohibitions than other *Covered Teachers*. Among other things, *Faculty Members* are prohibited from having *Covered Relationships* with undergraduate students.

2.

Are there specifically defined terms in the SPG?

[\[Back to Top\]](#)

Yes, there are several terms that have specific definitions for purposes of SPG 601.22. These defined terms are identified by the use of italics:

A “*Covered Relationship*” includes any relationship that may reasonably be described as sexual, romantic, amorous, and/or dating. Physical contact is not a required element of such relationships. A *Covered Relationship* may exist on the basis of a single interaction.

“*Learner*” means all undergraduate, graduate, professional, non-degree, and visiting students, as well as *Postdoctoral Research Fellows*.

“*Postdoctoral Research Fellow*” means any individual appointed or employed under SPG 201.19.

“*Covered Teacher*” includes any *Faculty Member*, *Graduate Student Instructor*, and *Undergraduate Student Responsible for the Delivery of Course Content*.

“*Faculty Member*” means all regular instructional faculty and all supplemental instructional faculty as defined by SPG 201.34-1. It also includes research track faculty as defined in Regents' Bylaw 5.24.

"**Graduate Student Instructor**" or "**GSI**" means any graduate student appointed as a graduate student instructor as defined in the UM/Graduate Employees' Organization collective bargaining agreement.

"**Undergraduate Student Responsible for the Delivery of Course Content**" means any undergraduate student who is assigned by an academic unit to provide course content including instruction, grading, formal mentoring, tutoring, or similar activities.

"**Academic or Supervisory Authority**" includes, but is not limited to, teaching, research, academic advising, coaching, service on evaluation or thesis committees, grading, evaluation, and/or recommending in an institutional capacity for employment, fellowships, and awards.

3.

What if a relationship occurs between a Faculty Member and a Learner where no supervisory relationship exists? Does the University have an interest in that situation?

[\[Back to Top\]](#)

Yes. The teacher-student relationship lies at the foundation of the educational process. As a matter of sound judgment and professional ethics, *Faculty Members* have a responsibility to avoid any apparent or actual conflict between their professional responsibilities and personal relationships with students.

The University is committed to putting students' interests first in addressing the challenges and competing interests that arise when defining limitations on certain types of faculty-student relationships. The limitations set forth in the policy are based on roles and responsibilities, group affiliations, and community norms, as well as the University's diversity, scope, scale, and geographic and virtual reach.

In support of this commitment, for example, *Faculty Members* are prohibited from having *Covered Relationships* with undergraduate students.

4.

Does the policy apply to trainees such as Postdoctoral Research Fellows?

[\[Back to Top\]](#)

The answer to this question depends on the person's role in the situation.

Supervised Postdoctoral Research Fellow: This policy recognizes the unique nature of *Postdoctoral Research Fellows* as both employees and trainees who are engaged in advanced study. Under this policy, a *Faculty Member* may not engage in a *Covered Relationship* with a *Postdoctoral Research Fellow* over whom the *Faculty Member* currently has, has had, or might reasonably be expected to have *Academic or Supervisory Authority*.

Postdoctoral Research Fellow as supervisor: When a *Postdoctoral Research Fellow* is acting as a supervisor (e.g., supervising students in a lab setting), the *Postdoctoral Research Fellow* must comply with SPG 601.22-1, *Employee-Student Relationships*.

In relationships involving trainees, the University's nepotism policy may also apply. The nepotism policy applies whenever someone holds a University position that is under the supervision of a relative or a person with whom he or she has a close personal or external business relationship. In this situation, the University employees must disclose the relationship to their administrator, who must resolve the conflict with a written agreement. See SPG 201.23 *Appointment of Relatives or Others with Close Personal or External Business Relationships (Nepotism)*.

5.

Does this policy apply to people who do not hold UM appointments but who interact with UM students?

[\[Back to Top\]](#)

The University engages people who are not University employees to assume educational responsibility for our *Learners* through internships, affiliation and cooperation agreements, and other arrangements. The University encourages units to incorporate the provisions of this SPG into formal agreements with these types of educators, their employers, etc.

6.

What about romantic and/or sexual relationships between UM staff and students?

[\[Back to Top\]](#)

Romantic and/or sexual relationships between UM staff and students have the potential to pose risks to the employee, the student, and third parties. As such, these relationships are regulated under SPG 601.22-1, *Employee-Student Relationships*.

Under that policy, an employee is prohibited from making administrative decisions and engaging in administrative actions for a student with whom the employee is currently having a romantic and/or sexual relationship. An employee may be prohibited from making administrative decisions and engaging in administrative actions for a student with whom the employee has had, in the past, a romantic and/or sexual relationship.

When both individuals are University employees, the University's nepotism policy applies (i.e., SPG 201.23 *Appointment of Relatives or Others with Close Personal or External Business Relationships (Nepotism)*). The nepotism policy requires that both employees disclose the relationship to their administrator, who must resolve the conflict with a written plan.

7.

Why can't the Covered Teacher and the Learner choose how best to handle the impacts of their relationship in the university context?

[\[Back to Top\]](#)

When a *Covered Teacher* and a *Learner* enter into a *Covered Relationship*, the impacts of that relationship extend to multiple parties beyond those involved in the *Covered Relationship*, including other faculty members, other students, staff, etc. Therefore, it is not appropriate for the *Faculty Member* and the *Learner* alone to attempt to assess and address the potential implications of such a relationship on the larger academic community.

8.

Does this policy apply to a Covered Relationship between a Graduate Student Instructor and a Learner?

[\[Back to Top\]](#)

Yes. A *GSI* is prohibited from having a *Covered Relationship* with a *Learner* in the classes the *GSI* is teaching or grading, or over whom the *GSI* has *Academic or Supervisory Authority*.

Immediately upon learning that a student with whom the *GSI* currently has or previously had a *Covered Relationship* is or will be in the *GSI's* class or otherwise under the *GSI's Academic or Supervisory Authority*, the *GSI* will disclose the situation to

the Dean or designee in the Dean's Office of the department in which the *GSI* is appointed. The Dean or designee in the Dean's Office will establish appropriate supervision of the *Learner*.

9.

What if the relationship is over? Does the policy still apply?

[\[Back to Top\]](#)

Yes. If a *Covered Teacher* has in the past had a *Covered Relationship* with any *Learner* who subsequently is in the *Covered Teacher's* class, lab, field, or other such setting, the *Covered Teacher* must disclose the prior relationship immediately to the Dean or designee in the Dean's Office, so that the situation may be promptly and properly managed (e.g., re-assigning grading responsibilities).

A *Covered Teacher* may have separate disclosure obligations for certain personal relationships under other University policies (see, e.g., SPG 201.65-1 – *Conflicts of Interest and Conflicts of Commitment*).

10.

Who is responsible for disclosing a Covered Relationship?

[\[Back to Top\]](#)

The *Covered Teacher* is responsible for disclosing a *Covered Relationship*.

11.

To whom should disclosures be made?

[\[Back to Top\]](#)

Disclosures by a *Covered Teacher* are to be made to the appropriate Dean or designee in the Dean's Office.

12.

When the Covered Teacher discloses a relationship to the Dean or designee in the Dean's Office, who will find out about it?

[\[Back to Top\]](#)

Disclosures of *Covered Relationships* will be handled with discretion to the extent possible. The Dean or designee in the Dean's Office will share information with those individuals who have a business need to know, and who are involved in developing and carrying out a management plan in those rare cases where an exception to the policy's prohibitions is granted. The Dean or designee in the Dean's Office will also consult with Academic Human Resources (and, on the Dearborn and Flint campuses, with the applicable Human Resources office) when considering a request for an exception and/or a management plan.

13.

For a Faculty Member with joint appointments, to whom should disclosures be made?

[\[Back to Top\]](#)

In the case of a *Faculty Member* with a joint appointment, disclosure should be made to the Dean or designee in the Dean's Office that serves as the *Faculty Member's* administrative home.

14.

As a Faculty Member, I'm not certain whether my relationship with a Learner (current or past) is one that is prohibited, or one that I am required to disclose. I'd like to get some general advice as a first step. Who can I contact?

[\[Back to Top\]](#)

The following individuals and offices are good resources for such questions. However, when a *Faculty Member* seeks general advice from any of these contacts or others, the *Faculty Member* has not satisfied the policy requirement that he or she not engage in the *Covered Relationship*, disclose the relationship, request an exception, etc.

Faculty Members may wish to consult with any of the resources below:

On the Ann Arbor campus:

- The University Faculty Ombuds.
- The applicable school or college faculty ombuds.

On the Dearborn campus:

- The Dearborn campus Faculty Ombuds

On the Flint campus:

- The Flint campus Faculty Ombuds

15.

As a GSI or Undergraduate Student Responsible for the Delivery of Course Content, I'm not certain whether my relationship with a Learner (current or past) is one that I am required to disclose. I'd like to get some general advice as a first step. Who can I contact?

[\[Back to Top\]](#)

A *GSI* or *Undergraduate Student Responsible for the Delivery of Course Content* may consult with the University Student Ombuds (734-763-3545). Students who are enrolled in the Rackham Graduate School can also contact the Rackham Resolution Officer (734-936-1647). However, seeking such general advice from any of these contacts, or others, does not satisfy the policy requirement not to engage in the *Covered Relationship*, disclose the relationship, etc.

16.

What should I do if I believe a Covered Teacher is having a Covered Relationship with a Learner?

[\[Back to Top\]](#)

Any student, faculty member, staff member, or other affiliate (e.g., individuals in a position to observe or have knowledge of such a relationship) who believes a *Covered Teacher* is engaged in a prohibited *Covered Relationship*, or is otherwise in violation of this policy, is encouraged to report the concern to the *Covered Teacher's* Dean and/or the Office of Academic Human Resources. On the Flint and Dearborn campuses, reports may also be made to the respective campus Human Resources Office (UM-Flint HR and UM-Dearborn HR). In addition, anonymous reporting can be made through the University's Compliance Hotline (1-866-990-0111) and/or the Office for Institutional Equity.

17.

Why are faculty-student relationships singled out for coverage in an independent policy rather than in a general conflict of interest/conflict of commitment policy?

[\[Back to Top\]](#)

We know from experience that issues arising from a *Covered Relationship* between a *Covered Teacher* and a *Learner* are complex. This complexity stems from the inherent power imbalance between a *Covered Teacher* and a *Learner*, the private nature of the relationship, and the implications for third parties. As such, it is appropriate for faculty/student and staff/student relationships to be treated under policies separate from the University's COI/COC, anti-nepotism, and other related policies.

18.

If a *Covered Teacher* is alleged to have violated the policy, what steps will be taken and what types of sanctions can be issued?

[\[Back to Top\]](#)

If a *Faculty Member* is believed to have violated the policy, the Dean is responsible for investigating the allegation and, if the Dean determines that a violation has occurred, for taking appropriate action. The Dean can issue sanctions up to and including separation from the University. Prior to the imposition of any disciplinary sanction, the *Faculty Member* will be afforded appropriate due process. In applicable cases, this may include the initiation of procedures under *Regents' Bylaw 5.09, Procedures in Cases of Dismissal, Demotion, or Terminal Appointment*.

For research-track faculty, due process may include the process outlined in *SPG 201.12, Discipline*.

For Lecturers covered by the UM-LEO collective bargaining agreement, due process may include initiation of proceedings under that Agreement.

For GSIs covered by the UM-GEO collective bargaining agreement, due process may include the initiation of proceedings under that Agreement.

If an *Undergraduate Student Responsible for the Delivery of Course Content* is alleged to have violated the policy, the Dean determines that a violation has occurred, for reviewing the allegations and, if the *Undergraduate Student Responsible for the Delivery of Course Content* is found to have violated the policy, to set appropriate sanctions up to, and including, expulsion.

19.

If a *Learner* has a *Covered Relationship* with a *Covered Teacher* and then later files a claim of sexual harassment against the *Covered Teacher*, will the University defend and indemnify that *Covered Teacher* (i.e., provide the *Covered Teacher* with legal defense against the charges)?

[\[Back to Top\]](#)

It is the University's policy to defend and indemnify faculty and staff who become parties to legal proceedings by virtue of their good faith efforts to perform their University employment responsibilities (see *SPG 601.09 Defense and Indemnification*). Whether a faculty or staff member has acted in good faith will depend on the facts of each particular case, and will be decided on a case-by-case basis.

If a *Covered Teacher* has violated the faculty-student relationships policy by engaging in a prohibited relationship, or otherwise failing to comply with the policy, the University is unlikely to defend or indemnify the *Covered Teacher* and they will be responsible for the payment of their attorney fees and any judgment or settlement against them.

20.

How does this policy compare to those at other universities? Which other schools, if any, have a policy like this one?

[\[Back to Top\]](#)

Many of UM's peers have adopted policies that echo the goals reflected in the SPG's Policy Background section, and therefore prohibit romantic and/or sexual relationships between faculty members and students (see, e.g., Northwestern University, the University of Texas at Austin, Cornell University, and Massachusetts Institute of Technology).

21.

Who can students, faculty members, and academic administrators contact when they have questions about this policy?

[\[Back to Top\]](#)

Any individual should initially contact their Dean's office.

The following offices also serve as resources for information about this policy:

- Office of the Provost and Executive Vice President for Academic Affairs (734-764-9290)
- Office of Academic Human Resources (763-8938)
- Office for Institutional Equity (734-763-0235)
- On the Dearborn campus: Dearborn Human Resources (313-593-5190)
- On the Flint campus: Flint Human Resources (810-762-3150)
- Another helpful resource for students is the University Student Ombuds (734-763-3545).

22.

With respect to *Covered Teachers* and visiting or non-degree students, how do the prohibitions apply?

[\[Back to Top\]](#)

The prohibitions described above apply in accordance with a non-degree or visiting student's status as undergraduate, graduate, or professional student. For example, relationships with non-degree undergraduate students would fall under the undergraduate student provisions in the policy.

23.

How does the policy apply to a *Faculty Member* with a dry or courtesy appointment?

[\[Back to Top\]](#)

A *Faculty Member* with a dry or courtesy appointment falls within the scope of this SPG (601.22).

24.

What happens if I am in a *Covered Relationship*, but I was not aware that my partner in that relationship is a *Learner* until after the *Covered Relationship* began?

[\[Back to Top\]](#)

Lack of knowledge may be a mitigating factor, but it does not excuse a violation of the policy.

Prompt self-disclosure may mitigate potential violations of this policy. *Covered Relationships* that are not self-disclosed will be considered more severe violations of this policy.

25.

Are Graduate Student Staff Assistants ("GSSAs") and Graduate Student Research Assistants ("GSRAs") covered by this policy vis-a-vis *Learners*?

[\[Back to Top\]](#)

No. GSSAs and GSRAs are not included under the definition of *Covered Teachers*. As such, their interactions with *Learners* could be covered by other policies (see, e.g., the UM-GEO collective bargaining agreement [for GSSAs], the Staff-Student Relationship policy [SPG 601.22-1], and the anti-nepotism policy [SPG 201.23]).

26.

The policy states that it "does not preempt existing codes of student conduct." To what codes of conduct is this language referring?

[\[Back to Top\]](#)

At a high level, the University has set out the "Statement of Student Rights and Responsibilities."

In addition, many schools and colleges have developed their own student codes of conduct.

27.

The policy prohibits "*Covered Relationships* between a *Faculty Member* and a graduate or professional student who is in the same discipline or academic program in which the *Faculty Member* is appointed or teaches, regardless of *Academic or Supervisory Authority*." Who decides the scope of a particular graduate student's "discipline" for purpose of the policy?

[\[Back to Top\]](#)

In the event of an alleged violation under this section of the policy, the Dean or designee in the Dean's Office, working with the Office of Academic Human Resources, would make a determination on this issue.

In general, "discipline" means a field of study that is reasonably related to the graduate student's graduate degree program.

28.

Who decides the scope of a particular graduate student's "academic program" for purpose of the policy?

[\[Back to Top\]](#)

In the event of an alleged violation under this section of the policy, the Dean, or designee in the Dean's Office, working with the Office of Academic Human Resources, would make a determination on this issue.

In general, a graduate student's "academic program" is readily and objectively discernible as the program into which the graduate student has been admitted. See, for example, the Rackham "Programs of Study" page.

29.

When does a relationship become sexual, romantic, amorous, and/or dating?

[\[Back to Top\]](#)

Faculty engage in close professional working relationships with students, in the classroom and beyond, and the policy is not designed to curtail professional interactions. The line between close professional working relationships and relationships that are reasonably understood as *Covered Relationships* is defined by a reasonable person standard.

We expect people to exercise their judgment: would a reasonable individual who heard about this relationship consider it to be sexual, romantic, amorous and/or dating? If there is a question about it, then the recommendation is to err on the side of avoiding the relationship or, if it exists, disclosing promptly.

For example, this policy is not intended to prohibit a faculty member and graduate student from commonplace and appropriate professional interactions (e.g., having a cup of coffee with a student to discuss a course topic).

30.

Does the SPG extend to electronic (e.g., online) relationships?

[\[Back to Top\]](#)

Yes, online relationships are covered. Physical contact is not a required element of a *Covered Relationship*.

31.

I am a *Faculty Member* and I believe my Dean may have a conflict of interest such that he/she cannot objectively assess my request for an exception. What can I do?

[\[Back to Top\]](#)

In such a case, you should feel free to reach out to Academic Human Resources and present your concerns. Academic HR will work through the issues on a case-by-case basis, and consult with others as appropriate (e.g., the appropriate provost).

32.

Are individuals in academic administrator roles like Chair, Dean, Institute Director, etc. considered faculty for purposes of this policy?

[\[Back to Top\]](#)

Yes. Academic administrators with faculty appointments are considered *Covered Teachers* for purposes of this policy, even when acting in their administrator roles.

33.

I have a management plan in my personnel file for a *Covered Relationship* that is now over. Will the management plan be removed from my file?

[\[Back to Top\]](#)

No. The management plan is part of the personnel record and will remain with the home administrative unit. However, you may include a note with the management plan in the personnel record indicating that the *Covered Relationship* has ended.

34.

I am primarily a non-instructional staff member, but on occasion I teach courses (e.g., under a Lecturer appointment). My effort in the instructional title never exceeds 50% (i.e., I maintain at least 50% on my staff appointment). Does this policy apply to me, or am I covered under the Staff-Student Relationship policy (SPG 601.22-1), when I am teaching?

[\[Back to Top\]](#)

During the instructional appointment period (e.g., a Lecturer appointment covering the period September 1 through December 31) you are covered by SPG 601.22, regardless of the percentage of effort on the faculty appointment.

[\(Back to top\)](#)

C07: Faculty Misconduct and Progressive Discipline Policy

Approved By: Faculty Senate and Academic Freedom and Tenure Committee and Board of Regents

Effective: Draft March 8, 2018

Responsible Faculty Committees: Policy Committee and AF&T Committee

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

Legend: Proposed changes throughout the policy are highlighted as follows: red = proposed changes, ~~Strike through text~~ = delete; and Unmarked text = no change.

Revisions to the Policy Rationale, Policy Statement, and Applicability sections of this document must be approved by the full Faculty Senate and Academic Freedom and Tenure Committee. ~~and the Board of Regents.~~

POLICY RATIONALE

The University of New Mexico (UNM) is committed to the principles of academic freedom, which rely on the intellectual and professional integrity of faculty members mindful of their rights and responsibilities. Essential to sustaining an environment that supports academic freedom is the requirement for an impartial investigation of alleged faculty misconduct, due process, and when necessary, disciplinary action¹. It is the responsibility of decision-makers when reviewing alleged faculty misconduct to ensure that the decision making process is not influenced by a violation of academic freedom, improper consideration, or procedural violations per Faculty Handbook Section B.6.2.1.

While the University of New Mexico (UNM) encourages a supportive problem-solving approach to workplace problems, but UNM it also recognizes that misconduct may require disciplinary action. When the need for disciplinary action is identified, UNM normally uses progressive discipline to address possible misconduct. Progressive discipline is intended to be corrective, not punitive in nature, and is designed to provide faculty with notice of deficiencies and an opportunity to take corrective action. improve. However, some misconduct violations of policies and procedures, or continued negative behavior may be of such a serious nature that suspension without pay or dismissal discharge pursuant to *Faculty Handbook* policies may be appropriate.

POLICY STATEMENT

Any member of the UNM faculty, including any member serving as an academic administrator, accused of misconduct will be subject to this Policy. If after an inquiry or investigation the faculty member is found to have engaged in misconduct, or who violates a published UNM policy the faculty member may be subject to a warning, censure, disciplinary probation, suspension without pay, or dismissal in accordance with this Policy. Teaching, research, and graduate assistants in their faculty capacity are considered faculty members for purposes of this Policy.

Any individual(s) bringing an allegation of faculty misconduct ~~to the chair's attention~~ is protected by, and subject to, the UNM's policy on reporting misconduct (UAP **Policy 2200**, “Whistleblower Protection and Reporting Suspected Misconduct and Retaliation”).

Care must be exercised at all times to ensure confidentiality to the extent possible and to protect the privacy of persons involved in a misconduct inquiry or investigation. The privacy of those who report misconduct in good faith will also be protected to the extent possible. Files involved in an inquiry or investigation shall be kept secure, and applicable state and federal law shall be followed regarding confidentiality of personnel records. Refer to **Policy C70** “Confidentiality of Faculty Records.” If at any step in this Policy it is determined ~~if the final determination is~~ that no misconduct occurred, efforts shall be undertaken to the extent possible and appropriate to fully protect, restore, or maintain the reputation of the faculty member. The faculty member’s personnel files should document such action.

APPLICABILITY

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

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

DEFINITIONS

Allegation is any report or evidence of misconduct.

Chair. References to the department chair in this Policy also include the program director or associate or vice dean in a non-departmentalized school or college. If allegations are made against a department chair or other administrator, the next higher academic authority shall perform the functions assigned in this Policy to the chair and the provisions shall be modified as appropriate.

Faculty member. For the purposes of the Policy, the term faculty member refers to the faculty member whose conduct or actions are in question.

Faculty Misconduct Review Committee (FMRC) is a standing committee appointed by the Academic Freedom and Tenure Committee charged with conducting faculty peer hearings specifically for proposed disciplinary actions of either: 1) suspension without pay of any faculty member or 2) dismissal of any faculty member without tenure. AF&T retains authority to conduct all other hearings within its jurisdiction to include violations of academic freedom, improper consideration, or procedural violations per Faculty Handbook Section B.6.2.1.

Misconduct means conduct or actions that are a substantive violation of laws, regulations, UNM policies, or ethical or professional standards. Examples of misconduct may include, but are not limited to:

- Act(s) of retaliation
- Bullying or threats of violence

- Creating a hostile education or work environment
- Criminal activity such as assault, battery, fraud, theft, or embezzlement
- Discrimination, including sexual harassment
- Failure to disclose conflicts of interest
- Falsification of information
- Illegal use of drugs or alcohol
- Inappropriate disclosure of confidential information
- Misappropriation of UNM funds, property, or resources
- Possession of/or distribution of obscene or pornographic material unrelated to UNM's academic or research mission
- Research misconduct
- Violation of standards of integrity in the conduct of scholarly and scientific research and communication

Progressive Discipline is designed to provide an opportunity for a faculty member to improve by imposing more moderate discipline to the first offense than to subsequent offenses, unless the misconduct is of such a serious nature that a higher level of immediate discipline is required such as suspension without pay or dismissal.

Warning means an oral reprimand. ~~or expression of disapproval.~~

Censure means a written reprimand, ~~or expression of disapproval~~ which shall should include an explanation of the nature of the misconduct, ~~and the~~ specific action(s) to be taken by the faculty member and/or chair to correct the problem, ~~including mentoring, if appropriate,~~ and a statement that further disciplinary action, up to and including dismissal, could occur should the problem persist.

Disciplinary probation involves specific disciplinary action taken for a designated period of time designed to assist the faculty member in correcting misconduct. Examples of disciplinary actions that may be part of the disciplinary probation include, but are not limited to:

- Class monitoring
- Denial of merit-based salary increase
- Reassignment within UNM
- Fines or restitution
- Mandatory counseling
- Modified teaching assignmentsⁱⁱ or other workload assignments.

Suspension without pay means disciplinary suspension without regular salary for a stated period of time.

Dismissal means discharge or termination of employment initiated by UNM. (see *Faculty Handbook* sections B.5.3, B.6.4.3, and B.5.4).

Working Days refer to UNM traditional work days defined by UNM Human Resources as five (5) work days Monday through Friday ending at 5:00 PM. Working days do not include official UNM holidays listed in UAP Policy 3405 "Holidays."

WHO SHOULD READ THIS POLICY

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

RELATED DOCUMENTS

Faculty Handbook:

Policy A52.3 “Faculty Misconduct Review Committee” NEW POLICY PROPOSED

Policy A53.1 “Policies Applicable to Faculty”

Section B

Policy C09 “Respectful Campus”

Policy C70 “Confidentiality of Faculty Records”

Policy E40 “Research Misconduct”

Policy E110 “Conflicts of Interest in Research”

Information Section “Ombuds Dispute Resolution Services for Faculty”

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”

Pathfinder:

“Visitor Code of Conduct”

“Student Code of Conduct”

CONTACTS

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

PROCEDURES

The procedures specified in this Policy provide for the consideration and determination of proposed disciplinary actions against faculty members short of dismissal. Consideration and determination of disciplinary actions that may result in a proposed dismissal of a tenured faculty member, or dismissal of an untenured faculty member prior to expiration of his or her contract term, are governed by sections B.5.3, B.6.4.3, or B.5.4, respectively, of the Faculty Handbook and are not covered by these procedures. However, cases in which faculty dismissal has been considered pursuant to sections B.5.3, B.6.4.3, or B.5.4, and a lesser sanction is ultimately proposed instead by the administration, shall be handled under this policy, without duplicating steps that have already taken place. In particular, if the chair and dean conclude that suspension without pay is appropriate in a case in which dismissal was considered but rejected, the faculty member is entitled to request a peer hearing as provided below in sections 10 and 11.

Any report of alleged misconduct shall be treated in a confidential manner and brought to the attention of the department chair responsible for the faculty member whose actions are in question.

1. Preliminary Assessment

If the allegations are within the scope of another specific UNM Policy as discussed in Section 2 herein, the chair shall forward such allegations to the appropriate person or department for handling pursuant to the applicable policy and provide notice to the faculty member. If the chair has questions as to whether an allegation is within the scope of another policy, the chair should consult with the University Secretary. For all other allegations, the chair will meet with the faculty member to explain the nature of the alleged violation, and will complete a preliminary assessment within five (5) working days. The purpose of the preliminary assessment is to determine whether the allegation is sufficiently credible and specific. In conducting the preliminary assessment, the chair does not necessarily need to interview individuals or gather data beyond any that may have been submitted with the allegation. After completing the preliminary assessment the chair will determine the appropriate action as set forth below.

1.1. Allegation(s) Not Sufficiently Credible and Specific

If the chair determines the allegations are not sufficiently credible and specific, the chair will inform the faculty member of the determination and document the determination in the faculty member's personnel file. If necessary, the chair will take action to protect, restore, and/or maintain the reputation of the faculty member to the extent possible.

1.2. Conciliation

Conciliation is voluntary and may be undertaken if both parties agree. The department chair or the faculty member may initiate conciliation proceedings at any time prior to a disciplinary decision by the chair. ~~by contacting~~ The Ombuds/Dispute Resolution Services for Faculty Office program can provide assistance (see as provided in the Information Section of the Faculty Handbook). ~~Section C345 with notice to the other parties.~~

1.3. Allegation(s) Pertain to Performance Issues and Not Misconduct

If the chair determines the allegations are credible and specific but pertain to performance issues and not misconduct, the chair should address the issue promptly and directly with the faculty member.

1.4. Section B Concerns

If the chair determines the allegations fall under Section B of the Faculty Handbook, the chair should consult with the Chair of the Academic Freedom and Tenure Committee (AF&T).

1.5. Alleged Misconduct is NOT within the Scope of Another Specific UNM Policy

If the chair determines the allegations are credible and specific and the alleged misconduct does not fall within the scope of another specific UNM policy as discussed in Section 2 herein, the chair will meet with the faculty member to discuss the alleged misconduct within five (5)

working days after completion of the preliminary assessment. At the meeting, the chair will provide a written report to the faculty member that describes the specific alleged misconduct, including a summary of any documentation.

- If the faculty member acknowledges the misconduct, the chair and the faculty member will discuss possible disciplinary action. If the disciplinary action involves a warning, censure, or disciplinary probation, the procedures in **Section 4** herein shall be followed; or if the discipline involves suspension without pay or dismissal the procedures in **Section 5** herein shall be followed.
- If the faculty member does not agree that misconduct occurred, the chair shall initiate an investigation in accordance with **Section 3** herein to determine if the allegations meet the definition of misconduct and are credible. The chair will begin the investigation within five (5) working days after meeting with the faculty member.

2. Misconduct Subject to Investigation Procedures in Another Specific UNM Policy

~~In the case of allegations against a faculty member that appear to be~~ If the alleged misconduct is within the scope of another specific UNM policy that has its own procedures for investigation ~~and resolution (including but not limited to allegations of research misconduct, discrimination, or sexual harassment), the chair or dean shall forward such allegations to the appropriate person or department for handling pursuant to the applicable policy. These policies include, but are not limited to, allegations of research misconduct (FH E40), violation of respectful campus (FH C09), unethical behavior (FH A61.8), discrimination (UAP 2720), or sexual harassment (UAP 2730).~~

If an investigation conducted in accordance with another specific UNM policy finds no misconduct, the chair will inform the faculty member of the determination and document the determination in the faculty member's personnel file(s) in accordance with Faculty Handbook Policy C70 "Confidentiality of Faculty Records." If necessary, the chair will take action to protect, restore, or maintain the reputation of the faculty member to the extent possible.

~~In all cases other than those set forth in paragraphs 3 and 4 above, if a member of the faculty is alleged to have violated a policy of the University,~~ If an investigation conducted in accordance with another specific UNM policy results in a determination that misconduct has occurred, ~~the department chair shall meet with the faculty member to provide a~~ the written report of the investigation. Within five (5) working days after meeting with the faculty member, the chair shall make a decision on what level of disciplinary action, if any, will result. If the disciplinary action involves is limited to a warning, censure, or disciplinary probation, the procedures in **Section 4** herein shall be followed; or if the disciplinary action involves suspension without pay or dismissal the procedures in **Section 5** herein shall be followed.

3. Investigation of Misconduct NOT Subject to Investigation Procedures in Another Specific UNM Policy

The purpose of the investigation is to explore the allegations in detail, examine the evidence in depth, and determine specifically whether the faculty member engaged in misconduct. The investigation should be conducted in a confidential manner to the extent possible and be completed within fifteen (15) working days. At a minimum the investigation should include a meeting with the faculty member. The faculty member may be accompanied by one (1) person in meeting with the chair. The faculty member and the chair shall notify the chair each other at least

two (2) working days prior to the scheduled meeting who, if anyone, will be accompanying them at the meeting. Before, during or after the meeting, the chair may ask the faculty member to respond in writing to the allegations notice and present any relevant written material within a reasonable time specified by the chair. Likewise The faculty member shall be free to submit any materials the faculty member believes to be relevant reasonably desired on his/her own volition no later than ~~two (2)~~ five (5) working days after meeting with the chair unless the chair grants additional time in writing. The chair should also meet with other individuals who might have information regarding aspects of the allegations.

The chair should issue a written report Within five (5) working days after completion of the investigation, the chair shall meet with the faculty member and provide a written report that will include a summary of the evidence reviewed and discussions with the faculty member and any other all individuals interviewed. after the meeting summarizing the discussion with the faculty member. A signed copy of the report shall be placed in the faculty member's personnel file. and sent to the faculty member. The matter may be concluded at this point by the mutual consent of all parties.

3.1. Determination of Disciplinary Action

Within five (5) working days after meeting with the faculty member, the chair shall make a decision on what level of disciplinary action, if any, will result. If the disciplinary action involves a warning, censure, or disciplinary probation, the procedures in Section 4 herein shall be followed; or if the disciplinary action involves suspension without pay or dismissal the procedures in Section 5 herein shall be followed.

In all cases other than those set forth in above, if a member of the faculty is alleged to have violated a UNM policy, the department chair shall provide the faculty member a written notice explaining the nature and specific content of the alleged violation, together with a copy of this Policy, and shall discuss the alleged violation with the faculty member. The written notice shall be given to the faculty member within ninety (90) days of the chair learning of the apparent violation of policy.

If a mutually agreeable resolution (with or without conciliation) is not achieved, the department chair shall make a decision in the matter and communicate it to the faculty member in writing within ten (10) working days after meeting with the faculty member or the termination of conciliation efforts if they are unsuccessful, whichever is later. The faculty member shall have ten (10) working days from receipt of the written decision to submit a written request for review by the appropriate dean, who will issue a written decision concerning whether the chair's decision is upheld, modified or reversed. Prior to making a decision, the dean shall meet with the department chair and the faculty member, and their representatives if desired, together or separately, and shall receive and consider any documents the parties wish to submit. Documents shall be submitted within five (5) working days of the faculty member's request for review. If formal conciliation has not been attempted previously, the dean may refer the matter to Ombuds Dispute Resolution Services for Faculty. The dean will communicate his/her decision to the parties in writing within ten (10) working days after meeting with the faculty member or the termination of conciliation efforts if they are unsuccessful, whichever is later.

4. Warning, Censure, Disciplinary Probation Proposed

If a mutually agreeable resolution (with or without conciliation) is not achieved, the department chair shall make a decision in the matter and communicate it to the faculty member in writing within ten (10) working days after meeting with the faculty member or the termination of conciliation efforts if they are unsuccessful, whichever is later. If the chair, after meeting with the faculty member and considering all materials submitted pursuant to **Sections 1 through 3 of this Policy**, proposes a warning, censure, or disciplinary probation, the chair shall meet with the dean within five (5) working days of the meeting with the faculty member to review the matter to determine if the proposed discipline is justified and consistent with discipline within the college. If formal conciliation has not been attempted

previously, the dean may suggest such action. ~~refer the matter to Ombuds/Dispute Resolution Services for Faculty.~~ Conciliation is voluntary and may be undertaken if both parties agree. If the proposed discipline is supported by the dean, the chair may proceed with the discipline by providing the faculty member with a written discipline notice. ~~of the proposed action.~~

4.1. Appeals

If the faculty member does not agree with the results of the investigation and/or the disciplinary action, he/she the faculty member may appeal a warning, censure, or disciplinary probation in accordance with the following sections; however, the disciplinary action will not be delayed pending appeal.

4.1.1. Appeal to Provost or Chancellor

~~If the faculty member does not agree with the disciplinary action, he/she~~ The faculty member may submit an appeal to a written request for review by the Provost or Chancellor within ten (10) ~~five (5)~~ working days of receipt of the written discipline notice from the chair. The Provost/Chancellor will decide the matter ~~on the record~~ based on the investigation written report as discussed in sections 2 and 3 herein, unless the Provost/Chancellor ~~he/she~~ determines that it would be helpful to meet with the parties, together or separately. Within ten (10) working days after receipt of the request for review from the faculty member, ~~complete record or after meeting with the parties, whichever is later,~~ the Provost/Chancellor shall uphold, modify, or reverse the disciplinary decision by written notice to the parties; or if the Provost/Chancellor determines the investigation was not complete, the Provost/Chancellor may remand the matter back to the chair for further action. ~~The Provost/Chancellor may seek an advisory investigation and opinion from the Faculty Ethics Committee.~~

4.1.1.1 Academic Freedom and Tenure Committee

The Academic Freedom and Tenure Committee (AF&T) has the authority to review an appeal request brought by a faculty member who ~~may bring a complaint before the UNM Academic Freedom and Tenure Committee (AF&T) if he/she believes the matter or its handling is within the jurisdiction of AF&T~~ per Section B.6.2.1. AF&T will determine whether the matter is within its jurisdiction and, if so, shall handle the matter under the Policy on Academic Freedom and Tenure. Normally, review by the AF&T Committee will not review an appeal request ~~the complaint~~ until after a written decision is issued ~~should be sought after the determination~~ by the Provost/Chancellor. ~~If the faculty member pursues the matter before the AF&T Committee, AF&T shall accept the facts as determined by the Faculty Peer Hearing Panel, if a hearing one was held.~~

4.1.2. Appeal to the President

If the faculty member does not agree with the decision of the Provost/Chancellor, the faculty member may request a review by the President. The President has discretion to determine whether the appeal will be considered. The request shall be made in writing, and must include the alleged facts, what happened in the proceedings to date, and the reasons justifying extraordinary review. Such requests must be filed in the President's Office within ten (10) working days of the date of the written decision from the Provost/Chancellor.

4.1.3. Appeal to the Board of Regents

In accordance with Regent Policy 1.5 “Appeals to the Board of Regents,” a faculty member affected by a decision of the administration may appeal the decision to the Board of Regents after all other avenues of appeal has been exhausted. The Board has discretion to determine whether the appeal will be considered. A request from the faculty member for a review by the Board of Regents shall be made in writing, and must include the alleged facts, what happened in the proceedings to date, and the reasons justifying extraordinary review. Such requests must be filed in the President's Office within ten (10) working days of the date of the written decision from the President.

5. Suspension Without Pay or Dismissal Proposed

If the chair, after meeting with the faculty member and considering all materials submitted pursuant to **Sections 1 through 3 of this Policy**, proposes to suspend the faculty member without pay **or dismiss the faculty member**, the chair shall meet with the dean to review the matter **to determine if the suspension without pay or dismissal is justified and consistent with discipline within the college.** The dean shall meet with the faculty member to discuss the matter and the proposed discipline within five (5) working days after meeting with the chair. If the proposal **to suspend the faculty member without pay or dismiss the faculty member** is supported by the dean after meeting with the chair and the faculty member, **the dean shall consult with the Provost or Chancellor within five (5) working days after meeting with the faculty member.** **The Provost or Chancellor will review the case on the record and issue a decision within five (5) working days after consulting with the dean.** **If the Provost or Chancellor supports the suspension without pay or dismissal of the faculty member,** the faculty member is **entitled** to a faculty peer hearing.

If a lesser disciplinary action is imposed in place of the proposed suspension without pay or dismissal, the faculty member may request a discretionary review by the President or the Board of Regents in accordance with sections 4.1.2 and 4.1.3 herein.

5.1. Academic Freedom and Tenure Committee

The Academic Freedom and Tenure Committee (AF&T) has the authority to review an appeal request brought by a faculty member who may bring a complaint before the UNM Academic Freedom and Tenure Committee (AF&T) if he/she believes the matter or its handling is within the jurisdiction of AF&T per Section B 6.2.1. AF&T will determine whether the matter is within its jurisdiction and, if so, shall handle the matter under the Policy on Academic Freedom and Tenure. Normally, review by the AF&T Committee will not review **an appeal request** ~~the complaint~~ **until after a written decision is issued** ~~should be sought after the determination~~ by the Provost/Chancellor. ~~If the faculty member pursues the matter before the AF&T Committee, AF&T shall accept the facts as determined by the Faculty Peer Hearing Panel, if a hearing one was held.~~

5.2. Suspension Without Pay for any Faculty Member and Dismissal of Faculty Member Without Tenure

5.2.1. Peer Hearing

When the alleged faculty misconduct is not influenced by a violation of academic freedom, improper consideration, or procedural violations per Faculty Handbook Section B.6.2.1, and the proposed discipline is suspension without pay **of any faculty member or dismissal of a faculty member without tenure**, the faculty member ~~shall~~ **may** send such a request **for a peer hearing to the Chair** of the UNM Faculty Ethics Misconduct Review Committee (FMRC) within ten (10)

working days of receipt of the Provost's or Chancellor's decision for suspension without pay or dismissal. The Chair of the FMRC Ethics Committee will arrange for a peer hearing and appoint a hearing panel composed of five (5) members of the FMRC. ~~before two members of that Committee from outside the faculty member's department, chosen by the Ethics Committee, and one (1) uninvolved department chair from a different school or college chosen by the Provost/Chancellor.~~ The hearing will be held as soon as reasonably possible and shall be conducted according to the Model Hearing Procedures ~~University's Dispute Resolution Hearing Procedures.~~ The Office of University Secretary office shall make arrangements for the hearing and shall provide support for the hearing panel. The hearing shall be recorded and shall be private unless both parties agree that the hearing be open. The hearing panel shall be chaired by one of the faculty members assigned to the hearing panel. The proceedings and the preparation of the decision shall be controlled by the peer hearing panel members.

If the ~~other~~ investigative procedure involved a hearing before a faculty committee, any factual determination will not be subject to reconsideration by faculty peer review under this Policy. The hearing panel may uphold or reverse the proposed disciplinary action and submit their recommendation to the FMRC for a final decision. ~~al to suspend the faculty member without pay or dismissal.~~ If the ~~Panel's~~ FMRC's decision is to reverse the proposal, the ~~Panel~~ FMRC may direct the department chair and dean to impose a lesser disciplinary measure or may find that no misconduct has occurred and determine that no discipline should be imposed. The ~~Panel's~~ FMRC's decision may be reviewed on the record by the Provost/Chancellor, but the ~~Panel's~~ FMRC's decision shall not be reversed or modified except in the case of clear error. If the Provost/Chancellor reverses or modifies the FMRC decision the justification, shall be detailed in writing by the Provost/Chancellor. The decision of the ~~Panel~~ FMRC and/or Provost/Chancellor is subject to discretionary review by the President or Board of Regents if requested by the faculty member.

~~If a faculty peer hearing is requested as provided in this Policy, the chair of the Faculty Ethics Committee will arrange for a hearing before two members of that Committee from outside the faculty member's department, chosen by the Ethics Committee, and one uninvolved department chair from a different school or college chosen by the Provost/Chancellor. The hearing will be held as soon as reasonably possible and shall be conducted according to the University's Dispute Resolution Hearing Procedures. The University Secretary's office shall make arrangements for the hearing. Hearings shall be recorded and shall be private unless both parties agree that the hearing be open. The hearing panel may uphold or reverse the proposal to suspend the faculty member without pay. If the panel's decision is to reverse the proposal, the panel may direct the chair and dean to impose a lesser disciplinary measure. The panel's decision may be reviewed on the record by the Provost/Chancellor, but the panel's decision shall not be reversed or modified except in the case of clear error, which shall be detailed in writing by the Provost/Chancellor. The decision of the Provost/Chancellor is subject to discretionary review by the President or Board of Regents if requested by the faculty member.~~

5.2.2. Appeal to the President

If the faculty member does not agree with the decision of the FMRC Peer Hearing Panel, the faculty member may request a review by the President. The President has discretion to determine whether the appeal will be considered. The request shall be made in writing, and must include the alleged facts, what happened in the proceedings to date, and the reasons justifying extraordinary review. Such requests must be filed in the President's Office within ten (10) working days of the date of the written decision from the Provost/Chancellor.

5.2.3. Appeal to the Board of Regents

In accordance with Regent Policy 1.5 “Appeals to the Board of Regents,” a faculty member affected by a decision of the administration may appeal the decision to the Board of Regents after all other avenues of appeal has been exhausted. The Board has discretion to determine whether the appeal will be considered. A request from the faculty member for a review by the Board of Regents shall be made in writing, and must include the alleged facts, what happened in the proceedings to date, and the reasons justifying extraordinary review. Such requests must be filed in the President's Office within ten (10) working days of the date of the written decision from the President.

5.3. Dismissal of Tenured Faculty Member Proposed

If the proposed discipline is dismissal of a tenured faculty member, refer to Section B6.4.3 of the Faculty Handbook for applicable policies and procedures.

~~the faculty member shall send such a request to the Provost/Chancellor within five (5) working days of receipt of the dean's determination. The Faculty Ethics Committee will arrange for a hearing before two members of that Committee from outside the faculty member's department, chosen by the Ethics Committee, and one uninvolved department chair from a different school or college chosen by the Provost/Chancellor.~~

~~These procedures do not supersede Appendix VIII to Part B of the Faculty Handbook, concerning the Faculty Ethics Committee. A faculty member who believes that he/she has been improperly accused of unethical behavior may bring the matter to the attention of the Ethics Committee under Appendix VIII after determination by the Provost/Chancellor.~~

DRAFT HISTORY

March 8, 2018—Draft revised to incorporate FSPC changes and endorsed by AF&T

February 12, 2018—Draft revised to incorporate AF&T 2/9/18 recommendations.

February 1, 2018 -- Draft revised to incorporate AF&T 1/26/18 recommendations.

January 2, 2018 – Draft revised to incorporate AF&T 12/15/17 recommendations.

November 19, 2017 -- Draft revised to incorporate AF&T 11/16/17 recommendations.

November 14, 2017 -- Draft revised to incorporate AF&T 11/3/17 recommendations.

November 1, 2017 – Draft revised to incorporate AF&T 10/20/17 recommendations.

October 18, 2017 – Draft revised to incorporate V. Valencia feedback.

October 14, 2017 – Draft revised to include pre assessment procedures.

October 7, 2017 – Draft revised per AF&T Oct 6, 2017 meeting.

September 21, 2017 – This draft puts the current policy in the new format, without recommended changes. It is designed to provide a platform for review by AF&T of previously recommended changes.

September 10, 2017 –draft with AF&T Committee’s changes from last year.

HISTORY

December 13, 2011 – Approved by Board of Regents

March 22, 2011 – Approved by Faculty Senate

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

ⁱ [Michigan State University, Policy and Procedures for Implementing Disciplinary Action Were Dismissal Is Not Sought](#) December 18, 2015.

ⁱⁱ [American Association of University Professors \(AAUP\). "Faculty Misconduct and Discipline \(2005\)." Presentation to National Conference on Law and Higher Education. February 20-11, 2005.](#)

25 February 2019

Trotter comments on C07 draft March 8, 2018

Somewhere early in the policy statement this language or something like it should be included to clarify what this version of C07 is aiming to do.

This policy provides standard procedures for responding to and investigating allegations that a faculty member has violated a published policy of the University or published ethical or professional standards approved by UNM, its schools of colleges, or the HSC. These procedures are to be used whenever the policy itself does not specify investigatory procedures. This policy also provides standard procedures for determining the appropriate disciplinary response whenever the investigatory process has resulted in a finding that a faculty member has engaged in such specified misconduct.

In the Definitions Section of C07

The “Definition” statement that creates the Faculty Misconduct Review Committee (FMRC) as a “standing committee appointed by AFT” assigns to the FMRC a major new responsibility: to conduct faculty peer hearings specifically for proposed disciplinary actions of either:

1. suspension without pay of any faculty member or
2. dismissal of any faculty member without tenure.

I have several concerns about this proposed amendment to C07.

1. This would be a major policy change to the scope and authority of AFT. AFT’s composition, scope, and authority are thoroughly defined in FH section B.6. Modifications to AFT’s charge should be made by amending B.6, which requires approval by the voting faculty of UNM and by the Board of Regents.
2. A related concern is that this policy (C07 with proposed amendments) should not be used as a vehicle to create new AFT authorities in lieu of amending B.6. To do so would be to amend a policy that requires approval by UNM Faculty and UNM Regents via amendment to a policy that only requires Faculty Senate approval (and proposed approval by AFT).
3. The net result of including the proposed language in C07 will be to create disagreement between C07 and B.6 concerning the responsibilities of AFT.
4. The second peer-hearing responsibility assigned to the proposed FMRC – peer hearings related to proposed dismissal of any faculty member without tenure – is in conflict with FH sections B.4.2.4: Discontinuance of Probationary Appointment, and B.5.4: University Initiated Termination of Contract of a Non-Tenured Faculty Member. The latter section of the FH asserts that: *The University has the discretion whether or not to renew the contract of probationary or non-tenure-track faculty members.* Creation of a standing faculty committee that would constrain the University’s discretion in deciding whether to continue or discontinue the appointment of a non-tenured faculty would be a major policy change that should require amendment of FH Sections B.4.2.4 and B.5.4.
5. Given that the proposed creation and charge to a new AFT-created standing committee would constitute major policy revisions, it hardly seems appropriate to place the amendment in the “Definitions” section of the proposed revision of C07. Major policy changes belong in the Policy section, not in the Definitions section.

In the same Definition is the statement: *AF&T retains authority to conduct all other hearings within its jurisdiction to include violations of academic freedom, improper consideration, or procedural violations per Faculty Handbook Section B.6.2.1.*

1. This seems to be a gratuitous assertion of authority by AFT, the duties and responsibilities of which are thoroughly specified in FH Section 6.
2. Placing an assertion of AFT's "authority" in a proposed revision to policy C07 is unnecessary and inappropriate.
3. If C07 were an appropriate policy in which to assert the authority of AFT, the Definitions section would hardly be the correct section in which to place the assertion.

The definition given for misconduct: Misconduct means conduct or actions that are a substantive violation of laws, regulations, UNM policies, or ethical or professional standards, would be improved, in my opinion, by the following changes: ***Misconduct means conduct or action that is a substantive violation of laws, regulations, published UNM policies, or ethical or professional standards that have been approved and published by UNM, by Schools or Colleges of UNM, or by the Health Sciences Center.***

1. Current C07 requires that there be a published UNM Policy that is alleged to have been violated. Requiring that the violated policy be a "published" UNM policy seems to offer an accused faculty member some protection that – in my opinion – should not be abridged.
2. The phrase "ethical or professional standards" is too vague. But it could be made more specific by inclusion of the proposed language that refers to standards that have been approved and published by UNM or by its colleges or schools, or by the HSC.
3. Inclusion of the proposed language would be very helpful to the HSC in its efforts to create mechanisms to specify and require faculty adherence to professional behavioral standards, while remaining fully respectful of faculty rights and privileges. I would hope that the approval process for published HSC or school or college ethical or professional standards would include a faculty vote. Inclusion here in C07 of faculty-approval as a requirement for HSC, or schools, or colleges to claim that they have an enforceable standard might be a good idea.
4. These statements have major policy effect and probably should be in the policy section rather than the definition section.

I would propose adding a definition: **Published UNM policies means those policies that have been published in the Regents Policy Manual, The University Administrative Policies and Procedures Manual, or the Faculty Handbook.**

Defending the Freedom to Innovate: Faculty Intellectual Property Rights after *Stanford v. Roche*
<https://www.aaup.org/report/defending-freedom-innovate-faculty-intellectual-property-rights-after-stanford-v-roche-0>
(June 2014)

Excerpts (verbatim) from the above report:

... there is increasing institutional interest in declaring ownership of faculty intellectual property subject to copyright—most notably evident in demands that faculty members cede ownership of online courses and other instructional materials to their universities. (pg. 1)

One fundamental principle should be clear: inventions are owned initially by their inventors. That principle is established in both the US Constitution and federal patent law. As the US Supreme Court affirmed in its 2011 decision in ... (*Stanford v. Roche*) (pg. 3)

... faculty members and administrators can fulfill an important shared governance role by collaboratively establishing the university-wide protocols for managing faculty inventions that will protect the best interests of the faculty, the university, and the national science and research communities while also promoting technological innovation, public health, economic development, and the public good. The AAUP recommends that faculty senates, together with their university administration, consider adoption of principles 11–21, delineated below in section V (copied at end of this document), to ensure that academic inventions and intellectual property management advance all these goals while protecting academic freedom. (pg. 5)

Faculty handbooks or collective bargaining agreements could embody the principle at stake—rejecting any institutional claim of ownership based on the use of university resources in course development—with the following language:

The university shall make no claim of ownership or financial interest in course materials prepared under the direction of a faculty member unless the university and faculty member have so agreed in a separate, voluntary agreement. Payment of a financial stipend, use of university resources, or release time to develop course materials shall not be construed by the university as creating a basis for a claim of institutional ownership of such materials, nor shall it be assumed that a work-for-hire relationship exists between the university and the faculty member with regard to the preparation of any such materials. (pg. 8)

The *Stanford v. Roche* decision opens the door for faculty members and their governing bodies to press for a return to the far stronger faculty inventor rights that led the development of new technology in the decades prior to the passage of the Bayh-Dole Act, and it highlights the need for more visionary shared governance systems around intellectual property and invention management. (pg. 11)

The AAUP's *Statement on Distance Education and Intellectual Property* ... emphasizes that "the faculty should have primary responsibility for determining the policies and practices of the institution in regard to distance education." That includes authority for determining whether particular courses should receive credit at a college and how much credit they should receive. The statement does not anticipate the phenomenon of a MOOC enrolling one hundred thousand students, but it takes a firm stand on principles that should govern online courses no matter what their size: "Provision should also be made for the original teacher-creator, the teacher-adaptor, or an appropriate faculty body to exercise control over the future use and distribution of recorded instructional material and to determine whether the material should be revised or withdrawn from use."

Even when a faculty member willingly creates a distance education course on a work-for-hire basis, the statement clarifies a key condition: “the faculty member should, at a minimum, retain the right to take credit for creative contributions, to reproduce the work for his or her instructional purposes, and to incorporate the work in future scholarly works authored by the faculty member.” (pg. 16)

the statement *Academic Freedom and Electronic Communications* reminds us that “teachers are entitled to freedom in the classroom in discussing their subject” and adds that “*a classroom is not simply a physical space, but any location, real or virtual, in which instruction occurs.*” (pg. 16)

V. Intellectual Property Principles Designed for Incorporation into Faculty Handbooks and Collective Bargaining Agreements

These principles are reproduced (with the original numbering retained) from Recommended Principles to Guide Academy-Industry Relations.

HANDBOOK PRINCIPLE 11: Faculty Inventor Rights and Intellectual Property (IP) Management: Faculty members’ fundamental rights to direct and control their own research do not terminate when they make a new invention or other research discovery; these rights extend to decisions about their intellectual property—involving invention management, IP licensing, commercialization, dissemination, and public use. Faculty assignment of an invention to a management agent, including the university that hosted the underlying research, will be voluntary and negotiated, rather than mandatory, unless federal statutes or previous sponsored research agreements dictate otherwise. Faculty inventors retain a vital interest in the disposition of their research inventions and discoveries and will, therefore, retain rights to negotiate the terms of their disposition. Neither the university nor its management agents will undertake IP decisions or legal actions directly or indirectly affecting a faculty member’s research, inventions, instruction, or public service without the faculty member’s and the inventor’s express consent. Of course, faculty members, like other campus researchers, may voluntarily undertake specific projects as “work-for-hire” contracts. When such work-for-hire agreements are truly voluntary and uncoerced, their contracted terms may legitimately narrow faculty IP rights.

HANDBOOK PRINCIPLE 12: Shared Governance and the Management of University Inventions: The faculty senate or an equivalent body will play a primary role in defining the policies and public-interest commitments that will guide university-wide management of inventions and other knowledge assets stemming from campus-based research. University protocols that set the norms, standards, and expectations under which faculty discoveries and inventions will be controlled, distributed, licensed, and commercialized are subject to approval by the faculty senate or an equivalent governance body, as are the policies and public-interest commitments that will guide university-wide management of inventions and other knowledge assets stemming from campus-based research. A standing faculty committee will regularly review the university’s invention-management practices, ensure compliance with these principles, represent the interests of faculty investigators and inventors to the campus, and make recommendations for reform when necessary.

HANDBOOK PRINCIPLE 13: Adjudicating Disputes Involving Inventor Rights: Just as the right to control research and instruction is integral to academic freedom, so too are faculty members’ rights to control the disposition of their research inventions. Inventions made in the context of university work are the results of scholarship. Invention-management agents are directed to represent and protect the expressed interests of faculty inventors, along with the interests of the institution and the broader public, to the maximum extent possible. Where the interests diverge insurmountably, the faculty senate or an equivalent body will adjudicate the dispute with the aim of recommending a course of action to promote the greatest benefit for the research in question, the broader academic community, and the public good.

Student and other academic professional inventors have access to grievance procedures if they believe their inventor or other IP rights have been violated. Students will not be urged or required to surrender their IP rights to the university as a condition of participating in a degree program.

HANDBOOK PRINCIPLE 14: IP Management and Sponsored Research Agreements: In negotiating outside sponsored research agreements, university administrators will make every effort to inform potentially affected faculty researchers and to involve them meaningfully in early-stage negotiations concerning invention management and IP. In the case of large-scale corporate sponsored research agreements like strategic corporate alliances (SCAs), which can have an impact on large numbers of faculty members, not all of whom may be identifiable in advance, a special faculty committee will be convened to participate in early-stage negotiations, represent collective faculty interests, and ensure compliance with relevant university protocols. Faculty participation in all institutionally negotiated sponsored research agreements will always be voluntary.

HANDBOOK PRINCIPLE 15: Humanitarian Licensing, Access to Medicines: When lifesaving drugs and other critical public-health technologies are developed in academic laboratories with public funding support, the university will make a strong effort to license such inventions in a manner that will ensure broad public access in both the developing and the industrialized world. When issuing an exclusive license to a company for the development of a promising new drug—or any other critical agricultural, health, or environmental safety invention—the university will always seek to include provisions to facilitate distribution of these inventions in developing countries at affordable prices.

HANDBOOK PRINCIPLE 16: Securing Broad Research Use and Distribution Rights: All contracts and agreements relating to university-generated inventions will include an express reservation of rights—often known as a “research exemption”—to allow for academic, nonprofit, and governmental use of academic inventions and associated intellectual property for noncommercial research purposes. Research exemptions will be reserved and well publicized prior to assignment or licensing so that faculty members and other academic researchers can share protected inventions and research results (including related data, reagents, and research tools) with colleagues located at this university or at any other nonprofit or governmental institution. The freedom to share and practice academic discoveries, for educational and research purposes, whether legally protected or not, is vitally important for the advancement of research and scientific inquiry. It also enables investigators to replicate and verify published results, a practice essential to scientific integrity.

HANDBOOK PRINCIPLE 17: Exclusive and Nonexclusive Licensing: The university, its contracted management agents, and faculty will always work to avoid exclusive licensing of patentable inventions, unless such licenses are absolutely necessary to foster follow-on use or to develop an invention that would otherwise languish. Exclusive and other restrictive licensing arrangements will be used sparingly, rather than as a presumptive default. When exclusive licenses are granted, they will have limited terms (preferably less than eight years); include requirements that the inventions be developed; and prohibit “assert licensing,” sometimes referred to as “trolling” (aggressively enforcing patents against an alleged infringer, often with no intention of manufacturing or marketing the product yourself). Exclusive licenses made with the intention of permitting broad access through reasonable and nondiscriminatory sublicensing, cross-licensing, and dedication of patents to an open standard should meet public-access expectations. However, the preferred methods for disseminating university research are nonexclusive licensing and open dissemination, to protect the university’s public-interest mission, open-research culture, and commitment to advancing research and inquiry through broad knowledge sharing. To enhance compliance and public accountability, the university requires all invention-management agents to report publicly and promptly any exclusive licenses issued together with written statements detailing why an exclusive license was necessary and why a nonexclusive one would not suffice. The faculty senate, or

another designated governance body, has the authority to review periodically any exclusive licenses and corresponding statements for consistency with the principle.

HANDBOOK PRINCIPLE 18: Upfront Exclusive Licensing Rights for Research Sponsors: The university will refrain from signing sponsored research agreements, especially multiyear, large-scale SCA agreements, granting sponsors broad title, or exclusive commercial rights, to future sponsored research inventions and discoveries unless such arrangements are narrowly defined and agreed to by all faculty members participating in, or foreseeably affected by, the alliance. If this arrangement is not feasible, as in the case of larger SCAs, the faculty senate (or another designated governance body) will review and approve the agreement and confirm its consistency with principles of academic freedom and faculty independence and with the university's public-interest missions. Special consideration will be given to the impact exclusive licenses could have on future, as-yet-unimagined uses of technologies. When granted, exclusive rights will be defined as narrowly as possible and restricted to targeted fields of use only, and every effort will be made to safeguard against abuse of the exclusive position.

HANDBOOK PRINCIPLE 19: Research Tools and Upstream Platform Research: The university and its contracted management agents will undertake every effort to make available and broadly disseminate research tools and other upstream platform inventions in which they have acquired an ownership interest. They will avoid assessing fees, beyond those necessary to cover the costs of maintaining the tools and disseminating them, and avoid imposing other constraints that could hamper downstream research and development. No sponsored research agreement will include any contractual obligations that prevent outside investigators from accessing data, tools, inventions, and reports relating to scholarly review of published research, matters of public health and safety, environmental safety, and urgent public policy decisions.

HANDBOOK PRINCIPLE 20: Diverse Licensing Models for Diverse University Inventions: Faculty investigators and inventors and their management agents will work cooperatively to identify effective licensing or distribution models for each invention with the goal of enhancing public availability and use.

HANDBOOK PRINCIPLE 21: Rights to "Background Intellectual Property" (BIP): University administrators and their agents will not act unilaterally when granting sponsors rights to university-managed background intellectual property related to a sponsor's proposed research area but developed without the sponsor's funding support. The university will be mindful of how BIP rights will affect faculty inventors and other investigators who are not party to the sponsored research agreement. University administrators and managers will not obligate the BIP of one set of investigators to another's sponsored research project, unless that BIP is already being made available under nonexclusive licensing terms or the affected faculty inventors and investigators have consented.

AAUP: Academic Freedom and Electronic Communications

November 2004. A further revised and expanded November 2013.

<https://www.aaup.org/report/academic-freedom-and-electronic-communications-2014>

Excerpt (verbatim) from above report II. Freedom of Teaching

According to the 1940 *Statement of Principles*, “teachers are entitled to freedom in the classroom in discussing their subject.” But what constitutes a classroom? The 2004 report noted that “the concept of ‘classroom’ must be broadened” to reflect how instruction increasingly occurs through a “medium that clearly has no physical boundaries” and that “the ‘classroom’ must indeed encompass all sites where learning occurs.”

If anything, the boundaries of the “classroom” have only expanded in the ensuing period. It is now more common than not for even the most traditional face-to-face classes to include material offered through online learning-management systems. And the rapid development and perhaps overhyped promise of totally online education, including the explosive growth of Massive Open Online Courses (MOOCs) frequently offered by for-profit private corporations, suggest that academic freedom in the online classroom is no less critical than it is in the traditional classroom.

This report is not the place to discuss all the myriad issues of academic freedom, shared governance, intellectual property, and institutional finances raised by the spread of online education. It is critical, however, to reiterate that *a classroom is not simply a physical space, but any location, real or virtual, in which instruction occurs and that in classrooms of all types the protections of academic freedom and of the faculty’s rights to intellectual property in lectures, syllabi, exams, and similar materials are as applicable as they have been in the physical classroom.*

In August 2013, the administration reassigned the teaching duties of a tenured professor in Michigan after a student anonymously videotaped part of a ninety-minute lecture, a heavily edited two-minute version of which—described by some as an “anti- Republican rant”—was then aired on a conservative Internet site, on Fox News, and on YouTube, where it was viewed more than 150,000 times. In October 2013, a Wisconsin geography professor sent her students an e-mail message explaining that they could not gain access to census data to complete a required assignment because the “Republican/Tea Party-controlled House of Representatives” had shut down the government, thus closing the Census Bureau’s website. After a student posted the message on Twitter, it appeared in a local newspaper and in national conservative media, resulting in numerous complaints to the university, which sent an e-mail message to the campus distancing the institution from the comment. [18](#)

These and similar incidents demonstrate that electronic media can expand the boundaries of the classroom in new and dramatic ways. And while classroom lectures, syllabi, and even an instructor’s e-mail messages to students should be considered the intellectual property of the instructor, much of what teachers distribute to students in the classroom or write in e-mail messages may legally be redistributed by students for noncommercial uses under the “fair-use” principle. Moreover, copyright does not cover expression that is not reduced to “tangible” form, including extemporaneous utterances such as those of the Michigan professor, as it might a formal lecture, a PowerPoint presentation, or written material like a syllabus.

Surreptitious recording of classroom speech and activity may exert a chilling effect on the academic freedom of both professors and students.¹⁹ Faculty members also should be aware that electronic communications with students can easily be recirculated without the permission of either party.

It should be further noted that new teaching technologies and learning-management systems also allow faculty members and students to be monitored in new ways. Online teaching platforms and learning-management systems may permit faculty members to learn whether students in a class did their work and how long they spent on certain assignments. Conversely, however, a college or university administration could use these systems to determine whether faculty members were logging into the service “enough,” spending “adequate” time on certain activities, and the like. Such monitoring should not be permitted without the explicit and voluntary permission of the instructor involved.

Some thorny issues also surround the proliferating use of plagiarism-detection software, such as Turnitin. The benefits (and limitations) of such services are often obvious, but many faculty members are unaware that these services keep databases of student papers, and although these papers apparently are not sold individually, the entire database can be and has been sold to third parties. This practice may raise copyright concerns beyond the scope of this report, but as one 2011 study concluded, it also raises “ethical issues because it denies students notice, access, and choice about the treatment of their personal information.” That study proposed a “code of ethics” concerning the use of such services that faculty members may find helpful.²⁰

While learning-management systems make it possible for faculty members to keep electronic teaching materials separate from scholarly, political, or personal materials often found on faculty websites, many instructors still frequently post course materials on websites alongside other content, some of which may be controversial. Students who encounter material they find disturbing while they are browsing through a faculty member’s website in search of course materials may complain to the administration or even to the courts. While all legal material on faculty websites should enjoy the protections of academic freedom, instructors should exercise care when posting material for courses on sites that also include potentially controversial noninstructional materials.