

**Faculty Senate Policy Committee**  
**Meeting Agenda, via Zoom, October 14, 2020, 3:30 to 5:00**

**3:30 Approvals**

- Agenda
- Meeting Notes from Previous Meeting

**3:35 Updates**

- Memo with Comments on UAP Privacy Policy

**3:40 Action Items**

- Ethics Committee Charge, Guest: Steve Bishop, Committee Chair: review A61.8 and Section B, Appendix VIII both carry the title “Faculty Ethics and Advisory Committee” Seeking approval to send out for campus comment.
- C230 “Military Leave Policy” – A revised draft of this Policy was approved at a previous Policy Committee meeting, but we recently identified a few changes that are needed to comply with federal law. Seeking approval to send out for campus comment.
- Regent Ad Hoc Governance Committee revision to Regent Policy 1.5 “Appeals to the Board of Regents” Seeking additions to and approval of memo from Policy Committee to Regent Ad Hoc Committee.
- Discuss and address campus comments received on C07 “Faculty Misconduct and Progressive Discipline Policy” and A53.1 “Faculty Misconduct Review Committee.” Seeking approval of draft to go to Faculty Senate for final approval.

**4:40 Discussion Items**

- New Business
- Work Status Table

**5:00 Adjourn**

## Memorandum

Date: October 12, 2020

To: Jeff Gassoway, Information Security & Privacy Officer

From: Lee Brown, Co-Chair, Faculty Senate Policy Committee

Karen Patterson, Co-Chair, Faculty Senate Policy Committee

RE: Feedback on Draft Policy “UNM Information Privacy Program”

Thank you for the opportunity to review the proposed draft policy “UNM Information Privacy Program.” The Executive Committee of the Faculty Senate Policy Committee has the following questions and/or concerns.

### 1. Pertaining to point 1 of the privacy program:

- Why is the word “Security” in “Information Security and Privacy Office” (ISPO) omitted?
- How, exactly, is this abstract collaboration toward operationalization defined (what specific charges does “will work with” entail)?
- Does ISPO have a mandate to train community stakeholders as well as oversee them? (This is relevant to physical materials as well as information systems.)
- What about service providers who are not part of the university structure? (That is, what is the relation of the phrases “academic, administrative, and research stakeholders . . . throughout the University,” and “community stakeholders,” who might include outside vendors, etc.)?

2. The draft policy is numbered RP 2.19—Is this intended to be a Regent policy? If so, it doesn’t follow the proper format and contains too much administrative information that is not suited for a Regents’ policy. Regent policy usually provides high level policy commitments and/or mandates and then authorizes either a UAP or *Faculty Handbook* policy to provide the administrative details. It would seem more appropriate that it be a UAP policy. Other than definitions the Policy document does not contain much policy material. Therefore, it may be more appropriate to incorporate the authority for and description of UNM’s Information Privacy Program into one or both of two existing UAP policies:

- University Administrative Policy 2520 “Computer Security Controls and Access to Sensitive and Protected Information”
- University Administrative Policy 2550 “Information Security”

### 3. References should include:

- C70 Confidentiality of Faculty Records”
- UAP 3710 “Personal Information Disclosure Policy”

4. There should be more information on UNM’s Information Privacy Program:

- Is there an advisory group to ensure all stakeholder concerns are taken into consideration?
- There should be mention of Branch Community Colleges to ensure branches are included in all decisions—many times they are left out.
- How is UNM going to protect PII?
- Who is responsible for developing, approving, and providing privacy training?
- Who is responsible for approving and distributing “privacy” notices and statements?
- Where are the following items housed and protected?
  - An inventory of PII
  - A library of published and machine-readable privacy notices, policies, and statements
  - A library of privacy awareness trainings

The Policy Committee very much appreciates the opportunity to participate in the development of this policy. We look forward to reviewing the next policy revision.

## A67 <sup>A61.8</sup> Faculty Ethics and Advisory Committee

(Placed in new policy format, renumbered and revised to update procedures)

Approved By: Faculty Senate

Approved: November 27, 2007 Draft 9/22/20

Responsible Faculty Committee: Faculty Ethics and Advisory Committee

Office Responsible for Administration: Office of University Secretary

**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

The Faculty Ethics and Advisory Committee's function is to informally investigate the facts and make recommendations when a faculty member has been accused of conduct inconsistent with the Statement on Professional Ethics (Section B: Appendix V).

### POLICY STATEMENT

The Faculty Ethics and Advisory Committee shall advise and consult with the UNM President, the Provost/Executive Vice President for Health Sciences (EVPHS) Vice President for Academic Affairs of the University, or the Committee on Academic Freedom and Tenure regarding action to be taken, if any, where a faculty member or a graduate teaching, research, or project assistant in the course performance of his or her instructional or research-related duties is accused of unethical behavior as defined by the Statement of Professional Ethics (Section B, Appendix V). The Committee shall also familiarize itself with the Statement on Professional Ethics (See Section B, Appendix V). page 53, Policy on Academic Freedom and Tenure. The Committee may decide that a complaint falls outside its mandate and decline to investigate.

Membership: Nine (9) ~~Seven (7)~~ faculty members appointed by the Faculty Senate and one (1) graduate or professional student appointed by the Graduate and Professional Student Association (GPSA). The graduate or professional student attends only those meetings or parts of meetings pertaining to cases involving a graduate or professional student behavior. Members of the Committee shall serve for overlapping, ~~two-~~three-year terms. The Chair person shall be elected each year by the Committee and shall be a tenured faculty member.

### APPLICABILITY

All UNM faculty, including the Health Sciences Center and Branch Community Campuses.

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

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## DEFINITIONS

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There are no specific definitions required by this Policy.

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## WHO SHOULD READ THIS POLICY

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- All UNM faculty.
- Academic administrators and staff.
- Administrative staff responsible for policy development.

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## RELATED DOCUMENTS

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*Faculty Handbook:*

[Policy A51](#) "Faculty Constitution"

[Policy A53](#) "Development and Approval of Faculty Policies"

[Policy A60](#) "Faculty Senate Bylaws"

[Policy C07](#) "Faculty Disciplinary Policy"

[Section B Appendix V](#) "2009 Statement on Professional Ethics"

[Section B Appendix VIII](#) "Faculty Ethics and Advisory Committee"

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## CONTACTS

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Direct any questions about this policy to Office of the University Secretary.

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## PROCEDURES

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[The Ethics and Advisory Committee will schedule regular meetings. The Ethics and Advisory Committee reports directly to the Operations Committee regarding membership and Committee responsibilities listed in the Committee's charge. However, deliberations, recommendations, and decisions resulting from investigations conducted by the Ethics and Advisory Committee are reported to the appropriate UNM official\(s\) and/or AF&T in accordance with Faculty Handbook Section B which includes Appendix VIII "Faculty Ethics and Advisory Committee."](#)

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## DRAFT HISTORY

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[September 22, 2020 – Add clarification on graduate or professional student member.](#)

September 3, 2020 –new policy format, renumbered, update # of members and terms.

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## HISTORY

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Initial Effective Date: Unknown

## Section B Appendix VIII: Faculty Ethics and Advisory Committee

(Placed in new policy format and updated)

Approved By: Academic Freedom and Tenure Committee

Approved: [Draft 9/22/20](#)

Responsible Faculty Committee: Faculty Ethics and Advisory Committee

Office Responsible for Administration: Office of University Secretary

**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 Academic Freedom and Tenure Committee.

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### POLICY RATIONALE

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The Faculty Ethics and Advisory Committee's function is to informally investigate the facts and make recommendations when a faculty member has been accused of conduct inconsistent with the Statement on Professional Ethics (Section B: Appendix V).

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### POLICY STATEMENT

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#### 1. Investigation

(a) When a faculty member has been so accused [of conduct inconsistent with the Statement on Professional Ethics, the faculty member](#) ~~he or she~~ must first seek resolution of the problem from the chairperson, if any, and if still unresolved the dean, and on up through each authority in turn the same as provided for termination cases (refer to ~~by Sec. 9 (a) of the~~ [Policy B6](#) "Academic Freedom and Tenure"). When the matter is still unresolved, the [Faculty Ethics and Advisory Committee](#) may be called into action in either of two ways:

1.1 (i) By the [UNM](#) President, ~~of the University,~~ the [Provost/Executive Vice President for Health Sciences \(EVPHS\)](#) ~~Vice President for Academic Affairs of the University,~~ or the Committee on Academic Freedom and Tenure, when the assistance of the [Faculty Ethics and Advisory Committee](#)'s informal investigatory function on issues of professional ethics is desired. When a reference to the [Faculty Ethics and Advisory Committee](#) has been made under this subsection (i), the [Faculty Ethics and Advisory Committee](#) shall report its recommendations, and the reasons therefore, to the Administrator or Committee making the reference, and to any other parties deemed appropriate by the [Faculty Ethics and Advisory Committee](#).

1.2 (ii) By a faculty member, graduate, teaching, research, or project assistant who believes ~~that she or he has~~ [they](#) been accused of unethical conduct. The [Faculty Ethics and Advisory Committee](#) may, at its discretion, refuse to respond to requests for investigation made by individuals under

this subsection (ii), and this discretion may be exercised by the chairperson when it is not convenient to call a meeting of the [Faculty Ethics and Advisory](#) Committee. It is intended that the [Faculty Ethics and Advisory](#) Committee investigate only serious accusations which have or may have done damage to the accused's reputation. It is not intended that the [Faculty Ethics and Advisory](#) Committee be used as a weapon in personal conflicts. When a reference to the [Faculty Ethics and Advisory](#) Committee has been made under this subsection (ii), the [Faculty Ethics and Advisory](#) Committee may confer with and report to the UNM President, of the University, the [Provost/Executive Vice President for Health Sciences \(EVPHS\)](#) Vice President for Academic Affairs of the University, the applicable dean or chairperson, or department at the discretion of the investigating panel.

**1.3** (b) Investigations by the [Faculty Ethics and Advisory](#) Committee shall be conducted by panels of three (3) members. Panels shall be selected by the chairperson.

**1.4** (c) The [Faculty Ethics and Advisory](#) Committee may informally investigate a situation even though it is also being heard by the Committee on Academic Freedom and Tenure. In such a case the [Faculty Ethics and Advisory](#) Committee should normally confer with the Committee on Academic Freedom and Tenure about the matter.

**1.5** (d) The [Faculty Ethics and Advisory](#) Committee's recommendations and reports, if any, may be made in any form the panel chooses. The panel should confer with the person or Committee requesting informal investigation about the appropriate form of report.

## 2. Membership

The Faculty Ethics and Advisory Committee shall consist of [nine \(9\)](#) ~~seven~~ faculty members nominated by the Faculty Senate. Members of the committee shall serve for overlapping ~~two~~ [three](#)-year terms. The chairperson shall be elected each year and shall be a tenured faculty member. In the event that a graduate [or professional](#) student is accused of unethical behavior, as defined by the Statement on Professional Ethics, with the concurrence of the accused, a graduate [or professional](#) student, appointed by the Graduate [and Professional](#) Student Association, shall serve on the committee, but only for those meetings or parts of meetings during which a graduate [or professional](#) student's behavior is being considered.

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## APPLICABILITY

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All UNM faculty, including the Health Sciences Center and Branch [Community](#) Campuses.

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

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## DEFINITIONS

---

There are no specific definitions required by this Policy.

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## WHO SHOULD READ THIS POLICY

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- All UNM faculty.
- Academic administrators and staff.
- Administrative staff responsible for policy development.

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## RELATED DOCUMENTS

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*Faculty Handbook:*

[Policy A51](#) "Faculty Constitution"

[Policy A53](#) "Development and Approval of Faculty Policies"

[Policy A60](#) "Faculty Senate Bylaws"

[Policy A67](#) "Faculty Ethics and Advisory Committee"

[Policy C07](#) "Faculty Disciplinary Policy"

[Section B Appendix V](#) "2009 Statement on Professional Ethics"

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## CONTACTS

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Direct any questions about this policy to Office of the University Secretary.

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## PROCEDURES

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There are no specific procedures required by this Policy.

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## DRAFT HISTORY

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[September 22, 2020 – Placed in new policy format, renumbered and revised to update number of members and terms of service](#)

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## HISTORY

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Initial Effective Date: Unknown

## C230: Military and Related Service Leave of Absence

Approved By: Faculty and Board of Regents

Effective Date: **Draft 10/12/20**

Responsible Faculty Committee: Policy Committee

Office Responsible for Administration: Office of the Provost

**Legend:** **Red highlights**—changes from current policy. **Purple highlights** – recent suggested changes.

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

### POLICY RATIONALE

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

### POLICY STATEMENT

Any full-time or part-time member of the faculty on regular (i.e., not temporary) appointment ~~as instructor or above~~ is eligible for a Military and Related Service Leave of Absence (military leave). To request military leave, the faculty member, or designated representative, must provide the department chair with a copy of ~~upon presentation of~~ official military orders indicating that ~~he/she~~ the faculty member is entering active military duty or related service. When a military leave of Absence is granted for active duty for training or local emergency during the period of a regular contract (whether nine-, ten-, or twelve-month), UNM will continue to pay the faculty member's salary, uninterrupted, up to a maximum of fifteen (15) working days per ~~calendar~~ federal fiscal year. ~~(see 20-4-7 New Mexico Statutes Annotated, 1978 Compilation).~~ Once the fifteen (15) workday period is used, the employee may take annual leave or leave without pay for any remaining absence, unless the Governor of New Mexico grants an additional fifteen (15) workdays of paid leave.

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

- Armed Forces of the United States, defined to include the Army, Navy, Air Force, Marine Corps, Coast Guard, and their reserve components and National Guard;
- New Mexico National Guard;
- NDMS;
- Commissioned Corps of the Public Health Service;
- Civil Air Patrol;
- State Defense Force to attend officially authorized training or instruction courses;
- Volunteer emergency responders assisting in an emergency or disaster; or

- [Any other category designated by the President of the United States, Governor of New Mexico, or federal or New Mexican law.](#)

When a military leave of absence is granted for active duty other than annual duty for training or local emergency, such leave is without pay. Unless called to active duty for a "local emergency," faculty may not receive military leave of absence with pay during the period of a summer session supplemental contract.

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## APPLICABILITY

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

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## DEFINITIONS

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[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."

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

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## WHO SHOULD READ THIS POLICY

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- Faculty
- Department Chairs
- Academic deans and other academic administrators and executives

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## RELATED DOCUMENTS

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[UNM Regents' Policy Manual Policy 5.3 "Leaves of Absence"](#)  
[Faculty Handbook:](#)  
[Section B Policy on Academic Freedom and Tenure, subsection B3 Policy C280 "Leave Without Pay"](#)  
[University Administrative Policy 3425 "Military and Related Service Leave"](#)

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## CONTACTS

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

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## PROCEDURES

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Applicable procedures pertaining to federal and state laws and regulations for military and related service leave are discussed in University Administrative Policy 3425 “Military and Related Service Leave,” which include, but are not limited to:

- determination of eligibility for leave with pay,
- determination of eligibility for leave without pay,
- health insurance benefits while on extended military,
- reinstatement after military leave, and
- record keeping of military leave usage.

### **Tenure Clock**

In accordance with Section B Policy on Academic Freedom and Tenure, subsection B3, “If a faculty member goes on leave of absence without pay for a semester or more during a year of probationary service, the probationary period will normally, upon timely request of the probationary faculty member, be suspended for the duration of the leave, and subsequent mid-probationary and tenure reviews will be one full year later.”

Deans, department chairs, and program directors should help faculty members to make an informed decision about suspending the probationary period. If the length of the military leave is undetermined or results in a significantly shorter or longer duration than first anticipated, the faculty member may request to change their tenure clock decision by contacting the Provost or Executive Vice President for Health Sciences (EVPHS) within two (2) months after returning from military leave. Any changes are subject to approval by the Provost or EVPHS.

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## DRAFT HISTORY

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October 12, 2020 – Draft incorporated revisions to address recent changes to NM law.

September 14, 2020 – Draft incorporated recent recommendations.

February 12, 2019 – Draft incorporated December Policy Committee discussions.

November 27, 2018 – Preliminary draft for consideration by Policy Committee.

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## HISTORY

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August 29, 1978—Approved by the Board of Regents

May 10, 1978—Approved by Faculty

May 18, 1975 May 18, 1975—Approved by Board of Regents

April 8, 1975—Approved by Faculty

February 1, 1975—Approved by the Board of Regents

March 14, 1974—Approved by the Board of Regents

March 12, 1974—Approved by Faculty

## Memorandum

Date: October 11, 2020

To: Regents' Ad Hoc Governance Committee

From: Lee Brown, Co-Chair, Faculty Senate Policy Committee

Karen Patterson, Co-Chair, Faculty Senate Policy Committee

RE: Proposed Changes to Regents Policy 1.5, "Appeals to the Board of Regents"

Thank you for the opportunity to comment on the proposed changes to Regent Policy 1.5 "Appeals to the Board of Regents." Due to the short time given for comments the Faculty Senate Policy Committee could not prepare a formal memorandum; therefore, as Policy Committee Co-Chairs we submit our comments on the proposals.

We disagree with proposals to delete or significantly change the current policy. We feel it is critically important that faculty have the right to appeal to the highest level of the University any serious decision that adversely impacts their employment. We can support the proposal to limit appeals to "final decision of serious consequence" shown in Alternative D.

In addition, in agreement with Faculty Senate President Finnie Coleman, we are concerned about the short timeline allowed for filing an appeal. We understand that this timeline was driven by the new Title IX regulations. We suggest that the paragraph under "Implementation" take this into account. Our preferred wording would be:

A person wishing to appeal a final decision of serious consequence to the Board must submit a written petition to the Board Office. **The petition must be filed within ten (10) days from the date the decision being appealed was rendered if the complaint relates to Title IX matters, and thirty (30) days for all others.** The petition must describe the decision being appealed and the basis for the appeal. The Board may also upon its own motion determine that an appeal of a final decision should be taken.



September 17, 2020

**Agenda**  
**REGENTS' AD HOC GOVERNANCE COMMITTEE**  
**September 21, 2020; 10:00 AM**  
**Virtual<sup>1</sup>**

(Livestreamed: <https://live.unm.edu/board-of-regents>)

The Regents' Ad Hoc Governance Committee will meet in open session on Monday, September 21, 2020 at 10:00 AM (MST). The purpose of the meeting is to provide a venue for open discussion and input from various constituent groups regarding Regents' Policy 1.5, "Appeals to the Board of Regents" and any proposed revisions. The meeting will be held virtually on the Zoom platform and will be livestreamed for public viewing. Following is the agenda for the meeting.

Agenda

Regent Members:

Rob Schwartz, Chair

Marron Lee

Kim Sanchez Rael

Members from Administration:

Loretta Martinez, Chief Legal Counsel

Terry Babbitt, President's Chief of Staff

- I. Call to Order and Adoption of the Agenda, *Regent Rob Schwartz*
- II. Introductory Remarks from the Committee Chair
- III. Public Comment<sup>2</sup> [*limit 3 minutes; pertaining to item IV.*]
- IV. Discussion and Consideration of Constituent Input Regarding Four Alternative Proposals to Regents Policy 1.5, "Appeals to the Board of Regents":
  - A. No Change to the Current Policy (see attached)
  - B. Delete the Current Policy with No Replacement
  - C. Revised Language (Alternative C – see attached)
  - D. Revised Language (Alternative D – see attached)
- V. Summary Remarks and Future Policy Revisions
- VI. Adjournment

<sup>1</sup>Under the current guidelines from the Governor and in order to slow the spread of COVID-19, the UNM Board of Regents and Regents' Committees will meet virtually over Zoom platform. Additionally, public access to view or listen to Regent meetings is provided via a livestream of the virtual meeting. To view the livestream, go to the following link: <https://live.unm.edu/board-of-regents>

<sup>2</sup>Public comment will be heard during the meeting. Due to the nature of online meetings and the logistics of getting speakers connected, anyone wishing to provide public comment during the meeting *must register their intent to speak before noon on Sunday, September 20, 2020*. In order to sign up for public comment, please email [regents@unm.edu](mailto:regents@unm.edu), [or call 505-277-7639 and leave a message] with the subject, "Request to provide public comment at 9/21 Regent's Ad Hoc Governance Committee Meeting", and include the below information:

1. First name and last name
2. Email address and telephone number
3. Affiliated organization (if applicable)
4. Professional Title (if applicable)

**\*Please consider submitting your comments in writing to [regents@unm.edu](mailto:regents@unm.edu), and in the case of connection difficulties during the public comment time, or if it is your preference, your comment will be read aloud during the 3 minute time limit. If it is your preference that your comments be read out, please indicate so in your email.**

# Regents' Policy Manual - Section 1.5:

## Appeals to the Board of Regents

Adopted Date: 09-12-1996

### Applicability

This policy applies to appeals of administration, faculty, student government, or hearing board decisions to the Board of Regents.

### Policy

Faculty, staff, or students affected by a decision of the administration, faculty, student government, or hearing board may appeal the decision to the Board of Regents. The Board has discretion to determine whether the appeal will be considered, except for those appeals from decisions of the Academic Freedom and Tenure Committee which the Board is required to hear. The Board may refer appeals to a committee of the Board for recommendation as to whether the appeal should be heard.

### Implementation

A person wishing to appeal a decision to the Board must submit a written petition to the Board through the President of the University. The petition must be filed within thirty (30) days from the date the decision being appealed was rendered, unless expressly provided by University policy to the contrary. The petition must describe the decision being appealed and the basis for the appeal.

In considering whether to take a discretionary appeal and in considering the appeal itself, the Board (or a committee if one is appointed to consider whether an appeal should be heard) may request written briefs, oral arguments, or both.

The Board shall render its final decision within 90 days from the date the appeal was filed unless a delay is requested by one of the parties and approved by the President of the Board. If no decision is rendered within the deadline, the appeal shall be deemed denied.

### References

Other documents and policies that specifically mention appeals to the Board of Regents include, but are not necessarily limited to: [Faculty Handbook Section B](#), [UAP 3220 \("Ombuds Services and Dispute Resolution for Staff"\)](#), [Student Grievance Procedure](#).

# Regents' Policy Manual - Section 1.5: Appeals to the Board of Regents

Adopted Date: 10-20-2020

## Applicability

This policy applies to appeals to the Board of Regents.

## Policy

University policy provides for appropriate administrative review of decisions that affect faculty, staff, and students. When a tenure-track faculty member is denied tenure or the tenure of a faculty member is revoked, that faculty member may appeal the decision to the Board of Regents. No other decision concerning individual faculty, staff or students may be appealed to the Board of Regents unless the determination is referred to the Board by the President, and review of any Presidential referral by the Board shall be discretionary.

## Implementation

A faculty member wishing to appeal a decision regarding tenure or revocation to the Board must follow the procedures delineated in the Faculty Handbook section \_\_\_\_\_. An appeal that is not resolved by the Regents within 90 days of filing shall be deemed denied.

# Regents' Policy Manual - Section 1.5: Appeals to the Board of Regents

Adopted Date: 10-20-2020

## Applicability

This policy applies to appeals to the Board of Regents.

## Policy

The Board has discretion to determine whether to hear appeals of faculty, staff, or students from final decisions of serious consequence to the individual. Such appeals are not a matter of right, and will be granted only in extraordinary circumstances at the discretion of the Board of Regents.

## Implementation

A person wishing to appeal a final decision of serious consequence to the Board must submit a written petition to the Board Office. The petition must be filed within ten (10) days from the date the decision being appealed was rendered. The petition must describe the decision being appealed and the basis for the appeal. The Board may also upon its own motion determine that an appeal of a final decision should be taken.

In considering whether to grant a discretionary appeal, and in considering the appeal itself, the Board may require any additional information or processes it deems necessary.

Any appeal not granted review by the Board within 90 days from the date the appeal was filed shall be deemed denied.

## DRAFT of Possible Changes to C07 to Address Campus Comments (10/5/20)

Angela Wandinger-Ness <AWandinger-Ness@salud.unm.edu>

Sent: Wednesday, August 12, 2020 5:17 PM

I appreciate the expanded clarification regarding faculty misconduct policies.

I am happy to see the tiered approach to faculty discipline. Thank you for moving this forward to allow a fairer and graded approach to disciplinary actions.

No changes needed

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David Hanson <dthanson@unm.edu>

Sent: Thursday, August 13, 2020 6:20 AM

Although the additions to C07 refer to other existing processes, the line between them is confusing and could be a problem, especially with time constraints on actions. For example, E40 states that research misconduct queries can go straight to the VPR for the initial termination of the validity of the charge and then proceed without ever involving the Chair (which I think is good for confidentiality), and E40 doesn't mention C07 anywhere. It is unclear to me what happens if a case is initiated through E40, and then a faculty member goes to the C07 process. Also, E40 should state when C07 or the new A52.3 committee could get involved. It is much clearer about how to handle cases that start in C07 and determining if they move to E40, but not the other way around. I am also concerned that there could be fundamentally different processes between the various misconduct investigations that might need to be reconciled.

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Analysis of Comment and possible action:

The Policy allows for the investigation and finding to be made in accordance with E40, and if there is a finding of research misconduct and disciplinary action would follow C07. It could perhaps be clearer by moving the following sentence to be the second sentence in Procedures Section 1 "If the alleged misconduct is within the scope of another specific UNM policy that has its own procedures for investigation, the department chair ~~or dean~~ shall forward such allegations to the appropriate person or department for handling pursuant to the applicable policy and provide notice to the faculty member."

At the end of the paragraph we could add the following sentence to clarify the process:

After the investigation is completed per the applicable policy, the results will be given to the department chair, who is responsible for determining what, if any, disciplinary action may result.

**See Procedures, Section 1. On pages 5 & 6 of draft**

Regarding E40: 4.1 (3) states that sanctions must be "in accordance with UNM policies and procedures" and that "In cases involving faculty, implementation must be consistent with the Policy on Academic Freedom and Tenure;"

The suggestion that E40 be updated could be addressed by the Policy Committee in conjunction with the Research Policy Committee. Any revisions to E40 would at minimum require approval by Faculty Senate Research Policy Committee, Policy Committee, and Operations Committee if they are "below the line" and Faculty Senate if changes are "above the line." In the interim we could add a reference to C07 in the Related Documents Section of E40.

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**From:** Cameron S Crandall <[CCrandall@salud.unm.edu](mailto:CCrandall@salud.unm.edu)>

**Sent:** Thursday, August 13, 2020 8:20 AM

In my review of the proposed changes to C07, I am concerned about that the language below:

“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:

...

· Possession of/or distribution of obscene or pornographic material unrelated to UNM’s academic or research mission”

It is not clear why possession of pornographic material which would otherwise not be considered illegal be grounds for misconduct, particularly when such possession would be at a person’s home or on their personally owned computing devices (which might be with them on campus). Portions of this language should remain. Possession of illegal materials (e.g., child pornography) is clearly grounds for misconduct (as it is criminal) as would be distribution of any pornographic materials on campus or via UNM’s computing services.

This language appears in a few places in existing policy. Notably, Administrative Policies and Procedures Manual - 3215: Performance Improvement (<https://policy.unm.edu/university-policies/3000/3215.html>) and Administrative Policies and Procedures Manual - Policy 2500: Acceptable Computer Use (<https://policy.unm.edu/university-policies/2000/2500.html>).

In 2500, it is clear that use of UNM computing services to possess or distribute pornography is not permitted. In 3215, the existing language appears similar to the proposed language.

I propose that the language be clarified in C07 (and 3215) to eliminate the prohibition of possession at home or on personally owned devices as grounds for misconduct. I would distinguish illegal materials (such as child pornography) and maintain the language regarding prohibition of distribution of all pornographic materials unrelated to UNM’s academic or research mission.

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**Analysis of Comment and possible action:** Ask legal counsel for input. The Section B Taskforce discussed this and decided the list is useful, but that since it’s not an all-inclusive list we could delete the objectionable bullet. **See Definitions Section on page 3 of draft**

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**From:** Robert L Rubin <[RLRubin@salud.unm.edu](mailto:RLRubin@salud.unm.edu)>

**Sent:** Thursday, August 13, 2020 1:23 PM

Overall, there seems to be substantial power given to the departmental Chair in judging how or whether alleged misconduct should be investigated. This in itself seems arbitrary. But most significantly, this runs the risk of bias for or against individual faculty members by the Chair. And what happens if there is alleged, potential misconduct by the Chair? Overall, the role of the Chair in the investigation of misconduct seems inappropriate.

**Analysis of Comment and possible action:**

We could repeat the following sentence (from the definition of Chair) as the second sentence in the Procedures Introduction:

“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.

**See Procedures, Section 1 on page 5 of draft**

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**From:** Stephen Bishop <[sbishop@unm.edu](mailto:sbishop@unm.edu)>

**Sent:** Monday, August 17, 2020 11:30 AM

Hello Policy Committee Members (as well as AF&T Chairs),

I have submitted comments (see below) through the official channel ([handbook@unm.edu](mailto:handbook@unm.edu)), but wanted to also write the committee directly. I wanted to convey that the FEC roster of last year and this year (13 total) is in agreement with the comments. I am always available to bring matters concerning the FEC before the full Faculty Ethics Committee, and then to give a formal response to the Policy Committee in person or in writing. To be more blunt than in the official comments, it completely baffles me as to why the people directly impacted by a policy change would not be asked to submit an official response since they are the ones who know best how their committee functions and will be most immediately affected. I strongly urge you to consult with and get feedback from all similar committees in the future before making such decisions.

Sincerely,

Stephen L. Bishop Chair, Faculty Ethics Committee

"While FEC endorses the substantive changes to C07 and the creation of A52.3 as improvements to UNM policy concerning the handling of faculty discipline and misconduct, we have two objections we would like to see rectified: 1) One of the justifications for the C07 changes is "The FRMC would take over the peer hearing role of the Ethics Committee, thereby eliminating any potential conflict that may result from ethics misconduct investigations conducted by the Ethics Committee." This statement implies that the FEC has regular conflict issues when conducting investigations. To even imply, especially without proof, that a committee on ethics may have such problem is insulting to the committee and risks undermining confidence in it. Since we can see no reason why this explanation is necessary to insure passage of the proposed change, we ask that it be removed from future statements.

2) Far more importantly, this change to a fundamental aspect of the FEC's charge was done with no official participation by the FEC. That makes no sense as a matter of good policy or as a simple question of courtesy. Again, the FEC does support the change, but nonetheless protests having no official representation or presence in the form of a memo or testimony at the Policy meeting(s) where the decision was made. We ask that such lack of voice concerning the FEC's own charge be avoided in the future."

**Analysis of Comment and possible action: Doesn't seem to require changes.**

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Analysis of Comment and possible action shown in blue after each comment:

**From:** Bethany Davila <[bdavila@unm.edu](mailto:bdavila@unm.edu)>  
**Sent:** Thursday, August 27, 2020 1:41 PM  
**To:** Faculty Handbook <[handbook@unm.edu](mailto:handbook@unm.edu)>  
**Subject:** Comments on changes to C07

Following are comments to the C.07 policy changes

Small comments:

- Under applicability, add “Teaching, research, and graduate assistants in their faculty capacity are considered faculty for purposes of this policy.” **Can add them. See Applicability Section on page 2 of draft**
- Reference 6.2.1 on first mention of peer hearing **Can do. See Procedures, Section 6 page 10 of draft**
- 3.3 – pertaining (not pertain) **Not sure this is right.**

Questions:

Last sentence of policy statement: what is “such action”—the attempt to protect, restore, or maintain the reputation? Or the determination of no misconduct? I believe there should be a record of the complaint and investigation in the faculty member’s file—even if the process determines that no misconduct has occurred—to establish pattern should another situation come up in the future. **Can rewrite as follows: It is up to the faculty member to decide what information if such action is documented in their personnel file. s-should document such action. See end of Policy Statement on Page 2 of draft.**

- Procedures states the chair or dean “should also review the department’s processes and procedures for reviewing the specific type of complaint.” Why would a department have a separate process? Shouldn’t all departments follow this process? **Sections 3 & 4 of the Faculty Constitution allow for departmental procedures as long as they comply with UNM policy.**
- Does step 1 under procedure mean that misconduct can’t be considered as violation of multiple policies, laws, standards? It seems like the alleged misconduct should be investigated according to all of the violations. **It would be hoped this wouldn’t happen often, if at all, but if it did there would probably be multiple investigations taking place. After the investigations, the Chair would follow C07 on determining sanctions. Don’t think we need to revise the policy for what would hopefully be a very rare occurrence.**
- Does the written discipline notice for a verbal warning go into the faculty member’s file? Again, written documentation is important in case the behavior continues or worsens. **This has been discussed on multiple occasions, for an oral warning to be oral, it should not be formally documented in the personnel file. It might be noted on the Chairs calendar.**

Thank you,  
Beth

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**From:** Billy Brown <[wbrown01@unm.edu](mailto:wbrown01@unm.edu)>

**Sent:** Tuesday, September 15, 2020 4:27 PM

**To:** Faculty Handbook <[handbook@unm.edu](mailto:handbook@unm.edu)>

**Cc:** welbert53 <[welbert53@aol.com](mailto:welbert53@aol.com)>

**Subject:** Comment on Faculty Discipline and Discipline Hearing Committee from Billy Brown

It occurred to me when reading these new (or revised) policies that there are no arrangements for Graduate TAs or Adjunct Faculty representation here.

Yet is stated in the policy that it applies to ALL faculty and to graduate students to the extent to which they act as faculty ...

It seems to me that a hearing before a panel of their peers would not be possible for graduate TAs or Adjunct faculty, unless there were TA and Adjunct MEMBERS of such a hearing committee.

Please make appropriate changes to this (these) policies to allow for TA and Adjunct membership so that such people being accused of violations of university policy would enjoy a hearing before their peers.

Thanks,

Billy Brown, PhD  
Adjunct, Part-Time Instructor  
Department of Mathematics & Statistics  
cell: 505-401-8139

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*Analysis of Comment and possible action:* Not sure this is possible, given the requirement that AF&T be composed of tenured professors. – Will ask the Section B Taskforce on 10/2/20.

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To: OUS, [handbook@unm.edu](mailto:handbook@unm.edu)

Date 9.10.20

Re: Comments about proposed amended C07 and proposed A42.3 FMRC faculty policies

*Analysis of Comment and possible action shown in blue after each comment:*

1. Which personnel file is being referenced when the draft names the personnel file (i.e., in the Policy Statement, “It is up to the faculty member if such action is documented in their personnel file.”)? Is this one of the C70 “personnel files”? I am also concerned the faculty member will not understand the consequences of having an action in a personnel file, and that a number of “no misconduct” determinations will be used against a faculty member to imply a pattern of misconduct based on multiple unproven complaints. Has UNM conducted a study to determine whether there is a pattern of characteristics of faculty who are accused of misconduct? Do members of a protected class tend to be accused due to implicit bias or worse?

*Add a definition for personnel file that references C70 “Confidentiality of Faculty Records.” In cases of no misconduct found this policy leaves it up to the faculty member to determine what information goes in it. See Definitions Section on page 3 of draft.*

2. Misconduct in Definitions section. I believe one reason this C07 update is proposed is to follow AAUP and create a progressive discipline policy for other policies where misconduct currently does not allow for progressive discipline and gives rise to more serious discipline when misconduct is found, because nothing less is available or lesser discipline is limited. I am concerned that this update may create confusion about which policy a claim is made under, and may not provide notice to faculty of what is misconduct.

Does C07 give rise to causes of action that are not claims made under other policies? What are those separate C07 claims? Do the examples of misconduct that fall under other policies have discipline procedures that are not progressive? Is that why these examples are here? By adding them here, are new causes of action created under C07 that do not fall under the other policies? Are there examples of misconduct listed that do not fall under other policies?

Which ones are those? Can this definition reference the other policies so there is notice to faculty, as opposed to a list of Related Documents at the end that include policies?

. The Section B Taskforce discussed this and decided the list is useful, but that since it's not an all-inclusive list we could delete the objectionable bullet. **See Definitions Section on page 3 of draft.**

If C07 is being modified to add progressive discipline when misconduct is found under another policy that does not allow for it, maybe C07-based misconduct should be pulled and given its own policy, so C07 can focus on the disciplinary procedures.

All other policies involve investigations only, after the investigation C07 is the only policy that allows and addresses disciplinary sanctions for faculty.

3. Disciplinary probation in Definitions: What is the superscript i reference in the last bullet point? **Error--Delete the superscript i** **See Definitions Section on page 4 of draft.**

4. Procedures section 1.: Which personnel file? I could be wrong about the following, but as an example, if a C09 investigation finds no misconduct I thought the report is sent to OUC and destroyed at some point determined under some other policy. What is that policy? Should C07 follow that policy's procedures? What happens when there are conflicting procedures?

See answer to #1 above. **See Definitions Section on page 3 of draft.**

5. Procedures section 2.: Does this section refer to the complainant or respondent's academic freedom, etc.?

Not sure clarification is important—it would seem to me you can't violate anyone's academic freedom

6. Procedures section 3.: What are these misconduct allegations that do not fall under another policy? I am concerned there is insufficient notice to a faculty member of what is misconduct if it is not defined earlier as specific C07 misconduct.

Change to clarify we are talking about policies with investigation proceedings. Rewrite it to state "If there are no Section B concerns and the investigation of the alleged misconduct does not fall within the jurisdiction of another specific UNM Policy, the department chair will complete a preliminary assessment within five (5) working days after the matter is brought to department chair's attention." **See Procedures Section 3 on page 6 of draft.**

The faculty member should have the right to bring someone to that meeting with the department chair, including an attorney, as the potential discipline is serious, including suspension without pay or dismissal.

No change: This is not an investigation only a preliminary assessment. If there is an investigation at that point the faculty member can bring one person in meeting with the chair.

7. Section 3.1: Reference to "personnel file."

See answer to #1 above. **See Definitions Section on page 3 of draft.**

8. Section 3.4: Is C07 creating a discipline process when the misconduct does not fall under another policy? What is that possible C07 misconduct? What misconduct is so serious that it may result in suspension without pay or dismissal, but is not under the scope of another policy? I am concerned there is lack of notice and due process. I am also concerned this policy and procedure might be abused because the C07 misconduct is not well defined.

Add this sentence to Section 1. After the investigation is completed per the applicable policy, the results will be given to the department chair, who is responsible for determining what, if any, disciplinary action may result. **See Procedures Section 1 and of 1<sup>st</sup> paragraph on page 6 of draft.**

C07 covers discipline for all misconduct no matter what UNM policy is involved. The other policies mentioned pertain to specific investigation processes—they do not also address discipline. If misconduct is found by the investigation, then C07 must be followed to determine what discipline if any is appropriate.

9. Section 4: The department chair must reasonably grant additional time, or additional time must not be unreasonably withheld. Five days is not very much time for faculty to gather materials.

No change—there is concern on both sides that the process either takes too long or is not long enough. No resolution has been found after multiple discussions.

Reference to “personnel file.” See answer to #1 above. . See Definitions Section on page 3 of draft.

10. Sections 5.1.1.1 and 5.1.2: Are these simultaneous procedures? Consecutive? What if there are conflicting decisions? How does this work with regard to the process for appeals of AF&T decisions, if the faculty has already appealed the Provost/EVPHS decision to the President?

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Revise as follows see purple changes: See Procedures, Sections 5.1.1.1 & 5.1.2 on pages 9 & 10 of draft

#### **5.1.1.1 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 Policy B6. 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 with further appeals determined by the AF&T process per Policy B6. 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/EVPHS.~~ 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.

#### **5.1.2. Appeal to the President**

If the faculty member does not agree with the decision of the Provost/EVPHS and/or AF&T determines the matter does not fall in its jurisdiction, 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/EVPHS or AF&T if a review was requested by the faculty member.

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### **from AF&T and Section B Taskforce meetings**

Analysis of Comment and possible action shown in blue after each comment:

Provided below are the talking points from the C07 discussion. I still have a few more points to capture but I should have any remaining information by the end of today:

- AF&T members discussed whether Crandall’s comment be noted and recommended to the Policy Office for 3215? Recommended getting rid of this line:
  - “Possession of/or distribution of obscene or pornographic material unrelated to UNM’s academic or research mission”. Concern about expanding the list of misconduct examples.
- Where did this misconduct list come from? Recommendation to not list any examples.
- Misconduct should be defined in FHB/in policy C07. Be sure misconduct examples are current or strike.

The Section B Taskforce discussed this and decided the list is useful, but that since it’s not an all-inclusive list we could delete the objectionable bullet. See Definitions Section on page 3 of draft.

- Sentence is vague too open, “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”. Can we have something more declarative and categorical like everything must be kept confidential, to the extent possible. Somehow strengthen this sentence.

Change sentence to read “All information must be kept confidential, to the extent possible ...” See Policy Statement, last paragraph on page 2 of draft.

- Concern over this sentence, “It is up to the faculty member if such action is documented in their personnel file”. Why is it written this way? Need to be able to prove if there is a pattern of misconduct behavior. Workplace bullying was used as an example. Part of the way you define it is to demonstrate there is a pattern. How can that be accomplished when there is no documentation?

No change: I think there is some confusion this sentence only pertains to situations where there is no misconduct. If there was no misconduct how can it be part of a pattern?

- Applicability and definitions. Should the definition of faculty member be repeated in Applicability section.

- Suggest changing Applicability to read: All UNM academic faculty working at all UNM sites, including administrators who are also faculty, and teaching, research, and graduate assistants when acting in their faculty capacity. (from faculty definition) This includes all Health Sciences Center colleges and schools, and Branch Community Colleges. **See Applicability Section on page 2 of draft**

- Question about the suspension without pay and whether you can work 40 days per C130. Do we have to tackle this in here? Need to think about this.

This is perhaps best addressed in C130

- First paragraph under Procedures, last sentence should be clarified: “The department chair or dean, if chair has recused, should also review the department’s processes and procedures for reviewing the specific type of complaint”.

Unsure how this should be changed.

- Concern about five working days and OUC working within that timeframe.

No change—there is concern on both sides that the process either takes too long or is not long enough. No resolution has been found after multiple discussions.

- Preliminary Assessment. It was recommended to insert, “The faculty member may be accompanied by one (1) person in meeting with the department chair” sentence after last sentence in paragraph when discussing meeting with faculty member and chair.

No change: This is not an investigation only a preliminary assessment. If there is an investigation at that point the faculty member can bring one person in meeting with the chair.

- Section 6.2.1 Peer Hearing. 2<sup>nd</sup> and 3<sup>rd</sup> sentences are confusing and AF&T suggests deleting them **Section B Taskforce agrees sentences should be removed. See Procedures Section 2 page 11**
- Section B Taskforce feels the title of Procedures Section 2 “Section B Concerns” is unclear and suggests changing it to “Academic Freedom and Tenure Jurisdiction. **See Procedures Section 2 page 6**

## C07 Faculty Misconduct and Progressive Discipline Policy

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

Effective: **Draft 10/5/20**

Responsible Faculty Committees: Academic Freedom and Tenure Committee and Policy Committee

Office Responsible for Administration: Office of the Provost and Office of the Executive Vice President for Health Sciences

**Legend:** Proposed changes throughout the policy are highlighted as follows: Underscored text in **red** = proposed new language; ~~Strike through~~ text = proposed deleted text; and Unmarked text = no change. **Blue** text and **shading** --changes designed to address campus comments. **Purple** changes from AF&T

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

### 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 action. 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 Policy B6 "Academic Freedom and Tenure Committee."

~~The University encourages a supportive problem solving approach to workplace problems, but the University 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 improve take corrective action. 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~~ may be appropriate pursuant to all Faculty Handbook policies, including but not limited to Section B.

### POLICY STATEMENT

Any member of the **UNM** faculty, including any **faculty 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, who violates a published University 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, UNM's policy on reporting misconduct. Any member of the UNM community who knowingly gives false or materially inaccurate information; knowingly makes a false report of suspected misconduct or a subsequent false report of retaliation; or who knowingly provides false answers or information in response to an ongoing investigation may be subject to administrative action by UNM including disciplinary action. (UAP **Policy 2200**, "Reporting Suspected Misconduct and Whistleblower Protection from 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. It is up to the faculty member to decide what information if such action is documented in their personnel file. s should document such action.

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## APPLICABILITY

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All UNM academic faculty working at all UNM sites, including administrators who are also faculty, and teaching, research, and graduate assistants when acting in their faculty capacity. (from faculty definition) This includes all Health Sciences Center colleges and schools, and Branch Community Colleges.

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.
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## DEFINITIONS

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**Allegation** is any report or evidence of misconduct.

**Bias.** Prejudice in favor of or against one thing, person, or group compared with another, usually in a way considered to be unfair.

**Chair.** References to the Department Chair in this Policy also includes 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 or a department chair recuses themselves, 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 members include teaching, research, and graduate assistants when acting in their faculty capacity.

**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 Policy B6 "Academic Freedom and Tenure Committee."

**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

**Personnel File:** Faculty personnel files as described in Policy C70 "Confidentiality of Faculty Records."

**Progressive Discipline** is designed to provide an opportunity for a faculty member to take corrective action 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 department 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 assignments<sup>i</sup> 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.”

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## WHO SHOULD READ THIS POLICY

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- Board of Regents
- Administrators
- Faculty
- Academic staff
- Academic deans and other executives, Department Chairs, directors, and managers
- Faculty and staff who supervise students serving in a faculty role.

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## RELATED DOCUMENTS

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*Board of Regents Policy Manual:*

[Policy 5.10](#) “Conflicts of Interest in Research”

[Policy 5.13](#) “Research Fraud”

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

*Faculty Handbook:*

[Policy A53.1](#) “Policies Applicable to Faculty”

[Section B](#) “Policy on Academic Freedom and Tenure”

[Policy A52.3](#) “Faculty Misconduct Review Committee” PROPOSED POLICY

[Policy C09](#) “Respectful Campus”

[Policy C70](#) "Confidentiality of Faculty Records"

[Policy C290](#) "Ombuds/Dispute Resolution Services for Faculty"

[Policy E40](#) "Research Misconduct"

[Policy E110](#) "Conflicts of Interest in Research"

*University Administrative Policies and Procedures Manual:*

[Policy 2140](#) "Use and Possession of Alcohol on University Property"

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

[Policy 2210](#) "Campus Violence."

[Policy 2215](#) "Consensual Relationships and Conflicts of Interest"

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

[Policy 2240](#) "Respectful Campus"

[Policy 2500](#) "Acceptable Computer Use"

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

[Policy 2740](#) "Sexual Harassment Including Sexual Assault"

[Policy 3270](#) "Suspected Employee Impairment at Work"

[Policy 3720](#) "Employee Code of Conduct and Conflicts of Interest Policy"

[Policy 7205](#) "Dishonest or Fraudulent Activities"

*Pathfinder:*

["Visitor Code of Conduct"](#)

["Student Code of Conduct"](#)

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## CONTACTS

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

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## PROCEDURES

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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. The department chair should determine if they can impartially review the allegation; if not, they should recuse themselves. If a department chair decides to recuse, the report should be forwarded to the next higher academic authority who shall perform the functions assigned in this Policy to the chair and the provisions shall be modified as appropriate. The department chair or dean, if chair has recused, should also review the department's processes and procedures for reviewing the specific type of complaint. \[If allegations are made against a\]\(#\)](#)

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. (Comes from definition of Chair.)

## **1. Misconduct Subject to Investigation Procedures in Another Specific UNM Policy**

The department chair will review the alleged misconduct to determine if the investigation process falls under the jurisdiction in the case of allegations against a faculty member that appear to be within the scope of another specific UNM Policy with defined investigation procedures. If the alleged misconduct is within the scope of another specific UNM policy that has its own procedures for investigation, the department chair or dean shall forward such allegations to the appropriate person or department for handling pursuant to the applicable policy and provide notice to the faculty member. (sentence moved) and resolution (including but not limited to allegations of research misconduct, discrimination, or sexual harassment). 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 misconduct harassment (**UAP 2740**). If the department chair has questions as to whether an allegation is within the scope of another policy, the department chair should consult with the Office of the Provost or Executive Vice President for Health Sciences (EVPHS). After the investigation is completed per the applicable policy, the results will be given to the department chair, who is responsible for determining what, if any, disciplinary action may result.

If an investigation conducted in accordance with another specific UNM policy finds no misconduct, the department 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 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 the written report of the investigation. Within five (5) working days after meeting with the faculty member, the department 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 5 herein shall be followed; or if the disciplinary action involves suspension without pay or dismissal the procedures in Section 6 herein shall be followed. ~~If such a process requires the chair to make a disciplinary determination after an investigation and recommendation from another University body, this policy will be followed in determining the appropriate discipline.~~

## **2. Academic Freedom and Tenure Jurisdiction Section B Concerns**

If the department chair determines the allegations might pertain to decision-making processes influenced by 1) violation of academic freedom, 2) improper consideration in which a decision on substantive issues was not based upon impartial professional academic judgment and resulted in prejudice to the faculty member, or 3) procedural violations of Faculty Handbook policy B6 "Academic Freedom and Tenure Committee" that resulted in prejudice to the faculty member, the department chair should consult with the Chair of the Academic Freedom and Tenure Committee (AF&T).

### **3. Preliminary Assessment**

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 there are no Section B concerns and the investigation of the alleged misconduct does not fall within the jurisdiction of another specific UNM Policy, the department chair will complete a preliminary assessment within five (5) working days after the matter is brought to department chair's attention. The purpose of the preliminary assessment is to determine whether the allegation is sufficiently credible and specific. The department chair can consult with the dean for assistance with these determinations.

The preliminary assessment is not intended to be an investigation which is covered under Section 4, so the department 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 department chair will determine the appropriate action as set forth below. The department chair will meet with the faculty member to explain the nature of the alleged violation.

#### **3.1. Allegation(s) Not Sufficiently Credible and Specific**

If the department chair determines the allegations are not sufficiently credible and specific, the department chair will inform the faculty member in writing of the determination and ask the faculty member if they wish the determination be documented in the faculty member's personnel file. The department chair will notify the complainant in writing that the report was not found to be specific and credible therefore no further action will be taken.

#### **3.2. 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 department chair. ~~by contacting~~ The Ombuds/Dispute Resolution Services for Faculty Office program can provide assistance (refer to Policy C290 "Ombuds/Dispute Resolution Services for Faculty)." ~~as provided in the Information Section of the Faculty Handbook). Section C345 with notice to the other parties.~~

#### **3.3. Allegation(s) Pertain to Performance Issues and Not Misconduct**

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

#### **3.4. Alleged Misconduct is NOT within the Scope of Another Specific UNM Policy**

If the department 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 1 herein, the department 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 department 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 department 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 5 herein shall be followed; or if the discipline involves suspension without pay or dismissal the procedures in Section 6 herein shall be followed.
- If the faculty member does not agree that misconduct occurred, the department chair shall initiate an investigation in accordance with Section 4 herein to determine if the allegations meet the definition of misconduct and are credible. The department chair will begin the investigation within five (5) working days after meeting with the faculty member.

#### **4. 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 department chair. The faculty member ~~and the chair~~ shall notify the department 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 department 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 department 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 five (5) working days after meeting with the department chair unless the department chair grants additional time in writing. The department 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 department 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.~~

#### **4.1. Determination of Disciplinary Action**

Within five (5) working days after meeting with the faculty member, the department 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 5 herein shall

be followed; or if the disciplinary action involves suspension without pay or dismissal the procedures in **Section 6** 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.

## **5. 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 department chair, after meeting with the faculty member and considering all materials submitted pursuant to **Sections 1** through **4** of this Policy, proposes a warning, censure, or disciplinary probation, the department 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 department chair may proceed with the discipline by providing the faculty member with a written discipline notice. ~~of the proposed action.~~

### **5.1. Appeals**

If the faculty member does not agree with the results of the investigation and/or the disciplinary action, 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.

#### **5.1.1. Appeal to Provost or Executive Vice President for Health Sciences (EVPHS)**

~~If the faculty member does not agree with the disciplinary action, he/she~~ The faculty member may submit an written appeal a written request for review by to the Provost or EVPHS within ten (10) ~~five (5)~~ working days of receipt of the written discipline notice from the department chair ~~dean~~. The Provost/EVPHS will decide the matter ~~on the record~~ based on the investigation written report as discussed in sections 1 and 4 herein, unless the Provost/ EVPHS ~~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/EVPHS shall uphold, modify, or reverse the disciplinary decision by written notice to the parties; or if the Provost/ EVPHS determines the investigation was not complete, the Provost/EVPHS may remand the matter back to the department chair for further action. ~~The Provost/Chancellor may seek an advisory investigation and opinion from the Faculty Ethics Committee.~~

##### **5.1.1.1 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 Policy B6 (see Section 2. Above). 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 with further appeals determined by the AF&T process per Policy B6. 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/EVPHS.~~ 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.~~

### **5.1.2. Appeal to the President**

If the faculty member does not agree with the decision of the Provost/EVPHS and/or AF&T determines the mater does not fall in its jurisdiction, 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/EVPHS or AF&T if a review was requested by the faculty member.

### **5.1.3. 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 in accordance with Regent Policy 1.5. ~~within ten (10) working days of the date of the written decision from the President.~~

## **6. Suspension Without Pay or Dismissal Proposed**

If the department chair, after meeting with the faculty member and considering all materials submitted pursuant to Sections 1 and 4 of this Policy, proposes to suspend the faculty member without pay or dismiss the faculty member, the department 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 department 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 department chair and the faculty member, the dean shall consult with the Provost or EVPHS within five (5) working days after meeting with the faculty member. The Provost or EVPHS 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 EVPHS supports the suspension without pay or dismissal of the faculty member, the decision will be sent to the faculty member within five (5) working days and include notification

of the faculty member's appeal rights including the right to request ~~is entitled~~ to a faculty peer hearing in accordance with section 6.2.1 herein. The Chair must provide the faculty member with a written notification of their right to a peer hearing and the process involved.

If a lesser disciplinary action is imposed in place of the proposed suspension without pay or dismissal, the faculty member may request a review by AF&T in accordance with section 5.1.1.1 or discretionary review by the President or the Board of Regents in accordance with sections 5.1.2 and 5.1.3 herein.

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. 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.

## **6.1. 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 Policy B6, 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, 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/EVPHS.~~ 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.

## **6.2. Suspension Without Pay for any Faculty Member and Dismissal of Faculty Member Without Tenure**

### **6.2.1. Peer Hearing**

If 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 AF&T. If the alleged faculty misconduct is influenced by a violation of academic freedom, improper consideration, or procedural violations per Faculty Handbook Section B6 ~~the Chair of AF&T will refer the request to AF&T for action in accordance with Policy B6 "Academic Freedom and Tenure Committee."~~ If the alleged faculty misconduct is NOT influenced by a violation of academic freedom, improper consideration, or procedural violations per Faculty Handbook Section B6 ~~The AF&T Chair will refer the request for a 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 EVPHS'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 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.~~ Decisions from the FMRC will be submitted to AF&T for confirmation. 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/EVPHS, but the ~~Panel's~~ FMRC's decision shall not be reversed or modified except in the case of clear error. If the Provost/EVPHS reverses or modifies the FMRC decision, the justification shall be detailed in writing by the Provost/EVPHS. The decision of the ~~Panel~~ FMRC and/or Provost/EVPHS is subject to discretionary review by the President or Board of Regents if requested by the faculty member.

### **6.2.2. 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 FMRC. Provost/EVPHS.

### **6.2.3. 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.

### **6.3. Dismissal of Tenured Faculty Member Proposed**

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

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## DRAFT HISTORY

[October 5, 2020 –revise for Section B Taskforce recommended changes.](#)

September 25, 2020 –revise for AF&T recommended changes

June 3, 2020 –revise for Policy Committee decisions

May 21, 2020 – revise for changes Sec B taskforce recommendations.

April 20, 2020 –revised to move preliminary assessment section after other jurisdictions and include protection to respondent.

February 13, 2020–Draft revised for possible move to Section B

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

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## HISTORY

December 13, 2011 – Approved by Board of Regents

March 22, 2011 – Approved by Faculty Senate

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## Policy Committee Work Status Table (updated 10/6//20)

(Rows **Bold** –recently added, shaded **orange** indicates active with FSPC; shaded **purple** indicates pending action by another group)

Policy #	Brief Title	Date Last Revised	Date Added to List	Summary of Recommended Action	Related Documents & Notes or Concerns	Target Cycle	FSPC Action	Campus Comment Period	Faculty Senate Action	FH Status
NA	Policy Approval Table	N/A	November 2015	Identify the required approvals for all FH Policies						
A53.1	FMRC Charge		Feb 2018	Recommended by AF&T linked to C07		Fall '20	Draft approved by AF&T, Section B Taskforce, and FSPC to go out for campus comment. These committees are reviewing the comments received. AF&T and FSPC have also recommended that A53.1 be moved to Section B	8/12/20 to 9/14/20		
A53.1	Policies Applicable to Faculty	4/20/2018		Update to reflect new and revised policies		Fall '20	FSPC approved 12/4/19; Approved by Operations in 2020. Needs to be posted to FH. Should probably do a updated review before proceeding	NA	NA	Awaiting Provost approval to post.
<b>A53</b>	<b>Policy Development</b>	<b>1/19/16</b>	<b>9/28/20</b>	Add to Procedures -- authority for OUS to make editorial and title changes without approval		Fall '20				
A53 Standard	Policy Process	New	5/27/20	Need to provide guidance on process		Spring '21	On FSPC June 3, 2020 agenda			
A 61.2	Curricula Committee	4/28/20	5/278/20	Curricula Chair has additional changes to discuss with FSPC		Spring '21				
A61.8	Faculty Ethics and Advisory Committee	unknown	June 2015	The Ethics Committee wants to update their charge. Referred to AF&T		Fall '20	On FSPC September 2020 agenda; invite Steve Bishop to present			
Appendix VIII	Faculty Ethics and Advisory Committee	unknown	June 2015	The Ethics Committee wants to update their charge. Referred to AF&T		Fall '20	On FSPC September 2020 agenda; invite Steve Bishop to present			
A66	Policy Committee Charge	11/28/17	5/28/20	Need to revise to clarify requirements		Spring '21				
Sec B	AF&T			Hasn't been updated for approx. 20 years. AF&T has appointed a task force to review			Sec B taskforce working on revisions to Sec B policies			
C05	Rights and Responsibilities at UNM	July 1982	12/2/15	COG taskforce asked FSPC to perform a comprehensive review. AF&T recommend change to State of Emergency and move disciplinary language to C07		Fall '20	FSPC and AF&T requested Faculty Senate approval to remove the policy. FSPC Chair presented request to FS 11/26/19. FS indicated they would take action in Jan 2020.		Removal Approved 4/28/20	Awaiting Provost approval to post deletion
C07	Faculty Disciplinary Policy	3/22/11	5/6/15	Assigned to AF&T for review. 1) need to add peer hearing procedures. 2) C Parker has implementation concerns. Stephens working with AF&T on revision		Fall '20	Draft approved by AF&T, Section B Taskforce, and FSPC to go out for campus comment. These committees are reviewing the comments received. AF&T and FSPC have also recommended that C07 be moved to Section B	8/12/20 to 9/14/20		
C50	Faculty Contracts	unknown	3/6/14	Update and possibly remove annual leave issues if C205 developed			Referred to C Parker. C Parker has left. <b>Need to discuss at future mtg.</b>			

C150	Political Activities of UNM faculty	Sept 1970	12/2/15	COG taskforce asked FSPC to perform a comprehensive review.			FSPC briefly reviewed; will take up in Fall 2019			
C170	Endowed Chairs	10/15/13		Add definitions for endowed chairs and named professors.	Related to Sec B issues above		AF& T reviewing as part of Sec B Taskforce work.			
C190	Lecturer Reviews	1/27/20		Section B Taskforce believes this belongs in Sec B			AF&T and FSPC requested moving current C190 to Section B. Sec B Taskforce reviewing current policy.		Moving to Section B Approved 4/28/20	Need to determine how to Post to Section B
CXXX	Consensual Relationships	New	Fall '20	FSPC began discussions of need for more robust policy applicable to faculty than the one in UAP. President has appointed a taskforce beyond Faculty Governance groups. FSPC to work with TF chair Bishop						
C200	Sabbatical Leave	05/14/04	01/29/14	Good enough for now, but needs to be updated.	RPM 5.4; May require BOR approval	???	1) AF&T and FSPC requested moving current C200 to Section B. Then Sec B taskforce will address proposed changes.	2/18/15 to 3/20/15	Moving to Section B – action delayed in 4/28/20 FS	
C205	Annual Leave	Unknown	01/29/14	Propose a policy be written that reflects current practice and removes annual leave information from C50 Faculty Contracts Policy	C50, RPM 5.4; May require BOR approval. Look at HSC policies for outside work	Depends on C50	Tied to C 50 included in memo to be sent Parker to remind her. <b>Need to discuss at future mtg.</b>			
C210	Sick Leave	08/29/78	01/29/14	Out of date. Needs to be completely rewritten	C50 RPM 5.4; May require BOR approval		Discussed at 2/4/15 meeting. <b>Per FSPC Chairs leave alone.</b>			
C225	Professional Leave	8/29/78	11/4/15	COG taskforce asked FSPC to add reference. FSPC identified a few other required changes		Spring '17	Approved by OPS for campus comment.	Ends 4/19/16	<b>Approved by FS 4/26/16</b>	<b>Needs approval of faculty and Regents</b>
C230	Military Leave	8/29/78	10/13/14	Review for consistency with revised admin policy; need to address tenure and also new military recruiting policy	UAP 3425 Military recruit law	???	FSPC reviewed policy for faculty concerns at 2/4/20 meeting and regulatory changes. Will vote at Oct meeting to send out for comment. .			
C240	LOA Incident to Political Activity			See C 150 above			On FSPC 2/13/19 agenda. <b>Needs further discussion</b>			
C250	Academic Leave for Lectures	10/8/13	July 2015	Section B Taskforce believes this belongs in Sec B. Need to align with proposed changes to Sabbatical		??? depends on C200	AF&T and FSPC requested moving current C250 to Section B. Sec B Taskforce reviewing current policy. . FSPC needs to discuss and decide if to move off list re C200 Sabbatical & AF&T's request not to change.		Moving to Section B Approved 4/28/20	Need to determine how to Post to Section B
C305	Emeriti Policy	4/27/10	12/20/15	Add dept. processes and criteria for emeriti status.			<b>Under consideration by Section B Taskforce and AF&amp;T</b>			
D75	Classroom Conduct	Unknown	10/5/16	Reassign from info item to Policy document put in new format. Address Copyright issues			On FSPC 3/6/19 agenda. <b>Needs further discussion</b>			
E40	Research Misconduct	4/13/04	9/2015	Address ORI Concerns	RPM 5.13 may need to be revised.	Fall '17	ORI endorses per Dr Larson. RPM 5.13 may need to be revised.	4/7/17 to 4/21/17	Approved by FS 4/25/17	Posted Sept 2017 May need to be approved by Regents—
F90	Branch AF&T	1/27/20		Section B Taskforce believes this belongs in Sec B.			AF&T and FSPC requested moving current F90 to Section B.		Moving to Section B Approved 4/28/20	Need to determine how to Post to Section B

## Recently Completed Work

A53.1	Policies Applicable to Faculty	12/22/2015	3/27/2018	Update to reflect new and revised policies		Spring '18	Approved by FSPC 4/4/18	NA	Approved by Operations April 2018	Posted
A60	Faculty Senate Bylaws	4/27/04	11/4/15	Major changes required to reflect the Faculty Senate restructure. COG taskforce asked FSPC to add reference to RPM 1.7. Final action awaiting FS report to COG		Spring '20	Approved by FS at April 2020 meeting. Awaiting Provost approval to post.	3/16/20 – 4/14/20	Approved	Posted Summer '20
A61 – A70	Council and Committee Charges			Charges need to be developed for new councils and committee charges need to be revised to reflect FS restructure in accordance with revision of A60 above		Spring '20	Approved by FS at April 2020 meeting. Awaiting Provost approval to post.	3/16/20 – 4/14/20	Approved	Posted Summer '20
D170	Student Attendance	unknown	12/2/15	COG taskforce asked FSPC to perform a comprehensive review. Taskforce work progressing	Pathfinder, Dean of Students pro, Catalog	Fall '19	FSPC made changes to address campus comments. FSPC to consider adding guidelines for attendance accommodation. On Nov 6, 2019 agenda	1/30/19 – 3/1/19 <b>2<sup>nd</sup> CP</b> <b>9/25/19 - 10/25/19</b>		Posted Summer '20
D175	Student Grievance Procedure	5/13/2014	June 2016	Inconsistencies between Pathfinder and FH; identified by DOJ as needing immediate attention			<b>Awaiting Approval by President Stokes.</b>	4/7/17-5/10/17 2/13/19 to 4/13/16	<b>Approved by FS 9/24/19</b>	Posted Summer '20
D176	Graduate Student Grievance	3/1/17		Remove graduate students from d175 and expand D176			<b>Awaiting Approval by President Stokes.</b>	2/13/19 to 4/13/16	<b>Approved by FS 9/24/19</b>	Posted Summer '20