

Faculty Senate Policy Committee
Meeting Notes
February 2, 2022
3pm – 4:30pm
Zoom Meeting

Members Present: Karen Armitage; Lee Brown (co-chair); Robert Christenson; Matthew Hofer; Monika Nitsche; Jacob Ormsby; Karen Patterson (co-chair); Min Young Ro

Ex-Officio Present: Amy Levi, Vice President for Academic Affairs, HSC; Nancy Middlebrook, University Secretary; Barbara Rodriguez, Senior Vice Provost for Academic Affairs; Brandon Toensing, Associate University Counsel; Vivian Valencia, University Secretary Emerita

Staff Present: Carol Stephens, Professional Consultant, Office of the University Secretary; Caitlin Wells, Operations Specialist, Office of the University Secretary

Quorum achieved at 3:06pm and Lee Brown called the meeting to order at 3:09pm.

1. Approvals

Agenda and minutes from previous meeting were approved by Committee members.

2. Updates

C07 “Faculty Misconduct and Progressive Discipline Policy”

The policy still needs to go before the Regents’ Student Success, Teaching, and Research (SSTAR) Committee as well as the full Board of Regents. At the December SSTAR meeting, the Regents asked Office of University Counsel to review the policy, and since then FS President Finnie Coleman has been working with several of the regents to keep the policy moving forward. Lee Brown, Karen Patterson, Carol Stephens, and Nancy Middlebrook have spoken with Finnie about the policy and will keep the Committee informed about what happens, but it is currently in Finnie’s hands. Matthew Hofer asked if there would be the opportunity for the FS Policy Committee to rescind its approval if there are substantive changes that the Committee does not agree with. Lee said that when there are revisions to review, he and Karen P. will meet with Nancy and Carol and then bring it back to the full committee if the revisions are substantive. Vivian Valencia noted that historically in these situations, the Board of Regents has returned the policy to the Faculty Senate President, and then they have negotiated to come to a compromise. Carol said that if the policy is not approved, the current version of C07 would stay in effect, and that the new policy does create the above/below the line format so it might be easier to work with going forward. Brandon Toensing offered to pass along any comments to the Office of University Counsel.

C70 “Confidentiality of Faculty Records”

Currently out for campus comment. Comment period ends February 18, 2022.

D175 “Undergraduate Student Conduct and Grievance Procedures” and D176 “Graduate and Professional Student Conduct and Grievance Procedures”

Both policies were approved by Faculty Senate and have been forwarded to President Stokes for approval.

3. Discussion/Action Items

Political Activities Policies: C150 “Political Activities of UNM Faculty” and C240 “Leaves of Absence Incident to Political Activity”

Brandon provided the Committee with more information about when a person is considered a member of the State Legislature. Because legislators are sworn into office, they are considered a member even when the legislature is not in session. Since state law prohibits legislators from receiving compensation from another state agency while in office, it seems that any UNM employee elected to the Legislature would need to take an unpaid leave of absence for their entire term. He also noted that a 1991 attorney general opinion argued that that paying of benefits could be considered compensation. Carol noted that much of this relies on the Leave Without Pay policy C280, which states that the University will continue to pay the employer contribution for insurance benefits if one goes on leave without pay. There was also a concern that if a faculty member retires from UNM with a lapse in their medical benefits within the last 5 years, they would not receive their University benefits in retirement. Lee asked if Brandon could bring this back to OUC to see if that office can do some work on this. Nancy also suggested that the Faculty and Staff Benefits Committee might be brought into this as well. It’s possible the University could create a new kind of leave that wouldn’t conflict with state law or interfere with people’s retirement benefits. Tuition remission and dependent education benefits could also be affected.

Brandon did advise that this does not apply to appointed positions or other positions in federal, state, or local agencies, just for those who are elected to the NM State Legislature. The version of Policy 150 currently under review by the Committee separates out appointed positions from election to the Legislature. Carol noted that Policy C240 could likely be deleted, as the entire wording of that policy is already contained in Policy C150. A reference to Policy C130 was added to specify that those who take other appointments or commitments must be compliant with requirements for outside employment and conflicts of interest, and that they may be required to take a leave of absence without pay.

The Committee voted to approve Policy C150 as revised and to delete Policy C240 from the Handbook. The policies will now be sent to the Faculty Senate Operations Committee, who will approve them to go out for campus comment. Nancy reminded the Committee that the policies will eventually have to be voted on by both the full faculty and the Board of Regents. She will notify the Committee on Governance about the policies, as they will eventually have to coordinate the faculty vote.

Copyright for Instructional Materials

There is not a copyright policy in the Faculty Handbook, except what is currently in the intellectual property policy (E70), and there is not a draft policy yet. Carol asked Brandon if there was someone in OUC that works on copyright/intellectual property, and Brandon said that there is not and it would probably have to be contracted to outside counsel. Caitlin and Nancy will look into the archives in OUS to see if there is any documentation on the Committee’s previous work on this issue. Karen P. asked Committee members to review the Work Status Table to see if there are other issues that might be more pressing, but that copyright for instruction materials is a prominent issue of concern for faculty. She also asked Committee members to look over the copyright material from Carol and be prepared to discuss them. Carol will create a summary of this material for review.

Nancy noted that there have been two requests for the Committee to review F100 “Teaching Load for Branch Community Colleges,” so that could also be addressed at the next meeting.

Meeting adjourned at 4:33pm.