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

Members Present: Karen Armitage, Robert Christenson, Elizabeth Elia, Eve Espey, Karen Patterson, Min Young Ro,

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

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

Quorum achieved at 3:02pm and meeting was called to order by Karen Patterson.

1. Approvals
Agenda was approved as written. Request was made to double-check the adjournment time for the October meeting and then notes were approved.

2. Updates

A61.2 "Faculty Senate Curricula Committee"
Karen Patterson gave a quick update on A61.2. There are continued discussions about the Diversity Curriculum Committee and the Faculty Senate President is working with both committees to move forward.

A53 "Development and Approval of Faculty Policies"
Changes to A53 were approved by the Faculty Senate Operation Committee on November 1, 2022. Since the changes were "below the line," the changes will go into effect and the policy will be updated on the website. FS President Elect Cris Elder had a possible change but will wait and put that forward at a later date.

C70 "Confidentiality of Faculty Records"
There are no updates on C70. Nancy Middlebrook believes it will be on the agenda for the December 1 meeting of the Regents' Student Success, Teaching, and Research Committee.

Political Activities Policies: C150 "Political Activity" and C240 "Leave of Absence Incident to Political Activity"
These policies still need to go to the Committee on Governance to be passed on to the Board of Regents.

F100 "Teaching Load"
This policy needs to go to the Committee on Governance to be sent out for a vote of the faculty.

UAP 2215 "Consensual Sexual or Romantic Relationships"

This policy was signed by the University President on October 28, 2022. Nancy Middlebrook will forward the policy to the Committee. Carol Stephens said that the Committee had discussed reviewing the policy when it came out and then determining whether an additional policy is needed in the Faculty Handbook. She suggested that Committee members review the policy in the coming weeks with an eye on whether there are any aspects that might need to be clarified, elaborated upon, or reinforced by a FHB policy. It is already on the Work Status Table.

3. Discussion/Action Items

E30 "Research Data Management Policy" and Standard E30#1 "Research Data Management"
Karen Patterson said that Karl Benedict and Grace Faustino will be invited to attend the next meeting to answer questions related to this policy. The goal is to finish reviewing the policy at the November meeting. Several people sent Patterson questions related to the policy prior to the meeting.

Policy Statement, Section 3.3: Would be helpful to include links to templates for data management plans, possibly in the Standard.

Procedures, Section 2: Would be helpful to include links to sample or template data use agreements, as well as a link to IRB documents. Stephens noted that links do tend to break, but Middlebrook pointed out that there is a new feature on the FHB website that alerts OUS staff to broken links.

Acronyms: The Committee agreed that having a list of acronyms was very useful in this policy, and that we need to make sure that acronyms are defined on first use.

Policy Statement, Section 3.1: Patterson had concerns about the term "researcher" including external collaborators. This could create issues with people working with co-authors at other institutions or in other countries, as other universities and countries have different standards and this could limit who works with UNM researchers. Elizabeth Elia had similar concerns that it would hold outside individuals to upholding the requirements of the policy, and if this might be too broad. Karen Armitage noted that some of these issues are worked out in the IRB process. Stephens asked if the second clause of the first sentence ("who participates in or contributes to research activities…") would be limiting enough, but Elia noted that almost anyone working with a UNM employee could be considered "contributing to research activities occurring at UNM." Stephens suggested that the Committee might request that this section is rewritten to clear up these concerns, and also that Benedict and Faustino might be able to help clarify some of this.
Eve Espey said that data sharing has become a big impediment to research at HSC and is extremely complex, and that the IRB at HSC has been very focused on data sharing. Middlebrook noted that there may be compliance issues related to data sharing that necessitate this phrase being included, and that the Committee should ask Benedict and Faustino if that's the reason why external collaborators are mentioned. Elia asked what actions could be taken if the policy is violated, and whether UNM has the ability to hold external researchers accountable for violating UNM policies. Does this create additional liability for UNM researchers? Espey suggested that there be a separate section defining the responsibilities of an external researcher instead of lumping them in with UNM researchers.

Robert Christenson pointed out that a lot of medical research, such as cancer studies and pharmaceutical clinical trials, takes place through multi-site trials and that this could limit UNM's ability to take part in these studies.

Stephens said that any questions would be sent to Benedict and Faustino before the next meeting so they would have a chance to get their responses together. She also said that one reason to hold external researchers to this policy would be to ensure that the conditions of grants/IRB/other regulations and laws are upheld. Patterson said that it would be good to ensure that UNM researchers are not subject to the misconduct of outside entities over which they have no control. Elia suggested that the term "UNM researcher" could be defined versus the term "researcher" and that this distinction could solve some of these issues regarding responsibility and jurisdiction by defining the expectations for all parties. For example, what should a UNM researcher do if their outside collaborator is violating UNM policies (which might not be a violation of policies at the outside collaborator's institution). Additionally, there may be an opportunity to include language accounting for best practices within specific disciplines within the policy as well as the standard; for example, national cancer research protocols would likely trump UNM policy unless the state/UNM policy is more restrictive. Stephens said that Committee members should bring up anything they see in the policy that should be in the standard and vice-versa.

Policy Statement, Section 1.2: Vivian Valencia noted that this section only describes voluntary separation from UNM and not involuntary separation. This might need to cross-reference C07 or other policies. Valencia also noted that not all involuntary separations are firing for cause, i.e. people may be hired on a grant that expires.

Policy Statement, Section 1.1: Second bullet point is vague. What counts as a substantial UNM resource? We might want to request that they clarify/tighten this language. Stephens said the acceptable computer policy might provide some guidelines on this.

Other comments: Brandon Toensing recommended that the Committee review UAP Policy 2580, which does mention data owners and stewards. There were some other comments that Patterson will send to Stephens to incorporate.

Patterson noted that the accompanying standard will also be a part of the Faculty Handbook and the Committee should review this as well.

4. Future Business

Work Status Table and *C130 and C140/Regent Policy Alignment*
C130/C140 have a related Regents policy and the Committee needs to ensure that the FHB policies are in alignment with the Regents policy. Patterson will work with Stephens and Middlebrook and with the Policy Office and Regents staff on these. (The changes to the Regents policies were approved by the Regents in 2008, but the manual has never been updated.) Middlebrook has been working with Terry Babbitt in the President's Office to determine how to go about updating the Regents Policy Manual. Barbara Rodriguez had suggested that C130/C140 be updated to include term faculty, but the discrepancies between current FHB policy and Regents policy needs to be settled before making those changes.

4. Adjournment
The meeting adjourned at 4:28 p.m.