

Faculty Senate Policy Committee  
Meeting Notes  
December 7, 2022  
3pm – 4:30pm  
Zoom Meeting

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

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

Guests Present: Karl Benedict, Director of Research Data Services, University Libraries; Grace Faustino, Manager for Research Computing and IT Services, Office of Vice President for Research

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 3:04pm and meeting was called to order by Karen Patterson.**

### **1. Approvals**

Agenda was approved as written. Notes were approved as written.

### **2. Updates**

#### *C70 “Confidentiality of Faculty Records”*

C70 was on the agenda for the Regents’ Student Success, Teaching, and Research (SSTAR) Committee but has been tabled again. There are some concerns about the policy language, but there are no details at the moment. FS President Finnie Coleman is meeting with Provost Holloway and working on moving the policy forward.

#### *Political Activities Policies: C150 “Political Activity” and C240 “Leave of Absence Incident to Political Activity”*

The Office of University Counsel is still reviewing these policies, and they will hopefully be put before the Regents for their February meeting. The Committee on Governance will need to submit the policies to the Regents. The next SSTAR meeting is February 2, 2023, and the next full board meeting is February 14, 2023.

#### *F100 “Teaching Load”*

F100 is out for faculty vote now. Nancy Middlebrook said that we are hoping for a quorum by the end of the semester, but if that does not happen, it will be open through the beginning of the spring semester. Please let colleagues know they can vote!

### *C200 “Sabbatical Policy”*

The Policy Committee forwarded C200 to the Academic Freedom and Tenure Committee last year, and AF&T has finished reviewing the draft. They requested comments from Office of University Counsel and administrative leaders, and then the policy will be ready to go out for faculty review.

### **3. Discussion/Action Items**

#### *First Amendment and Student Activism Task Force*

There was a request for a Policy Committee representative to a task force addressing the First Amendment and student activism. Eve Espey has agreed to serve on this task force and will report back on anything that comes up. Please reach out to her if you have any concerns about these issues.

#### *E30 “Research Data Management Policy” and Standard E30#1 “Research Data Management”*

Karl Benedict and Grace Faustino attended the meeting to discuss this policy and address comments from the committee. The committee shared some questions about the policy with Benedict and Faustino. There were concerns about the roles and responsibilities of individual faculty members and how much work it would take faculty members to comply with the policy. Benedict said that a central goal for the task force was to synthesize existing internal and external requirements as well as changing professional expectations. Many faculty are not aware of all of the requirements inherent to research data management, so this policy hopes to define these individual requirements as well as institutional requirements.

Elizabeth Elia asked how this policy relates to UAP 2580 “Data Governance.” Benedict noted that while UAP 2580 defines data owners, stewards, custodians, and users, it does not go into much depth about how these roles and responsibilities apply to research data. Rather, the UAP policy address is focused largely on administrative data, like student data, business data, etc. The goal with E30 was to parallel the structure of the UAP policy, while filling in the gaps where it relates to research data. Karen Armitage asked if there are other types of data that might need a separate policy apart from UAP 2580. Benedict said that there is fairly good training and support related to instruction-related information, but that intellectual property related to instructional material might be relevant. Armitage said that her college is working on a sort of self-study, and wondered how that sort of blend of assessment and research would be handled. Benedict said that having a unified data governance policy should lend some support and guidance to those sorts of situations.

The group discussed E70 and how intellectual property would factor into the discussion of research data. The task force concluded that research data does seem to fall under the category of technological works and technical information that gives IP to UNM, but that UNM does grant rights back to researchers for use of the research data they create. Benedict said that the task force had concluded that E70 should probably be revised to clarify or change how research data fits into the intellectual property policy, as the policy defines it somewhat differently from the interpretation that most researchers have. It might be helpful to reconsider E70 to classify research data as more akin to publications and research outputs, which gives IP to the researcher.

Carol Stephens reminded the Committee that opening a policy puts the entire policy up for review, which could lead to the policy becoming more, not less, restrictive.

Stephens suggested adding a line to E30 specifying who researchers should contact if they have questions about research data. This can depend on whether it is sponsored or unsponsored research. The task force tried to build some of that guidance into the policy because it can vary so much between projects and research types. There were some points of contact listed in the Standard (E30#1) that direct people to the relevant Vice President for Research office as well as campus libraries and national/international standards. Stephens will add a short sentence to the policy to tell researchers to contact the relevant person in the Vice President for Research Office.

Another question addressed the language of what constitutes “substantial resources” from UNM, and whether that includes faculty/staff/student time and other human resources. Faustino and Benedict said that the task force was looking at this from the perspective of infrastructure—such as UNM-provided storage space, technological support, etc.—but acknowledged that employee time is also a major resource for research. Stephens asked if we could define “substantial resources” by referencing the definitions in E70, Section 2.2.2 of the Faculty Handbook. This is not super clear-cut, but does give a much narrower definition and the Committee could then revise E70 in the future. Elizabeth Elia had raised the issue initially, and thought this sounded like a good solution as long as E30 makes it clear that the categories in E70 2.2.2 are being applied to research and data.

An additional question was about the departure of a researcher from UNM. Benedict said the policy was written to ensure that UNM maintains custody of the data it has ownership of, and that the researcher also has the ability to bring that data with them to continue their work once separating from the university. This would also provide an opportunity for review of cases where data cannot be transferred outside the university for any number of reasons, but treats this as an exception rather than a rule. The Committee was concerned specifically about people dismissed for research fraud or misconduct who might for very legitimate reasons not be permitted to keep their research data. Carol Stephens will add some wording to this section to clarify the cases where someone separating from UNM will not be able to keep their research data, and bring it back for review.

The Committee addressed the question of external collaborators and constituents, and to what extent they can be governed by a UNM policy. Benedict said that most of the hard requirements—FERPA, HIPAA, human subject research protocols, etc.—are external to UNM, and that one of the bigger internal requirements is that any data sharing agreements or contracts would have to adhere to UNM policy. This might need to be discussed more fully at another meeting.

Karen Armitage asked whether there were any institutions that had similar policies that would be able to serve as models for some of these questions. The task force had looked at policies from peer institutions, but there really weren't any that fit all of UNM's requirements.

#### **4. Additional Business**

This is Amy Levi's last FSPC meeting. The Committee thanked Levi for her service to the Committee and wished her a happy and relaxing retirement.

#### **4. Adjournment**

The meeting adjourned at 4:33p.m.