

Faculty Senate Policy Committee

Meeting **Draft** Agenda, Scholes Hall Room 101, September 6, 2017 3:30 pm – 5:00 pm

Updates

1. D175 “Undergraduate Student Conduct and Grievance Policy”
2. A61.22 “Policy Committee”
3. F10 “Role and Function of UNM Branch Community Colleges”

Agenda Topics

Consent Agenda Topics: None

Action Items

1. C20 “Employment of UNM Graduates” pg. 1
2. D176 “Graduate Student Conduct and Grievance Policy” pg. 28
3. A61.6 “Information Technology Use Committee” pg. 44
4. D90 “Posthumous Degrees” pg. 47
5. E110 “Conflict of Interest” pg. 50
6. Discussion of Clinician Educator policies pg. 104

Future Business

C20: Employment of UNM Graduates

Policy

Approved by Faculty on March 12, 1951

As a general policy, no person who has received a degree from the University of New Mexico shall hereafter be employed as a regular member of the faculty in a position which may lead to permanent tenure unless subsequent to the last degree at the University of New Mexico, he or she has taken at least one academic year of advanced work at another reputable institution or has established himself or herself professionally elsewhere. Such work or professional experience must be in his or her teaching field.

At the discretion of the Provost/Vice President for Academic Affairs or the Vice President for Health Sciences for Health Sciences faculty, an exception may be made to this general policy in the case of a person who has taken a master's degree, its equivalent, or pursued other substantial graduate work at another reputable institution before receiving a more advanced degree at the University of New Mexico.

In case of the above or any other exceptions to the general policy, it is recommended that the Provost/Vice President for Academic Affairs consult with the Academic Freedom and Tenure Committee before taking action.

For further information refer to "Employment of UNM Graduates" Section **5.3**

(<http://policy.unm.edu/regents-policies/section-5/5-3.html>), *Regents' Policy Manual*.

C20: Employment of UNM Graduates

Approved By: Faculty

Effective Date: **Draft 2/12/17**

Responsible Faculty Committee: Policy Committee

Office Responsible for Administration: Office of Faculty Affairs and Services or Vice Chancellor for Academic Affairs.

Legend for highlights: Text from current policy shown in **black**; recommended changes to address current practice are shown in red, underlined.

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

POLICY RATIONALE

It is UNM's general policy that ~~no person~~ an individual who has received a terminal degree from UNM will not be hired as a ~~regular~~ member of the faculty in a position which may lead to permanent tenure, except if the hiring would greatly enhance UNM's academic, research, and public service mission. This Policy defines instances that may qualify for this exception and the procedures for approval.

POLICY STATEMENT

At the discretion of the Provost, ~~Vice President for Academic Affairs~~ or the Chancellor ~~Vice President for Health Sciences for Health Sciences faculty~~, an exception may be made to the general policy for the following instances. All hiring for positions which may lead to permanent tenure ~~tenure track positions~~ based on one of these exceptions must be approved in advance, in writing by the Provost or the Chancellor.

Post Terminal Degree Experience:

~~unless~~ Subsequent to the last degree at UNM, the individual ~~he or she~~ has taken at least one academic year of advanced work at another reputable institution or has established himself or herself professionally elsewhere. Such work or professional experience must be in his or her teaching field.

Pre Terminal Degree Experience

A person who has taken a master's degree, its equivalent, or pursued other substantial graduate work at another reputable institution before receiving a more advanced degree at UNM.

Shortage of Qualified Individuals

A highly qualified UNM graduate in a field where there is an acute shortage of qualified individuals.

New Mexico Minority Doctoral Assistance Loan for Service Program

UNM has a commitment to hire participants in the New Mexico Minority Doctoral Assistance Loan for Service Program who complete their doctoral degree at UNM for positions which may lead to permanent tenure.

~~In case of the above or any other exceptions to the general policy, it is recommended that the Provost/Vice President for Academic Affairs consult with the Academic Freedom and Tenure Committee before taking action.~~ **NOTE: Deletion of this sentence was requested, and approved by AF&T.**

#

APPLICABILITY

All UNM faculty including the Health Sciences and branch campuses.

DEFINITIONS

No specific definitions are required for the Policy Statement.

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.

WHO SHOULD READ THIS POLICY

- Faculty
- Department Chairs, academic deans and other academic administrators and executives.

RELATED DOCUMENTS

UNM Regents Policy Manual Policy 5.3 “Employment of UNM Graduates”
Faculty Handbook

Policy A53.1 “Policies Applicable to Faculty”
Section B “Academic Freedom and Tenure

CONTACTS

Direct any questions about this policy to the Office of Faculty Affairs and Services or Vice Chancellor for Academic Affairs.

PROCEDURES

The request for approval for hiring an individual who has received a terminal degree from UNM as a member of the faculty for a position which may lead to permanent tenure must be submitted to the Provost or Chancellor. The request must include an explanation of how the individual qualifies for the exception and how the hiring is in UNM's best interest.

DRAFT HISTORY

February 11, 2017—Revised draft includes recommendations approved by the Faculty Senate Policy Committee on 2/8/17.

February 7, 2017—Revised draft prepared to begin discussions on how the Policy can be rewritten to address current practices of hiring UNM graduate.

HISTORY

Approved by Faculty on March 12, 1951

COMMENTS TO:
handbook@unm.edu

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Candyce Torres

From: Faculty Handbook
Sent: Tuesday, April 18, 2017 9:55 AM
To: Candyce Torres
Subject: FW: C20

From: Lonna Atkeson
Sent: Tuesday, April 18, 2017 9:26 AM
To: Faculty Handbook <handbook@unm.edu>
Subject: C20

This is a terrible idea and this policy should not be eliminated.

The fact is that this is a long standing policy across universities nation-wide because without such policies it breeds nepotism. Students of deans and faculty will be the primary recipients of faculty positions without such rules instead of merit based criteria that furthers the goals of the university with regards to the advancement of knowledge. Perturbing the process to allow for and promote favoritism and partisanship will result in warped values for tenure and promotion as well. Because jobs will be given out based upon politics and not scholarship and creative works, loyalty will be created to individual faculty, chairs and deans, and not to disciplinary pursuits of knowledge. Faculty who receive their position out of favoritism will understand a different criteria for hiring, tenure and promotion and will therefore value different goals in the university that are built on loyalty and not the pursuit of academic goals of publishing and research.

While I sympathize with the issues especially related to the medical school, there is within C20 administrative opportunities to get around the rule when it is necessary and therefore eliminating is not necessary. But, without the rule, opportunities for nepotism, favoritism and the “old boy network” will dominate university faculty hiring, and will reduce UNMs long term stature and high academic quality. This is a dangerous road for the university to travel. Without a clear policy it will open the door for unseemly partisanship, which will ultimately change the flavor and character of the university. The impulse for nepotism is strong and without clear guidelines and rules those impulses will be acted upon destroying merit based hiring, tenure and promotion.

The rule should be maintained. If there are special issues related to branch campuses or the medical school, those should be dealt with on an individual basis in keeping with the intent of this rule to prevent the growth and spread of nepotism at the University of New Mexico.

Thanks,

Lonna Atkeson

Professor Lonna Atkeson

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

Candyce Torres

From: Faculty Handbook
Sent: Monday, May 8, 2017 2:18 PM
To: Candyce Torres
Subject: FW: Policy C20

From: Baum, Marsha [mailto:baum@law.unm.edu]
Sent: Sunday, May 7, 2017 10:43 PM
To: Faculty Handbook <handbook@unm.edu>
Subject: Policy C20

This policy does not need to be deleted to protect the interests identified in the comments by the Policy Committee. The policy ONLY applies to tenure track positions and exceptions can be made to allow hires of UNM graduates. The policy serves as an important pause on hiring decisions to encourage the consideration of hiring persons from outside of UNM. It does not prevent the hiring of UNM graduates but it does provide an important vision that includes the concepts that faculty should not hire their own grad students which can lead to lack of creative scholarship and new ideas among the tenure ranks and that departments should seek fresh research and teaching by encouraging graduates to gain experience beyond UNM. UNM can still hire UNM grads immediately if the need is justified as it would be with programs such as the fellowships noted but it would be done with justification, not as a matter of course. It seems that a concern that faculty of color or those with community based scholarship agendas might be harmed by this policy is present in the desire to delete the policy but it is not clear how deletion is of benefit in addressing such as concern. This is a policy that other institutions have retained and is one that is discussed regularly among academics. One set of considerations might be helpful to this discussion and is set out below.

Pros:

- A policy of hiring your own graduates is probably a good indication that you "take care of your own", making sure your graduates get jobs, etc.
- PhDs from a university likely already have mentorship and support networks set up, there will be less time adjusting to a new place, etc.
- Assuming they found an advisor to work with to get their PhD, their own research goals likely align with those of the institution - there are likely grants they could be made Co-PIs on, etc.

Cons:

- You lose the opportunity to hire outside talent.
- Hiring exclusively from your own PhD pool creates an echo chamber - it's hard to get novel, outside perspectives, or take things in interesting new directions if everyone does what's already there.
- It may lock junior faculty into something kind of like a "postdoc+" status - sure they're faculty, but there's no big transition to make them take the leap into doing their own research, establishing an

independent lab, etc. Instead, they kind of soldier along as some status above student but decidedly below the other faculty in the department, at least for awhile.

This policy should be retained along with the exception to the policy which has allowed it to operate for a significant period of time. The aspiration of the policy should not be lost.

Candyce Torres

From: Faculty Handbook
Sent: Monday, May 15, 2017 1:53 PM
To: Candyce Torres
Subject: FW: C20

From: Claire-Lise Benaud
Sent: Monday, May 8, 2017 3:48 PM
To: Faculty Handbook <handbook@unm.edu>
Subject: C20

Hi all,

I support keeping *C20: Employment of UNM Graduates*. It allows UNM to look outward rather than inward; it allows for independence of scholarship; it curtails nepotism; and it allows for exceptions. Thank you, Claire-Lise

Claire-Lise BÉnaud, Associate Director, Center for Southwest Research/Special Collections
University Libraries MSC05 3020
1 University of New Mexico, Albuquerque, NM 87131-0001
Phone: (505)277-8907 Fax: (505)277-0397 E-mail: clbenaud@unm.edu

Candyce Torres

From: Faculty Handbook
Sent: Tuesday, April 18, 2017 12:23 PM
To: Candyce Torres
Subject: FW: Elimination of C20

From: Stephen Bishop
Sent: Tuesday, April 18, 2017 10:19 AM
To: Faculty Handbook <handbook@unm.edu>
Subject: Elimination of C20

While I recognize some of the arguments for the change, I would still like to point out some reasons why it is a good policy:

- 1) It avoids intellectual in-breeding. PhD's are much less likely to develop their own sense of intellectual and professional identity if they never leave the site of their graduate training.
- 2) It discourages the exploitation of recent PhD hires, who have less leverage to negotiate with if they are being told they can get a job without moving or going on the open market.
- 3) It avoids a form of on-going nepotism. Let's be honest about this - former dissertation directors are going to be very hard pressed to not show favoritism towards their former PhD students in future tenure decisions, grant opportunities, teaching assignments, etc. Former directors will have a parental attitude towards these new hires that will prejudice other members of the department.
- 4) Are we certain that the MDALSC program is really compromised by this rule? I have heard statements that such concern is false and based on a misunderstanding of the program's policies.
- 5) There is no reason that branch campuses could not have an exception carved out for them without killing the entire rule. They function almost wholly independently and should not be seen as part of main campus for such purposes.
- 6) The rule is common practice in academia and it is somewhat embarrassing that we seek to lower our standards.

Candyce Torres

From: Faculty Handbook
Sent: Monday, April 24, 2017 12:39 PM
To: Candyce Torres
Subject: FW: Comment on eliminating Handbook Policy C20

From: Jonathan Davis-Secord
Sent: Thursday, April 20, 2017 3:58 PM
To: Faculty Handbook <handbook@unm.edu>
Subject: Comment on eliminating Handbook Policy C20

I agree with eliminating the policy.

Jonathan Davis-Secord, Ph.D.
Associate Professor and Associate Chair of Graduate Studies
Department of English
MSC 03 2170
1 University of New Mexico
Albuquerque, NM 87131

Candyce Torres

From: Faculty Handbook
Sent: Tuesday, May 30, 2017 10:26 AM
To: Candyce Torres
Subject: FW: Policy C20

From: Dawn Athelsia Delfin [mailto:DDelfin@salud.unm.edu]
Sent: Thursday, May 18, 2017 2:50 PM
To: Faculty Handbook <handbook@unm.edu>
Subject: Policy C20

I am writing to you today to express my strong support of repealing policy C20: Employment of UNM Graduates.

UNM produces quality graduates that could enrich our faculty make-up, and we should not have policies in place to bar us from hiring our best, brightest and most promising. In particular, health-clinician faculty are in desperate need in our state and university, and UNM should have no impedance to employing our clinical trainees. I agree that academic "incest" is not desirable for our university's success, but I do believe our faculty, department chairs, and deans are fully aware of that. Therefore, I do not believe that eliminating this policy will lead to rampant hiring of UNM graduates; we will still value recruiting, hiring and retaining a majority of faculty that have trained elsewhere. However, it is inefficient to constantly grant exceptions to this rule on the occasions that we do want to retain our own graduates.

--

Dawn A. Delfin, PhD

University of New Mexico
College of Pharmacy, Department of Pharmaceutical Sciences
KL2 Scholar, Clinical and Translational Sciences Center

ddelfin@salud.unm.edu
[505 272 8146](tel:5052728146)

Mailing address:
1 University of New Mexico
MSC09 5360
Albuquerque, NM 87131

Office location:
Research Incubator Building
Room 291

Candyce Torres

From: Faculty Handbook
Sent: Tuesday, April 18, 2017 9:55 AM
To: Candyce Torres
Subject: FW: Faculty Policies Available for Review and Comment

-----Original Message-----

From: Huaiyu Duan
Sent: Tuesday, April 18, 2017 9:27 AM
To: Faculty Handbook <handbook@unm.edu>
Cc: Wolfgang Rudolph <wrudolph@unm.edu>
Subject: Re: Faculty Policies Available for Review and Comment

Although I understand the difficulties that UNM especially HSC and branch campuses experience in recruiting faculty from non-UNM graduates, I am afraid a simple abolishment of this policy will have even worse consequences.

I know that many Chinese universities are plagued with academic inbreeding. When one or a few faculty members become established, they can influence the department to recruit their students. These students may indeed do well in academics in the beginning. But in the long run, both research and academic freedom of the department are stifled.

I suspect C20 was introduced to prevent academic inbreeding. We need wisdom in dealing with this policy.

Best,
-Huaiyu (Mike)

> On Apr 18, 2017, at 8:47 AM, UNM Faculty <allfac@unm.edu> wrote:

>

>> The following policy is available for faculty review and comment until May 18, 2017. Please send your comments to handbook@unm.edu.

>>

>> Policy

>> Reason for New Policy or Revision of Existing Policy

>> C20 "Employment of UNM Graduates"

>> Faculty Handbook Policy C20 "Employment of UNM Graduates" was last approved by UNM faculty on March 12, 1951. Given the dated nature of this policy, the Faculty Senate Policy Committee performed a thorough review of this policy. This Policy has proven to be counter-productive to many UNM goals, resulting in numerous exceptions to the Policy granted on an institutional-wide basis. Therefore, the Faculty Senate Policy Committee and Operations Committee recommend C20 be eliminated/deleted.

>> Some of the problems encountered with this Policy include:

>> 1. Policy could led to discriminatory results given that UNM doctoral students are more likely to be minorities.

>> 2. Policy may limit/prevent participation by UNM and its students in The Minority Doctoral Assistance Loan for Service Program sponsored by the NM Department of Higher Education. To be eligible for the loan and subsequent loan

forgiveness, the recipient must have a commitment from the sponsoring institution that a tenure-track faculty position will be available in the individual's discipline when they complete their doctoral degree and are ready to return to the institution as faculty.

>> 3. HSC regularly hires faculty physicians who receive their medical degree and all post-graduate training at UNM. In addition, there are significant difficulties in recruiting faculty physicians.

>> 4. Branch campuses are arbitrarily cut off from a potential pool of good teaching candidates, and in turn our graduates are cut off from potential jobs at the branches."

>>

>> Kenedi Hubbard

>> Office of the University Secretary

>> University of New Mexico

>> 277-4664

Candyce Torres

From: Faculty Handbook
Sent: Tuesday, April 18, 2017 12:24 PM
To: Candyce Torres
Subject: FW: P:olicy C20: please delete

From: Les Field
Sent: Tuesday, April 18, 2017 10:43 AM
To: Faculty Handbook <handbook@unm.edu>
Subject: P:olicy C20: please delete

Based upon problems that my department has encountered because of Policy C20 and our hope that we could obtain exceptions to this policy in the future, I would recommend that C20 be eliminated in the future.

thanks you,

Les W. Field

Les W. Field

Professor and Chair

Department of Anthropology

University of New Mexico

Albuquerque, NM 87131

Tel #: (505) 277-4524

email: lesfield@unm.edu

Candyce Torres

From: Faculty Handbook
Sent: Thursday, April 20, 2017 9:24 AM
To: Candyce Torres
Subject: FW: Policy C20

From: Wendy Hansen
Sent: Wednesday, April 19, 2017 8:29 AM
To: Faculty Handbook <handbook@unm.edu>
Subject: Policy C20

I sent a short comment yesterday, but reflecting on this proposal overnight, the severely negative implications of this action have compelled me to write a longer response.

This is simply a terrible idea. Not only is the intellectual vibrancy of the university at stake,

but I strongly believe that this action will also lead to nepotism and significantly greater discrimination than we have under the current the policy. Faculty and Deans in positions of power will manipulate hiring processes to benefit candidates of their choice, potentially creating greater discrimination not only towards minorities but also women. Universities across the country maintain similar policies of not hiring their own graduates. There is a long history of this throughout academia for a reason. When people that are hired think the same as you do about research and policy because you trained them to think that way, intellectual debate is diminished so that over time only one viewpoint is put forth in a department. This is extremely dangerous for a research institution and extremely detrimental to our mission of educating students to question and challenge current norms and theories in a discipline.

I understand that the health sciences and branch campuses may face challenges particular to their situations, which is why the policy allows for exceptions. The policy could be modified to accommodate HSC and the branch campuses. But a blanket elimination of C20 university wide will severely weaken UNM as an institution of higher education. I strongly oppose this action.

Sincerely,

Wendy Hansen

Professor, Political Science

From: ALLFAC-L <ALLFAC-L@unm.edu> on behalf of UNM Faculty <allfac@unm.edu>
Sent: Tuesday, April 18, 2017 8:47 AM
To: ALLFAC-L@LIST.UNM.EDU
Subject: Faculty Policies Available for Review and Comment

The following policy is available for faculty review and comment until May 18, 2017. Please send your comments to handbook@unm.edu.

Policy	Reason for New Policy or Revision of Existing Policy
<p>C20 “Employment of UNM Graduates”</p>	<p>Faculty Handbook Policy C20 “Employment of UNM Graduates” was last approved by UNM faculty on March 12, 1951. Given the dated nature of this policy, the Faculty Senate Policy Committee performed a thorough review of this policy. This Policy has proven to be counter-productive to many UNM goals, resulting in numerous exceptions to the Policy granted on an institutional-wide basis. Therefore, the Faculty Senate Policy Committee and Operations Committee recommend C20 be eliminated/deleted.</p> <p><u>Some of the problems encountered with this Policy include:</u></p> <ol style="list-style-type: none"> <u>1. Policy could led to discriminatory results given that UNM doctoral students are more likely to be minorities.</u> <u>2. Policy may limit/prevent participation by UNM and its students in The Minority Doctoral Assistance Loan for Service Program sponsored by the NM Department of Higher Education. To be eligible for the loan and subsequent loan forgiveness, the recipient must have a commitment from the sponsoring institution that a tenure-track faculty position will be available in the individual’s discipline when they complete their doctoral degree and are ready to return to the institution as faculty.</u> <u>3. HSC regularly hires faculty physicians who receive their medical degree and all post-graduate training at UNM. In addition, there are significant difficulties in recruiting faculty physicians.</u> <u>4. Branch campuses are arbitrarily cut off from a potential pool of good teaching candidates, and in turn our graduates are cut off from potential jobs at the branches.”</u>

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

Candyce Torres

From: Faculty Handbook
Sent: Thursday, April 20, 2017 9:24 AM
To: Candyce Torres
Subject: FW: Policy C20

From: Wendy Hansen
Sent: Tuesday, April 18, 2017 3:17 PM
To: Faculty Handbook <handbook@unm.edu>
Subject: Policy C20

There is no quicker way to destroy the intellectual vibrancy of a department than for that department to hire its own graduate students. I STRONGLY disagree with the proposal to delete/eliminate C20.

Candyce Torres

From: Faculty Handbook
Sent: Monday, April 24, 2017 12:39 PM
To: Candyce Torres
Subject: FW: Comment on C20

From: Amy Levi [mailto:AmyLevi@salud.unm.edu]
Sent: Thursday, April 20, 2017 8:45 PM
To: Faculty Handbook <handbook@unm.edu>
Subject: Comment on C20

I am writing in response to the recommendation to eliminate this policy, which I wholeheartedly support. UNM has many limitations to hiring from the outside, and one way to help to preserve the diversity and commitment to the needs of New Mexico is to provide opportunities for qualified applicants who have been educated here to continue their contribution to the University by hiring them.

I hope that this outdated (and often ignored) policy will be eliminated. I would be happy to provide more details as to its uselessness if that would be helpful.

Amy Levi

Amy J. Levi, PhD, CNM, WHNP-BC, FACNM, FAAN
Leah L. Albers Endowed Professor of Midwifery
Director, Interprofessional Education UNM Health Sciences Center
College of Nursing
University of New Mexico
Albuquerque, NM 87122

preferred pronouns: she, her, hers

(505)272-0864

Candyce Torres

From: Faculty Handbook
Sent: Thursday, April 20, 2017 9:24 AM
To: Candyce Torres
Subject: FW: Policy C20

From: Christine Mermier
Sent: Tuesday, April 18, 2017 12:42 PM
To: Faculty Handbook <handbook@unm.edu>
Subject: Policy C20

I emphatically agree with this change of policy and agree the old one is dated and limiting. I believe that graduates from UNM are often of extremely high caliber and have deep roots in the community and state, which makes them take interest in local minority students. They are also more likely to stay longer in the position because of their ties to the community and the land of New Mexico.

Respectfully submitted,

Christine Mermier

Christine Mermier, Ph.D.
Lab Director & Associate Professor
Exercise Physiology Lab
Health, Exercise & Sports Sciences
Johnson Center B143 MSC04 2610
University of New Mexico
Albuquerque, NM 87131-0001

Candyce Torres

From: Faculty Handbook
Sent: Monday, May 8, 2017 2:18 PM
To: Candyce Torres
Subject: FW: Removal of policy C20

From: Diane Parham [mailto:DiParham@salud.unm.edu]
Sent: Wednesday, April 26, 2017 4:28 PM
To: Faculty Handbook <handbook@unm.edu>
Subject: Removal of policy C20

Dear Faculty Handbook reviewers:

I am writing to support the deletion or elimination of policy C20, for all the reasons identified by the Senate Policy Committee and Operations Committee. Specifically, this policy creates unnecessary expenses and losses because it:

1. could led to discriminatory results
2. may limit/prevent participation by UNM and its students in The Minority Doctoral Assistance Loan for Service Program sponsored by the NM Department of Higher Education.
3. it impedes timeliness of hiring much needed faculty physicians in the School of Medicine (HSC regularly hires faculty physicians who receive their medical degree and all post-graduate training at UNM. In addition, there are significant difficulties in recruiting faculty physicians).
4. Branch campuses are arbitrarily cut off from a potential pool of good teaching candidates, and in turn our graduates are cut off from potential jobs at the branches.

As a faculty member in the School of Medicine, I am particularly aware of point 3 above. **Elimination of policy C20 would make faculty recruitment and hiring much more efficient and successful by streamlining and reducing costs of an already very complex, time-consuming, and expensive process.**

Diane Parham

L. Diane Parham, PhD, OTR/L, FAOTA
Professor
University of New Mexico
Occupational Therapy Graduate Program
MSC09 5240 - 1 University of New Mexico

Albuquerque, NM 87131-0001

Candyce Torres

From: Faculty Handbook
Sent: Tuesday, April 18, 2017 12:24 PM
To: Candyce Torres
Subject: FW: Faculty Policies Available for Review and Comment

-----Original Message-----

From: Teresa Sheldahl
Sent: Tuesday, April 18, 2017 10:41 AM
To: Faculty Handbook <handbook@unm.edu>
Subject: FW: Faculty Policies Available for Review and Comment

Here's another reason we may want to get rid of this policy: We may miss out on candidates who understand NM including assets and issues.

Teri Sheldahl, Ph.D.
Program Coordinator
Teacher Education Department
130 Hokona Hall/MSC05 3040
(505) 277-2320

From: ALLFAC-L [ALLFAC-L@unm.edu] on behalf of UNM Faculty [allfac@unm.edu]
Sent: Tuesday, April 18, 2017 8:47 AM
To: ALLFAC-L@LIST.UNM.EDU
Subject: Faculty Policies Available for Review and Comment

The following policy is available for faculty review and comment until May 18, 2017. Please send your comments to handbook@unm.edu<<mailto:handbook@unm.edu>>.

Policy

Reason for New Policy or Revision of Existing Policy

C20 "Employment of UNM Graduates"<<http://handbook.unm.edu/policies/section-c/employment-appointment/c20.html>>

Faculty Handbook Policy C20 "Employment of UNM Graduates" was last approved by UNM faculty on March 12, 1951. Given the dated nature of this policy, the Faculty Senate Policy Committee performed a thorough review of this policy. This Policy has proven to be counter-productive to many UNM goals, resulting in numerous exceptions to the Policy granted on an institutional-wide basis. Therefore, the Faculty Senate Policy Committee and Operations Committee recommend C20 be eliminated/deleted. <<http://handbook.unm.edu/under-review>>

Some of the problems encountered with this Policy include:<<http://handbook.unm.edu/under-review>>

1. Policy could led to discriminatory results given that UNM doctoral students are more likely to be minorities.<<http://handbook.unm.edu/under-review>>
2. Policy may limit/prevent participation by UNM and its students in The Minority Doctoral Assistance Loan for Service Program sponsored by the NM Department of Higher Education. To be eligible for the loan and subsequent loan

forgiveness, the recipient must have a commitment from the sponsoring institution that a tenure-track faculty position will be available in the individual's discipline when they complete their doctoral degree and are ready to return to the institution as faculty. <<http://handbook.unm.edu/under-review>>

3. HSC regularly hires faculty physicians who receive their medical degree and all post-graduate training at UNM. In addition, there are significant difficulties in recruiting faculty physicians.<<http://handbook.unm.edu/under-review>>

4. Branch campuses are arbitrarily cut off from a potential pool of good teaching candidates, and in turn our graduates are cut off from potential jobs at the branches.”<<http://handbook.unm.edu/under-review>>

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

Candyce Torres

From: Faculty Handbook
Sent: Tuesday, April 18, 2017 9:55 AM
To: Candyce Torres
Subject: FW: policy C20 "Employment Graduates"

From: Dimiter Vassilev
Sent: Tuesday, April 18, 2017 9:39 AM
To: Faculty Handbook <handbook@unm.edu>
Subject: policy C20 "Employment Graduates"

Hello,

In regards to the proposed removal of policy C20 "Employment Graduates", I have the very strong believe that this is a policy that should be kept. This is a policy which is one of the pillars of creating diversity of freedom, opinions and ideas on our campus. It is true that I have witnessed several violations of this policy which has resulted in situations of nepotism, subservience and "inbreeding" to the detriment of the remaining faculty.

Sincerely,

Dimiter Vassilev

Dimiter Vassilev, Associate Professor
Department of Mathematics and Statistics
MSC01 1115
1 University of New Mexico
Albuquerque, NM 87131

Office SMLC 326
<http://www.unm.edu/~vassilev>
Telephone (505) 277-2136
Fax (505) 277-5505

Candyce Torres

From: Faculty Handbook
Sent: Tuesday, April 25, 2017 3:03 PM
To: Candyce Torres
Subject: FW: C20 Policy - Employing Graduates

From: Mary K Walker [mailto:MWalker@salud.unm.edu]
Sent: Tuesday, April 25, 2017 10:34 AM
To: Faculty Handbook <handbook@unm.edu>
Subject: C20 Policy - Employing Graduates

I strongly support eliminating the C20 Policy. This policy is detrimental to ensuring that UNM faculty reflect the ethnic diversity found in our student population and thus limits adequate role models needed for our unique environment. While I agree that breadth and depth of intellectual growth can be expanded significantly by training in an environment that is distinct from the doctoral training experience, I do not believe that this should be an obstacle to recruiting qualified tenure track faculty to UNM.

Candyce Torres

From: Faculty Handbook
Sent: Tuesday, April 18, 2017 9:02 AM
To: Candyce Torres
Subject: FW: C20 Please do not delete!

From: Katie A Witkiewitz
Sent: Tuesday, April 18, 2017 9:00 AM
To: Faculty Handbook <handbook@unm.edu>
Subject: C20 Please do not delete!

As a member of the Academic Freedom and Tenure committee we have discussed the C20 policy at length and I urge the policy committee to not delete this policy. First, there are numerous exemptions awarded so the policy is not preventing any hires. The policy does, at the very least, preserve the spirit of UNM being an institution of diverse opinions and training expertise. It also provides a policy to prevent nepotism of senior individuals hiring their own PhD students. Many senior faculty are powerful voices in hiring decision and having this policy on the books allows for an override of those voices.

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D176: Graduate and Professional Student Conduct and Grievance Policy

Approved By: Faculty Senate and UNM President

Last Updated: **Draft 4/28/17**

Responsible Faculty Committee: Faculty Senate Graduate and Professional Committee

Office Responsible for Administration: Graduate Studies and Dean of Students

Revisions to the Policy Rationale, Policy Statement, and Applicability sections of this document must be approved by the Faculty Senate and the UNM President after consultation with the GPSA President, Graduate Studies, and the Dean of Students.

POLICY RATIONALE

The University of New Mexico (UNM) is committed to academic excellence and student success. The Graduate Student Academic Grievance (GSAG) Procedures have been established to address This Policy provides procedures to address **for resolution of** complaints, disputes, or grievances of an academic nature initiated by students enrolled in graduate and professional degree programs at UNM. It also addresses allegations of discrimination or sexual harassment, and allegations of student misconduct, as well as procedures for handling student disciplinary matters.

POLICY STATEMENT

Whenever possible, it is important to take a supportive problem solving approach to resolving academic disputes. However, UNM may take disciplinary action against a student for a violation of the Student Code of Conduct or other UNM policy when the offense occurs on UNM premises or at a UNM-sponsored event, or when the violation occurs off campus and failure to take disciplinary action is likely to interfere with the educational process or the orderly operation of UNM, or endanger the health, safety or welfare of the UNM community or any individual student or employee.

1. Matters Covered under this Policy

The following types of disputes or disciplinary matters are covered by this Policy and handled in accordance with the procedures described in the Procedures Section of this document. Any questions about these procedures should be directed to Graduate Studies or the Dean of Students.

1.1. Petitions to Modify Academic Requirements due to unusual or extraordinary events.

1.2. Academic record disputes involving students seeking retroactive withdrawal, enrollment, or disenrollment, or for other academic record changes.

1.3. Academic disputes arising within the academic process, whereby a student believes that there has been unfair or improper treatment by a faculty member or academic program/department in connection with the academic process. For example, it applies to disputes over assignment of grades, decisions about program or degree requirements or eligibility, or claims that course requirements are unfair.

1.4. Allegations of Academic Dishonesty arising from violation of academic dishonesty rules as defined in the Definitions Section.

1.5. Allegations of Discrimination or Sexual Harassment

Grievances alleging discrimination or sexual harassment as defined in the Definitions Section herein should be directed to the UNM Office of Equal Opportunity, which is tasked with investigating allegations of discrimination and sexual harassment and determining whether anti-discrimination policy has been violated. If OEO determines that a student has violated UNM anti-discrimination policy, disciplinary proceedings shall be handled under the Procedures set forth in Article 5 herein.

1.6. Allegations of Student Misconduct NOT Involving Discrimination or Sexual Harassment arising from violation of the Student Code of Conduct or other UNM policy.

2. Matters that may also be Covered under other UNM Policy

NOTE: The following sections on the law school and HSC were moved to here from D175 Undergraduate Student Conduct and Grievance Policy.

2.1. School of Law

Students attending the UNM School of Law must comply with the UNM Law School Bulletin and Handbook of Policies (Bulletin) ~~Student Code of Conduct~~, in addition to this Policy. ~~the UNM Student Code of Conduct~~. Allegations of academic misconduct, as enumerated in the Law School Student Code of Conduct (found in the Bulletin), are addressed by the processes defined in that Code. Others kinds of alleged misconduct, except for allegations of an act of discrimination or sexual harassment, may be addressed as described in the School of Law Administrative Due Process Policy and Procedure (found in the Bulletin). Allegations that a student in the School of Law has engaged in any discriminatory or sexual harassment as provided in Article 5. herein, shall be referred to the UNM OEO Office. Before determining sanctions for sexual harassment, the dean should consult with the Dean of Students.

The Bulletin ~~School of Law Bulletin and Handbook of Policies (Bulletin)~~ governs students enrolled in the Law School and to the extent Article 6. herein. ~~this Student Grievance Procedure~~ differs from the policies and procedures in the Bulletin, the Bulletin supersedes Article 6. ~~this Grievance Procedure~~. The School of Law may ~~at its discretion~~, refer cases of alleged student misconduct to the Dean of Students for review and possible action under the UNM Student Code of Conduct.

Discretionary review by the UNM President and Board of Regents, as provided for in sections 5.7 and 6.7 ~~Article 10.4~~ herein, is accorded to students in the School of Law.

2.2. Health Sciences Center

Graduate and professional students in academic programs in the Health Sciences Center School of Medicine, College of Pharmacy and College of Nursing have adopted student codes of conduct (including standards of professionalism) with which students in those academic programs must comply, in addition to the UNM “Student Code of Conduct” and other UNM policies. Except for allegations of discrimination or sexual harassment, which shall be referred to the UNM Office of Equal Opportunity, to the extent that Health Sciences Center academic programs have adopted policies and procedures that govern the adjudication of student conduct and student grievance matters, those policies and procedures supersede this Policy. Student Grievance Procedure. A decision by the respective dean of the School of Medicine, College of Pharmacy, College of Nursing, or College of Population Health may be appealed to the Health Sciences Center Chancellor, or his or her designee, under procedures adopted by the Chancellor's Office. ~~Decisions by the Dean of the School of Medicine are final for the Health Sciences Center when the positions of Dean and Chancellor are held by the same official.~~

Discretionary review by the UNM President and Board of Regents, as provided for in sections 5.7 and 6.7 ~~Article 10.4~~ herein, is accorded to graduate and professional students in academic programs in the HSC. ~~School of Medicine, College of Pharmacy and College of Nursing.~~

Before determining sanctions for sexual harassment, the dean should consult with the Dean of Students.

~~Academic programs in the School of Medicine, College of Pharmacy and College of Nursing may, at their discretion, refer cases of alleged student misconduct to the UNM Dean of Students for review and possible action under the UNM Student Code of Conduct, except that allegations that a student in a Health Sciences Center academic program has engaged in discrimination or sexual harassment act as provided in Article 5. herein, shall be referred to the UNM OEO Office.~~

3. Matters Not Covered Under This Policy

3.1. Disputes involving access to or information in a student's educational records shall follow procedures set forth in the UNM Student Records Policy, published in the student handbook, *The Pathfinder*.

3.2. Grievances arising out of a student's status as a UNM employee hired through the Student Employment Office shall follow procedures set forth in the UNM Student Employee Grievance Procedure, published in the student handbook, *The Pathfinder*.

3.3. Any student grievances concerning decisions made by UNM personnel, outside the academic process, for which specific procedures are not established, shall be resolved between the student and the office or department involved. If no resolution is reached, the parties may appeal to the appropriate dean or director and then to the appropriate vice president, Provost, or Chancellor. Appeals should be filed in writing within one (1) week of the decision.

3.4. Disputes arising from a student's status as a teaching assistant are addressed in Section B of the *Faculty Handbook*. Disputes arising from a graduate student's status as a graduate assistant shall follow procedures in the *Faculty Handbook*. *(moved from D175)*

APPLICABILITY

All academic UNM units, including the Health Sciences Center.

Revisions to the remaining sections of this document may be amended with the approval of the Faculty Senate Policy and Operations Committees after consultation with the GPSA President, Graduate Studies, and the Dean of Students.

DEFINITIONS

Academic Dishonesty includes, but is not limited to, plagiarism, dishonesty in quizzes, tests, or assignments; claiming credit for work not done or done by others; hindering the academic work of other students; misrepresenting academic or professional qualifications within or without UNM; and nondisclosure or misrepresentation in filling out applications or other University records.

Accused student refers to the individual accused by the complainant of having violated University policy.

Complainant refers to the individual alleging that they have experienced discrimination as defined herein.

Complaint refers to:

- request for informal resolution of academic matters in Procedures Section 3.2. herein;
- allegations of prohibited discrimination as defined herein filed with UNM's Office of Equal Opportunity; or
- allegations of misconduct referred to the Dean of Students per Procedures Section 6.2. herein.

Discrimination includes all forms of unlawful discrimination based on an individual's or group's protected class(es), including unlawful discrimination based on age (40 and over), ancestry, color, ethnicity, gender identity, gender/sex, genetic information, medical condition, national origin, physical or mental disability, pregnancy, race, religion, sexual orientation, spousal affiliation, veteran status and any other protected class as described in University Administrative Policy #2720. Sexual harassment is a form of gender discrimination that includes sexual violence, which is considered a severe form of sexual harassment. For purposes of this Policy, "discrimination" also includes retaliation for having made allegations of discrimination or sexual harassment, having participated in an investigation into allegations of discrimination or sexual harassment, or otherwise having engaged in opposition to unlawful discrimination or sexual harassment. Retaliation is explicitly prohibited under University Administrative Policies #2200, 2720, 2730, and 2740.

Graduate and Professional Student includes both full-time and part-time students pursuing graduate or professional studies. Student status continues for the entire period of enrollment, including University holidays, class breaks and summer session, if the student is enrolled for the preceding spring and following fall academic terms.

Misconduct is any activity performed by a UNM student or any other member of the UNM community that violates state and/or federal laws or regulations, local ordinances, or UNM policy.

Office of Equal Opportunity or OEO is the UNM office that processes allegations of discrimination or sexual harassment as defined herein, including but not limited to investigating such allegations and making determinations as to whether or not UNM's policies prohibiting discrimination or sexual harassment have been violated. OEO does not issue sanctions for violations of policy.

No Policy Violation means that the evidence submitted during the OEO investigation does not support a finding that it is more likely than not that the acts alleged are in violation of University policy prohibiting discrimination or sexual harassment.

Policy Violation means that the evidence submitted during the OEO investigation supports a finding that it is more likely than not that the acts alleged are in violation of University policy prohibiting discrimination or sexual harassment.

Sexual harassment is a form of gender discrimination and is defined in UAP Policy **2730** "Sexual Harassment." Sexual harassment includes sexual misconduct and sexual violence, which is considered a severe form of sexual harassment. Sexual violence and sexual misconduct are defined in UAP Policy **2740** "Sexual Violence and Sexual Misconduct."

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

WHO SHOULD READ THIS POLICY

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

RELATED DOCUMENTS

Regents Policy Manual

RPM 1.5 "Appeals to the Board of Regents"

RPM 4.2 "Student Code of Conduct"

RPM 4.3 "Student Grievances"

RPM 4.4 "Student Records"

RPM 4.8 "Academic Dishonesty"

Faculty Handbook

D75 "Classroom Conduct"

D100 "Dishonesty in Academic Matters"

- [D176 "Graduate Student Grievance Procedures"](#)
- [University Administrative Policies Manual](#)
- [2200 "Whistleblower Protection and Reporting Suspected Misconduct and Retaliation"](#)
- [2720 "Equal Opportunity, Non-Discrimination, and Affirmative Action"](#)
- [2730 "Sexual Harassment"](#)
- [2740 "Sexual Violence and Sexual Misconduct"](#)

[Pathfinder "Student Code of Conduct"](#)
[Office of Equal Opportunity **Discrimination Claims Procedure**](#)
[The School of Law Bulletin and Handbook of Policies \(Bulletin\)](#)
<http://lawschool.unm.edu/academics/common/docs/bulletin-handbook-policies.pdf>
[HSC School of Medicine, School of Pharmacy, and School of Nursing Handbooks](#)

CONTACTS

[Direct any questions about this Policy to Graduate Studies or the Dean of Students.](#)

PROCEDURES

[Reasonable deviations from these procedures by UNM will not invalidate a decision or proceeding unless significant prejudice results.](#)

Article 1. Petition to Modify Academic Requirements (Note: found on pages 2 and 3 of current policy.)

1.1. Scope

Graduate students may petition the Dean of Graduate Studies for an exception to any of the University-wide policies or regulations specified in the University Catalog. Petitions are intended to allow students the opportunity to deal with unusual or extraordinary events, particularly circumstances beyond their control that would penalize them unfairly. It should be kept in mind, however, that a hallmark of fairness is the uniform application of the same standards and deadlines to all students.

1.2. Petition

A petition should be initiated and signed by the student in the form of a memo or letter addressed to the Dean of Graduate Studies. It should clearly state the specific nature of the exception or special consideration being requested, and provide a complete but concise justification. If the request involves the extension of a deadline, a proposed new deadline date should be indicated. ~~Before considering a petition, the Dean will require that the student have an approved "Application for Candidacy" on file at the Office of Graduate Studies (OGS). If this has not already been submitted, both documents may be turned in simultaneously, with the petition attached to the front.~~

Petitions must be submitted in the sequence listed below:

1.2.1. The student must first submit the petition to his/her the student's graduate advisor. The advisor should indicate whether he/she the advisor endorses the student's request, and why.

1.2.2. The petition must next be submitted to the student's graduate unit -- the faculty graduate director, the chair, or the departmental graduate committee, depending upon the practice in the particular unit. The student may choose to submit the petition to the graduate unit even if it was not endorsed by the advisor. The unit should also indicate whether it supports or does not support the student's request, and why.

1.2.3. The petition should then be forwarded to the Office of Graduate Studies. The student may choose to submit the petition to Graduate Studies the OGS even if it was not supported by his/her the student's academic unit. In certain cases, the dean or his/her designee may ask the Faculty Senate Graduate and Professional Committee, serving in an advisory capacity, to review the petition and offer its recommendation for approval or disapproval. The decision of the Dean is final.

A written response to a petition will usually be mailed to the student within two (2) weeks from its receipt by Graduate Studies the OGS, and a copy sent to the academic unit. (This period may be extended to allow for UNM holidays or other periods when UNM is not in session.) The original petition will be retained in the student's file at Graduate Studies the OGS. Petitions that are lacking required documentation will be returned to the student, and will not be considered until all documentation has been received. Inquiries regarding the status of a petition should be directed to the Academic Records Assistant at (505) 277-2714.

Article 2. Academic Record Disputes

2.1. Scope

This article sets forth the procedures which should be followed by a student seeking retroactive withdrawal, enrollment, or disenrollment, or for other academic record changes involving exceptions to the rules governing registration and academic records which are set forth in the UNM Catalog. It does not cover disputes involving academic judgment (e.g. grades).

2.2. Petitions

2.2.1. A student seeking a change in the student's academic record within the scope of this article shall submit a petition to Registrar's Office for consideration by the Faculty Senate Admissions and Registration Committee. The petition shall:

1. Include a statement of the nature of the request including why the student feels it should be granted.
2. Specify the semester involved and the subject/department code, course and section numbers.
3. Specify the student's name, UNM I.D. number, mailing address, email address and telephone number.
4. Include documentation of extenuating circumstances, such as medical, family, or employment needs.
5. Be typed and signed.

6. Optionally, include supporting statements from involved faculty and academic units.

2.2.2. Upon receipt of the petition, Registrar's Office shall forward a copy to the instructor of the course. The instructor shall make any response within three (3) weeks of receipt. If the instructor has not responded within three (3) weeks, the Faculty Senate Admissions and Registration Committee ("Committee") shall proceed to consider the petition without the instructor's response.

2.3. Appeal

At the next regular meeting after receipt of the instructor's response (or lack of response), the Committee shall take action on the petition. If the Committee denies the petition, it shall issue a brief statement giving the reasons for the denial. Absent any new information from the student, the Committee's decision shall be final. If the student has new information that was unavailable at the time the Committee made the decision and that may affect the Committee's decision of denying the petition, the student may request reconsideration from the Committee. The Committee's decision upon reconsideration is final for UNM.

Article 3. Academic Disputes

3.1. Scope

This article sets forth the procedures for resolution of a variety of possible issues related to the academic process. These may include, but are not limited to, issues related to progress toward a degree and allegedly improper or unreasonable treatment, except that disputes or grievances based upon alleged discrimination or sexual harassment should be directed to the Office of Equal Opportunity (OEO) in accordance with Article 5 herein. The procedures may not be used to challenge the denial of admission to a degree program, nor to appeal the refusal of a petition by the Dean of Graduate Studies for an exception to UNM-wide degree requirements, policies or procedures. (Note: found in 2nd paragraph of current policy.)

3.2. Informal Resolution

Although conflicts that on occasion occur between students and faculty or administrators may be resolved through formal adjudication, a more informal and productive kind of resolution -- one that is mutually agreed upon by the parties involved -- is strongly encouraged. (Note: found in 1st paragraph of current policy.)

3.2.1. A student with a complaint related to academic matters is encouraged to consult with the Office of Graduate Studies to discuss his/her the concerns, seek to clarify pertinent rules and regulations governing graduate study, and explore constructive ways to resolve the problem directly with the faculty member or administrator involved. This should occur as soon as reasonably possible after the student has become aware of the problem. (Note: found in item 1. of current policy.)

3.2.2. The student should then arrange a meeting with the faculty or administrator involved in the complaint to address the problem and to explore the possibility of a jointly achieved resolution. (Note: found in item 2. of current policy.)

3.2.3. If agreement cannot be reached, the student may seek the assistance of the departmental faculty graduate advisor and/or the chair in resolving the dispute. If the dispute is with a faculty member in a department different from the student's, the appropriate chair or advisor would be in the department in which the faculty member resides or in which the course in which the dispute arose was offered. It is expected that these administrators will play an active part in helping to resolve the disagreement. In the event that the graduate unit involved is non-departmentalized, the student may go directly to the dean or director of that unit for assistance. (Note: found in item 3. of current policy.)

3.3. Formal Resolution of Academic Matters

If the matter cannot be resolved at the departmental level, the student may bring the problem to the attention of the school or college dean. The school or college dean will determine whether to adjudicate the dispute or to refer the student to the Dean of Graduate Studies for a resolution. If the dispute is with a faculty member in a school or college different from the student's, the appropriate dean would be the one in the unit in which the faculty member resides, or in which the course in which the dispute arose was offered. In the resolution of grievances at the level of a school or college dean or the Dean of Graduate Studies, the following procedures will apply. , as described also in the Pathfinder, under "Student Grievance Procedure," Sections 2.3.1. – 2.3.7. (Note: found in item 4. of current policy.)

3.3.1. a The Student must submit a formal, written statement of his/her the grievance. This document should summarize the facts that support the grievance, indicate the desired resolution, and describe the efforts already made at reaching that resolution, as well as their outcome. The faculty or staff member against whom a grievance has been filed will be sent a copy of the written statement, and will have two (2) weeks in which to respond in writing to the dean. (Note: found in item 4(a) of current policy.)

3.3.2. b The Dean will review all written materials submitted, and provide both parties the opportunity to review and respond to all evidence. The Dean will interview each party, as well as any other persons who may have relevant information. The Dean may elect to hold an informal hearing involving both the parties to the grievance and witnesses. If such a hearing is held, the parties will be given five (5) working days' notice. Each party will be allowed to bring an advisor to the hearing, who may or may not be an attorney, but the advisor may not participate in the hearing. ~~but will not be permitted legal representation.~~ Cross examination of witnesses will be permitted, although the dean may require that questions be directed though the dean. ~~him/her.~~ (Note: found in item 4(b) of current policy.)

3.3.3. c The Dean may choose to convene an advisory committee to help evaluate the grievance. A school or college dean may utilize a standing committee from that unit; the Dean of Graduate Studies will utilize the Senate Graduate and Professional Committee. (Note: found in item 4(c) of current policy.)

3.3.4. ~~4.~~ Generally, a written report on the grievance will be issued by the Dean within a period of ~~four weeks~~ twenty (20) working days after it has been formally filed. (This period may be extended to allow for ~~University holidays or other~~ periods when UNM is not in session.) The report will explain the dean's findings, conclusions, ~~his/her~~ decision, and the basis for that decision. A copy will be sent to each party, and to the chairperson or supervisor of the faculty or staff member involved. (Note: [found in item 4\(d\) of current policy.](#))

3.4. Appeal of Formal Decision

During the appeal process, the Provost, President, and/or Board of Regents cannot overrule a faculty member's academic judgment.

3.4.1. Appeal to Provost

~~4(e). The decision of the Dean may be appealed by either party to the Office of the Provost within a period of two weeks. The Provost will reconsider that decision only if there are substantive, procedural grounds for doing so (for example, significant evidence that was not accepted or has arisen since the Dean's decision was announced). The decision of the Provost is final.~~

Either party may appeal the dean's decision within ten (10) working days of receipt of the decision to the Provost. The Provost or designee shall resolve the grievance utilizing any procedures available to the dean set out above. The Provost may refer the matter to the Faculty Ethics and Advisory Committee for consideration of disciplinary action against the faculty member involved, if such action appears warranted.

3.4.2. Appeal to the President and the Board of Regents

The President has the discretionary authority to review all decisions by the senior administrators, and the Board of Regents has the discretionary authority to review all decisions of the President. A request for a review by the President or 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 seven (7) working days of the date of the written decision from the last reviewer.

Article 4. Academic Dishonesty

4.1. Scope

This article sets forth procedures which shall be followed in cases of suspected academic dishonesty. These procedures are not exclusive; various UNM departments and programs may have additional policies and procedures on academic dishonesty. Academic dishonesty is defined in Definitions Section of this Policy. Students who commit academic dishonesty may be subject to code of conduct sanctions and academic sanctions.

4.2. Academic Dishonesty within Courses: Faculty-Imposed Sanctions

4.2.1. When a violation of the academic dishonesty rules appears to have occurred within the academic process, the faculty member shall discuss the apparent violation with the student as

soon as possible and give the student an opportunity to explain. After this discussion, the faculty member should consult with Graduate Studies to discuss possible courses of action. The faculty member may impose an appropriate sanction within the scope of the academic activity, such as grade reduction and/or involuntary withdrawal from the course. The faculty member shall notify the student of the academic sanction.

4.2.2. The faculty member should report the matter to the Dean of Students, by submitting an adjudication form and any supplemental documentation and indicate if the faculty member wishes the Dean of Students Office to pursue any additional disciplinary action against the student. The Dean of Students Office shall send a copy of the form and attachments to the student. The Dean of Students may initiate sanction(s) in accordance with this Policy.

4.2.3. The student may challenge a sanction imposed by a faculty member using the process defined in Procedures section 3.4. herein. The student may challenge a sanction imposed by the Dean of Students for a code of conduct issue using the process defined in Procedures section 6.7 herein.

4.3. Academic Dishonesty in Other Settings

When academic dishonesty occurs other than in connection with a course, the person who observes or discovers the apparent violation shall transmit in writing to the appropriate faculty member or Dean of Students a statement describing the occurrence. The faculty member or Dean of Students will send a copy to the student, and will address the situation in accordance with Procedures sections 4.2.1. and 4.2.2. herein. shall determine the sanction following the procedures set forth in section Article 3.4. herein.

4.4. Sanctions Imposed by the Dean of Students

Upon receiving a report of academic dishonesty from a faculty member pursuant to section 4.2.3 herein, or from other University staff pursuant to section 4.3 herein, the Dean of Students may, after considering the recommendation of the faculty member, if any, initiate additional disciplinary action in accordance with this Policy.

4.4 Appeals

The student may challenge a sanction imposed by a faculty member using the process defined in Procedures section 3.4 herein. The student may challenge a sanction imposed by the Dean of Students for a code of conduct issue using the process defined in Procedures section 6.7 herein.

Article 5. Allegations of Discrimination or Sexual Harassment

5.1. Scope

This article sets forth the procedures which should be followed when there are allegations that a student has engaged in an act of discrimination or sexual harassment, which by definition includes sexual misconduct and sexual violence.

5.2. Reporting to/and Investigation by the Office of Equal Opportunity (OEO)

5.2.1. Allegation(s) that a student has engaged in an act of discrimination or sexual harassment will be referred to UNM's Office of Equal Opportunity (OEO) for investigation pursuant to OEO's Discrimination Claims Procedure. If it accepts the matter for investigation, OEO will issue a Final Letter of Determination at the conclusion of that investigation finding either that there was no Policy Violation or there was a Policy Violation found that the accused student has committed an act in violation of UNM's prohibitions against discrimination or sexual harassment as defined herein. The accused student and complainant have the right to appeal OEO's Final Letter of Determination as provided for in OEO's Discrimination Claims Procedure, which describes the sole method of appealing a determination made by OEO.

5.2.2. If OEO finds No Policy Violation of UNM's prohibition against discrimination or sexual harassment, OEO will refer the matter to the Dean of Students Office for review to determine whether charges under any other provisions of the UNM Student Code of Conduct or UNM policy are warranted or other action should be taken.

5.2.3. If Policy Violation is found that a student committed an act of discrimination or sexual harassment in violation of UNM policy, OEO will refer the matter to the Dean of Students Office to determine the sanction to be imposed. For HSC Students, OEO will refer the matter to the Vice Chancellor for Academic Affairs to determine the sanction to be imposed. For dual degree students, OEO will refer the matter to the appropriate dean and the Dean of Students to determine the sanction(s) to be imposed. The deans of any Professional School should consult with the Dean of Students Office. Sanctions should be designed to eliminate the misconduct, prevent its recurrence, and remedy its effects, while supporting UNM's educational mission and obligations under UNM policy and state and federal law, including but not limited to Title IX of the Education Amendments of 1972, the Civil Rights Act of 1964, and the New Mexico Human rights Act.

5.3. Appeals

5.3.1. Appeal to the Vice President for Student Affairs

The decision on sanctions made by the Dean of Students Office may be appealed to the Vice President for Student Affairs. The student must submit a written request for appeal to the Vice President for Student Affairs within seven (7) working days of the date of the written decision from the Dean of Students Office. The Vice President for Student Affairs will send written notification of the decision to the appealing party within ten (10) working days of receiving the request for appeal. A copy of the decision shall be sent to the Dean of Students Office.

5.3.2. Appeal to the President and the Board of Regents

The President has the discretionary authority to review all decisions by the senior administrators, and the Board of Regents has the discretionary authority to review all decisions of the President. A request for a review by the President or 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 seven (7) working days of the date of the written decision from the last reviewer.

5.4. Disciplinary Information Provided to Victim of Violence or a Non-forcible Sex Offense

Upon written request, UNM, to the extent permitted by the federal Family Educational Rights and Privacy Act (FERPA), will disclose to the individual who alleges that they were subjected to a crime of violence or a nonforcible sex offense the final results of the disciplinary proceedings conducted by UNM issued to the student who is the alleged perpetrator of the offense(s) alleged. If the individual who is alleged to have been subjected to the crime of violence or non-forcible sex offense at issue is deceased as a result of such offense(s), the next of kin of such individual shall be treated the same as that individual for the purpose of disclosing the final result of the disciplinary proceedings.

Additionally, in cases of sexual harassment as described in Procedures Article 5 herein, the respondent and inquiring parties have the right to be notified in writing of the final determination and any sanctions imposed to the extent permitted by the federal Family Educational Rights and Privacy Act (FERPA).

Article 6. Allegations of Student Misconduct NOT Involving Discrimination or Sexual Harassment

6.1. Scope

This article sets forth the procedures which should be followed when there are allegations that a student violated the Student Code of Conduct or other UNM policy not involving discrimination or sexual harassment, which are addressed in Procedures Article 5 herein.

6.2. Referral of Misconduct to Dean of Students Office

Allegations of misconduct in violation of the Student Code of Conduct or other UNM policy must be in writing and submitted to the Dean of Students Office which has primary authority to deal with disciplinary matters pertaining to students. Complaints of alleged misconduct should be submitted as soon as possible after the event takes place, preferably within forty-five (45) working days. Absent just cause, complaints must be submitted within one (1) year following discovery of the suspected misconduct.

6.3. A student allegedly committing a criminal offense under state or federal law that is also a violation of the Student Code of Conduct or other UNM policy may be subject to UNM disciplinary proceedings. UNM may pursue disciplinary action against a student at the same time the student is facing criminal charges for the same offense, even if the criminal prosecution is pending. UNM may also pursue disciplinary action even if criminal charges were dismissed, reduced or resolved in favor of the student-defendant.

6.4. Unless otherwise specified in the decision, sanctions issued by the Dean of Students Office (not including an Emergency Suspension as outlined in in Procedures section 6.5 herein) shall not be implemented until the appeal process as set forth under Procedures section 6.7 herein is completed.

6.5. Emergency Suspension and Banning from Campus

The Dean of Students may immediately suspend a student (or chartered student organization) and/or ban a student or visitor if the Dean concludes that the person's continued presence on the campus may endanger persons or property or may threaten disruption of the academic process or other campus functions. When a person has been immediately suspended or banned by the Dean of Students, the person may request to meet with the Dean to consider whether the emergency suspension should be continued.

For students and chartered student organizations, an emergency suspension or banning does not end the disciplinary process. Resolution of the charges will proceed as set forth in herein. For visitors, the Dean of Students will decide whether to maintain an emergency ban and make it permanent, or modify or end the emergency ban, ordinarily after giving the visitor an opportunity to meet. The decision of the Dean of Students concerning a visitor is final.

6.6. Decisions of the Dean of Students Office pertaining to students are subject to appeal in accordance with Procedures section 6.7 herein.

6.7. Appeals, Records, and Rights

6.7.1. Appeal to Vice President for Student Affairs

The decision on sanctions pertaining to students made by the Dean of Students Office may be appealed to the Vice President for Student Affairs. The student must submit a written request for appeal to the Vice President for Student Affairs within ten (10) working days of the date of the written decision from the Dean of Students Office. The Vice President for Student Affairs will send written notification of the decision to the appealing party within ten (10) working days of receiving the request for appeal. A copy of the decision shall be sent to the Dean of Students Office.

6.7.2. Appeal to the President and the Board of Regents

The President has the discretionary authority to review all decisions by the senior administrators, and the Board of Regents has the discretionary authority to review all decisions of the President. A request a review by the President or 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 last reviewer.

Article 7. General Provisions

The following provisions are applicable to all portions of this Policy.

7.1. Student Conduct Records

Records regarding student conduct shall be kept in the Dean of Students Office for a period of ten (10) years after final disposition, except for records of expulsions which shall be permanently maintained. Copies of the final decision shall, in an academic dishonesty case, be sent to the faculty member.

7.2. Rights of the Parties Participating in Student Code of Conduct Grievances

The rights of the parties participating in grievances as provided herein include:

7.2.1. The party charged with an alleged violation has the right to written notice of the charges at issue in the proceeding that contains sufficient detail and time to prepare for a hearing.

7.2.2. The party charged with an alleged violation has the right to a timely hearing before an appropriate official or committee.

7.2.3. The party charged with an alleged violation has the right to know the nature and source of the evidence used in a hearing process.

7.2.4. Both parties have the right to present evidence in their own behalf.

7.2.5. Both parties have the right to choose not to testify and/or not to answer questions; in such cases, the decision maker will decide the charges based upon all of the evidence presented.

7.2.6. Subject to the limits set forth in Procedures section 3.3.2 both parties have the right to be accompanied by an advisor at a hearing, who may or may not be an attorney, but the advisor may not participate in the hearing.

7.2.7. The party alleging that the accused student engaged in misconduct has the right to submit a victim impact statement to the hearing officer or committee during the sanctioning portion of the discipline process.

7.2.8. The party alleging that the accused student engaged in misconduct has the right to have past irrelevant behavior excluded from the discipline process.

7.2.9. Both parties have the right to be free from retaliation for having made an allegation of misconduct or having participated in a grievance under this procedure. Allegations of retaliation should be submitted to the Dean of Students Office.

7.3. Former Students

These procedures apply to disputes between students and other members of the UNM community. If the student has left the UNM community (by graduation or otherwise), these procedures shall continue to apply so long as the event giving rise to the dispute occurred while the student was a member of the UNM community and so long as UNM has the power to resolve the matter. UNM retains the right to change grades or rescind degrees, when, after the grade or degree has been awarded, it discovers new information indicating that the grade or degree was not earned in accordance with all UNM academic, student conduct, and other applicable requirements and policies.

7.4. Designees of Deans, Vice Presidents, Vice Chancellors, or Senior Level Administrators

Whenever this Policy specifies an action or decision by a college/school dean, the Dean of Students, the Dean of Graduate Studies, a vice president, a vice chancellor, or a more senior level administrator, that individual may delegate consideration and decision of the matter to a designee. Such designee will normally be but is not required to be, a member of the decision maker's staff.

HISTORY

*Approved by Faculty Senate Graduate Committee 10/20/1994
Revisions approved March 6, 1997 by Faculty Senate Graduate Committee*

DRAFT HISTORY

April 28, 2017 Draft revised to reflect changes from 4/18/17 task force meeting.

April 17, 2017 – Draft revised to reflect changes from 3/21/17 task force meeting.

March 21, 2017 – Draft revised to reflect changes from last meeting pertaining to the Law School and to incorporate changes submitted by Graduate Studies.

March 5, 2016 – Draft revised to reflect changes to D175 and changes requested by Graduate Studies.

February 18, 2017 Draft revised to reflect recent changes to D175.

January 7, 2017 – Draft revision prepared for Taskforce discussing at its next meeting scheduled for 2/9/17. The taskforce is revising the policy because law and HSC students are being removed by D175. In addition, appeal rights need to be corrected in D176. It also appears that many of the items addressed in D175 for undergraduate students might also be needed in D176 for graduate students.

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A66 ~~A61.22~~ Policy Committee

(Placed in new policy format, renumbered and revised to increase membership)

Approved By: Faculty Senate

Approved: November 27, 2007 [Draft 9/4/17](#)

Responsible Faculty Committee: Policy Committee

Office Responsible for Administration: Office of University Secretary

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

POLICY RATIONALE

Policies in the *Faculty Handbook* are unifying documents that describe academic principles, the reasoning behind the principles, and institutional procedures necessary for implementation. *Faculty Handbook* policies contain governing principles and procedures that mandate or constrain actions and apply to University of New Mexico (UNM) faculty; therefore, the development of policies requires input from faculty members who have extensive knowledge on the subject matter and review by faculty members from a variety of academic disciplines at UNM. [The Faculty Senate Policy Committee \(FSPC\) is appointed to ensure adherence to these principles. The FSPC shall report directly to the Faculty Senate Operations Committee.](#)

POLICY STATEMENT

The FSPC is responsible for the development and revision of policies for the *Faculty Handbook*, which provides UNM faculty with a written record of faculty policies and procedures. The primary role of the FSPC shall be to support UNM's overall purpose, principles, and goals. In the interest of shared governance, the functions of the FSPC shall include, but not be limited to initiating, formulating, recommending, and reviewing all UNM policies that impact the faculty. The charge to the FSPC is as follows:

- Review, as necessary, policies of the Regents' ~~Handbook~~ [Policy Manual](#), *Faculty Handbook*, Faculty Constitution, University Administrative Policies and Procedures, and the Pathfinder.
- Consult and collaborate with administrators with respect to policies in documents other than in the *Faculty Handbook*.
- Communication of policies across the campuses after Faculty Senate approval, full faculty approval, or as per policy history.
- Review policies developed by other standing committees.

Membership: ~~will be comprised of~~ Nine (9) ~~seven (7)~~ voting faculty which will include one (1) faculty member from a Branch Community College, one (1) faculty member from the Health Sciences Center, and faculty from at least three (3) schools and colleges none of whom are from the same department. At the Committee's request, an attorney from the University Counsel's office with primary responsibilities for policy issues shall attend committee meetings and provide legal advice to the FSPC. The terms of office shall be for three (3) years, set up on a staggered basis so that the terms of at least three (3) members will expire each year. Members can be appointed for a second three-year term. The Chair is elected by the Committee and normally will serve a renewable two-year term. The Committee annually selects a Vice-Chair to serve in place of the chair in his/her absence. In addition to the Committee members, subcommittee membership will be augmented with other faculty, administrators, staff, and students as required for specific subcommittee tasks.

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 Committee, and Operations Committee.

DEFINITIONS

There are no specific definitions required by this Policy.

WHO SHOULD READ THIS POLICY

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

RELATED DOCUMENTS

Faculty Handbook:

[Policy A51](#) "Faculty Constitution"

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

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

[Policy A61](#) "Faculty Senate Committees"

CONTACTS

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

PROCEDURES

The Policy Committee will schedule regular meetings. The Committee Chair will report Committee recommendations through the Faculty Senate Operations Committee for consideration by the Faculty Senate.

DRAFT HISTORY

September 4, 2017 – Per FS Operations Committee revised proposed draft to specifically state the Committee will include a faculty member from HSC.

June 23, 2017 – Placed in new policy format, renumbered and revised to update procedures.

HISTORY

November 27, 2007--Revised by the Faculty Senate

October 23, 2007--Approved by the Faculty Senate

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D90: Granting Degrees for Posthumous, Memorial, and Extraordinary Circumstances

Approved By: Faculty Senate

Last Updated: **Draft 3/30/17**

Responsible Faculty Committee: Faculty Senate Policy Committee

Office Responsible for Administration: Office of University Secretary

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

POLICY RATIONALE

The University of New Mexico (UNM) recognizes that ~~earning~~ an academic degree is a matter of legitimate pride in achievement not only for students themselves but also for the family members and friends who provide students with vitally important support and encouragement during the course of their studies. UNM also recognizes that not only the degree, but also ~~significant~~ progress in an academic program is, under certain circumstances, an achievement which warrants special recognition. Accordingly, UNM ~~will make available~~ may grant degrees posthumously, in memorial, or in extraordinary circumstances. A degree of the appropriate type and level may to be bestowed upon a student who meets required criteria with appropriate approvals.

POLICY STATEMENT

Requests for granting degrees posthumously, in memorial, or due to an extraordinary circumstance may be initiated by the student, student's family, the faculty of the department and/or college/school, or a UNM administrator. The request should be submitted to the Office of University Secretary who will determine what documentation is required and facilitate review and approval by the appropriate faculty, college/school official(s), Faculty Senate (FS) Committees, and the Faculty Senate. Awarding of graduate and professional degrees require approval of the Departmental faculty and the Faculty Senate Graduate and Professional Committee. Approved degree requests may be awarded under the following circumstances:

1. Posthumous

If approved by all levels as specified herein, UNM may grant posthumous degrees to a student who dies before he or she is able to complete his/her program. The student must be in degree status and either currently enrolled or enrolled in the academic year previous to his/her death. Normally, the student should ~~must~~ have completed ~~a minimum of~~ half of the credits required for the degree. The degree will be noted as "posthumous" on both the diploma and the transcript.

2. In Memoriam

If approved by all levels as specified herein, UNM may award a degree in memoriam to a student who was in good standing at UNM at the time of his or her death and who does not meet the requirements necessary to be awarded a posthumous degree. The degree will be noted as "in memoriam" on both the diploma and the transcript.

3. Extraordinary Circumstances

If approved by all levels as specified herein, UNM may grant a degree when extraordinary circumstances beyond the student's control prevent the student from completion of his or her academic program. Normally, the student should have completed half of the credits required for the degree. If departmental faculty vote to waive remaining degree requirements, the student will be awarded a degree without special notation on the diploma and transcript. If degree requirements are not waived, a special notation will be added to the diploma and transcript.

a. Terminally Ill

If approved by all levels as specified herein, special consideration may be given for terminally ill students. Before the student dies, the student and family may be informed of the college's/school's and UNM's decision to award the degree. The dean, department chair, or other appropriate representatives may present the degree in a private gathering as a special gesture to the family and student. The family will receive the diploma as soon as it's produced.

b. Rare and Unusual Situations

If approved by all levels as specified herein, degrees may be awarded to a student or former student due to extraordinary circumstances. These situations are extremely rare and unusual, and the required criteria will be determined on a case-by-case basis by UNM. A request for consideration of granting a degree for an extraordinary circumstance, must describe the exceptional situation(s) that impacted the student's ability to complete the academic program.

APPLICABILITY

All academic UNM units, including the Health Sciences Center and Branch Campuses.

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

DEFINITIONS

No definitions specific to this Policy.

WHO SHOULD READ THIS POLICY

- Students
- Faculty members
- Staff in Office of the Dean of Students
- Academic administrators

RELATED DOCUMENTS

[Regents Policy Manual RPM 1.1 “Responsibilities of the Board of Regents”](#)

CONTACTS

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

PROCEDURES

[Approval of these degrees by the Board of Regents will follow established degree approval processes.](#)

HISTORY

February 27, 2007--Approved by the Faculty Senate

DRAFT HISTORY

[March 30, 2017 – Revised draft address graduate degree requirements.](#)

March 6, 2017—Draft to add terminally ill students and extraordinary circumstances such as the World War II veteran who was granted a degree.

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E110: Conflict of Interest in Research

Policy

Adopted by the Regents April 11, 2000; revised by the Faculty Senate April 22, 2003; approved by the President May 12, 2003

I. INTRODUCTION

The purpose of this policy is to protect the integrity, trust and respect of UNM, its academic community and its research activities. The policy is intended to enable compliance with applicable laws and other regulatory requirements and to protect investigators who may be exposed to conflict of interest situations. It is designed to inform investigators of their disclosure responsibilities, provide an efficient method for making disclosures, and facilitate effective identification and management of conflicts of interest.

Members of the University of New Mexico community are engaged in many contractual, consulting and advisory relationships with other universities, government agencies and private sector entities. UNM encourages these relationships for their contributions to research, education, technological advancement and professional development. UNM members must be cautious, however, to prevent unresolved conflicts of interest in these relationships that might undermine the credibility of their work or damage their reputation. Additionally, full-time faculty members and researchers must be mindful of their obligation to devote their primary professional efforts and allegiance to UNM. Other activities should not interfere or significantly conflict with this responsibility.

Conflicts of interest may occur when an investigator's research responsibilities compete with his or her private interests, such as financial interests, raising questions of objectivity and improper gain. Conflicts of interest are inevitable in modern research universities and do not imply any impropriety on the part of the investigator. A conflict of interest may exist despite the highest standards of conduct and candor. Most conflicts can be successfully resolved without impeding research activities.

Disclosing the required information at the earliest possible time will afford the best protection of an investigator's interests. Disclosure early in the UNM research is a key factor in protecting an investigator's reputation and career from potentially embarrassing or harmful allegations of inappropriate behavior. Investigators are encouraged to disclose any situation that could conceivably be viewed as a conflict of interest or a reportable financial interest, and to favor more rather than less disclosure. The Conflicts of Interest Committee will assess whether an actual or potential conflict exists and work with the investigator to determine how it should be

resolved or managed.

Individuals who are uncertain about the policy's application to their situation should contact the Office of Research Services (ORS) for assistance.

II. APPLICABILITY

A. Overall Policy

This policy applies to all investigators, including non-UNM investigators. The policy covers actual and potential conflicts of interest associated with participation in UNM research, which includes:

1. Research funded by or through UNM (including outside sponsored funding).
2. Research conducted at UNM, regardless of funding.
3. Nonsponsored research conducted off campus by UNM employees.

B. Disclosure Requirements

The conflict of interest disclosure requirements apply to all investigators who work on:

1. Sponsored UNM research.
2. Nonsponsored UNM research that is:
 - a) Human subject research;
 - b) Animal subject research; or
 - c) Research funded by a formal award from internal UNM sources based on submission of a proposal.

III. DEFINITIONS

A. Conflict of Interest

1. Conflict of interest means a situation associated with an investigator's participation in UNM research where it reasonably appears, on an actual or potential basis, that:

- a) The investigator's significant financial interest could directly and significantly affect the design, conduct or reporting of UNM research activities; or
- b) The investigator's situation could directly and significantly compromise his or her professional commitments or allegiance to UNM.

2. Examples of the types of situations that may come within this definition include:

- a) Holding a direct or indirect interest in an outside entity that conducts business in an area closely related to the UNM research or serving as a director, officer, partner, trustee, manager or employee in such an entity.
- b) Undertaking or steering UNM research to serve the research or other needs of an

outside entity, without approval of UNM or the research sponsor.

c) Directing potential research efforts away from UNM and toward the investigator's outside entity, or an outside entity in which the investigator has a financial interest.

d) Transmitting to an outside entity without the sponsor's consent, or otherwise using for personal gain, sponsored work products, results, materials, records or information that are not generally made available. This does not necessarily preclude contracts between faculty start-ups and either UNM or the Science & Technology Corporation @ UNM, although these contracts may give rise to conflict of interest situations.

e) Using privileged information acquired in connection with the investigator's sponsored UNM research activities for personal gain or for unauthorized purposes. Privileged information includes medical, personnel or security records of individuals, anticipated material requirements or price actions, possible new sites for government operations, and knowledge of forthcoming programs or selection of contractors or subcontractors in advance of official announcements.

f) Negotiating or influencing the negotiation of contracts related to the investigator's sponsored UNM research between UNM and outside entities with which the investigator has consulting, equity or fiduciary relationships.

g) Accepting gratuities or special favors from entities with which UNM does or may conduct business in connection with sponsored UNM research, or extending gratuities or special favors to employees of the sponsor, under circumstances that reasonably might be interpreted as an attempt to influence the recipients in the conduct of their duties.

B. Investigator means the principal investigator, the co-principal investigator and any other person (including faculty, staff and students) who is responsible for the design, conduct or reporting of UNM research. Any individual responsible for a task that could have a significant effect on the research design, conduct or reporting is considered to be an investigator, even if the individual does not have sole or primary responsibility for the task or the research.

C. Non-UNM Investigator means any person who is:

1. Responsible for the design, conduct or reporting of UNM research; and
2. Employed by an entity other than UNM, working pursuant to a sub-award with another entity, working as an independent contractor or collaborator, or otherwise not employed by UNM.

D. Significant Financial Interest

1. Significant financial interest means anything of monetary value belonging to the investigator and his or her spouse or domestic partner and dependent children, including but not limited to:

- a) Salary, royalties or other payments for services, such as consulting fees or honoraria, unless they are expected to total \$10,000 or less over the next 12 months when aggregated for the investigator and his or her spouse and dependent children.
- b) Equity interests, such as stocks, stock options or other ownership interests, unless they

amount to \$10,000 or less in value and represent a 5% or less ownership interest in a single entity when aggregated for the investigator and his or her spouse and dependent children.

c) Intellectual property rights, such as patents and copyrights, and royalties from these rights.

2. Significant financial interest does not include the following:

a) Salary, royalties or other remuneration from UNM (including payments or other technology commercialization proceeds through the Science & Technology Corporation @ UNM).

b) Income from seminars, lectures or teaching engagements sponsored by public or nonprofit entities.

c) Income from service on advisory committees or review panels for public or nonprofit entities.

d) Interests in widely held investment funds if:

(1) The investigator does not exercise control over or have the ability to exercise control over the fund's financial interests; and

(2) Either

(a) The fund is publicly traded or available, or

(b) Its assets are widely diversified; for example, if the fund holds no more than 5% of its portfolio value in the securities of anyone issuer, other than the federal government, and no more than 20% of its portfolio value in any particular economic or geographic sector.

(e) Interests in blind trusts if the investigator has no knowledge of the trust assets.

E. UNM research means a systematic investigation designed to develop or contribute to generalizable knowledge, including basic and applied investigations and product development, that is:

1. Funded by or through UNM (including outside sponsored funding);

2. Conducted at UNM, regardless of funding; or

3. Nonsponsored and conducted off campus by UNM employees.

IV. CONFLICTS OF INTEREST COMMITTEE

A. Purpose

1. The purpose of the Conflicts of Interest Committee is to protect the integrity of investigators, UNM, and UNM research by identifying and resolving conflicts of interest when they exist. The Committee carries out this charge in a manner that is intended to foster, not hinder, research relationships.

2. In addition to reviewing conflict of interest disclosures, the Committee may offer advice on

general questions concerning conflicts of interest.

B. Composition

1. There will be one or more Conflicts of Interest Committees formed at the Provost's discretion. The membership of each committee will comprise six faculty members, two people not primarily employed by UNM, and two UNM officials with administrative responsibility for contracts. Notwithstanding the formation of two or more committees, these conflict of interest committees will be referred to collectively as "the Conflict of Interest Committee" in all other sections of this Policy.

Half of the members selected by the Provost in each category will be based on recommendation from the Vice President for Health Sciences, and half will be based on recommendation from the Vice Provost for Research.

2. Each Committee member will serve a three-year, renewable term. The terms will be staggered to allow for continuity and rotation of members. Upon adoption of this policy, the members of the Conflicts of Interest Committees established under UNM's Policy and Procedures on Conflicts of Interest in Sponsored Research (1992) will continue to serve their appointed terms as members of this Committee.

Terms shall begin July 1 and will end on June 30, three years later. If more than one committee has been formed, the Provost will periodically switch some members among the committees in order to promote integration of viewpoint between the committees. The Provost may rearrange membership in this manner annually, at the time of formation of a new committee, or at other times as necessary to promote the goals of this paragraph. In the event of a vacancy, the replacement committee member will be appointed by the same method and from the same category as the departing member, and shall serve for the remaining duration of the departing member's term.

C. Decision Making

A quorum of six members is required for the Committee to perform its functions. Each member has one vote and decisions are to be made by majority vote. The Committee may develop guidelines for reviewing and assessing disclosures. When more than one committee has been formed, any such guidelines must be approved by all committee members.

D. Disqualification of Committee Members

1. Under certain circumstances, Committee members may be disqualified from reviewing a disclosure. The standard for disqualification is a reasonable belief that a member may be unable to make a decision based solely on the evidence. Examples of situations that would warrant disqualification include:

- a) The member is directly involved in the disclosure under review.
- b) The member has a prior relationship with the investigator that would interfere with the member's objectivity.
- c) The member's objectivity or ability to serve reasonably appears to be adversely affected by the circumstances.

E. Removal of Committee members

1. A member will be removed only for good cause and only by the Provost upon recommendation of a majority of a quorum of the committee on which the member sat. Good cause will include:

- a) Change in eligibility status.
- b) Insufficient attendance at committee meetings.

2. Committee members may self-recuse at any stage in the review process.

3. An investigator may request recusal of a member at any stage in the review process. The Committee will deliberate and decide on this request in the absence of the member whose disqualification is sought.

4. If the Committee is unable to form a quorum upon recusal of a member, the Committee will randomly select a former member to serve on the Committee on an interim basis for the remainder of the disclosure review and assessment.

V. DISCLOSURE REQUIREMENTS

A. General

The disclosure requirements of this policy apply to all UNM investigators working on:

- 1. Any sponsored UNM research.
- 2. Any nonsponsored UNM research that is:
 - a) Human subject research;
 - b) Animal subject research; or
 - c) Research funded by an award from internal UNM sources based on submission of a proposal.

B. Sponsored Research Proposals: UNM Investigators

1. At the time a sponsored research proposal is submitted to ORS or the Health Sciences Center Pre-Award Administration Office (HSC-PAA), all UNM individuals who will serve as investigators on the proposed research must concurrently submit a completed conflict of interest form that discloses the following, among other things:

- a) Any significant financial interest that would reasonably appear to be affected by the research.
- b) Any significant financial interest in an entity whose financial interests would reasonably appear to be affected by the research.
- c) Any other situation that could call into question the investigator's professional commitments in undertaking the research or the investigator's primary allegiance to UNM.

2. The principal investigator, and any co-principal investigator, are responsible for identifying the research investigators, informing them of the requirements of this policy, and providing a list of their names to ORS or HSC-PAA. ORS or HSC- P AA should receive completed disclosure forms from each investigator prior to the proposal's submission to the funding source.

3. The same procedures apply for proposals submitted to ORS or HSC-PAA for renewal funding. Any new investigators must provide a completed conflict of interest form, and continuing investigators who provided a conflict of interest form with the original proposal must confirm or revise their form at the time of submission.

C. Sponsored Research Proposals: Non-UNM Investigators

For non-UNM investigators who will work on sponsored UNM research, the following conditions must be satisfied when the proposal is submitted to ORS or HSC-PAA:

1. If the research will involve a sub-award with an entity that employs the non- UNM investigator, that entity must provide adequate assurances to UNM that its system for compliance with federal conflict of interest requirements will address the proposed research. If the entity is unable to provide these assurances in a timely fashion, the non-UNM investigator must follow the disclosure requirements and procedures specified for UNM investigators.
2. All other non-UNM investigators must follow the disclosure requirements and procedures specified for UNM investigators.

D. Nonsponsored Research

1. Each UNM investigator whose UNM research involves human subject research, animal subject research or research funded by a formal award from internal UNM sources based on submission of a proposal must submit a completed conflict of interest disclosure form to ORS or HSC-PAA. The disclosure form must be submitted to ORS or HSC-PAA before the nonsponsored proposal is submitted to the human or animal subject research review committee or the Research Allocation Committee.
2. Investigators working on other types of non sponsored UNM research are encouraged to voluntarily submit disclosure forms to ORS or HSC-PAA, as appropriate.
3. UNM employees working on nonsponsored research at other institutions are encouraged for their self-protection to follow the conflicts of interest procedures of their host institution.

E. Ongoing Disclosure Responsibility

1. Disclosure requirements apply for the duration of the UNM research. Investigators must disclose any of the following, among other things, that occur during the sponsored UNM research:

- a) A new significant financial interest that would reasonably appear to be affected by the research.
- b) A new significant financial interest in an entity whose financial interests would reasonably appear to be affected by the research.
- c) A new situation that could call into question the investigator's professional commitments in undertaking the research or the investigator's primary allegiance to UNM.
- d) A significant change to a previously reported disclosure.

2. Investigators must submit updated disclosure forms to ORS or HSC-PAA within 30 days after the disclosable situation arises.

3. All newly-added investigators on UNM research must submit a completed conflict of interest disclosure form to ORS or HSC-PAA within 30 days after beginning work on the research. The principal investigator, and any co-principal investigator, are responsible for informing newly-added investigators of this requirement and ensuring that they submit disclosure forms. Newly-added investigators are subject to the ongoing disclosure requirements of this section.

F. Confidentiality of Disclosures

All individuals involved in handling a disclosure should exercise care at all times to protect the confidentiality of the disclosed information and the privacy of the investigator, to the extent permitted by law.

VI. REVIEW AND MANAGEMENT OF CONFLICT OF INTEREST DISCLOSURES

A. Initial Screening

1. ORS or HSC-PAA is responsible for initial screening of conflict of interest disclosure forms. ORS or HSC-PAA will refer all disclosure forms that indicate a possible conflict of interest to the Conflicts of Interest Committee, unless otherwise specified in any screening guidelines provided by the Committee. In addition, if the research involves human or animal subjects, or research funded by a formal award from internal UNM sources based on submission of a proposal, ORS or HSC-PAA will send copies of disclosure forms that indicate a possible conflict of interest to the human or animal subject research review committee or the Research Allocation Committee, as appropriate.

2. If the referred disclosure form was submitted by an investigator other than the principal investigator, ORS or HSC-PAA will notify the principal investigator of the general nature of the referral without divulging the particulars of the disclosed information.

B. Determination of Conflicts of Interest

1. The Conflicts of Interest Committee will regularly review and assess conflict of interest disclosure forms referred by ORS or HSC-PAA. If the Committee determines after initial review of a disclosure that no conflict of interest exists, it will conclude its assessment. If the Committee is unable to make this determination, it will invite the investigator who submitted the disclosure to meet with the Committee and explain the circumstances of the UNM research and the possible conflict of interest. The Committee will determine whether a conflict of interest exists, and if so, work with the investigator to determine how it might be managed or resolved to best protect the investigator, the institution and the research results.

2. On occasion, circumstances may require the Provost or designee to make an expedited decision to accept funding for UNM research before the Conflicts of Interest Committee has had an opportunity to review a disclosure related to the research. In that event, the Committee subsequently will review and assess the disclosure according to its regular process. No research expenditures will be made pending Committee review.

C. Role of Principal Investigator

1. When the investigator whose disclosure is reviewed by the Conflicts of Interest Committee is not the principal investigator for the UNM research, the privacy of the investigator must be balanced with the principal investigator's need for sufficient information to manage the research responsibly. Accordingly, if the Committee believes upon initial review of the disclosure that a conflict of interest may exist, the Committee will ask the investigator for consent to reveal the disclosure to the principal investigator and to invite the principal investigator to meet with the Committee and participate in discussion of the research circumstances.

2. If the investigator consents to the principal investigator's participation, the Committee will proceed accordingly. If the investigator refuses consent, the Committee will keep the disclosure details confidential and proceed in its assessment of the disclosure with the investigator's participation. Despite the refusal, the Committee may confer generally with the principal investigator about the research and the investigator's role in it, revealing no more than the overall nature of the possible conflict.

3. If the Committee finds that an investigator who did not consent to the principal investigator's participation in the review process has a conflict of interest, the Committee will try to manage the conflict in a manner that does not involve the principal investigator. The principal investigator should be involved in the conflict management plan only if the plan would affect the conduct of the research. Without the involvement of the principal investigator, the Committee cannot remedy the conflict by recommending modification of the research protocol or oversight of the research. Consequently, refusal to involve the principal investigator may prevent the effective

management of a conflict. If the investigator and the Committee cannot agree on a resolution that would not affect the research, the investigator must either consent to involvement of the principal investigator in managing the conflict or withdraw from the research.

D. Management of Conflicts of Interest

1. If the Conflicts of Interest Committee determines that an investigator has a conflict of interest in UNM research, it will decide how the conflict should be managed so the research may proceed if at all possible. The Committee may impose conditions or restrictions to control, reduce or eliminate the possibility that the conflict will affect the objectivity of the research. The Committee may designate other UNM officials to assist in this process. Examples of conflict of interest management options include:

- a) Public disclosure of the conflict.
- b) Monitoring of the research by independent reviewers.
- c) Modification of the research plan.
- d) Divestiture of the investigator's conflicting financial interests or placement in a blind trust.
- e) Escrow of an equity interest until certain triggering conditions are met.
- f) Prohibition on the investigator's involvement in contract negotiations for the research.
- g) Severance of the investigator's relationships that create the conflict.
- h) Disqualification of the investigator from participation in part of the research.

2. All conflicts of interest must be managed to the satisfaction of the Committee for the UNM research to proceed and for funding, if any, to be accepted. This applies to all UNM research that is subject to the disclosure requirements of this policy, regardless of whether the research is funded. No conflicts may be waived. If a conflict of interest cannot be managed, the investigator must withdraw from the research and UNM may need to decline acceptance of the award or terminate the sponsored agreement.

E. Notification of Committee Decisions

1. If the Conflicts of Interest Committee determines that an investigator's disclosure does not constitute a conflict of interest, the Committee will provide written notification of its decision and rationale to the investigator, the principal investigator if different from the investigator, the Chair of the investigator's department, and the Director of the Center, if appropriate.

2. If the Committee finds that a conflict of interest does exist, the Committee will notify the same individuals, with the addition of the appropriate Dean, of the existence of the conflict and the management plan.

3. The Committee will provide copies of all of its decisions to the Provost and to either the Associate Provost for Research or the Vice President for Health Sciences.

F. Appeals

An investigator may appeal a Committee decision to the Provost or designee, who will meet with the investigator and the Committee (or its representative) prior to making a final decision on the appeal. No research expenditures will be made pending appeal.

VII. REPORTING AND RECORDS REQUIREMENTS

A. Reports to Research Sponsors

The Conflicts of Interest Committee, ORS and HSC-PAA will work to ensure that UNM complies with the research sponsor's requirements for reporting conflicts of interest. As of the date of enactment of this policy, for example, UNM must inform the Public Health Service, prior to the expenditure of research funds, of the existence of any actual conflicts of interest in the funded research and provide assurances of their management in accordance with federal requirements. UNM also must report and handle subsequently arising conflicts in PHS-funded research within 60 days after their identification. UNM is required to report to the National Science Foundation only conflicts of interests that have not been managed prior to expenditure of award funds, and keep the agency informed if a conflict cannot be managed successfully.

B. Records Retention

ORS will keep records of all conflict of interest disclosures and all actions taken with respect to those disclosures for at least three years after the later of these events:

1. Termination or completion (the date the final expenditures report is submitted) of the UNM research;
2. Resolution of any government action involving the records; or
3. As otherwise provided by law.

VIII. POLICY ENFORCEMENT

A. Types of Noncompliance

Noncompliance with this policy can occur through the following actions:

1. Failure to disclose required information.
2. Failure to follow a conflict of interest management plan.

B. Enforcement Responsibility

The Provost or designee is responsible for enforcing this policy, including investigating and sanctioning noncompliance. The Conflicts of Interest Committee is responsible for reviewing and managing conflicts of interest referred to it during an enforcement process. The Provost or designee may consult with the Committee during this process.

C. Reporting Noncompliance

1. Anyone who suspects that an investigator has not complied with this policy may bring the matter to the attention of the principal investigator, if different from the investigator. If this is not feasible or does not resolve the matter, individuals should report their concerns to the Provost or designee. The Committee may likewise report its own concerns about an investigator's noncompliance.

2. UNM encourages good faith reporting of conflict of interest concerns. UNM prohibits retaliation against a person who reports under this policy in good faith. Retaliation for good faith reporting may result in disciplinary action up to and including dismissal. Similarly, UNM does not tolerate bad faith reporting. Reporting an individual in bad faith may result in disciplinary action up to and including dismissal.

D. Investigation

1. The Provost or designee will investigate allegations of policy noncompliance. The procedures in UNM's Research Fraud Policy may be used for guidance, although investigations under this policy may be handled less formally than specified in the Research Fraud Policy.

2. Any information that arises from the investigation that is disclosable under Section V will be referred to the Conflicts of Interest Committee for review and management.

E. Sanctions

The Provost or designee may employ a range of options and sanctions in handling investigator noncompliance, including disciplinary and legal action and refusing or rescinding acceptance of an award.

F. Notification of Research Sponsors

If an investigator's noncompliance with this policy may have biased the design, conduct or reporting of the UNM research, UNM will promptly notify the funding agency. Research sponsors may impose additional restrictions, including suspension of funding. For example, if clinical research funded by the Public Health Service on the safety or efficacy of a drug, medical device or treatment was designed, conducted or reported by an investigator with an undisclosed or unmanaged conflict of interest, the investigator will be required to disclose the conflict in each public presentation of the research results.

IX. APPLICABILITY OF FEDERAL RULES

If a federal agency issues rules governing conflicts of interest in sponsored UNM research, those rules will govern where applicable. Proposals submitted for funding to the Public Health Service and the National Science Foundation are subject to specific legal requirements concerning financial conflicts of interest. This policy is intended to comply with those requirements. Any changes in the federal requirements will supersede the relevant provisions of this policy.

Every investigator is responsible for being familiar with and following the provisions of governing

laws and rules related to conflicts of interest.

X. EFFECTIVE DATE

This policy will become effective three months after approval by the UNM Board of Regents.

E110: Conflict of Interest in Research

Approved By: Faculty Senate

Last Updated: **Draft 6/4/17**

Responsible Faculty Committee: Research Policy Committee

Office Responsible for Administration: Vice President for Research and HSC Vice Chancellor for Research

Main request for change by Coffee Brown is on page 8 of definition to Significant Financial Interest. Other questions for Committee to consider:

How does the requested changes align with NM State Law on COI and disclosure?

Do the Office of Research Services (ORS) and HSC-PAA still exist under these titles? (listed on pg 2)

In many places where the Provost is listed the Chancellor is not. Is this OK?

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

POLICY RATIONALE

The purpose of this policy is to protect the integrity, trust and respect of UNM, its academic community and its research activities. The policy is intended to enable compliance with applicable laws and other regulatory requirements and to protect investigators who may be exposed to conflict of interest situations. It is designed to inform investigators of their disclosure responsibilities, provide an efficient method for making disclosures, and facilitate effective identification and management of conflicts of interest.

Members of the UNM community are engaged in many contractual, consulting and advisory relationships with other universities, government agencies and private sector entities. UNM encourages these relationships for their contributions to research, education, technological advancement and professional development. UNM members must be cautious, however, to prevent unresolved conflicts of interest in these relationships that might undermine the credibility of their work or damage their reputation. Additionally, full-time faculty members and researchers must be mindful of their obligation to devote their primary professional efforts and allegiance to UNM. Other activities should not interfere or significantly conflict with this responsibility.

POLICY STATEMENT

Conflicts of interest may occur when an investigator's research responsibilities compete with his or her private interests, such as financial interests, raising questions of objectivity and improper gain. Conflicts of interest are inevitable in modern research universities and do not imply any impropriety on the part of the investigator. A conflict of interest may exist despite the highest standards of conduct and candor. Most conflicts can be successfully resolved

without impeding research activities.

Disclosing the required information at the earliest possible time will afford the best protection of an investigator's interests. Disclosure early in the UNM research is a key factor in protecting an investigator's reputation and career from potentially embarrassing or harmful allegations of inappropriate behavior. Investigators are encouraged to disclose any situation that could conceivably be viewed as a conflict of interest or a reportable financial interest, and to favor more rather than less disclosure. The Conflicts of Interest Committee will assess whether an actual or potential conflict exists and work with the investigator to determine how it should be resolved or managed.

Individuals who are uncertain about the policy's application to their situation should contact the Office of Research Services (ORS) for assistance.

I. Conflicts of Interest Committee

A. Purpose

1. The purpose of the Conflicts of Interest Committee is to protect the integrity of investigators, UNM, and UNM research by identifying and resolving conflicts of interest when they exist. The Committee carries out this charge in a manner that is intended to foster, not hinder, research relationships.
2. In addition to reviewing conflict of interest disclosures, the Committee may offer advice on general questions concerning conflicts of interest.

B. Composition

1. There will be one or more Conflicts of Interest Committees formed at the Provost's discretion. The membership of each committee will comprise six (6) faculty members, two (2) people not primarily employed by UNM, and two (2) UNM officials with administrative responsibility for contracts. Notwithstanding the formation of two or more committees, these conflict of interest committees will be referred to collectively as "the Conflict of Interest Committee" in all other sections of this Policy.

Half of the members selected by the Provost in each category will be based on recommendation from the [HSC Vice Chancellor for Research](#) ~~Vice President for Health Sciences~~, and half will be based on recommendation from the Vice [President](#) ~~Provost~~ for Research.

2. Each Committee member will serve a three-year, renewable term. The terms will be staggered to allow for continuity and rotation of members. ~~Upon adoption of this policy, the members of the Conflicts of Interest Committees established under UNM's Policy and Procedures on Conflicts of Interest in Sponsored Research (1992) will continue to serve their appointed terms as members of this Committee.~~

Terms shall begin July 1 and will end on June 30, three years later. If more than one committee has been formed, the Provost will periodically switch some members among the committees in order to promote integration of viewpoint between the committees. The Provost may rearrange membership in this manner annually, at the time of formation of a new committee,

or at other times as necessary to promote the goals of this paragraph. In the event of a vacancy, the replacement committee member will be appointed by the same method and from the same category as the departing member, and shall serve for the remaining duration of the departing member's term.

C. Decision Making

A quorum of six (6) members is required for the Committee to perform its functions. Each member has one vote and decisions are to be made by majority vote. The Committee may develop guidelines for reviewing and assessing disclosures. When more than one committee has been formed, any such guidelines must be approved by all committee members.

D. Disqualification of Committee Members

1. Under certain circumstances, Committee members may be disqualified from reviewing a disclosure. The standard for disqualification is a reasonable belief that a member may be unable to make a decision based solely on the evidence. Examples of situations that would warrant disqualification include:

- a) The member is directly involved in the disclosure under review.
- b) The member has a prior relationship with the investigator that would interfere with the member's objectivity.
- c) The member's objectivity or ability to serve reasonably appears to be adversely affected by the circumstances.

E. Removal of Committee members

1. A member will be removed only for good cause and only by the Provost upon recommendation of a majority of a quorum of the committee on which the member sat. Good cause will include:

- a) Change in eligibility status.
- b) Insufficient attendance at committee meetings.

2. Committee members may self-recuse at any stage in the review process.

3. An investigator may request recusal of a member at any stage in the review process. The Committee will deliberate and decide on this request in the absence of the member whose disqualification is sought.

4. If the Committee is unable to form a quorum upon recusal of a member, the Committee will randomly select a former member to serve on the Committee on an interim basis for the remainder of the disclosure review and assessment.

II. DISCLOSURE REQUIREMENTS

A. General

The disclosure requirements of this policy apply to all UNM investigators working on:

1. Any sponsored UNM research.
2. Any nonsponsored UNM research that is:
 - a) Human subject research;
 - b) Animal subject research; or
 - c) Research funded by an award from internal UNM sources based on submission of a proposal.

B. Sponsored Research Proposals: UNM Investigators

1. At the time a sponsored research proposal is submitted to ORS or the Health Sciences Center Pre-Award Administration Office (HSC-PAA), all UNM individuals who will serve as investigators on the proposed research must concurrently submit a completed conflict of interest form that discloses the following, among other things:

- a) Any significant financial interest that would reasonably appear to be affected by the research.
- b) Any significant financial interest in an entity whose financial interests would reasonably appear to be affected by the research.
- c) Any other situation that could call into question the investigator's professional commitments in undertaking the research or the investigator's primary allegiance to UNM.

2. The principal investigator, and any co-principal investigator, are responsible for identifying the research investigators, informing them of the requirements of this policy, and providing a list of their names to ORS or HSC-PAA. ORS or HSC-PAA should receive completed disclosure forms from each investigator prior to the proposal's submission to the funding source.

3. The same procedures apply for proposals submitted to ORS or HSC-PAA for renewal funding. Any new investigators must provide a completed conflict of interest form, and continuing investigators who provided a conflict of interest form with the original proposal must confirm or revise their form at the time of submission.

C. Sponsored Research Proposals: Non-UNM Investigators

For non-UNM investigators who will work on sponsored UNM research, the following conditions must be satisfied when the proposal is submitted to ORS or HSC-PAA:

1. If the research will involve a sub-award with an entity that employs the non-UNM investigator, that entity must provide adequate assurances to UNM that its system for compliance with federal conflict of interest requirements will address the proposed research. If the entity is unable to provide these assurances in a timely fashion, the non-UNM investigator must follow the disclosure requirements and procedures specified for UNM investigators.

2. All other non-UNM investigators must follow the disclosure requirements and procedures specified for UNM investigators.

D. Nonsponsored Research

1. Each UNM investigator whose UNM research involves human subject research, animal subject research or research funded by a formal award from internal UNM sources based on submission of a proposal must submit a completed conflict of interest disclosure form to ORS or HSC-PAA. The disclosure form must be submitted to ORS or HSC-PAA before the nonsponsored proposal is submitted to the human or animal subject research review committee or the Research Allocation Committee.
2. Investigators working on other types of non sponsored UNM research are encouraged to voluntarily submit disclosure forms to ORS or HSC-PAA, as appropriate.
3. UNM employees working on nonsponsored research at other institutions are encouraged for their self-protection to follow the conflicts of interest procedures of their host institution.

E. Ongoing Disclosure Responsibility

1. Disclosure requirements apply for the duration of the UNM research. Investigators must disclose any of the following, among other things, that occur during the sponsored UNM research:
 - a) A new significant financial interest that would reasonably appear to be affected by the research.
 - b) A new significant financial interest in an entity whose financial interests would reasonably appear to be affected by the research.
 - c) A new situation that could call into question the investigator's professional commitments in undertaking the research or the investigator's primary allegiance to UNM.
 - d) A significant change to a previously reported disclosure.
2. Investigators must submit updated disclosure forms to ORS or HSC-PAA within 30 days after the disclosable situation arises.
3. All newly-added investigators on UNM research must submit a completed conflict of interest disclosure form to ORS or HSC-PAA within 30 days after beginning work on the research. The principal investigator, and any co-principal investigator, are responsible for informing newly-added investigators of this requirement and ensuring that they submit disclosure forms. Newly-added investigators are subject to the ongoing disclosure requirements of this section.

F. Confidentiality of Disclosures

All individuals involved in handling a disclosure should exercise care at all times to protect the confidentiality of the disclosed information and the privacy of the investigator, to the extent permitted by law.

III. Applicability of Federal Rules

If a federal agency issues rules governing conflicts of interest in sponsored UNM research, those rules will govern where applicable. Proposals submitted for funding to the Public Health Service

and the National Science Foundation are subject to specific legal requirements concerning financial conflicts of interest. This policy is intended to comply with those requirements. Any changes in the federal requirements will supersede the relevant provisions of this policy.

Every investigator is responsible for being familiar with and following the provisions of governing laws and rules related to conflicts of interest.

APPLICABILITY

This policy applies to all investigators, including non-UNM investigators. The policy covers actual and potential conflicts of interest associated with participation in UNM research, which includes:

1. Research funded by or through UNM (including outside sponsored funding).
2. Research conducted at UNM, regardless of funding.
3. Nonsponsored research conducted off campus by UNM employees.

B. Disclosure Requirements

The conflict of interest disclosure requirements apply to all investigators who work on:

1. Sponsored UNM research.
2. Nonsponsored UNM research that is:
 - a) Human subject research;
 - b) Animal subject research; or
 - c) Research funded by a formal award from internal UNM sources based on submission of a proposal.

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

DEFINITIONS

A. Conflict of Interest means a situation associated with an investigator's participation in UNM research where it reasonably appears, on an actual or potential basis, that:

- a) The investigator's significant financial interest could directly and significantly affect the design, conduct, or reporting of UNM research activities; or
- b) The investigator's situation could directly and significantly compromise his or her professional commitments or allegiance to UNM.

Examples of the types of situations that may come within this definition include:

- a) Holding a direct or indirect interest in an outside entity that conducts business in an area closely related to the UNM research or serving as a director, officer, partner, trustee, manager or employee in such an entity.

b) Undertaking or steering UNM research to serve the research or other needs of an outside entity, without approval of UNM or the research sponsor.

c) Directing potential research efforts away from UNM and toward the investigator's outside entity, or an outside entity in which the investigator has a financial interest.

d) Transmitting to an outside entity without the sponsor's consent, or otherwise using for personal gain, sponsored work products, results, materials, records or information that are not generally made available. This does not necessarily preclude contracts between faculty start-ups and either UNM or the Science & Technology Corporation @ UNM, although these contracts may give rise to conflict of interest situations.

e) Using privileged information acquired in connection with the investigator's sponsored UNM research activities for personal gain or for unauthorized purposes. Privileged information includes medical, personnel or security records of individuals, anticipated material requirements or price actions, possible new sites for government operations, and knowledge of forthcoming programs or selection of contractors or subcontractors in advance of official announcements.

f) Negotiating or influencing the negotiation of contracts related to the investigator's sponsored UNM research between UNM and outside entities with which the investigator has consulting, equity or fiduciary relationships.

g) Accepting gratuities or special favors from entities with which UNM does or may conduct business in connection with sponsored UNM research, or extending gratuities or special favors to employees of the sponsor, under circumstances that reasonably might be interpreted as an attempt to influence the recipients in the conduct of their duties.

Investigator means the principal investigator, the co-principal investigator and any other person (including faculty, staff and students) who is responsible for the design, conduct or reporting of UNM research. Any individual responsible for a task that could have a significant effect on the research design, conduct, or reporting is considered to be an investigator, even if the individual does not have sole or primary responsibility for the task or the research.

Non-UNM Investigator means any person who is:

1. Responsible for the design, conduct or reporting of UNM research; and
2. Employed by an entity other than UNM, working pursuant to a sub-award with another entity, working as an independent contractor or collaborator, or otherwise not employed by UNM.

Significant Financial Interest means anything of monetary value belonging to the investigator and his or her spouse or domestic partner and dependent children, including but not limited to:

- a) Salary, royalties or other payments for services, such as consulting fees or honoraria, unless they are expected to total \$10,000 or less over the next 12 months when aggregated for the investigator and his or her spouse and dependent children.

b) Equity interests, such as stocks, stock options or other ownership interests, unless they amount to \$10,000 or less in value and represent a 5% or less ownership interest in a single entity when aggregated for the investigator and his or her spouse and dependent children.

c) Intellectual property rights, such as patents and copyrights, and royalties from these rights upon receipt of income related to such rights and interests.

Significant financial interest does not include the following:

a) Salary, royalties or other remuneration from UNM (including payments or other technology commercialization proceeds through the Science & Technology Corporation @ UNM).

b) Income from seminars, lectures or teaching engagements sponsored by public or nonprofit entities.

c) Income from service on advisory committees or review panels for public or nonprofit entities.

d) Interests in widely held investment funds if:

(1) The investigator does not exercise control over or have the ability to exercise control over the fund's financial interests; and

(2) Either

(a) The fund is publicly traded or available, or

(b) Its assets are widely diversified; for example, if the fund holds no more than 5% of its portfolio value in the securities of anyone issuer, other than the federal government, and no more than 20% of its portfolio value in any particular economic or geographic sector.

(e) Interests in blind trusts if the investigator has no knowledge of the trust assets.

UNM research means a systematic investigation designed to develop or contribute to generalizable knowledge, including basic and applied investigations and product development, that is:

1. Funded by or through UNM (including outside sponsored funding);
2. Conducted at UNM, regardless of funding; or
3. Nonsponsored and conducted off campus by UNM employees.

WHO SHOULD READ THIS POLICY

- Faculty and staff conducting research
- Members of the Faculty Senate and the Research Policy Committee
- Academic deans or other executives, department chairs, directors, and managers
- Administrative staff responsible for research management.

RELATED DOCUMENTS

UNM Regents' Policy Manual

[Policy 5.1](#) "The Faculty's Role in UNM's Academic Mission"

[Policy 5.8](#) "Intellectual Property"

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

[Policy 5.13](#) "Research Fraud"

[Policy 5.14](#) "Human Beings as Subjects in Research"

[Policy 5.17](#) "Conflict of Interest Waiver Policy for Technology Transfer"

Faculty Handbook

[Policy E40](#) "Research Misconduct"

[Policy E70](#) "Intellectual Property Policy"

[Policy E80](#) "Conflict of Interest Waiver Policy for Technology Transfer"

[Policy E90](#) "Human Beings as Subjects in Research"

CONTACTS

Direct any questions about this policy to Office of the Vice President for Research or the HSC Office of the Vice Chancellor for Research.

PROCEDURES

I. Review and Management of Conflict of Interest Disclosures

A. Initial Screening

1. ORS or HSC-PAA is responsible for initial screening of conflict of interest disclosure forms. ORS or HSC-PAA will refer all disclosure forms that indicate a possible conflict of interest to the Conflicts of Interest Committee, unless otherwise specified in any screening guidelines provided by the Committee. In addition, if the research involves human or animal subjects, or research funded by a formal award from internal UNM sources based on submission of a proposal, ORS or HSC-PAA will send copies of disclosure forms that indicate a possible conflict of interest to the human or animal subject research review committee or the Research Allocation Committee, as appropriate.
2. If the referred disclosure ~~form~~ [form](#) was submitted by an investigator other than the principal investigator, ORS or HSC-PAA will notify the principal investigator of the general nature of the referral without divulging the particulars of the disclosed information.

B. Determination of Conflicts of Interest

1. The Conflicts of Interest Committee will regularly review and assess conflict of interest disclosure forms referred by ORS or HSC-PAA. If the Committee determines after initial review of a disclosure that no conflict of interest exists, it will conclude its assessment. If the

Committee is unable to make this determination, it will invite the investigator who submitted the disclosure to meet with the Committee and explain the circumstances of the UNM research and the possible conflict of interest. The Committee will determine whether a conflict of interest exists, and if so, work with the investigator to determine how it might be managed or resolved to best protect the investigator, the institution and the research results.

2. On occasion, circumstances may require the Provost or designee to make an expedited decision to accept funding for UNM research before the Conflicts of Interest Committee has had an opportunity to review a disclosure related to the research. In that event, the Committee subsequently will review and assess the disclosure according to its regular process. No research expenditures will be made pending Committee review.

C. Role of Principal Investigator

1. When the investigator whose disclosure is reviewed by the Conflicts of Interest Committee is not the principal investigator for the UNM research, the privacy of the investigator must be balanced with the principal investigator's need for sufficient information to manage the research responsibly. Accordingly, if the Committee believes upon initial review of the disclosure that a conflict of interest may exist, the Committee will ask the investigator for consent to reveal the disclosure to the principal investigator and to invite the principal investigator to meet with the Committee and participate in discussion of the research circumstances.

2. If the investigator consents to the principal investigator's participation, the Committee will proceed accordingly. If the investigator refuses consent, the Committee will keep the disclosure details confidential and proceed in its assessment of the disclosure with the investigator's participation. Despite the refusal, the Committee may confer generally with the principal investigator about the research and the investigator's role in it, revealing no more than the overall nature of the possible conflict.

3. If the Committee finds that an investigator who did not consent to the principal investigator's participation in the review process has a conflict of interest, the Committee will try to manage the conflict in a manner that does not involve the principal investigator. The principal investigator should be involved in the conflict management plan only if the plan would affect the conduct of the research. Without the involvement of the principal investigator, the Committee cannot remedy the conflict by recommending modification of the research protocol or oversight of the research. Consequently, refusal to involve the principal investigator may prevent the effective management of a conflict. If the investigator and the Committee cannot agree on a resolution that would not affect the research, the investigator must either consent to involvement of the principal investigator in managing the conflict or withdraw from the research.

D. Management of Conflicts of Interest

1. If the Conflicts of Interest Committee determines that an investigator has a conflict of interest in UNM research, it will decide how the conflict should be managed so the research may proceed if at all possible. The Committee may impose conditions or restrictions to control,

reduce or eliminate the possibility that the conflict will affect the objectivity of the research. The Committee may designate other UNM officials to assist in this process. Examples of conflict of interest management options include:

- a) Public disclosure of the conflict.
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An investigator may appeal a Committee decision to the Provost or designee, who will meet with the investigator and the Committee (or its representative) prior to making a final decision on the appeal. No research expenditures will be made pending appeal.

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1. Termination or completion (the date the final expenditures report is submitted) of the UNM research;
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1. Failure to disclose required information.
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does not tolerate bad faith reporting. Reporting an individual in bad faith may result in disciplinary action up to and including dismissal.

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If an investigator's noncompliance with this policy may have biased the design, conduct or reporting of the UNM research, UNM will promptly notify the funding agency. Research sponsors may impose additional restrictions, including suspension of funding. For example, if clinical research funded by the Public Health Service on the safety or efficacy of a drug, medical device or treatment was designed, conducted or reported by an investigator with an undisclosed or unmanaged conflict of interest, the investigator will be required to disclose the conflict in each public presentation of the research results.

~~X. EFFECTIVE DATE~~

~~This policy will become effective three months after approval by the UNM Board of Regents.~~

HISTORY

Adopted by the Regents April 11, 2000; revised by the Faculty Senate April 22, 2003; approved by the President May 12, 2003

DRAFT HISTORY

[June 4, 2017—Draft prepared to place in new policy format and to include HSC recommendation.](#)

COMMENTS TO:
handbook@unm.edu

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Candyce Torres

From: Richard Larson <RLarson@salud.unm.edu>
Sent: Friday, November 18, 2016 2:32 PM
To: Martha L Muller
Cc: Kimberly Gauderman; Kenedi Hubbard; Candyce Torres; Carol Stephens
Subject: RE: E110: Conflict of Interest RE: Memo
Attachments: COI Policy E110_HSC Faculty Council Memo_Larson.8.18.16.pdf

Martha,

Thanks for the reminder- I have attached the memo and edited policy that I sent to Coffee. If you have any questions, please feel free to ask.

Have a great weekend,
Richard

From: Martha L Muller
Sent: Friday, November 18, 2016 1:32 PM
To: Richard Larson <RLarson@salud.unm.edu>
Cc: Kimberly Gauderman <kgaud@unm.edu>; Kenedi Hubbard <kthubbard@unm.edu>; Candyce Torres <ctorres@unm.edu>; Carol Stephens <stephens@unm.edu>
Subject: E110: Conflict of Interest RE: Memo

Good afternoon Dr. Larson,


I hope you are well. Thank you so much for briefly talking with Kymm and me this afternoon regarding policies E40 and E110. We greatly appreciate your time and the information gained was extremely helpful and clarifying. I am sending this email as a reminder for you to provide your memo with thoughts regarding E110. We are eager to continue progress with this policy initiative.

Thank you much,
Martha and Kymm

OFFICE OF RESEARCH

Date: August 18, 2016

To: Coffee Brown, MD, Faculty Senate, Health Sciences Center Council Chair

From: Richard Larson, M.D., Ph.D., HSC Executive Vice Chancellor, Vice-Chancellor of Research 

Subject: Proposed Changes to UNM Policy E110: Conflicts of Interest in Research

In 2015, the Office of Inspector General issued an Alert Call for Effective Conflict of Interest Policies for federally funded programs. As a result, UNM Health Sciences Center hired FTI Consulting, a national Conflicts of Interest consulting firm, to conduct a comprehensive analysis of the Conflicts of Interest (COI) program and to ensure our program is aligned with national best practice standards. FTI is a global advisory firm which provides services to various industries including research and compliance support services in Healthcare & Lifesciences.

FTI began their review of the COI program in February 2016 and provided a report in May 2016. FTI found one issue with UNM's COI policy (E110) regarding intellectual property rights that they have recommended changes. Our current policy is more conservative than the PHS regulations. The PHS regulations, 42 CFR 50.603 states a significant financial interest with respect to intellectual property rights and interests (e.g. patents and copyrights) is upon receipt of income related to such rights. UNM COI policy (E110) considers intellectual rights and potential royalties from these rights to be a significant financial interest. The recommendation is to mirror the PHS regulations definition for intellectual property significant financial interest.

UNM HSC would like the HSC Faculty Council to consider the proposed revisions to the UNM COI Policy (E110) at an upcoming Faculty Senate meeting.

The specific observation is as follows:

UNM HSC COIC Approach/Structure

Observation 1. UNM Faculty Handbook Policy E110: Conflict of Interest in Research is more conservative than the PHS regulations require in regard to intellectual property rights. The faculty handbook provides that a significant financial interest includes intellectual property rights, such as patents and copyrights, and royalties from these rights. Conversely, the PHS regulations at 42 CFR 50.603 provide that a significant financial interest means intellectual property rights and interests (e.g., patents and copyrights), **upon receipt of income related to such rights and interests** (emphasis added). While FTI acknowledges that some of the UNM HSC documents that supplement this COI Policy, e.g., Guidance document on UNM HSC investigators with outside business interests (dated January 8, 2014 as revised March 17, 2015) and Additional Conflicts of Interest Reporting Requirements for HSC Investigators (implemented August 24, 2012; revised May 26, 2015), reference the PHS regulation's definition on intellectual property significant financial interest, it is unclear whether UNM HSC investigators are disclosing in accordance with the Faculty Handbook definition of a significant financial interest related to intellectual property rights, i.e., disclosing intellectual property rights regardless of whether royalties are received from such rights, or

disclosing in accordance with the PHS definition of an intellectual property significant financial interest.

Recommendation 1. Given this uncertainty, UNM HSC should determine whether investigators are disclosing in accordance with UNM Faculty Handbook definition and if so, revise UNM COI procedures to mirror the PHS regulations intellectual property significant financial interest definition.

As a result, I am recommending for consideration the following change to the UNM COI Policy:

Part III, Section D, Significant Financial Interest, Subpart C: Intellectual property rights, such as patents and copyrights, and royalties from these rights upon receipt of income related to such rights and interests.

Attachments:

1. Proposed draft of the UNM E110 policy with tracked changes
2. Federal Register/Vol 76. No 165 with noted federal rules regarding intellectual property rights

E110: Conflict of Interest in Research

Policy

Adopted by the Regents April 11, 2000; revised by the Faculty Senate April 22, 2003; approved by the President May 12, 2003

I. INTRODUCTION

The purpose of this policy is to protect the integrity, trust and respect of UNM, its academic community and its research activities. The policy is intended to enable compliance with applicable laws and other regulatory requirements and to protect investigators who may be exposed to conflict of interest situations. It is designed to inform investigators of their disclosure responsibilities, provide an efficient method for making disclosures, and facilitate effective identification and management of conflicts of interest.

Members of the University of New Mexico community are engaged in many contractual, consulting and advisory relationships with other universities, government agencies and private sector entities. UNM encourages these relationships for their contributions to research, education, technological advancement and professional development. UNM members must be cautious, however, to prevent unresolved conflicts of interest in these relationships that might undermine the credibility of their work or damage their reputation. Additionally, full-time faculty members and researchers must be mindful of their obligation to devote their primary professional efforts and allegiance to UNM. Other activities should not interfere or significantly conflict with this responsibility.

Conflicts of interest may occur when an investigator's research responsibilities compete with his or her private interests, such as financial interests, raising questions of objectivity and improper gain. Conflicts of interest are inevitable in modern research universities and do not imply any impropriety on the part of the investigator. A conflict of interest may exist despite the highest standards of conduct and candor. Most conflicts can be successfully resolved without impeding research activities.

Disclosing the required information at the earliest possible time will afford the best protection of an investigator's interests. Disclosure early in the UNM research is a key factor in protecting an investigator's reputation and career from potentially embarrassing or harmful allegations of inappropriate behavior. Investigators are encouraged to disclose any situation that could conceivably be viewed as a conflict of interest or a reportable financial interest, and to favor more rather than less disclosure. The Conflicts of Interest Committee will assess whether an actual or potential conflict exists and work with the investigator to determine how it should be resolved or managed.

Individuals who are uncertain about the policy's application to their situation should contact the Office of Research Services (ORS) for assistance.

II. APPLICABILITY

A. Overall Policy

This policy applies to all investigators, including non-UNM investigators. The policy covers actual and potential conflicts of interest associated with participation in UNM research, which includes:

1. Research funded by or through UNM (including outside sponsored funding).
2. Research conducted at UNM, regardless of funding.
3. Nonsponsored research conducted off campus by UNM employees.

B. Disclosure Requirements

The conflict of interest disclosure requirements apply to all investigators who work on:

1. Sponsored UNM research.
2. Nonsponsored UNM research that is:
 - a) Human subject research;
 - b) Animal subject research; or
 - c) Research funded by a formal award from internal UNM sources based on submission of a proposal.

III. DEFINITIONS

A. Conflict of Interest

1. Conflict of interest means a situation associated with an investigator's participation in UNM research where it reasonably appears, on an actual or potential basis, that:
 - a) The investigator's significant financial interest could directly and significantly affect the design, conduct or reporting of UNM research activities; or
 - b) The investigator's situation could directly and significantly compromise his or her professional commitments or allegiance to UNM.
2. Examples of the types of situations that may come within this definition include:
 - a) Holding a direct or indirect interest in an outside entity that conducts business in an area closely related to the UNM research or serving as a director, officer, partner, trustee, manager or employee in such an entity.
 - b) Undertaking or steering UNM research to serve the research or other needs of an outside entity, without approval of UNM or the research sponsor.
 - c) Directing potential research efforts away from UNM and toward the investigator's outside entity, or an outside entity in which the investigator has a financial interest.
 - d) Transmitting to an outside entity without the sponsor's consent, or otherwise using for personal gain, sponsored work products, results, materials, records or information that are not generally made available. This does not necessarily preclude contracts between faculty start-ups and either UNM or the Science & Technology Corporation @ UNM, although these contracts may give rise to conflict of interest situations.
 - e) Using privileged information acquired in connection with the investigator's sponsored UNM research activities for personal gain or for unauthorized purposes. Privileged information includes medical, personnel or security records of individuals, anticipated material requirements or price

actions, possible new sites for government operations, and knowledge of forthcoming programs or selection of contractors or subcontractors in advance of official announcements.

f) Negotiating or influencing the negotiation of contracts related to the investigator's sponsored UNM research between UNM and outside entities with which the investigator has consulting, equity or fiduciary relationships.

g) Accepting gratuities or special favors from entities with which UNM does or may conduct business in connection with sponsored UNM research, or extending gratuities or special favors to employees of the sponsor, under circumstances that reasonably might be interpreted as an attempt to influence the recipients in the conduct of their duties.

B. Investigator means the principal investigator, the co-principal investigator and any other person (including faculty, staff and students) who is responsible for the design, conduct or reporting of UNM research. Any individual responsible for a task that could have a significant effect on the research design, conduct or reporting is considered to be an investigator, even if the individual does not have sole or primary responsibility for the task or the research.

C. Non-UNM Investigator means any person who is:

1. Responsible for the design, conduct or reporting of UNM research; and
2. Employed by an entity other than UNM, working pursuant to a sub-award with another entity, working as an independent contractor or collaborator, or otherwise not employed by UNM.

D. Significant Financial Interest

1. Significant financial interest means anything of monetary value belonging to the investigator and his or her spouse or domestic partner and dependent children, including but not limited to:

- a) Salary, royalties or other payments for services, such as consulting fees or honoraria, unless they are expected to total \$10,000 or less over the next 12 months when aggregated for the investigator and his or her spouse and dependent children.
- b) Equity interests, such as stocks, stock options or other ownership interests, unless they amount to \$10,000 or less in value and represent a 5% or less ownership interest in a single entity when aggregated for the investigator and his or her spouse and dependent children.
- c) Intellectual property rights, such as patents and copyrights, and royalties from these rights upon receipt of income related to such rights and interests.

2. Significant financial interest does not include the following:

- a) Salary, royalties or other remuneration from UNM (including payments or other technology commercialization proceeds through the Science & Technology Corporation @ UNM).
- b) Income from seminars, lectures or teaching engagements sponsored by public or nonprofit entities.
- c) Income from service on advisory committees or review panels for public or nonprofit entities. d) Interests in widely held investment funds if:

(1) The investigator does not exercise control over or have the ability to exercise control over the fund's financial interests; and

(2) Either

(a) The fund is publicly traded or available, or

(b) Its assets are widely diversified; for example, if the fund holds no more than 5% of its portfolio value in the securities of anyone issuer, other than the federal government, and no more than 20% of its portfolio value in any particular economic or geographic sector.

(e) Interests in blind trusts if the investigator has no knowledge of the trust assets.

E. UNM research means a systematic investigation designed to develop or contribute to generalizable knowledge, including basic and applied investigations and product development, that is:

1. Funded by or through UNM (including outside sponsored funding);
2. Conducted at UNM, regardless of funding; or
3. Nonsponsored and conducted off campus by UNM employees.

IV. CONFLICTS OF INTEREST COMMITTEE

A. Purpose

1. The purpose of the Conflicts of Interest Committee is to protect the integrity of investigators, UNM, and UNM research by identifying and resolving conflicts of interest when they exist. The Committee carries out this charge in a manner that is intended to foster, not hinder, research relationships.
2. In addition to reviewing conflict of interest disclosures, the Committee may offer advice on general questions concerning conflicts of interest.

B. Composition

1. There will be one or more Conflicts of Interest Committees formed at the Provost's discretion. The membership of each committee will comprise six faculty members, two people not primarily employed by UNM, and two UNM officials with administrative responsibility for contracts. Notwithstanding the formation of two or more committees, these conflict of interest committees will be referred to collectively as "the Conflict of Interest Committee" in all other sections of this Policy.

Half of the members selected by the Provost in each category will be based on recommendation from the Vice President for Health Sciences, and half will be based on recommendation from the Vice Provost for Research.

2. Each Committee member will serve a three-year, renewable term. The terms will be staggered to allow for continuity and rotation of members. Upon adoption of this policy, the members of the Conflicts of Interest Committees established under UNM's Policy and Procedures on Conflicts of Interest in Sponsored Research (1992) will continue to serve their appointed terms as members of this Committee.

Terms shall begin July 1 and will end on June 30, three years later. If more than one committee has been formed, the Provost will periodically switch some members among the committees in order to promote integration of viewpoint between the committees. The Provost may rearrange membership in this manner annually, at the time of formation of a new committee, or at other times as necessary to promote the

goals of this paragraph. In the event of a vacancy, the replacement committee member will be appointed by the same method and from the same category as the departing member, and shall serve for the remaining duration of the departing member's term.

C. Decision Making

A quorum of six members is required for the Committee to perform its functions. Each member has one vote and decisions are to be made by majority vote. The Committee may develop guidelines for reviewing and assessing disclosures. When more than one committee has been formed, any such guidelines must be approved by all committee members.

D. Disqualification of Committee Members

1. Under certain circumstances, Committee members may be disqualified from reviewing a disclosure. The standard for disqualification is a reasonable belief that a member may be unable to make a decision based solely on the evidence. Examples of situations that would warrant disqualification include:

- a) The member is directly involved in the disclosure under review.
- b) The member has a prior relationship with the investigator that would interfere with the member's objectivity.
- c) The member's objectivity or ability to serve reasonably appears to be adversely affected by the circumstances.

E. Removal of Committee members

1. A member will be removed only for good cause and only by the Provost upon recommendation of a majority of a quorum of the committee on which the member sat. Good cause will include:

- a) Change in eligibility status.
- b) Insufficient attendance at committee meetings.

2. Committee members may self-recuse at any stage in the review process.

3. An investigator may request recusal of a member at any stage in the review process. The Committee will deliberate and decide on this request in the absence of the member whose disqualification is sought.

4. If the Committee is unable to form a quorum upon recusal of a member, the Committee will randomly select a former member to serve on the Committee on an interim basis for the remainder of the disclosure review and assessment.

V. DISCLOSURE REQUIREMENTS

A. General

The disclosure requirements of this policy apply to all UNM investigators working on:

1. Any sponsored UNM research.
2. Any nonsponsored UNM research that is:

- a) Human subject research;
- b) Animal subject research; or
- c) Research funded by an award from internal UNM sources based on submission of a proposal.

B. Sponsored Research Proposals: UNM Investigators

1. At the time a sponsored research proposal is submitted to ORS or the Health Sciences Center Pre-Award Administration Office (HSC-PAA), all UNM individuals who will serve as investigators on the proposed research must concurrently submit a completed conflict of interest form that discloses the following, among other things:

- a) Any significant financial interest that would reasonably appear to be affected by the research.
- b) Any significant financial interest in an entity whose financial interests would reasonably appear to be affected by the research.
- c) Any other situation that could call into question the investigator's professional commitments in undertaking the research or the investigator's primary allegiance to UNM.

2. The principal investigator, and any co-principal investigator, are responsible for identifying the research investigators, informing them of the requirements of this policy, and providing a list of their names to ORS or HSC-PAA. ORS or HSC-PAA should receive completed disclosure forms from each investigator prior to the proposal's submission to the funding source.

3. The same procedures apply for proposals submitted to ORS or HSC-PAA for renewal funding. Any new investigators must provide a completed conflict of interest form, and continuing investigators who provided a conflict of interest form with the original proposal must confirm or revise their form at the time of submission.

C. Sponsored Research Proposals: Non-UNM Investigators

For non-UNM investigators who will work on sponsored UNM research, the following conditions must be satisfied when the proposal is submitted to ORS or HSC-PAA:

1. If the research will involve a sub-award with an entity that employs the non-UNM investigator, that entity must provide adequate assurances to UNM that its system for compliance with federal conflict of interest requirements will address the proposed research. If the entity is unable to provide these assurances in a timely fashion, the non-UNM investigator must follow the disclosure requirements and procedures specified for UNM investigators.

2. All other non-UNM investigators must follow the disclosure requirements and procedures specified for UNM investigators.

D. Nonsponsored Research

1. Each UNM investigator whose UNM research involves human subject research, animal subject research or research funded by a formal award from internal UNM sources based on submission of a proposal must submit a completed conflict of interest disclosure form to ORS or HSC-PAA. The disclosure form must be submitted to ORS or HSC-PAA before the nonsponsored proposal is submitted to the human or animal subject research review committee or the Research Allocation Committee.

2. Investigators working on other types of nonsponsored UNM research are encouraged to voluntarily submit disclosure forms to ORS or HSC-PAA, as appropriate.

3. UNM employees working on nonsponsored research at other institutions are encouraged for their self-protection to follow the conflicts of interest procedures of their host institution.

E. Ongoing Disclosure Responsibility

1. Disclosure requirements apply for the duration of the UNM research. Investigators must disclose any of the following, among other things, that occur during the sponsored UNM research:

- a) A new significant financial interest that would reasonably appear to be affected by the research.
- b) A new significant financial interest in an entity whose financial interests would reasonably appear to be affected by the research.
- c) A new situation that could call into question the investigator's professional commitments in undertaking the research or the investigator's primary allegiance to UNM.
- d) A significant change to a previously reported disclosure.

2. Investigators must submit updated disclosure forms to ORS or HSC-PAA within 30 days after the disclosable situation arises.

3. All newly-added investigators on UNM research must submit a completed conflict of interest disclosure form to ORS or HSC-PAA within 30 days after beginning work on the research. The principal investigator, and any co-principal investigator, are responsible for informing newly-added investigators of this requirement and ensuring that they submit disclosure forms. Newly-added investigators are subject to the ongoing disclosure requirements of this section.

F. Confidentiality of Disclosures

All individuals involved in handling a disclosure should exercise care at all times to protect the confidentiality of the disclosed information and the privacy of the investigator, to the extent permitted by law.

VI. REVIEW AND MANAGEMENT OF CONFLICT OF INTEREST DISCLOSURES

A. Initial Screening

1. ORS or HSC-PAA is responsible for initial screening of conflict of interest disclosure forms. ORS or HSC-PAA will refer all disclosure forms that indicate a possible conflict of interest to the Conflicts of Interest Committee, unless otherwise specified in any screening guidelines provided by the Committee. In addition, if the research involves human or animal subjects, or research funded by a formal award from internal UNM sources based on submission of a proposal, ORS or HSC-PAA will send copies of disclosure forms that indicate a possible conflict of interest to the human or animal subject research review committee or the Research Allocation Committee, as appropriate.

2. If the referred disclosure ~~form~~ form was submitted by an investigator other than the principal investigator, ORS or HSC-PAA will notify the principal investigator of the general nature of the referral without divulging the particulars of the disclosed information.

B. Determination of Conflicts of Interest

1. The Conflicts of Interest Committee will regularly review and assess conflict of interest disclosure forms referred by ORS or HSC-PAA. If the Committee determines after initial review of a disclosure that no conflict of interest exists, it will conclude its assessment. If the Committee is unable to make this determination, it will invite the investigator who submitted the disclosure to meet with the Committee and explain the circumstances of the UNM research and the possible conflict of interest. The Committee will determine whether a conflict of interest exists, and if so, work with the investigator to determine how it might be managed or resolved to best protect the investigator, the institution and the research results.
2. On occasion, circumstances may require the Provost or designee to make an expedited decision to accept funding for UNM research before the Conflicts of Interest Committee has had an opportunity to review a disclosure related to the research. In that event, the Committee subsequently will review and assess the disclosure according to its regular process. No research expenditures will be made pending Committee review.

C. Role of Principal Investigator

1. When the investigator whose disclosure is reviewed by the Conflicts of Interest Committee is not the principal investigator for the UNM research, the privacy of the investigator must be balanced with the principal investigator's need for sufficient information to manage the research responsibly. Accordingly, if the Committee believes upon initial review of the disclosure that a conflict of interest may exist, the Committee will ask the investigator for consent to reveal the disclosure to the principal investigator and to invite the principal investigator to meet with the Committee and participate in discussion of the research circumstances.
2. If the investigator consents to the principal investigator's participation, the Committee will proceed accordingly. If the investigator refuses consent, the Committee will keep the disclosure details confidential and proceed in its assessment of the disclosure with the investigator's participation. Despite the refusal, the Committee may confer generally with the principal investigator about the research and the investigator's role in it, revealing no more than the overall nature of the possible conflict.
3. If the Committee finds that an investigator who did not consent to the principal investigator's participation in the review process has a conflict of interest, the Committee will try to manage the conflict in a manner that does not involve the principal investigator. The principal investigator should be involved in the conflict management plan only if the plan would affect the conduct of the research. Without the involvement of the principal investigator, the Committee cannot remedy the conflict by recommending modification of the research protocol or oversight of the research. Consequently, refusal to involve the principal investigator may prevent the effective management of a conflict. If the investigator and the Committee cannot agree on a resolution that would not affect the research, the investigator must either consent to involvement of the principal investigator in managing the conflict or withdraw from the research.

D. Management of Conflicts of Interest

1. If the Conflicts of Interest Committee determines that an investigator has a conflict of interest in UNM research, it will decide how the conflict should be managed so the research may proceed if at all possible. The Committee may impose conditions or restrictions to control, reduce or eliminate the possibility that the conflict will affect the objectivity of the research. The Committee may designate other UNM officials to assist in this process. Examples of conflict of interest management options include:

- a) Public disclosure of the conflict.
- b) Monitoring of the research by independent reviewers.
- c) Modification of the research plan.
- d) Divestiture of the investigator's conflicting financial interests or placement in a blind trust.
- e) Escrow of an equity interest until certain triggering conditions are met.
- f) Prohibition on the investigator's involvement in contract negotiations for the research.
- g) Severance of the investigator's relationships that create the conflict.
- h) Disqualification of the investigator from participation in part of the research.

2. All conflicts of interest must be managed to the satisfaction of the Committee for the UNM research to proceed and for funding, if any, to be accepted. This applies to all UNM research that is subject to the disclosure requirements of this policy, regardless of whether the research is funded. No conflicts may be waived. If a conflict of interest cannot be managed, the investigator must withdraw from the research and UNM may need to decline acceptance of the award or terminate the sponsored agreement.

E. Notification of Committee Decisions

1. If the Conflicts of Interest Committee determines that an investigator's disclosure does not constitute a conflict of interest, the Committee will provide written notification of its decision and rationale to the investigator, the principal investigator if different from the investigator, the Chair of the investigator's department, and the Director of the Center, if appropriate.

2. If the Committee finds that a conflict of interest does exist, the Committee will notify the same individuals, with the addition of the appropriate Dean, of the existence of the conflict and the management plan.

3. The Committee will provide copies of all of its decisions to the Provost and to either the Associate Provost for Research or the Vice President for Health Sciences.

F. Appeals

An investigator may appeal a Committee decision to the Provost or designee, who will meet with the investigator and the Committee (or its representative) prior to making a final decision on the appeal. No research expenditures will be made pending appeal.

VII. REPORTING AND RECORDS REQUIREMENTS

A. Reports to Research Sponsors

The Conflicts of Interest Committee, ORS and HSC-PAA will work to ensure that UNM complies with the research sponsor's requirements for reporting conflicts of interest. As of the date of enactment of this policy, for example, UNM must inform the Public Health Service, prior to the expenditure of research funds, of the existence of any actual conflicts of interest in the funded research and provide assurances of

their management in accordance with federal requirements. UNM also must report and handle subsequently arising conflicts in PHS-funded research within 60 days after their identification. UNM is required to report to the National Science Foundation only conflicts of interests that have not been managed prior to expenditure of award funds, and keep the agency informed if a conflict cannot be managed successfully.

B. Records Retention

ORS will keep records of all conflict of interest disclosures and all actions taken with respect to those disclosures for at least three years after the later of these events:

1. Termination or completion (the date the final expenditures report is submitted) of the UNM research;
2. Resolution of any government action involving the records; or
3. As otherwise provided by law.

VIII. POLICY ENFORCEMENT

A. Types of Noncompliance

Noncompliance with this policy can occur through the following actions:

1. Failure to disclose required information.
2. Failure to follow a conflict of interest management plan.

B. Enforcement Responsibility

The Provost or designee is responsible for enforcing this policy, including investigating and sanctioning noncompliance. The Conflicts of Interest Committee is responsible for reviewing and managing conflicts of interest referred to it during an enforcement process. The Provost or designee may consult with the Committee during this process.

C. Reporting Noncompliance

1. Anyone who suspects that an investigator has not complied with this policy may bring the matter to the attention of the principal investigator, if different from the investigator. If this is not feasible or does not resolve the matter, individuals should report their concerns to the Provost or designee. The Committee may likewise report its own concerns about an investigator's noncompliance.
2. UNM encourages good faith reporting of conflict of interest concerns. UNM prohibits retaliation against a person who reports under this policy in good faith. Retaliation for good faith reporting may result in disciplinary action up to and including dismissal. Similarly, UNM does not tolerate bad faith reporting. Reporting an individual in bad faith may result in disciplinary action up to and including dismissal.

D. Investigation

1. The Provost or designee will investigate allegations of policy noncompliance. The procedures in UNM's Research Fraud Policy may be used for guidance, although investigations under this policy may be handled less formally than specified in the Research Fraud Policy.
2. Any information that arises from the investigation that is disclosable under Section V will be referred to the Conflicts of Interest Committee for review and management.

E. Sanctions

The Provost or designee may employ a range of options and sanctions in handling investigator noncompliance, including disciplinary and legal action and refusing or rescinding acceptance of an award.

F. Notification of Research Sponsors

If an investigator's noncompliance with this policy may have biased the design, conduct or reporting of the UNM research, UNM will promptly notify the funding agency. Research sponsors may impose additional restrictions, including suspension of funding. For example, if clinical research funded by the Public Health Service on the safety or efficacy of a drug, medical device or treatment was designed, conducted or reported by an investigator with an undisclosed or unmanaged conflict of interest, the investigator will be required to disclose the conflict in each public presentation of the research results.

IX. APPLICABILITY OF FEDERAL RULES

If a federal agency issues rules governing conflicts of interest in sponsored UNM research, those rules will govern where applicable. Proposals submitted for funding to the Public Health Service and the National Science Foundation are subject to specific legal requirements concerning financial conflicts of interest. This policy is intended to comply with those requirements. Any changes in the federal requirements will supersede the relevant provisions of this policy.

Every investigator is responsible for being familiar with and following the provisions of governing laws and rules related to conflicts of interest.

X. EFFECTIVE DATE

This policy will become effective three months after approval by the UNM Board of Regents.

⁹³ This burden was originally estimated in the 1995 Final Rule to be no more than 5 instances that the failure of an Investigator to comply with the Institution's conflict of interest policy has biased the design, conduct or reporting of the research. "Objectivity in Research, Final Rule" 60 FR 132 (July 11, 1995) pps. 35810-35819. This burden estimate, and others was increased in 2002 "due to increased numbers of Institutions and Investigators." Although there has been an increase in the number of cases of noncompliance in the past few years, the number has not approached this estimate so we believe it is still reasonable.

⁹⁴ Number based on 50.605/94.5 (a)(3)(i)—of those only a fraction will relate to a project of clinical research whose purpose is to evaluate the safety or effectiveness of a drug, medical device, or treatment, but we are calculating the maximum estimated burden.

⁹⁵ Assuming an average of 3 publications annually.

Environmental Impact

We have determined that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Catalogue of Federal Domestic Assistance

The Catalogue of Federal Domestic Assistance numbered programs applicable to this revised rule are:

- 93.113—Environmental Health
- 93.121—Oral Diseases and Disorders Research
- 93.142—NIEHS Hazardous Waste Worker Health and Safety Training
- 93.143—NIEHS Superfund Hazardous Substances—Basic Research and Education
- 93.172—Human Genome Research
- 93.173—Research Related to Deafness and Communication Disorders
- 93.187—Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds
- 93.213—Research and Training in Complementary and Alternative Medicine
- 93.233—National Center on Sleep Disorders Research
- 93.242—Mental Health Research Grants
- 93.271—Alcohol Research Career Development Awards for Scientists and Clinicians
- 93.272—Alcohol National Research Service Awards for Research Training
- 93.273—Alcohol Research Programs
- 93.279—Drug Abuse and Addiction Research Programs
- 93.281—Mental Health Research Career/Scientist Development Awards
- 93.282—Mental Health National Research Service Awards for Research Training
- 93.286—Discovery and Applied Research for Technological Innovations to Improve Human Health
- 93.307—Minority Health and Health Disparities Research
- 93.310—Trans-NIH Research Support
- 93.361—Nursing Research
- 93.389—National Center for Research Resources
- 93.393—Cancer Cause and Prevention Research
- 93.394—Cancer Detection and Diagnosis Research
- 93.395—Cancer Treatment Research
- 93.396—Cancer Biology Research
- 93.397—Cancer Centers Support Grants
- 93.398—Cancer Research Manpower
- 93.399—Cancer Control

- 93.701—Trans-NIH Recovery Act Research Support RECOVERY
- 93.702—National Center for Research Resources, Recovery Act Construction Support RECOVERY
- 93.837—Cardiovascular Diseases Research
- 93.838—Lung Diseases Research
- 93.839—Blood Diseases and Resources Research
- 93.846—Arthritis, Musculoskeletal and Skin Diseases Research
- 93.847—Diabetes, Digestive, and Kidney Diseases Extramural Research
- 93.853—Extramural Research Programs in the Neurosciences and Neurological Disorders
- 93.855—Allergy, Immunology and Transplantation Research
- 93.856—Microbiology and Infectious Diseases Research
- 93.859—Biomedical Research and Research Training
- 93.865—Child Health and Human Development Extramural Research
- 93.866—Aging Research
- 93.867—Vision Research
- 93.879—Medical Library Assistance
- 93.891—Alcohol Research Center Grants
- 93.989—International Research and Research Training

List of Subjects in 42 CFR Part 50 and 45 CFR Part 94

Colleges and universities, Conflict of interests, Contracts, Financial disclosure, Grants—health, Grants programs, Non-profit organizations, Research, Scientists, Small businesses.

For the reasons set forth in the preamble, HHS is amending 42 CFR chapter I, subchapter D, part 50, and 45 CFR subtitle A, subchapter A, part 94 as follows:

TITLE 42—PUBLIC HEALTH

PART 50—POLICIES OF GENERAL APPLICABILITY

■ 1. Revise Subpart F to read as follows:

Subpart F—Promoting Objectivity in Research

- Sec.
- 50.601 Purpose.
- 50.602 Applicability.
- 50.603 Definitions.
- 50.604 Responsibilities of Institutions regarding Investigator financial conflicts of interest.
- 50.605 Management and reporting of financial conflicts of interest.
- 50.606 Remedies.
- 50.607 Other HHS regulations that apply.

Subpart F—Promoting Objectivity in Research

Authority: 42 U.S.C. 216, 289b-1, 299c-4; Sec. 219, Tit. II, Div. D, Pub. L. 111-117, 123 Stat. 3034.

§ 50.601 Purpose.

This subpart promotes objectivity in research by establishing standards that provide a reasonable expectation that the design, conduct, and reporting of research funded under Public Health Service (PHS) grants or cooperative agreements will be free from bias resulting from Investigator financial conflicts of interest.

§ 50.602 Applicability.

This subpart is applicable to each Institution that is applying for, or that receives, PHS research funding by means of a grant or cooperative agreement and, through the implementation of this subpart by the Institution, to each Investigator who is planning to participate in, or is participating in, such research; provided, however, that this subpart does not apply to SBIR Program Phase I applications. In those few cases where an individual, rather than an Institution, is applying for, or receives, PHS research funding, PHS Awarding Components will make case-by-case determinations on the steps to be taken, consistent with this subpart, to provide a reasonable expectation that the design, conduct, and reporting of the research will be free from bias resulting from a financial conflict of interest of the individual. *

§ 50.603 Definitions.

As used in this subpart:

Disclosure of significant financial interests means an Investigator's disclosure of significant financial interests to an Institution.

Financial conflict of interest (FCOI) means a significant financial interest that could directly and significantly affect the design, conduct, or reporting of PHS-funded research.

FCOI report means an Institution's report of a financial conflict of interest to a PHS Awarding Component.

Financial interest means anything of monetary value, whether or not the value is readily ascertainable.

HHS means the United States Department of Health and Human Services, and any components of the Department to which the authority involved may be delegated.

Institution means any domestic or foreign, public or private, entity or organization (excluding a Federal agency) that is applying for, or that receives, PHS research funding.

Institutional responsibilities means an Investigator's professional responsibilities on behalf of the Institution, and as defined by the Institution in its policy on financial conflicts of interest, which may include for example: activities such as research, research consultation, teaching, professional practice, institutional committee memberships, and service on panels such as Institutional Review Boards or Data and Safety Monitoring Boards.

Investigator means the project director or principal Investigator and any other person, regardless of title or position, who is responsible for the design, conduct, or reporting of research funded by the PHS, or proposed for such funding, which may include, for example, collaborators or consultants.

Manage means taking action to address a financial conflict of interest, which can include reducing or eliminating the financial conflict of interest, to ensure, to the extent possible, that the design, conduct, and reporting of research will be free from bias.

PD/PI means a project director or principal Investigator of a PHS-funded research project; the PD/PI is included in the definitions of senior/key personnel and Investigator under this subpart.

PHS means the Public Health Service of the U.S. Department of Health and Human Services, and any components of the PHS to which the authority involved may be delegated, including the National Institutes of Health (NIH).

PHS Awarding Component means the organizational unit of the PHS that funds the research that is subject to this subpart.

Public Health Service Act or PHS Act means the statute codified at 42 U.S.C. 201 *et seq.*

Research means a systematic investigation, study or experiment designed to develop or contribute to generalizable knowledge relating broadly to public health, including behavioral and social-sciences research. The term encompasses basic and applied research (e.g., a published article, book or book chapter) and product development (e.g., a diagnostic test or drug). As used in this subpart,

the term includes any such activity for which research funding is available from a PHS Awarding Component through a grant or cooperative agreement, whether authorized under the PHS Act or other statutory authority, such as a research grant, career development award, center grant, individual fellowship award, infrastructure award, institutional training grant, program project, or research resources award.

Senior/key personnel means the PD/PI and any other person identified as senior/key personnel by the Institution in the grant application, progress report, or any other report submitted to the PHS by the Institution under this subpart.

Significant financial interest means:

(1) A financial interest consisting of one or more of the following interests of the Investigator (and those of the Investigator's spouse and dependent children) that reasonably appears to be related to the Investigator's institutional responsibilities:

(i) With regard to any publicly traded entity, a *significant financial interest* exists if the value of any remuneration received from the entity in the twelve months preceding the disclosure and the value of any equity interest in the entity as of the date of disclosure, when aggregated, exceeds \$5,000. For purposes of this definition, remuneration includes salary and any payment for services not otherwise identified as salary (e.g., consulting fees, honoraria, paid authorship); equity interest includes any stock, stock option, or other ownership interest, as determined through reference to public prices or other reasonable measures of fair market value;

(ii) With regard to any non-publicly traded entity, a *significant financial interest* exists if the value of any remuneration received from the entity in the twelve months preceding the disclosure, when aggregated, exceeds \$5,000, or when the Investigator (or the Investigator's spouse or dependent children) holds any equity interest (e.g., stock, stock option, or other ownership interest); or

(iii) Intellectual property rights and interests (e.g., patents, copyrights), upon receipt of income related to such rights and interests.

(2) Investigators also must disclose the occurrence of any reimbursed or sponsored travel (i.e., that which is paid on behalf of the Investigator and not reimbursed to the Investigator so that the exact monetary value may not be readily available), related to their institutional responsibilities; provided, however, that this disclosure requirement does not apply to travel

that is reimbursed or sponsored by a Federal, state, or local government agency, an Institution of higher education as defined at 20 U.S.C. 1001(a), an academic teaching hospital, a medical center, or a research institute that is affiliated with an Institution of higher education. The Institution's FCOI policy will specify the details of this disclosure, which will include, at a minimum, the purpose of the trip, the identity of the sponsor/organizer, the destination, and the duration. In accordance with the Institution's FCOI policy, the institutional official(s) will determine if further information is needed, including a determination or disclosure of monetary value, in order to determine whether the travel constitutes an FCOI with the PHS-funded research.

(3) The term *significant financial interest* does not include the following types of financial interests: salary, royalties, or other remuneration paid by the Institution to the Investigator if the Investigator is currently employed or otherwise appointed by the Institution, including intellectual property rights assigned to the Institution and agreements to share in royalties related to such rights; any ownership interest in the Institution held by the Investigator, if the Institution is a commercial or for-profit organization; income from investment vehicles, such as mutual funds and retirement accounts, as long as the Investigator does not directly control the investment decisions made in these vehicles; income from seminars, lectures, or teaching engagements sponsored by a Federal, state, or local government agency, an Institution of higher education as defined at 20 U.S.C. 1001(a), an academic teaching hospital, a medical center, or a research institute that is affiliated with an Institution of higher education; or income from service on advisory committees or review panels for a Federal, state, or local government agency, an Institution of higher education as defined at 20 U.S.C. 1001(a), an academic teaching hospital, a medical center, or a research institute that is affiliated with an Institution of higher education.

Small Business Innovation Research (SBIR) Program means the extramural research program for small businesses that is established by the Awarding Components of the Public Health Service and certain other Federal agencies under Public Law 97-219, the Small Business Innovation Development Act, as amended. For purposes of this subpart, the term SBIR Program also includes the Small Business Technology Transfer (STTR) Program, which was established by Public Law 102-564.

§ 50.604 Responsibilities of Institutions regarding Investigator financial conflicts of interest.

Each Institution shall:

(a) Maintain an up-to-date, written, enforced policy on financial conflicts of interest that complies with this subpart, and make such policy available via a publicly accessible Web site. If the Institution does not have any current presence on a publicly accessible Web site (and only in those cases), the Institution shall make its written policy available to any requestor within five business days of a request. If, however, the Institution acquires a presence on a publicly accessible Web site during the time of the PHS award, the requirement to post the information on that Web site will apply within 30 calendar days. If an Institution maintains a policy on financial conflicts of interest that includes standards that are more stringent than this subpart (e.g., that require a more extensive disclosure of financial interests), the Institution shall adhere to its policy and shall provide FCOI reports regarding identified financial conflicts of interest to the PHS Awarding Component in accordance with the Institution's own standards and within the timeframe prescribed by this subpart.

(b) Inform each Investigator of the Institution's policy on financial conflicts of interest, the Investigator's responsibilities regarding disclosure of significant financial interests, and of these regulations, and require each Investigator to complete training regarding the same prior to engaging in research related to any PHS-funded grant and at least every four years, and immediately when any of the following circumstances apply:

(1) The Institution revises its financial conflict of interest policies or procedures in any manner that affects the requirements of Investigators;

(2) An Investigator is new to an Institution; or

(3) An Institution finds that an Investigator is not in compliance with the Institution's financial conflict of interest policy or management plan.

(c) If the Institution carries out the PHS-funded research through a subrecipient (e.g., subcontractors or consortium members), the Institution (awardee Institution) must take reasonable steps to ensure that any subrecipient Investigator complies with this subpart by:

(1) Incorporating as part of a written agreement with the subrecipient terms that establish whether the financial conflicts of interest policy of the awardee Institution or that of the

subrecipient will apply to the subrecipient's Investigators.

(i) If the subrecipient's Investigators must comply with the subrecipient's financial conflicts of interest policy, the subrecipient shall certify as part of the agreement referenced above that its policy complies with this subpart. If the subrecipient cannot provide such certification, the agreement shall state that subrecipient Investigators are subject to the financial conflicts of interest policy of the awardee Institution for disclosing significant financial interests that are directly related to the subrecipient's work for the awardee Institution;

(ii) Additionally, if the subrecipient's Investigators must comply with the subrecipient's financial conflicts of interest policy, the agreement referenced above shall specify time period(s) for the subrecipient to report all identified financial conflicts of interest to the awardee Institution. Such time period(s) shall be sufficient to enable the awardee Institution to provide timely FCOI reports, as necessary, to the PHS as required by this subpart;

(iii) Alternatively, if the subrecipient's Investigators must comply with the awardee Institution's financial conflicts of interest policy, the agreement referenced above shall specify time period(s) for the subrecipient to submit all Investigator disclosures of significant financial interests to the awardee Institution. Such time period(s) shall be sufficient to enable the awardee Institution to comply timely with its review, management, and reporting obligations under this subpart.

(2) Providing FCOI reports to the PHS Awarding Component regarding all financial conflicts of interest of all subrecipient Investigators consistent with this subpart, i.e., prior to the expenditure of funds and within 60 days of any subsequently identified FCOI.

(d) Designate an institutional official(s) to solicit and review disclosures of significant financial interests from each Investigator who is planning to participate in, or is participating in, the PHS-funded research.

(e)(1) Require that each Investigator who is planning to participate in the PHS-funded research disclose to the Institution's designated official(s) the Investigator's significant financial interests (and those of the Investigator's spouse and dependent children) no later than the time of application for PHS-funded research.

(2) Require each Investigator who is participating in the PHS-funded

research to submit an updated disclosure of significant financial interests at least annually, in accordance with the specific time period prescribed by the Institution, during the period of the award. Such disclosure shall include any information that was not disclosed initially to the Institution pursuant to paragraph (e)(1) of this section, or in a subsequent disclosure of significant financial interests (e.g., any financial conflict of interest identified on a PHS-funded project that was transferred from another Institution), and shall include updated information regarding any previously disclosed significant financial interest (e.g., the updated value of a previously disclosed equity interest).

(3) Require each Investigator who is participating in the PHS-funded research to submit an updated disclosure of significant financial interests within thirty days of discovering or acquiring (e.g., through purchase, marriage, or inheritance) a new significant financial interest.

(f) Provide guidelines consistent with this subpart for the designated institutional official(s) to determine whether an Investigator's significant financial interest is related to PHS-funded research and, if so related, whether the significant financial interest is a financial conflict of interest. An Investigator's significant financial interest is related to PHS-funded research when the Institution, through its designated official(s), reasonably determines that the significant financial interest: could be affected by the PHS-funded research; or is in an entity whose financial interest could be affected by the research. The Institution may involve the Investigator in the designated official(s)'s determination of whether a significant financial interest is related to the PHS-funded research. A financial conflict of interest exists when the Institution, through its designated official(s), reasonably determines that the significant financial interest could directly and significantly affect the design, conduct, or reporting of the PHS-funded research.

(g) Take such actions as necessary to manage financial conflicts of interest, including any financial conflicts of a subrecipient Investigator pursuant to paragraph (c) of this section. Management of an identified financial conflict of interest requires development and implementation of a management plan and, if necessary, a retrospective review and a mitigation report pursuant to § 50.605(a).

(h) Provide initial and ongoing FCOI reports to the PHS as required pursuant to § 50.605(b).

(i) Maintain records relating to all Investigator disclosures of financial interests and the Institution's review of, and response to, such disclosures (whether or not a disclosure resulted in the Institution's determination of a financial conflict of interest) and all actions under the Institution's policy or retrospective review, if applicable, for at least three years from the date the final expenditures report is submitted to the PHS or, where applicable, from other dates specified in 45 CFR 74.53(b) and 92.42 (b) for different situations.

(j) Establish adequate enforcement mechanisms and provide for employee sanctions or other administrative actions to ensure Investigator compliance as appropriate.

(k) Certify, in each application for funding to which this subpart applies, that the Institution:

(1) Has in effect at that Institution an up-to-date, written, and enforced administrative process to identify and manage financial conflicts of interest with respect to all research projects for which funding is sought or received from the PHS;

(2) Shall promote and enforce Investigator compliance with this subpart's requirements including those pertaining to disclosure of significant financial interests;

(3) Shall manage financial conflicts of interest and provide initial and ongoing FCOI reports to the PHS Awarding Component consistent with this subpart;

(4) Agrees to make information available, promptly upon request, to the HHS relating to any Investigator disclosure of financial interests and the Institution's review of, and response to, such disclosure, whether or not the disclosure resulted in the Institution's determination of a financial conflict of interest; and

(5) Shall fully comply with the requirements of this subpart.

§ 50.605 Management and reporting of financial conflicts of interest.

(a) Management of financial conflicts of interest.

(1) Prior to the Institution's expenditure of any funds under a PHS-funded research project, the designated official(s) of an Institution shall, consistent with § 50.604(f): review all Investigator disclosures of significant financial interests; determine whether any significant financial interests relate to PHS-funded research; determine whether a financial conflict of interest exists; and, if so, develop and implement a management plan that shall specify the actions that have been, and shall be, taken to manage such financial conflict of interest. Examples

of conditions or restrictions that might be imposed to manage a financial conflict of interest include, but are not limited to:

(i) Public disclosure of financial conflicts of interest (*e.g.*, when presenting or publishing the research);

(ii) For research projects involving human subjects research, disclosure of financial conflicts of interest directly to participants;

(iii) Appointment of an independent monitor capable of taking measures to protect the design, conduct, and reporting of the research against bias resulting from the financial conflict of interest;

(iv) Modification of the research plan;

(v) Change of personnel or personnel responsibilities, or disqualification of personnel from participation in all or a portion of the research;

(vi) Reduction or elimination of the financial interest (*e.g.*, sale of an equity interest); or

(vii) Severance of relationships that create financial conflicts.

(2) Whenever, in the course of an ongoing PHS-funded research project, an Investigator who is new to participating in the research project discloses a significant financial interest or an existing Investigator discloses a new significant financial interest to the Institution, the designated official(s) of the Institution shall, within sixty days: review the disclosure of the significant financial interest; determine whether it is related to PHS-funded research; determine whether a financial conflict of interest exists; and, if so, implement, on at least an interim basis, a management plan that shall specify the actions that have been, and will be, taken to manage such financial conflict of interest. Depending on the nature of the significant financial interest, an Institution may determine that additional interim measures are necessary with regard to the Investigator's participation in the PHS-funded research project between the date of disclosure and the completion of the Institution's review.

(3) Whenever an Institution identifies a significant financial interest that was not disclosed timely by an Investigator or, for whatever reason, was not previously reviewed by the Institution during an ongoing PHS-funded research project (*e.g.*, was not timely reviewed or reported by a subrecipient), the designated official(s) shall, within sixty days: review the significant financial interest; determine whether it is related to PHS-funded research; determine whether a financial conflict of interest exists; and, if so:

(i) Implement, on at least an interim basis, a management plan that shall specify the actions that have been, and will be, taken to manage such financial conflict of interest going forward;

(ii)(A) In addition, whenever a financial conflict of interest is not identified or managed in a timely manner including failure by the Investigator to disclose a significant financial interest that is determined by the Institution to constitute a financial conflict of interest; failure by the Institution to review or manage such a financial conflict of interest; or failure by the Investigator to comply with a financial conflict of interest management plan, the Institution shall, within 120 days of the Institution's determination of noncompliance, complete a retrospective review of the Investigator's activities and the PHS-funded research project to determine whether any PHS-funded research, or portion thereof, conducted during the time period of the noncompliance, was biased in the design, conduct, or reporting of such research.

(B) The Institution is required to document the retrospective review; such documentation shall include, but not necessarily be limited to, all of the following key elements:

(1) Project number;

(2) Project title;

(3) PD/PI or contact PD/PI if a multiple PD/PI model is used;

(4) Name of the Investigator with the FCOI;

(5) Name of the entity with which the Investigator has a financial conflict of interest;

(6) Reason(s) for the retrospective review;

(7) Detailed methodology used for the retrospective review (*e.g.*, methodology of the review process, composition of the review panel, documents reviewed);

(8) Findings of the review; and

(9) Conclusions of the review.

(iii) Based on the results of the retrospective review, if appropriate, the Institution shall update the previously submitted FCOI report, specifying the actions that will be taken to manage the financial conflict of interest going forward. If bias is found, the Institution is required to notify the PHS Awarding Component promptly and submit a mitigation report to the PHS Awarding Component. The mitigation report must include, at a minimum, the key elements documented in the retrospective review above and a description of the impact of the bias on the research project and the Institution's plan of action or actions taken to eliminate or mitigate the effect of the bias (*e.g.*, impact on the research

project; extent of harm done, including any qualitative and quantitative data to support any actual or future harm; analysis of whether the research project is salvageable). Thereafter, the Institution will submit FCOI reports annually, as specified elsewhere in this subpart. Depending on the nature of the financial conflict of interest, an Institution may determine that additional interim measures are necessary with regard to the Investigator's participation in the PHS-funded research project between the date that the financial conflict of interest or the Investigator's noncompliance is determined and the completion of the Institution's retrospective review.

(4) Whenever an Institution implements a management plan pursuant to this subpart, the Institution shall monitor Investigator compliance with the management plan on an ongoing basis until the completion of the PHS-funded research project.

(5)(i) Prior to the Institution's expenditure of any funds under a PHS-funded research project, the Institution shall ensure public accessibility, via a publicly accessible Web site or written response to any requestor within five business days of a request, of information concerning any significant financial interest disclosed to the Institution that meets the following three criteria:

(A) The significant financial interest was disclosed and is still held by the senior/key personnel as defined by this subpart;

(B) The Institution determines that the significant financial interest is related to the PHS-funded research; and

(C) The Institution determines that the significant financial interest is a financial conflict of interest.

(ii) The information that the Institution makes available via a publicly accessible Web site or written response to any requestor within five business days of a request, shall include, at a minimum, the following: the Investigator's name; the Investigator's title and role with respect to the research project; the name of the entity in which the significant financial interest is held; the nature of the significant financial interest; and the approximate dollar value of the significant financial interest (dollar ranges are permissible: \$0-\$4,999; \$5,000-\$9,999; \$10,000-\$19,999; amounts between \$20,000-\$100,000 by increments of \$20,000; amounts above \$100,000 by increments of \$50,000), or a statement that the interest is one whose value cannot be readily determined through reference to public

prices or other reasonable measures of fair market value.

(iii) If the Institution uses a publicly accessible Web site for the purposes of this subsection, the information that the Institution posts shall be updated at least annually. In addition, the Institution shall update the Web site within sixty days of the Institution's receipt or identification of information concerning any additional significant financial interest of the senior/key personnel for the PHS-funded research project that was not previously disclosed, or upon the disclosure of a significant financial interest of senior/key personnel new to the PHS-funded research project, if the Institution determines that the significant financial interest is related to the PHS-funded research and is a financial conflict of interest. The Web site shall note that the information provided is current as of the date listed and is subject to updates, on at least an annual basis and within 60 days of the Institution's identification of a new financial conflict of interest. If the Institution responds to written requests for the purposes of this subsection, the Institution will note in its written response that the information provided is current as of the date of the correspondence and is subject to updates, on at least an annual basis and within 60 days of the Institution's identification of a new financial conflict of interest, which should be requested subsequently by the requestor.

(iv) Information concerning the significant financial interests of an individual subject to paragraph (a)(5) of this section shall remain available, for responses to written requests or for posting via the Institution's publicly accessible Web site for at least three years from the date that the information was most recently updated.

(6) In addition to the types of financial conflicts of interest as defined in this subpart that must be managed pursuant to this section, an Institution may require the management of other financial conflicts of interest in its policy on financial conflicts of interest, as the Institution deems appropriate.

(b) Reporting of financial conflicts of interest.

(1) Prior to the Institution's expenditure of any funds under a PHS-funded research project, the Institution shall provide to the PHS Awarding Component an FCOI report regarding any Investigator's significant financial interest found by the Institution to be conflicting and ensure that the Institution has implemented a management plan in accordance with this subpart. In cases in which the Institution identifies a financial conflict

of interest and eliminates it prior to the expenditure of PHS-awarded funds, the Institution shall not submit an FCOI report to the PHS Awarding Component.

(2) For any significant financial interest that the Institution identifies as conflicting subsequent to the Institution's initial FCOI report during an ongoing PHS-funded research project (e.g., upon the participation of an Investigator who is new to the research project), the Institution shall provide to the PHS Awarding Component, within sixty days, an FCOI report regarding the financial conflict of interest and ensure that the Institution has implemented a management plan in accordance with this subpart. Pursuant to paragraph (a)(3)(ii) of this section, where such FCOI report involves a significant financial interest that was not disclosed timely by an Investigator or, for whatever reason, was not previously reviewed or managed by the Institution (e.g., was not timely reviewed or reported by a subrecipient), the Institution also is required to complete a retrospective review to determine whether any PHS-funded research, or portion thereof, conducted prior to the identification and management of the financial conflict of interest was biased in the design, conduct, or reporting of such research. Additionally, pursuant to paragraph (a)(3)(iii) of this section, if bias is found, the Institution is required to notify the PHS Awarding Component promptly and submit a mitigation report to the PHS Awarding Component.

(3) Any FCOI report required under paragraphs (b)(1) or (b)(2) of this section shall include sufficient information to enable the PHS Awarding Component to understand the nature and extent of the financial conflict, and to assess the appropriateness of the Institution's management plan. Elements of the FCOI report shall include, but are not necessarily limited to the following:

- (i) Project number;
- (ii) PD/PI or Contact PD/PI if a multiple PD/PI model is used;
- (iii) Name of the Investigator with the financial conflict of interest;
- (iv) Name of the entity with which the Investigator has a financial conflict of interest;
- (v) Nature of the financial interest (e.g., equity, consulting fee, travel reimbursement, honorarium);
- (vi) Value of the financial interest (dollar ranges are permissible: \$0-\$4,999; \$5,000-\$9,999; \$10,000-\$19,999; amounts between \$20,000-\$100,000 by increments of \$20,000; amounts above \$100,000 by increments of \$50,000), or a statement that the interest is one whose value cannot be readily determined through reference to

public prices or other reasonable measures of fair market value;

(vii) A description of how the financial interest relates to the PHS-funded research and the basis for the Institution's determination that the financial interest conflicts with such research; and

(viii) A description of the key elements of the Institution's management plan, including:

(A) Role and principal duties of the conflicted Investigator in the research project;

(B) Conditions of the management plan;

(C) How the management plan is designed to safeguard objectivity in the research project;

(D) Confirmation of the Investigator's agreement to the management plan;

(E) How the management plan will be monitored to ensure Investigator compliance; and

(F) Other information as needed.

(4) For any financial conflict of interest previously reported by the Institution with regard to an ongoing PHS-funded research project, the Institution shall provide to the PHS Awarding Component an annual FCOI report that addresses the status of the financial conflict of interest and any changes to the management plan for the duration of the PHS-funded research project. The annual FCOI report shall specify whether the financial conflict is still being managed or explain why the financial conflict of interest no longer exists. The Institution shall provide annual FCOI reports to the PHS Awarding Component for the duration of the project period (including extensions with or without funds) in the time and manner specified by the PHS Awarding Component.

(5) In addition to the types of financial conflicts of interest as defined in this subpart that must be reported pursuant to this section, an Institution may require the reporting of other financial conflicts of interest in its policy on financial conflicts of interest, as the Institution deems appropriate.

§ 50.606 Remedies.

(a) If the failure of an Investigator to comply with an Institution's financial conflicts of interest policy or a financial conflict of interest management plan appears to have biased the design, conduct, or reporting of the PHS-funded research, the Institution shall promptly notify the PHS Awarding Component of the corrective action taken or to be taken. The PHS Awarding Component will consider the situation and, as necessary, take appropriate action, or refer the matter to the Institution for

further action, which may include directions to the Institution on how to maintain appropriate objectivity in the PHS-funded research project. PHS may, for example, require Institutions employing such an Investigator to enforce any applicable corrective actions prior to a PHS award or when the transfer of a PHS grant(s) involves such an Investigator.

(b) The PHS Awarding Component and/or HHS may inquire at any time before, during, or after award into any Investigator disclosure of financial interests and the Institution's review (including any retrospective review) of, and response to, such disclosure, regardless of whether the disclosure resulted in the Institution's determination of a financial conflict of interest. An Institution is required to submit, or permit on site review of, all records pertinent to compliance with this subpart. To the extent permitted by law, HHS will maintain the confidentiality of all records of financial interests. On the basis of its review of records or other information that may be available, the PHS Awarding Component may decide that a particular financial conflict of interest will bias the objectivity of the PHS-funded research to such an extent that further corrective action is needed or that the Institution has not managed the financial conflict of interest in accordance with this subpart. The PHS Awarding Component may determine that imposition of special award conditions under 45 CFR 74.14 and 92.12, or suspension of funding or other enforcement action under 45 CFR 74.62 and 92.43, is necessary until the matter is resolved.

(c) In any case in which the HHS determines that a PHS-funded project of clinical research whose purpose is to evaluate the safety or effectiveness of a drug, medical device, or treatment has been designed, conducted, or reported by an Investigator with a financial conflict of interest that was not managed or reported by the Institution as required by this subpart, the Institution shall require the Investigator involved to disclose the financial conflict of interest in each public presentation of the results of the research and to request an addendum to previously published presentations.

§ 50.607 Other HHS regulations that apply.

Several other regulations and policies apply to this subpart. They include, but are not necessarily limited to:

- 2 CFR part 376—Nonprocurement debarment and suspension (HHS)
- 42 CFR part 50, subpart D—Public Health Service grant appeals procedure

- 45 CFR part 16—Procedures of the Departmental Grant Appeals Board
- 45 CFR part 74—Uniform administrative requirements for awards and subawards to institutions of higher education, hospitals, other nonprofit organizations, and commercial organizations
- 45 CFR part 79—Program fraud civil remedies
- 45 CFR part 92—Uniform administrative requirements for grants and cooperative agreements to State, local, and tribal governments

TITLE 45—PUBLIC WELFARE

■ 2. Revise Part 94 to read as follows:

PART 94—RESPONSIBLE PROSPECTIVE CONTRACTORS

Sec.

94.1 Purpose.

94.2 Applicability.

94.3 Definitions.

94.4 Responsibilities of Institutions regarding Investigator financial conflicts of interest.

94.5 Management and reporting of financial conflicts of interest.

94.6 Remedies.

Authority: 42 U.S.C. 216, 289b-1, 299c-4.

§ 94.1 Purpose.

This part promotes objectivity in research by establishing standards that provide a reasonable expectation that the design, conduct, and reporting of research performed under PHS contracts will be free from bias resulting from Investigator financial conflicts of interest.

§ 94.2 Applicability.

This part is applicable to each Institution that submits a proposal, or that receives, Public Health Service (PHS) research funding by means of a contract and, through the implementation of this part by the Institution, to each Investigator who is planning to participate in, or is participating in such research; provided, however, that this part does not apply to SBIR Program Phase I applications.

§ 94.3 Definitions.

As used in this part:

Contractor means an entity that provides property or services under contract for the direct benefit or use of the Federal Government.

Disclosure of significant financial interests means an Investigator's disclosure of significant financial interests to an Institution.

Financial conflict of interest (FCOI) means a significant financial interest that could directly and significantly

for
research
contract
same as
previously

Candyce Torres

From: Richard Larson <RLarson@salud.unm.edu>
Sent: Tuesday, March 14, 2017 5:27 PM
To: Candyce Torres; Martha L Muller; Coffee Brown
Cc: Kimberly Gauderman; Carol Stephens; Kenedi Hubbard
Subject: RE: E110

Candyce and all,

In reading through the email trail, it seems that the change may have been difficult to identify. If you look through the E110 policy that is attached to the memo, the change is underlined in Section D.1.c. There is the addition of the phrase "upon receipt of income related to such rights and interests." It wasn't truly "red-lined" but "black underlined". I apologize if that was the confusion. But hopefully this helps identify the language that is being recommended.

Thanks

Richard

From: Candyce Torres [mailto:ctorres@unm.edu]
Sent: Tuesday, March 14, 2017 4:29 PM
To: Richard Larson <RLarson@salud.unm.edu>; Martha L Muller <MLMuller@salud.unm.edu>; Coffee Brown <CoBrown@salud.unm.edu>
Cc: Kimberly Gauderman <kgaud@unm.edu>; Carol Stephens <stephens@unm.edu>; Kenedi Hubbard <kthubbard@unm.edu>
Subject: RE: E110

Dr. Larson,

I apologize this has become difficult and confusing. This is definitely not our intention. Please see communication below from me that was sent to our committee chairs on March 2nd. Our office strives to be transparent and keep the lines of communication freely open.

Please see attached packet that I circulated since the inception of your request on November 18, 2016. To ensure that my understanding is valid, I will forward that email to the group right now for confirmation.

If you have further questions or concerns, please let me know how I can assist.

Thank you.

Best,
Candyce

From: Candyce Torres
Sent: Thursday, March 2, 2017 11:39 AM
To: 'MLMuller@salud.unm.edu' <MLMuller@salud.unm.edu>; Kimberly Gauderman <kgaud@unm.edu>
Cc: Carol Stephens <stephens@unm.edu>; Kenedi Hubbard <kthubbard@unm.edu>
Subject: FW: E110: Conflict of Interest RE: Memo

Hello ladies,

In reviewing the attached document from Larson it did appear that the first two pages offer a rationale for the proposed changes to FHB policy E110: Conflict of Interest. To summarize, HSC hired a COI consultant (FTI) to evaluate their COI program. During that process FTI found one issue with E110 regarding intellectual property. Larson's memo stated that the current E110 is more conservative than PHS regulations and therefore needs to comply. At this time I would like to ask if you all feel that what Larson has provided is sufficient enough for FSPC to consider next month?

Regarding a redline version (that reflects the requested changes) of the existing E110 policy it does not appear that any language is struck from the document (I was able to identify one word) so it is difficult to determine what is needed. Please let me know how you would like me to move forward on E110.

Thank you,
Candyce

From: Richard Larson [<mailto:RLarson@salud.unm.edu>]
Sent: Tuesday, March 14, 2017 3:54 PM
To: Martha L Muller <MLMuller@salud.unm.edu>; Coffee Brown <CoBrown@salud.unm.edu>
Cc: Kimberly Gauderman <kgaud@unm.edu>; Candyce Torres <ctorres@unm.edu>; Carol Stephens <stephens@unm.edu>
Subject: RE: E110

Martha,

I provided a memo with an explanation and red-line version of edits. It is only the deletion of 1-2 words. I am concerned that the communication mechanism seems to lose a lot of material. I send everything through the university secretary, but my full packet of materials which takes some time to put together and then reconstitute seems to get lost. This happened on the E40 and E90 as well.

Is there a way that anyone can verify that my full packet is being circulated?

Thanks
Richard

From: Martha L Muller
Sent: Tuesday, March 14, 2017 2:51 PM
To: Richard Larson <RLarson@salud.unm.edu>; Coffee Brown <CoBrown@salud.unm.edu>
Cc: Kimberly Gauderman <kgaud@unm.edu>; Candyce Torres <ctorres@unm.edu>; Carol Stephens <stephens@unm.edu>
Subject: E110

Good afternoon Richard and Coffee,
I hope that you both are well. The Faculty Senate Policy Committee is planning to include discussion regarding Policy E110: Conflict of Interest at our April committee meeting.

Richard, thank you so much for providing the informative memo as this provides a fantastic background rationale for necessary policy changes.

If you all have one available, we would love to have your redlined version of the requested changes. This will be immensely helpful as we move toward expedient policy finalization.

Please let us know your thoughts.

Sincerely,
Martha

Candyce Torres

From: Kimberly Bell <KiBell@salud.unm.edu>
Sent: Thursday, May 25, 2017 7:40 PM
To: Carol Stephens
Cc: Martha L Muller; Kenedi Hubbard; Candyce Torres; Kimberly Gauderman
Subject: RE: Legal Question RE Proposed Change to E110 "Conflicts of Interest In Research"

All – my apologies! I always forget that my “special character” to insert the “section” symbol is the command for “send” in an email! Let’s try again:

I think you may be referring to NM’s Governmental Conduct Act; specifically NMSA Section 10-16-3(C), which states as a “principle,”

Full disclosure of real or *potential conflicts* of interest shall be a guiding principle for determining appropriate conduct. At all times, reasonable efforts shall be made to avoid undue influence and abuse of office in public service.

This language does appear to be stronger than the federal language in that it intends to guard against potential conflicts; that is, the conflicts that haven’t happened yet. It may be problematic to have a policy that is not triggered until income is received, but also keep in mind that this is a “principle” of the Governmental Conduct Act. Unfortunately, the Act itself does not anticipate the types of conflicts that can arise in research very well, so the more direct provisions of the Act don’t specifically address the concern that E110 is trying to negotiate. Two specifically prohibited provisions that come closest to addressing E110’s concerns are found in NMSA Section 10-16-4(B) and (C) as follows:

B. A public officer or employee shall be disqualified from engaging in any official act directly affecting the public officer's or employee's financial interest, except a public officer or employee shall not be disqualified from engaging in an official act if the financial benefit of the financial interest to the public officer or employee is proportionately less than the benefit to the general public.

C. No public officer during the term for which elected and no public employee during the period of employment shall acquire a financial interest when the public officer or employee believes or should have reason to believe that the new financial interest will be directly affected by the officer's or employee's official act.

Subparagraph B gives some leeway for permitting an public employee’s benefit is “proportionately less” than the public’s (and how one would measure this is not an easy thing to know), while subparagraph (C) prohibits a public employee from acquiring a financial interest in public work if the employee “believes or should have reason to believe” that his or her financial interest will be directly affected by his or her “official act.” Again, there are several variables here that create a challenge for scrutinizing research and financial interest questions.

I hope this is a helpful start – I would be glad to discuss further or do additional research.

Thanks,
Kim

Kimberly Bell

Senior Deputy University Counsel
Office of University Counsel
1 University of New Mexico
MSC05 3440
Albuquerque, NM 87131-0001
Phone: (505) 277-3443 / Fax:(505)277-4154
Mobile: (505)934-1029
Email: KiBell@salud.unm.edu

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From: Kimberly Bell
Sent: Thursday, May 25, 2017 7:25 PM
To: Carol Stephens <stephens@unm.edu>
Cc: Martha L Muller <MLMuller@salud.unm.edu>; Kenedi Hubbard <kthubbard@unm.edu>; Candyce Torres <ctorres@unm.edu>; Kimberly Gauderman <kgaud@unm.edu>
Subject: RE: Legal Question RE Proposed Change to E110 "Conflicts of Interest In Research"

Hi Carol,

My apologies for the delayed response. I think you may be referring to NM's Governmental Conduct Act; specifically NMSA

From: Carol Stephens [<mailto:stephens@unm.edu>]
Sent: Thursday, May 25, 2017 2:12 PM
To: Kimberly Bell <KiBell@salud.unm.edu>
Cc: Martha L Muller <MLMuller@salud.unm.edu>; Kenedi Hubbard <kthubbard@unm.edu>; Candyce Torres <ctorres@unm.edu>; Kimberly Gauderman <kgaud@unm.edu>
Subject: Re: Legal Question RE Proposed Change to E110 "Conflicts of Interest In Research"

Hi Kim,

I just wanted to follow up on the email below pertaining to E110 Conflicts of Interest in Research. I've recopied my email below to save you sorting through all the threads. Thanks-- Carol

5/2/17 email

Kymm and Martha wanted me ask you for legal feedback pertaining to a proposed change to E110, which will be on the June Policy Committee agenda.

Attached is a .pdf file sent by Dr. Coffee Brown requesting one change based on federal regulations on "significant financial interest." The attached document contains considerable supporting federal documentation, but my question pertains to state law.

Does the state statute on Conflict of Interest differ from the federal? I seem to recall the NM language talks about "full disclosure of real or potential conflicts of interest," so I wanted to run it by you.

Below is the summary of the issue from Dr Brown's memo:

"UNM Faculty Handbook Policy E110: Conflict of Interest in Research is more conservative than the PHS regulations require in regard to intellectual property rights. The faculty handbook provides that a significant financial interest includes intellectual property rights, such as patents and copyrights, and royalties from these rights. Conversely, the PHS regulations at 42 CFR 50.603 provide that a significant financial interest means intellectual property rights and interests (e.g., patents and copyrights), **upon receipt of income related of such rights and interests** (emphasis added.)"

The change requested is to Part III, Section D, Significant Financial Interest, Subpart C: to add the qualification language shown in red at the end. "Intellectual property rights, such as patents and copyrights, and royalties from these rights **upon receipt of income related to such rights.** "

Carol Stephens
stephens@unm.edu
505-220-4877

"May your choices reflect your hopes, not your fears" -- Nelson Mandela

“

From: Kimberly Gauderman
Sent: Wednesday, May 3, 2017 9:03:38 AM
To: Kimberly Bell; Carol Stephens
Cc: Martha L Muller; Kenedi Hubbard; Candyce Torres; Kimberly Gauderman
Subject: Re: Legal Question RE Proposed Change to E110 "Conflicts of Interest In Research"

Thank you Kimberly, the dragon slayer!
Cheers,
Kymm

Dr. Kimberly Gauderman
Associate Professor
Undergraduate Adviser
Co-Chair, Faculty Senate Policy Committee
Trained Advocate, UNM Dreamer Project

2079 Mesa Vista Hall
University of New Mexico
Department of History
MSC068760
1 University of New Mexico
Albuquerque, NM 87131-0001
505-277-2451

From: Kimberly Bell <KiBell@salud.unm.edu>
Sent: Wednesday, May 3, 2017 8:53 AM

To: Carol Stephens
Cc: Kimberly Gauderman; Martha L Muller; Kenedi Hubbard; Candyce Torres
Subject: RE: Legal Question RE Proposed Change to E110 "Conflicts of Interest In Research"

Hi all,

Just confirming that I got this and will look into it – I have a few dragons to slay today, but will get to it ASAP!

Thanks,
Kim

Kimberly Bell
Senior Deputy University Counsel
Office of University Counsel
1 University of New Mexico
MSC05 3440
Albuquerque, NM 87131-0001
Phone: (505) 277-3443
Fax:(505)277-4154
Mobile: (505)934-1029
Email: KiBell@salud.unm.edu

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From: Carol Stephens [<mailto:stephens@unm.edu>]
Sent: Tuesday, May 02, 2017 5:02 PM
To: Kimberly Bell <KiBell@salud.unm.edu>
Cc: Kimberly Gauderman <kgaud@unm.edu>; Martha L Muller <MLMuller@salud.unm.edu>; Kenedi Hubbard <kthubbard@unm.edu>; Candyce Torres <ctorres@unm.edu>
Subject: Legal Question RE Proposed Change to E110 "Conflicts of Interest In Research"

Hi Kim,

Kymm and Martha wanted me ask you for legal feedback pertaining to a proposed change to E110, which will be on the June Policy Committee agenda.

Attached is a .pdf file sent by Dr. Coffee Brown requesting one change based on federal regulations on "significant financial interest." The attached document contains considerable supporting federal documentation, but my question pertains to state law.

Does the state statute on Conflict of Interest differ from the federal? I seem to recall the NM language talks about "full disclosure of real or potential conflicts of interest," so I wanted to run it by you.

Below is the summary of the issue from Dr Brown's memo:

"UNM Faculty Handbook Policy E110: Conflict of Interest in Research is more conservative than the PHS regulations require in regard to intellectual property rights. The faculty handbook provides that a significant financial interest includes intellectual property rights, such as patents and copyrights, and royalties from these rights. Conversely, the PHS regulations at 42 CFR 50.603 provide that a significant financial interest means intellectual property rights and interests (e.g., patents and copyrights), **upon receipt of income related of such rights and interests** (emphasis added.)"

The change requested is to Part III, Section D, Significant Financial Interest, Subpart C: to add the qualification language shown in red at the end. "Intellectual property rights, such as patents and copyrights, and royalties from these rights **upon receipt of income related to such rights.** "

Thanks-- Carol
Carol Stephens
stephens@unm.edu
505-220-4877

"May your choices reflect your hopes, not your fears" -- Nelson Mandela

“

CLINICIAN EDUCATOR - LEAVE FROM ASSIGNED DUTIES

APPROVED BY COMMITTEE OF CHAIRS: 11/29/1995

Modifications approved by Committee of Chairs- 7/25/2007

Leave from Assigned Duties allows the department chair, school dean, and health sciences center vice president the flexibility to allow a faculty member to participate in an educational experience with paid leave. The faculty member will receive the same contract salary and benefits while on this approved leave. The funding for this leave will be the responsibility of the faculty member's department. An Ad Hoc Committee to review requests could be established by SOM Dean. Generally, eligibility for this leave should be based on the department chair's assessment of the benefit to the faculty member, the department, the school, and the university.

1. The principle of leave from assigned duties has been approved by the School of Medicine Committee of Chairs, the Dean of the School of Medicine, the Provost, and UNM Legal Counsel as a basic policy. Its main purpose is to encourage professional growth and increased competence among faculty members by subsidizing scholarly activities or some other program of study which is judged to be of equivalent value.
2. The plan provides for flexibility for leave from assigned duties under certain conditions enumerated below. It is understood, however, that such leave will not be granted automatically upon the expiration of the necessary period of service. Rather, the faculty member shall present, as part of the application, evidence of recent job responsibilities which directly relate to the faculty member's duties. The planned leave shall give reasonable promise of accomplishing the major purpose of the leave, cited in item (1) above. Leave from assigned duties will not be granted to subsidize graduate work or work on advanced degrees.
3. Leave from assigned duties will be approved only with the clear understanding that the faculty member will, at the completion of the leave, return to the University for a period of service at least as long as the duration of the leave.
4. As a general rule, the faculty of the department concerned will be expected to absorb the job duties of the individual on leave, and the department chair shall present with each recommendation for leave a statement of the planning in this regard.

5. To avoid adverse effects on the educational and patient care objectives of the individual departments, the administration finds it necessary to place a practicable limit on the number of leaves granted in any one department for any period of time. Leaves from assigned duties will be granted according to the following criteria:
 - a. The funding for this leave will be the responsibility of the faculty member's department, therefore, the department chair must assess the fiscal and work load impacts that such a leave would have on the department. Approval is contingent upon adequate departmental resources.
 - b. Normally the number of concurrent leaves from assigned duties in any one department shall not exceed one-seventh (1/7) of the eligible clinician educators of the department (rounded to the next higher whole number) or one-tenth of the budgeted FTE clinician educator faculty members (rounded to the next higher whole number), whichever is larger.
 - c. The number of concurrent leaves from assigned duties in any department may be held below the maximum permitted in paragraph 5(b) if in the judgment of the chair, dean, and the Vice President for Health Sciences such restriction is necessary in order that the program of the department not be adversely affected.
 - d. The number of concurrent leaves (both sabbatical and leave from assigned duties) in any department may exceed the normal maximum only if in the judgment of the Department Chair, Dean of the School of Medicine, and Vice President for Health Sciences extraordinary circumstances warrant it.
6. Other conditions having been fulfilled, it is general practice that requests for leave be considered on the basis of length of service.
7. Approval of Application: Primary responsibility for determining the merit of a proposed program from the point of view of the validity of the program and the probable value of the program to the faculty member and to the University lies in the department and should be accomplished by a departmental committee. The department chair shall forward to the dean the departmental evaluation together with the chair's recommendation and a statement as to how the teaching and service obligations of the department will be

achieved in the event the proposal is approved. The dean shall verify that the applicant is eligible for the proposed leave and that provisions of this policy have been properly followed. The dean, with the advice of a school-wide faculty committee, shall then evaluate the proposal both on its merits and on its effect on the operation of the school. The dean shall then send the departmental and School of Medicine recommendations to the Vice President for Health Sciences for final review and approval.

8. For leave which is divided into more than one segment, both the Departmental and the College-wide committees will review a status report after each segment and advise the Dean concerning ongoing approval.
9. Eligibility Requirements: Leave from assigned duties applies only to faculty who hold the clinician educator title. This leave is available to any full-time clinical educator faculty member with at least six years of service. The maximum length of leave from assigned duties shall be six months with no reduction in annual contract salary.
10. . For leave that is designed to be split into non-continuous months, the total request for leave will be provided at the time of the request. The length of each segment of the non-continuous leave shall be at least one month in length and the total number of months that are available is 6 months without a reduction in contract salary. Further, the reasoning for a non-continuous leave, will be included in the description of the project.
11. Time toward each new leave from assigned duties begins immediately after return to service.
12. Leave from assigned duties is counted toward retirement. While a person is on leave, the University will continue to pay its share toward retirement, group insurance, and Social Security benefits.
13. Faculty do not accrue annual leave while on leave from assigned duties.

14. Upon returning to the University, every faculty member granted leave from assigned duties shall submit promptly to their department chair, dean, and vice president, a full report of the work undertaken during the period of the leave. The report submitted shall be deposited in the faculty member's personnel file. Further, a scholarly presentation, upon return, will be included in the description in order to enhance the value of the leave to the Department.

THE UNIVERSITY OF NEW MEXICO
REQUEST FOR LEAVE FROM ASSIGNED DUTIES
Clinician Educator Track

Date: _____

Banner ID: _____

TO: The President of the University of New Mexico
(forwarded through administrators shown below)

FROM: _____
(Please Print Name) (Signature)

Title & Department

**** Leave without Pay will affect your benefits and retirement. It is the responsibility of the faculty member to contact the HR Benefits Office. ****

Leave from Assigned Duties is requested for the period of (list dates):

Attached are the following:

- Detailed plan of the work to be undertaken during the Leave from Assigned Duties
- Workload report for the five years preceding the semester of the request
- Upload curriculum vitae;
- Departmental plan for covering duties the period of the leave
- Funding plan
- College Committee evaluation of proposal

RECOMMENDATIONS:

_____	_____	<input type="checkbox"/> Approval
Chairperson	Date	<input type="checkbox"/> Denial
_____	_____	<input type="checkbox"/> Approval
Dean-SOM	Date	<input type="checkbox"/> Denial
_____	_____	<input type="checkbox"/> Approval
VP Health Sciences Center	Date	<input type="checkbox"/> Denial

Reference and Instructions:

- Policies and Procedures are found in the [School of Medicine Leave from Assigned Duties Policy](#)
- Please forward this form and one set of attachments through appropriate administrators; copies of this form will be distributed to applicant and administrators after the Vice President's action



Applies To: College of Nursing Faculty Responsible Department: College of Nursing Revised:9-8-14
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Title: Academic Leave for Senior Ranked Clinician Educator Faculty		
Doc Type: Policy	Policy #: TBD	Effective Date: September 22, 2014
Owner(s): CON Faculty	Version #: 1	Applies To: College of Nursing, Associate and Full Professor, Clinician Educator Track

PURPOSE

The main purpose of academic leave for Clinician Educator faculty is to encourage professional growth by subsidizing significant research, creative work, or other professional development opportunity that is judged to be of equivalent value. The opportunity for this leave demonstrates the commitment of the College of Nursing (CON) to faculty development, and a commitment by the faculty member to the mission of the College.

APPLICABILITY

This policy applies to faculty in the Clinician Educator track at the rank of Associate or full Professor with at least six years of full time service to the College.

POLICY STATEMENT

1. Faculty members in the Clinician Educator track at the rank of Associate or Full Professor with at least six years of full time service to the CON (or equivalent part-time service) are eligible to apply for Academic Leave, which is the opportunity to apply for a professional development teaching release with pay to pursue other academic and/or professional opportunity activities. These faculty members are eligible to apply for such releases every six years of full-time service. Faculty who qualify have the right to apply for academic leave; however, academic leave is not granted automatically upon the expiration of the necessary period of service. The Faculty shall submit an application for the leave that includes the plan of work for the leave, with a rationale that supports the CON's academic mission. Also, this plan shall give reasonable promise of accomplishing the major purpose of the leave, as cited in the Purpose section above. Academic leave will not be granted to subsidize graduate work or work on an advanced degree.
2. Academic leave may be approved for up to six months at full salary.
3. Academic leave will be approved only with the clear understanding that the faculty member will, at the completion of the academic leave, return to the CON for a period of service at least as long as the duration of the leave.

4. Academic leave is counted toward retirement. While a person is on academic leave, UNM will continue to pay its share toward retirement, group insurance, and Social Security benefits.
5. A faculty member does not accrue annual leave while on Academic Leave.
6. Appeal: If at any stage of the approval process, the applicant believes that his or her proposal has not been considered properly according to the provisions of this Policy, that matters of academic freedom are involved, that improper considerations have entered into a negative decision, or that other demonstrable conditions prevented a fair and impartial evaluation, he or she may appeal to the Office of the HSC Chancellor for a review of the matter.

PROCEDURES:

1. As a general rule, the faculty members of the CON will be expected to absorb the teaching load of the individual on leave, and the supervisor shall present with each recommendation for academic leave a statement of the planning in this regard. The CON may, for example, decide to alternate courses or to cancel certain offerings. Further, it is expected that the CON shall prepare its program over a period of years so that essential courses are not neglected because of the temporary absence of a member of the faculty.
2. To avoid adverse effects on the educational objectives of the CON, the administration may find it necessary to place a practicable limit on the number of academic leaves granted in any one unit for any one six month period. Other conditions having been fulfilled, it is general practice that requests for leave be considered on the basis of length of service.
3. Approval of Application: Primary responsibility for determining the merit of a proposed program from the point of view of the validity of the program and the probable value of the program to the faculty member and to UNM lies in the CON and should be accomplished by the Faculty Affairs Committee. The supervisor shall forward to the Dean the Faculty Affairs evaluation together with the supervisor's recommendation and a statement as to how the teaching and service obligations of the unit will be achieved in the event the proposal is approved. The Dean shall verify that the applicant is eligible for the proposed leave and that provisions of this policy have been properly followed. The Dean, with the advice of the Faculty Affairs Committee, shall then evaluate the proposal both on its merits and on its effect on the operation of the CON.
4. The Dean shall send all of the CON recommendations to the Vice Chancellor for Academic Affairs (VCAA) so that the original and one copy of the proposal together with all recommendations shall reach that office at least two months prior to the proposed start of the leave. The VCAA shall verify that the applicant is eligible for the proposed leave and provisions of this Policy have been properly followed, and forward all materials to the Chancellor for Health Sciences, who shall forward them to the President with an evaluation of the proposed leave from a University-wide point of view. The President makes the final decision.

5. Upon returning to UNM, every Clinician Educator faculty member granted an academic leave shall submit promptly to the HSC Vice Chancellor for Academic Affairs, with copies to the CON Dean and supervisor, a full report of the research, creative work, publications, or other results of the period of leave. The report submitted shall be placed in the faculty member's personnel file.
6. Those Clinician Educator faculty who receive all or part of their salaries directly from agencies outside of UNM will be granted academic leave with salary guaranteed only to the extent of UNM funding of the previous year; full funding is possible only when funds are available within the UNM budget.
7. Time toward each future academic leave begins immediately after return to full-time service regardless of the time period of return.
8. For leave that is designed to be split into non-continuous months, the total request for leave will be provided at the time of the request. The length of each segment of the non-continuous leave shall be at least one month in length and the total number of months that are available is 6 months without a reduction in contract salary. Further, the reasoning for a non-continuous leave will be included in the description of the project.

DEFINITIONS

This policy applies to Clinician Educator track faculty at the rank of Associate or full Professor with six years of full time service to the College.

Full-time Service: Service time equivalent to that of a faculty member employed on a contract designated as 1.0 full time equivalent (FTE). For example, a faculty member whose contract is designated 0.5 FTE would have to multiply his or her service by a factor of two or reduce the leave time taken by one-half to meet the full-time service requirements listed in this policy.

REFERENCES

UNM Faculty Handbook, Policy C250: Academic Leave for Principal Lecturers
<http://handbook.unm.edu/section-c/c250.html>

UNM Faculty Handbook, Policy C200: Sabbatical Leave

UNM School of Medicine Policy on Clinician Educator – Leave from Assigned Duties

RESPONSIBILITIES

The faculty member submitting the request must complete the Clinician Educator Leave Request Form, and is responsible for ensuring its subsequent submission to the authorizing parties.

The supervisor is responsible for reviewing the request, and submitting the request to the CON Faculty Affairs Committee for the purposes of ensuring that the request includes appropriate substitution for teaching and service responsibilities.

The Dean and the HSC Vice Chancellor for Academic Affairs are responsible for ensuring that the faculty member is indeed eligible for the leave, and that the faculty member's responsibilities are provided for by the plan.

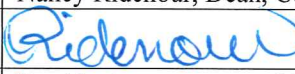
The HSC Chancellor, and the UNM President are responsible for the approvals necessary for the faculty member to undertake the leave.

RESOURCES/TRAINING

The office and specific individual position title – with telephone number and email address, as appropriate – that should be contacted for interpretations, resolution of problems, and special situations.

Resource/Dept	Contact Information
Vice Chancellor for Academic Affairs	

DOCUMENT APPROVAL & TRACKING

Item	Contact	Date	Approval
Owner	CON Faculty: Approved by CON faculty on 9/22/2013		
Consultant(s)	CON Senior Faculty, CON Tenured Faculty	6-16-14	Yes
Committee(s)	CON Faculty Affairs Committee	9-8-14	Y
Legal (Required)	Emma Rodriquez JD and Leslie Morrison MD	8-18-14	Y
Official Approver	Nancy Ridenour, Dean, College of Nursing	9-8-2014	Y
Official Signature		Date: 8 Sept 14	
2nd Approver (Optional)	President <i>pro tempore</i> of CON Faculty	Date:	
Signature		Date:	
Effective Date	September 22, 2014		
Origination Date			
Issue Date			

ATTACHMENTS

Clinician Educator Request for Academic Leave

**THE UNIVERSITY OF NEW MEXICO
COLLEGE OF NURSING
CLINICIAN EDUCATOR REQUEST FOR ACADEMIC LEAVE**

Date _____

(Name – Last Name, First Name)	Banner ID
Title	Department
Date of Hire	
Last Academic Leave taken (Dates) _____	<input type="checkbox"/> No Prior Academic Leave taken

Academic Leave is Requested for: _____

Academic/Fiscal Year	Semester	Actual Leave Dates
----------------------	----------	--------------------

With (check one) **Full Pay** **Adjusted pay with additional compensation***

*I expect to receive additional earning beside the UNM faculty salary which I am paid under academic leave policy. This additional compensation will not exceed my total salary. My academic leave plan, attached, states the sources of funding and indicates how the compensated activity is consistent with the academic leave program.

Source of additional funds	Expected additional amount
----------------------------	----------------------------

I affirm the above statements are true to the best of my knowledge. I understand that compensation from a grant or contract requires written agency approval on file as well as UNM approval. Finally, if my compensation plans change I agree to file an amended statement with the Vice Chancellor for Academic Affairs - HSC and provide copies to my Dean and supervisor.

Per the College of Nursing policy on Academic Leave, I will at the completion of my leave return to the University for a period of service at least as long as the duration of the leave.

Faculty Signature	Date
-------------------	------

Required Submission Documents

- Section I Academic Leave Form
- Section II Explanation of Financial Reimbursement if requesting additional compensation
- Section III Academic Leave Plan (Detailed plan of work to be undertaken during leave)
- Section IV Supervisor’s Memo (College plan for covering affected courses and other duties during leave)
- Section V Proposed Scholarly Outcomes and Achievements
- Section IV Previous Five year Workload Report (Report for five years preceding period of request)
- Section VII Letter of Invitation/Confirmation (if applicable)
- Section VIII Current Curriculum Vitae

Supervisor	Date	<input type="checkbox"/> Approved
Dean	Date	<input type="checkbox"/> Denied
Vice Chancellor for Academic Affairs - HSC	Date	<input type="checkbox"/> Approved
Chancellor for Health Sciences	Date	<input type="checkbox"/> Denied
President	Date	<input type="checkbox"/> Approved
		<input type="checkbox"/> Denied