

Faculty Senate Policy Committee
Meeting Notes
November 3, 2021
3pm – 4:30pm
Zoom Meeting

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

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

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

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

1. Approvals

Agenda and minutes were approved by committee members.

2. Updates

C07 “Faculty Misconduct and Progressive Discipline Policy”

C07 was approved by Faculty Senate at the October 26, 2021 meeting. It will now go on the Board of Regents Student Success, Teaching, and Research (SSTAR) Committee for approval at their December 2 meeting. From there, it will go before the full Board on December 7 for final approval.

D176 “Graduate and Professional Student Conduct and Grievance Procedures”

D176 is in the campus comment period. So far we haven't received any comments. The comment period closes on November 24. Amy Levi said that the Office of Compliance, Ethics, and Equal Opportunity had some concerns, and she and Brandon Toensing will tell them to write their comments up and send them in by the deadline. Their concerns were related to updated Federal Title IX language that should be reflected in the policy.

A53.1 “Policies Applicable to Faculty”

This policy was approved by the Faculty Senate Operations Committee and Caitlin updated the Faculty Handbook website. Nancy and Carol are currently checking it over because there were many changes that had to be made to the table. Once they're done, the policy will be sent out to campus.

UA-UNM Collective Bargaining Agreements

Relating to the document Lee wrote highlighting some of the discrepancies within the CBAs and with the CBAs as they relate to Faculty Handbook policies, the committee discussed the best way to bring this to the attention of UA-UNM. Lee and Karen were advised that they should pass on any concerns to Faculty Senate President Finnie Coleman, as he is meeting with faculty governance leaders and the leadership of UA-UNM next week and would be able to pass those along. Karen and Lee will write up a memo

3. Discussion/Action Items

A53 “Development and Approval of Faculty Policies”

Update is point 4 under procedures, which allows the Office of the University Secretary to make small changes without requesting approval by the designated authority of each change. (These small changes include non-substantive changes such as updating departmental names, unit names, or position titles; correcting grammatical errors and typos; fixing broken URLs; and other similar changes.) The change was approved by the Policy Committee and will be sent to the FS Operations Committee for approval.

C70 “Confidentiality of Faculty Records”

C70 needed to be reworked following the concern of the Regents and Provost with some of the language in C07, as well as to reflect the current CBAs. Carol went through and made edits to the policy that tried to address both of these concerns. Carol put the policy in the new format, so the Policy Rationale section was pretty much written from scratch. Several parts are based on the CBAs because CBA statements seemed very good. The Faculty Personnel Files are defined as only the files outlined in this policy that are used for making a decision concerning the employment, rank, or status of a faculty member; other files may contain faculty information, but they are not allowed to be used for personnel decisions. Karen Patterson saw a misspelling in Section 2.1, which will be corrected. Section 1.2 is the portion that was added to address the C07 concern raised, and allows faculty to choose whether information about complaints that were not substantiated should be included or excluded from Faculty Personnel Files. Carol specified that there are other places that information may be kept (for example, CEEO might keep copies of non-substantiated complaints for reporting purposes), but that information not in the Faculty Personnel Files may not be used to make decisions about employment/rank/status. Vivian Valencia noted that the University Secretary should be added to Section 2.6, as they work closely with AF&T and would likely need to see personnel files in the course of that work.

The Committee voted to approve the policy, with the addition of OUS to Section 2.6 and correction of the misspelling in Section 2.1. It will move on to the FS Operations Committee for approval to go out for campus comment.

C200 “Sabbatical Leave”

Carol gave a short history of the policy: the FS Policy Committee started working on the policy in 2012, send revisions for campus comment in 2014, made changes based on the campus comments, and that is how the draft we currently have came to be (July 12, 2015). At that time, AF&T asserted jurisdiction over the policy and the draft was sent to them. At that point, AF&T declined to move it forward due to the then-contentious relationship between faculty and the Board of Regents. Additionally, about 18 months ago, AF&T submitted a letter to the Faculty Senate requesting that five policies be moved to Section B (those regarding sabbatical, faculty discipline (C07), branch campus academic freedom and tenure, lecturer reviews, and academic leave). The latter three were moved to Section B. C07 has started to move through the approval process, so the sabbatical policy is the one that remains. AF&T has asked Section B to look over the sabbatical policy, but it is just one in a long list of policies they are examining. The policy will require regent approval.

Almost all changes in the policy are those that were made in 2015, except for a few made by Carol recently to update titles. Carol asked Barbara Rodriguez if there was anything in the CBAs that might relate to this, and Barbara responded that sabbatical leave for Unit 1 members is covered by Article 11 of the CBA. One substantive difference between C200 and Article 11 is the need to have a departmental review committee endorse applications (this is in Article 11 but not C200). Other difference is that denials

of sabbatical leave by Unit 1 members are governed by the grievance procedures in Article 17. Barbara clarified that this does not apply to HSC faculty. There was concern that C200 conflicts with Article 17 and that Unit 1 members wouldn't be able to appeal to AF&T. There were also concerns that Article 11.H appears to allow for appeal to AF&T, while Article 17 does not.

The committee decided that Lee Brown and Karen Patterson will forward C200 to AF&T, accompanied by a memo that lays out its history and importance and urges AF&T to take action on moving it along. The memo will also mention that there seem to be some discrepancies between CBA Articles 11 and 17 and that AF&T should examine that in the context of this policy.

4. Work Status Table

The committee opened the most recent Work Status Table (dated 8/11/21) to determine future priorities. Lee noted that the Committee on Governance had requested FSPC review certain policies and that's something that we should be on top of. Carol said that FSPC had send a closeout report outlining what the committee had done in regards to those policies. The committee reviewed the list of potential policies.

The committee decided to address the following policies going into spring semester:

- Revising C50 (Faculty Contracts) in conjunction with C205 (Annual Leave): Parts of C50 have been moved to Section B for the Contracts policy. FSPC can decide to fold the remains of C50/C205 together into the Annual Leave policy. Could use HSC policy as a starting point.
- Revising C150 (Political Activities of UNM Faculty) in conjunction with C240 (Leaves of Absence Incident to Political Activity): Closely related in content.
- Revising D75 (Classroom Conduct) in conjunction with the unfinished Copyright for Instructional Materials policy: Many faculty are dealing with classroom behavior issues, so this would be a timely issue. Previous FSPC chairs were concerned that some administrators were starting to show up to classrooms unannounced. The copyright issue surfaced when an administrator took material from an online course without instructor permission. They may not be closely linked, but they did come up together previously.

The UAP policy on consensual relationships is currently under review by the University President. When that policy is published, FSPC will review it to determine whether that is sufficient for faculty purposes, or whether there needs to be a dedicated policy in the Faculty Handbook.

5. Adjournment

The meeting adjourned at 4:25 pm.