

University of New Mexico
Committee on Academic Freedom and Tenure
Bylaws
(Approved by unanimous AF&T Committee vote on 1/21/2022)

Authorizing policies:

- Regent’s Policy Manual 5.01: The Faculty’s Role in the University's Academic Mission
- Faculty Handbook Policy A51: Faculty Constitution
- Faculty Handbook Policy Section B: Policy on Academic Freedom and Tenure

1. Guiding Policies/Procedures

- a. UNM Faculty Handbook Section B Policies on Academic Freedom and Tenure
- b. AAUP Policy Appendices to Section B
- c. How to Run a UNM Hearing and Appendix: Model Hearing Procedure by Robert Beinstock

2. The name of this committee is the Committee on Academic Freedom and Tenure also known as Academic Freedom and Tenure Committee, AF&T, or the Committee.

3. Charge

The principal functions of the Committee on Academic Freedom and Tenure are to:

- a. discharge the functions assigned to it under the provisions of the Policy on Academic Freedom and Tenure; (Section B of the Faculty Handbook)
- b. when the Committee deems it necessary, review the policy and recommend appropriate changes in it;
- c. review complaints about decisions relating to faculty tenure, promotion, sabbatical leave and employment, and determine if any of the following influenced the decision-making process:
 - i. violation of academic freedom,
 - ii. improper consideration in which a decision on substantive issues was not based upon impartial professional academic judgment and resulted in prejudice to the faculty member, or
 - iii. procedural violations of Faculty Handbook policies that resulted in prejudice to the faculty member.
- d. when the committee finds that complaints require resolution, the committee will work to have the reviewed complaints resolved through discretionary review via the Provost/VPHS, or when necessary, through the formal hearing process described in the Faculty Handbook.

4. Membership and Terms

- a. Thirteen members, all of whom shall be members of the voting faculty, with tenure [or whose tenure decision date has passed without adverse notification].
- b. Not more than one member of any department shall serve as a member of the committee at the same time.

- c. No committee member shall serve more than two consecutive two-year terms.
 - d. Chair and Vice-Chair shall be elected by the committee.
 - e. Committee terms shall begin on July 1 and end on June 30.
5. Meetings and Quorum
- a. Meetings are held bi-weekly on Friday for a duration of 2 hours; the duration may be extended by the Chair when necessary. Additional meetings, including summer meetings, may be scheduled at the discretion of the Chair.
 - b. Attendance is required via physical presence and/or remote participation (video and telephone).
 - c. Quorum of seven members (simple majority of 50% of the voting members + one member) must be present at any meeting before any binding action may be taken.
6. Nomination and Election of Members
- a. The Voting Faculty shall make nominations by mail (email) to the Secretary of the University.
 - b. Administrators at the level of Department Chair or above are excluded from serving on AF&T.
 - c. The six nominees in even-numbered years or the seven nominees in odd-numbered years receiving the highest number of votes shall become members of the committee for a two-year term commencing at the start of the academic year following election.
 - d. Elections shall be by an electronic ballot, accompanied by biographical sketches of the nominees, distributed by the Secretary to all members of the Voting Faculty who shall then indicate their choices up to a maximum of six in even-numbered years or of seven in odd-numbered years.
7. Nomination and Election of Officers
- a. The Chair and Vice Chair(s) of the Academic Freedom and Tenure Committee will be elected by the Committee annually, administered by the Office of the University Secretary.
 - b. Nominations will be solicited from among the new and continuing members of the Committee.
 - c. Nominees shall provide a brief written biography and a statement of interest for Chair or Vice-Chair.
 - d. The election shall occur as soon as possible after the annual faculty governance election process has been completed.
 - i. Continuing and new members vote to elect the Chair and Vice-Chair.
 - ii. Elections for Chair and Vice-Chair should occur after the election of new members has been completed and after newly elected members have had the opportunity to hear from the nominees.

8. Vacancies

- a. Member Vacancies: When a mid-appointment vacancy occurs, the remaining nominees shall be called on to serve, based on the number of votes they have received, and serve out the remaining term.
 - i. If the nominee with the next highest number of votes is on leave or ineligible to serve on the committee, the next person on the list is asked to serve and so on until the vacancy is filled.
 - ii. If the nominee with the next highest number of votes does not accept, the next eligible person on the list is asked to serve and so on until the vacancy is filled.
 - iii. If the nominee list from the ballot is exhausted without the vacancy being filled, then the University Secretary will conduct a special nomination and election among the voting faculty to fill the vacant seat.
 - iv. The term of service of the individual filling the vacancy shall expire upon the completion of the term of the vacating member.
- b. Chair Vacancies: When a Chair vacancy occurs mid-term, the elected Vice-Chair shall assume the role of Chair and an election will be held for a new Vice-Chair.
 - i. If the Vice-Chair is unable or unwilling to accept the Chair position, then an election will be held for a new Chair instead of the Vice-Chair.
 - ii. The term of the Chair or Vice-Chair elected to fill a vacancy shall expire upon the completion of the term of the vacating member.
- c. Vice-Chair Vacancies: When a Vice-Chair vacancy occurs mid-term, an election will be held to fill the Vice-Chair position.
 - i. The term of the Vice-Chair elected to fill a vacancy shall expire upon the completion of the term of the vacating member.

9. Officer Duties and Compensation

- a. Chair: The Chair is elected annually. In the course of carrying out the below duties while adhering to confidentiality protocols, the Chair is allowed access to all stakeholders within the University community (e.g., Regents, President, Provost, Executive Vice President for Health Sciences Center, and other administrators). The Chair receives a SAC for a full 12-month term, which is prorated for shorter terms. The duties of the Chair are the following:
 - i. Discharges the functions assigned to the Committee as defined in the Faculty Handbook Section B: The Policy on Academic Freedom and Tenure.
 - ii. Convenes the first meeting as soon as necessary after July 1 but no later than the second week of September.
 - iii. Schedules meetings.
 - iv. Plans the meeting agenda in collaboration with the Committee and the Office of the University Secretary.
 - v. Serves as an impartial leader and neutral administrator of the Policy on AF&T consistent with Robert's Rules of Order.
 - vi. Votes in the event of a tie vote per Roberts Rules.

- vii. Enforces the rules relating to discussion and those related to Section B.
 - viii. Assigns workload when there are no volunteers, especially participation on case sub-committees, and ensures workload is fair and equitable.
 - ix. Represents AF&T Committee to faculty (including shared governance bodies) and University administrators (Chairs, Deans, Provost, Chancellor, and/or President) as appropriate to the role of the Committee.
 - x. Provides policy and procedural leadership and guidance to faculty, administrators, hearing panel chairs, and Committee members.
 - xi. Responds to inquiries that may or may not result in a formal complaint, advises the faculty member of the choices available to address the situation, and brings these inquiries to the larger committee as appropriate. Such information interactions will not be recorded in a letter or other formal communication to the faculty member, and shall not be considered an action approved by the Committee.
 - xii. Attends meetings as Past Chair at the request of the Committee.
 - xiii. Executes other duties as assigned by vote of the committee.
 - xiv. Delegates any of the above duties to the Vice-Chair if needed.
- b. Vice Chair(s): The Vice-Chair(s) is elected annually and receives a SAC for a full 12-month term, which is prorated for shorter terms. In the event that there are two Vice-Chairs, the SAC will be split between the two. The Vice-Chair(s) may execute (but is not limited to) the following duties:
- i. Assists Chair with duties as requested.
 - ii. Serves as Chair in the case of unavailability of Chair.
 - iii. Collaborates with the Chair on:
 - 1. Addressing new cases and queries.
 - 2. Assigning cases to Committee members.
 - 3. Reviewing policies for conflicts between the Faculty Handbook and other university policies.
 - 4. Making AF&T presentations to departments.
 - 5. Recruiting nominees for new member elections from the body of all associate and full professors.

10. Annual Member Orientation

- a. Orientation shall be held after the election of new members, no later than July 1.
- b. When possible, training shall also be held prior to the election of the new Chair and Vice-Chair.
- c. Will be coordinated annually by the University Secretary.
- d. Independent Counsel will attend this meeting and orient members as directed by the Chair.

11. Website and Listserv

- a. The Office of the University Secretary will maintain the Committee website, at minimum to list the roster of membership and the charge.
- b. The Office of the University Secretary will maintain the committee listserv and monitor postings.

12. Confidentiality

- a. Confidentiality of AF&T Files and Information – agreement with Admin 1995 and BOR 2007 (Appendix A and B)
- b. Member and support staff confidentiality agreement (Appendix C)
- c. Shared file repository limited to AF&T members and OUS Staff
- d. Sending AF&T letters, emails, and files – OUS will follow University standards and guidelines for secure file sharing protocols
- e. Disclaimer language should be added to any official AF&T e-mail communications outside of committee business. An example is provided below:

The contents of this electronic mail (including the contents of the enclosure(s) or attachment(s) if any) are privileged and confidential material of the Academic Freedom and Tenure Committee at The University of New Mexico and should not be disclosed to, used by or copied in any manner by anyone other than the intended recipient(s). If you are not the intended recipient and received this message in error, please delete this message and notify the sender by reply e-mail.

This e-mail message including attachment(s), if any, is believed to be free of viruses. However, it is the responsibility of the recipient to ensure that it is virus free and The University of New Mexico is not responsible for any loss or damage arising in any way from its use.

13. Recusal Policy (Appendix D)

- a. Committee members recuse themselves from discussion of or voting on an issue for the following reasons:
 - i. The Committee member has some direct involvement in the events at issue in the complaint;
 - ii. The Committee member will likely be a witness if a hearing is conducted;
 - iii. The Committee member has personal knowledge of the events at issue and/or the complainant, respondent, or other important parties, such that considering the complaint with an open mind is questionable to a reasonable person;
 - iv. The Committee member has a personal bias or prejudice concerning the complainant or respondent or other important parties;
 - v. The Committee member is in the same Department as the complainant or respondent or other important parties; or
 - vi. Some other conflict of interest exists such that the Committee member cannot hear the complaint impartially (for example, supervisory relationships).

- b. Simply serving on a committee, including AF&T, with the complainant or respondent, or other parties, does not require recusal if there are no other reasons for recusal.
- c. In the event that a quorum is lost due to 7 or more members being recused, the Chair, (or Vice-Chair if the Chair is recused, or Past Chair if the Chair and Vice-Chair are recused), should work with the Secretary of the University to appoint enough former AF&T members to meet a quorum.

14. Inquiries from Faculty

- a. The Chair or Vice-Chair will acknowledge an inquiry with an email explaining jurisdiction of the Academic Freedom and Tenure Committee (Section B.6.2).
- b. The Chair or Vice-Chair may act as a sounding board for an inquiry and possible complaint and/or explain procedures for a complaint.
- c. At the discretion of the Chair and in consultation with the Committee, the Chair and/or Vice-Chair may seek clarification of procedures or a policy from the Office of Academic Affairs or HSC that may have some impact on decisions affecting tenure, promotion, sabbatical, and employment. The Committee will provide a clear statement of why the Committee is acting prior to a formal complaint.

15. Complaint Procedures

- a. AF&T Standards and Procedures Guide (pending)
- b. Model Hearing Procedures
- c. The location for AF&T hearings shall be secured by the Office of the University Secretary in a physical or virtual space that assures privacy and is accessible to all participants.

16. Support from the Office of the University Secretary

- a. Major responsibilities of the University Secretary:
 - i. Coordinate and attend meetings
 - ii. Advise the Committee on compliance with procedures, guidelines, and bylaws
 - iii. Ensure confidentiality agreements are signed and maintained
 - iv. Maintain past membership history
 - v. Act as advisor to Committee on points of inquiry and reference on Faculty Handbook policies
 - vi. Facilitate policy revisions, discussions, solicit faculty and administrative input, administer votes on policy among voting faculty, serve as liaison with general faculty, Deans/Chairs, and HR Agents to keep them abreast of proposed policy revisions, facilitate final Board of Regents' approval(s)
 - vii. Maintain files, records, official correspondence, and pertinent email communications
 - viii. Maintain case history and Committee decisions
 - ix. Provide Committee with case history and precedents
 - x. Provide Subcommittees with logistical support

- xi. Edit and/or write official correspondence as directed by the Committee in consultation with the Committee Chair and independent counsel
- xii. Recommend adjustments to Committee procedures and guidelines to improve administrative efficiency and/or to adjust to institutional/organizational changes
- xiii. Coordinate annual membership orientation for incoming Committee
- xiv. Serve as Hearing administrator
- xv. Administer the hiring of independent counsel at the direction of the Chair
- xvi. Assign administrative support staff for Committee
- xvii. Work with AF&T Chair as needed to support the charge of the Committee

b. Major Responsibilities of Additional Administrative Support:

- i. Attend meetings
- ii. Assist with maintenance of Committee roster and listserv
- iii. Maintain and distributes meeting schedule
- iv. Schedule meetings
- v. Send out meeting announcements and agenda materials
- vi. Conduct policy research as needed, at the direction of the University Secretary
- vii. Assist with policy development
- viii. Assist with record and file management
- ix. Assist with hearing logistics

17. Independent Counsel

- a. The Committee may appoint its own counsel.
- b. The University shall bear the cost of the services of such counsel.

18. File Storage and Retention

- a. The Office of the University Secretary is responsible for storage and retention of AF&T Committee and Case files indefinitely.

19. Voting

a. Definitions

- i. Majority vote - defined as more than half of the votes cast by those present and voting (i.e., excluding abstentions).
- ii. Two-thirds vote - defined as at least two-thirds of those present and voting.
 - 1. Any member may move to have a vote decided by two-thirds of the committee present. The motion for a two-thirds threshold will pass if a majority of the committee agrees to conduct voting in this manner.
 - 2. Examples of motions that require a two-thirds vote: to close, limit, or extend debate; to suspend the rules; to amend the constitution and bylaws; to close nominations;

to remove an officer or expel a member; or to object to the consideration of a motion.

- b. Voting by the Chair - except when there is a ballot vote, the chair only votes when his/her vote would affect the result.
- c. Methods of Voting
 - i. Voice vote - method normally used
 - ii. Show of hands or rising vote - used to verify an inconclusive voice vote or on motions requiring a two-thirds vote
 - iii. Secret ballot - normally used for election of officers. A secret ballot can be ordered by a majority vote, or by general consent. Such motions are undebatable.
 - iv. Roll call vote - used when it is desired to have a record of how each member voted. Can be ordered by a majority vote unless the organization's bylaws specify otherwise.
 - v. Proxy voting is prohibited.
- d. Electronic Voting
 - i. Electronic voting is acceptable when administered by the University Secretary in accordance with established electronic voting standards.
 - ii. Virtual voting is acceptable if the member is present on the phone or by video conferencing at the time of the vote for an item or groups of items.
 - iii. Any of the methods of voting acceptable for in-person voting may be used for electronic voting.

20. Standing Committees, Subcommittees, and Task Forces

- a. The Committee may create subcommittees and task forces to facilitate the accomplishment of the Committee's charge.
 - i. For subcommittees, in the event the numbers within the Committee are not available to create a needed subcommittee, former AF&T members may be called into service for this purpose.
- b. Task Force (also called a select or ad hoc committee). This committee is created to perform a specific task and is dissolved when the task is completed, and the final report or recommendations are report is given.
 - i. Formation of Task Force:
 - 1. Established by majority vote of AF&T membership
 - 2. The motion to create a Task Force must include a Charge delineating the purpose of the Committee.
 - 3. Appointments, with consultation from the Committee, shall be made by the Chair and can be selected from voting or non-voting faculty, or the University administration, as long as a majority of the membership consists of voting faculty members.
 - 4. The AF&T committee has final approval of any recommendations or reports from the Task Force.
 - ii. The Task Force may have the following duties:
 - 1. To conduct a comprehensive review of Section B of the Faculty Handbook when necessary.

- 2. To conduct a hearing when current members of AF&T are recused or not available.
 - iii. The Task Force is governed by the same rules as the AF&T Committee, which are Robert's Rules.
- c. Standing Committees
 - i. The Faculty Misconduct Review Committee (FMRC) is a standing committee appointed by the Academic Freedom and Tenure Committee charged with conducting faculty peer hearings pursuant to Faculty Handbook Policy C07. AF&T retains authority to conduct all other hearings within its jurisdiction to include violations of academic freedom, improper consideration, or procedural violations per Faculty Handbook Policy B6 "Academic Freedom and Tenure Committee."
 - ii. In order to protect and preserve the role and authority of elected members, no additional standing committees shall be created.

21. Amending Bylaws

- a. These Bylaws are approved and may be amended at any regular meeting of the Committee by a two-thirds vote of those present with an established quorum.
- b. Any proposed action(s) to amend bylaws shall have been presented and discussed at the previous regular meeting, and communicated to all members of the Committee in writing at least two (2) weeks prior to the meeting at which the action is to be taken.