

4-27-2010

Faculty Senate Summarized Minutes, 4/27/2010

UNM Faculty Senate

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FACULTY SENATE SUMMARIZED MINUTES

2009-2010 Faculty Senate
April 27, 2010

The Faculty Senate meeting for April 27 was called to order at 3:06 p.m. in the Lobo Room of the Student Union Building. Senate President Douglas Fields presided.

1. ATTENDANCE

Guests Present: Associate Professor Mark Emmons (University Libraries), Director LM Garcia y Griego (SW Hispanic Research Institute), Staff Council President Merle Kennedy, Professor Natasha Kolchevska (Foreign Languages and Literatures), Sari Krosinski (University Communication and Marketing), Director Rosalie Otero (University Honors Program), Professor Virginia Shipman (Individual, Family, and Community Education), and Professor Craig White (Anderson School of Management).

2. APPROVAL OF THE AGENDA

The agenda was approved as written.

3. APPROVAL OF SUMMARIZED MINUTES FOR MARCH 23, 2010 MEETING

The minutes were approved as written.

4. MEMORIAL MINUTE FOR PROFESSOR HECTOR TORREZ

Professor Hector Torrez was a professor in the English Department. Professor Torrez was a victim of domestic violence. Professor Mary Power (English) read the following to the senate:

Hector was my neighbor next door on the third floor in the Humanities Building for ten years. Hector was smart, kind, and committed to teaching. Beyond that, Hector had a broader and related goal of bringing people together to talk about literature and critical theory and engaging them on important issues.

First, Hector was very proud in 2005 when he brought a well-known literary theorist, Dominic LaCopa from Cornell, to UNM for a symposium that was very successful.

Secondly, in his book Conversations with Chicana and Chicano Writers, Hector really gets the nine writers to explain where they were coming from. He talks a lot about Richard Rodriguez's studies in Chicano life. Hector also interviewed Ana Castillo, Gloria Ensodula and talked about something very specialized, Chicana Feminism and literary ethnology. In his book, he was able to get people to talk a lot. In fact, what people said when it first came out, was that Hector was really able to get the people to talk.

Finally, this year, Hector started a successful theory reading group outside of any classes; made up of professors, lecturers, and graduate students; bringing them

together to talk about issues from various disciplines. There is much more to say about Hector, but this is probably something most people did not know. Thank you.

A short slideshow was presented followed by a moment of silence in Hector's memory.

5. POSTHUMOUS DEGREE REQUEST FOR STEFANIA GRAY

Chair Natasha Kolchevska (Foreign Languages and Literatures) presented the following request for a Posthumous Masters of Arts in Comparative Literature and Cultural Studies for Ms. Stefania Gray. Ms Gray was a victim of domestic violence with Dr. Torrez. The request was approved by unanimous vote of the Faculty Senate.



Department of Foreign Languages & Literatures

RECEIVED

MAR 15 2010

Graduate Office
University of New Mexico

15 March 2010

TO: Dr. Amy Wohlert
Dean, Office of Graduate Studies

FROM: Natasha Kolchevska, Chair, Dept. of FLL

SUBJECT: REQUEST TO AWARD POSTHUMOUS DEGREE

On behalf of the Department of Foreign Languages and Literatures, I am requesting that the degree of Master of Arts in Comparative Literature and Cultural Studies be awarded posthumously to Stefania Gray. Stefania was a student in good standing and on the verge of completing all of her requirements—including a thesis—for the MA when she passed away on March 8, 2010. She had turned in a final draft of her thesis the week before and was scheduled to defend the thesis on March 22. The members of her MA committee—Professors Raji Vallury (FLL), director; Mary Quinn (S&P); and Janet Cramer (C&J)—all agree that she would have passed that defense with absolutely no difficulty. At the time of her death, Stefania had completed all of her course requirements and was taking only thesis hours.

I join my colleagues in strongly endorsing this request and hope that you will agree that this is an appropriate action to take.

6. POSTHUMOUS DEGREE REQUEST FOR TEJAY ROSS COLLINS

The requestor for the posthumous degree for Tejay Ross Collins was unable to attend the senate meeting. The Faculty Senate voted to defer the item to the August 24, 2010 meeting for consideration.

7. VOTE TO CLOSE MEETING AND PROCEED IN CLOSED SESSION

7A. The Faculty Senate voted unanimously to proceed in closed session. All non-senators were asked to leave until invited to return. The meeting was closed for discussion and determination, where appropriate, of limited student matters, pursuant to Section 10-15-1.H (4), NMSA (1978).

7B. The Faculty Senate voted to approve the request with three abstentions.

7C. The Faculty Senate voted unanimously to re-open the meeting.

7D. The Faculty Senate voted unanimously certifying that only those matters described above were discussed in closed session and ratified the vote taken in the closed session.

The request will now be considered by the Board of Regents Academic, Student Affairs, and Research Subcommittee. If approved, it will be considered by the full Board of Regents.

8. FACULTY SENATE PRESIDENT'S REPORT

Faculty Senate President Douglas Fields reported the following:

- This is President Fields' last meeting as Faculty Senate President. Doug Fields will continue to attend meetings as past-president and as a senator from the College of Arts and Sciences. Associate Professor Richard Wood (Sociology) becomes Faculty Senate President on July 1.
- Being senate president has been quite an experience. He appreciated and learned a lot working with the faculty on the Operations Committee and the various other Faculty Senate Committees. Although, he feels that he should have worked more closely with some of the committees and talking more with the faculty. His original plan was to go to Santa Fe once a week and also go to faculty meetings in each department this year.
- The achievements made this year are sparse. Part was due to his lack of experience to do the job and part was politics, money, and dealing with faculty and staff. It is not easy, but he will not take all the blame. He expressed frustration. He feels that the administration does not believe in shared governance. It is not in their idea to engage the faculty on the university's problems and what the solutions are. He is unsure that the faculty can do anything about it. He says this, but does not want people to lose hope or stop working towards it.

- Last year the general faculty requested an audit be made of Instructional and General Funds (I&G). President Fields worked as hard as he could to get a look at the money used for the mission. He appealed to the administration for help but was turned down. It was basically taken over by the Board of Regents. The audit is complete and is underwhelming. There is a format to the data that could be applied to any of the funds at UNM. There is an opportunity, working with the FS Budget Committee, insisting that the Budget Committee is allowed to participate with the money that UNM has.
- A pilot project for the Health Sciences Center Council has been approved by the senate. It will be chaired by Associate Professor Nikki Katalanos (Physicians Assistant Program). Senator Katalanos has successfully found senators for all of the Health Science Center seats.
- President Fields has been in negotiations with the academic committees to work with the Operations Committee to better organize and get more resources.
- The final newsletter should be out Thursday, April 29. There will be information about the Budget Summit and President Fields' opinion of that. He does not feel that it was a Budget Summit but rather a presentation and approval. There were items that were not discussed prior to the presentation, for example, the \$94 increase in student fees.
- There is a lot of work ahead of faculty. The good news is that UNM has a lot of good people. The FS Governmental Relations Committee chair is doing a great job. The Budget Committee chair is doing a great job as is the Research Policy Committee chair. The committee members are doing great work. The Graduate Committee and Undergraduate Committee are doing great jobs. The Faculty Senate needs more people, not better quality. The Admissions and Registration Committee needs people to step-up and help out. There is a lot of work involved. President Fields asked the senators to encourage their colleagues to participate.
- Associate Past-President Pamela Pyle thanked President Fields for all his work in difficult times. The Faculty Senate applauded President Fields.

CONSENT AGENDA

9. SPRING 2010 DEGREE CANDIDATES

The Spring 2010 Degree Candidates were approved by unanimous voice vote of the Faculty Senate.

AGENDA TOPICS

10. INTELLECTUAL PROPERTY POLICY REVISION

Intellectual Property Committee member Craig White (Anderson School of Management) presented the following revision of the Intellectual Property Policy. The Faculty Senate voted to unanimously approve the revision. President Fields thanked everyone for their hard work on the new policy.

Intellectual Property Policy Draft Update 2/11/2010

Foreword

In the course of conducting their University-administered activities, the faculty, staff, and students often create intellectual property that may be protectable by patent, copyright, or other means. The University wants a policy that encourages the treatment of such property in ways beneficial to the creators of such works, as well as to the University and to the public. To these ends, the University and the creators should assist each other in identifying, evaluating, protecting, and exploiting such property. Such efforts will also help in recognizing the creation of intellectual property as a significant academic achievement.

Accordingly, this Policy seeks to recognize such achievements; to provide advice and assistance to faculty, staff, and students; to promote a clear understanding of legal relationships; and to realize and optimize the benefits of potentially valuable intellectual property to the creators as well as to the University. A feature of this Policy is to encourage creators to perform key roles in the utilization of intellectual property.

This Policy governs the ownership, protection, and transfer of Scholarly/Artistic Works (as defined in Section 2.2) and Technological Works (as defined in Section 2.3) created by University faculty, staff, and students. Inventors and authors are referred to in this Policy as creators. It is the purpose of this Policy to encourage, support, and reward scientific research and scholarship, and to recognize the rights and interests of creators, the University, and the public.

However, the University's commitment to teaching and research is primary and this Policy does not diminish the right and obligation of faculty, staff, and students to disseminate research results for scholarly purposes. The latter is considered by the University to take precedence over the commercialization of Scholarly/Artistic and Technological Works.

Summary

This summary of the Intellectual Property Policy is intended only as an aid to reading the Policy. Wording in the summary should not be relied upon as a substitute for the Policy.

1. The Policy applies to all University faculty, staff, and students, hereafter referred to as creators. (See Article 1.)
2. The University's commitment to teaching and research is primary, and the right and obligation of creators to disseminate research results for scholarly purposes takes precedence over the commercialization of Scholarly/Artistic and Technological Works.
3. Faculty members working with students on research projects must inform students in advance of the terms of this Policy and of any obligations of nondisclosure or confidentiality.
4. All inventions, tangible research results, and artistic and literary works are subject to this Policy and to federal and state laws and regulations governing intellectual property. (See Sections 2.2 and 2.3.)
5. All Scholarly/Artistic Works are owned by creators unless they were created with substantial directed investment of University facilities or funds or capitalize on affiliation with the University. (See Section 2.2.)
6. Technological Works (inventions and tangible research results) that are owned by the University under this Policy are:

* those created using University facilities or funds;

* and those created without University facilities or funds but within the scope of the creators' employment (determined by the creators' recent teaching, research, or other University activities).

Exception is made for inventions and tangible research results that were assigned by creators to an outside entity pursuant to a consulting agreement that is consistent with other University policies (including conflict of interest) and that has received prior approval by the creators' department Chair and Dean or Unit Director. (See Sections 2.3, 2.4, and 2.5.)

7. The Policy is administered by the Provost or the Executive Vice President for Health Sciences for their, respective, reporting units. (See Article 3.)

8. Royalties from commercialization by STC.UNM (formerly known as Science & Technology Corporation @ UNM) (the main commercialization arm of the University) of inventions, tangible research results, and other types of intellectual property are allocated

(see Section 2.6):

40% equally among the creators

40% to STC.UNM.

20% to the University.

9. Standard procedures for review are described in Article 4.

10. Appeal of University Ownership is covered in Article 5.

1 Scope

This Policy applies to all University faculty, staff, and students (hereafter referred to as creators). Reference to this Policy should be made in the *University's Business Policies and Procedures Manual* as well as in the University's *Pathfinder*. Faculty members working with students on research projects must inform students in advance of the terms of this Policy and of any obligations of nondisclosure or confidentiality.

2 Rights in Scholarly/Artistic and Technological Works

2.1 Commercialization

The term Commercialization shall mean the entire process of gaining commercial value for intellectual property, from seeking intellectual property protection to licensure of, granting of access to, or sale of said intellectual property.

2.2 Scholarly/Artistic Works

2.2.1 Scholarly, artistic, literary, and musical works in any medium are collectively referred to as Scholarly/Artistic Works. This category includes all materials developed by faculty and other personnel directly involved in instruction.

2.2.2 All rights in Scholarly/Artistic Works are owned by the creators, with three exceptions:

1) Works created by pre-arranged contractual obligation with substantial directed investment of University facilities or funds (exclusive of creators' salary) or in the performance of a written university work assignment or commission to create such a work. All rights in such works are owned by the University.

2) Works that capitalize on an affiliation with the University by explicit labeling of the work to gain a market advantage, beyond the noting of the creator's affiliation. Such uses of the University's name, seal, or logo are regulated by Section 1010 of the University Business Policies and Procedures Manual (see also Section 2.5). All rights in such works are owned by the University.

3) Works created under a sponsored agreement that requires rights to be relinquished to the sponsor.

2.3 Technological Works and Technical Information

2.3.1 The term Technological Works means all inventions, discoveries, and other innovations that are protectable by patents, copyrights, mask works, or other means. Innovations include, for example, computer programs, integrated circuit designs, databases, and other technical creations.

2.3.2 The term Technical Information means all tangible and intangible research results, including data, graphs, charts, lab notebooks, technical drawings, biogenic materials, and samples.

2.3.3 All rights in Technological Works and Technical Information created by University creators with the use of University facilities or funds administered by the University are owned by the University, with income from commercialization of Technological Works distributed in accordance with this Policy.

2.3.4 All rights in Technological Works and Technical Information created by creators without the use of University facilities (with the exception of the University libraries) or funds administered by the University, but that fall within the creators' scope of employment (see Section 2.3.5) at the University are owned by the University. However, the University ordinarily will assert no ownership rights or interests in the following two instances:

1) Technological Works and Technical Information created pursuant to outside employment (see the Faculty Handbook) under a consulting agreement between a faculty member and an outside entity in which Technological Works and Technical Information are assigned to said entity. The consulting agreement must be consistent with University policies, including conflict of interest policies, and must be disclosed in writing and agreed to by the creators' Chair and Dean or Unit Director in advance of execution of the consulting agreement. (Contracts in existence at the time of adoption of this Policy must be disclosed within sixty (60) calendar days.)

2) Technological Works and Technical Information created pursuant to independent research or other outside activity that is consistent with University policies, including conflict of interest policies, and that was disclosed in writing and agreed to by the creators' Chair and Dean or Unit Director at the beginning phase of this research activity.

2.3.5 For purposes of this Policy, factors considered in determining the scope of a creator's employment normally shall include the relationship of the Technological Works and Technical Information to that creator's recent teaching, research, and other University activities, as well as activities stipulated in any appointment contract.

2.3.6 Disagreements concerning ownership can be appealed as described below in Article 5.

2.4 UNM Intellectual Property (UNM IP)

For purposes of this Policy, UNM IP means Scholarly/Artistic Works, Technological Works, or Technical Information deemed to be owned by the University. (See Sections 2.2 and 2.3.)

2.5 Use of UNM Name, Logos, or Trademarks

Commercial use of the University's name, seal, logos, or trademarks requires prior written approval from the Office of the Vice President for Institutional Advancement or (for the logo) the Director of Marketing and Licensing in the Athletic Department. (See Section 1010 in the University Business Policies and Procedures Manual.)

2.6 Costs, Royalties, and Other Commercialization Income

2.6.1 In the case of collaborations between the University and outside entities, the provisions of Section 2.6 are applicable only to the ownership interests of the University.

2.6.2 The University and/or the STC.UNM shall normally bear the costs they have elected to incur in securing protection for intellectual property (including evaluation, prior art searches, preparation, filing, and prosecution of any patent application, and issuance and maintenance of patents issuing therefrom) and commercializing said property, until said property is licensed, assigned, or otherwise commercialized.

2.6.3 Prior to distribution of royalties (which, for purposes of this policy, are deemed to mean all income received by the University or the STC.UNM for a license of UNM IP, but does not include payments for research, development, or reimbursement of patent costs), the STC.UNM shall be reimbursed for all unreimbursed or non-contractually reimbursable costs incurred in securing intellectual property protection and any litigation costs.

2.6.4 Royalties received by the University from commercialization of UNM IP by the STC.UNM shall be divided as follows:

Forty percent (40%) to be divided equally (unless otherwise unanimously agreed to and represented on the submitted invention disclosure form) among the creators;

Forty percent (40%) to the STC.UNM; and

Twenty percent (20%) to the University to be invested and administered by the Vice President for Research (on main campus) or the Vice-President for Translational Research (at the Health Sciences Center (HSC)), generally, in amounts consistent with the source(s) of the UNM IP. Accrued revenues will be used, in consultation with faculty, to support University units involved in ongoing research and educational pursuits relevant to commercialization efforts or will otherwise be administered as required by sponsor(s).

2.6.5 In any case where royalties shall be represented by shares of stock or other intangible assets, these assets shall be held in the name of the University or the STC.UNM and managed by them. At the discretion of the managing unit (the University or the STC.UNM), such stock or other intangible assets may be divided prior to liquidation and distributed in the proportions specified in Section 2.6.4.

2.7 Duties of Creators

2.7.1 All provisions of Section 2.7 apply to individual efforts of creators and to collaborative efforts with outside entities.

2.7.2 The University's commitment to teaching and research is primary, and the right and obligation of creators to disseminate research results for scholarly purposes take precedence over the commercialization of Scholarly/Artistic and Technological Works.

2.7.3 Disclosure Requirements Imposed by Sponsored Research Agreements

Sponsored research agreements often carry requirements that any inventions or other intellectual property created in the performance of the agreement must be disclosed to the sponsor. Such agreements often also impose other requirements pertaining to commercialization of such

intellectual property. Upon execution of any sponsored research agreement, the Office of Research Services, or the HSC Pre-Award Office, as appropriate, shall inform the principal investigator of any such requirements pertaining to intellectual property resulting from the work. In addition to sponsored research agreements from industry and government, other agreements facilitating research may impose intellectual property disclosure requirements, such as grants, equipment loan and transfer agreements, and material transfer agreements.

When UNM IP results from work under an agreement creating disclosure obligations to sponsors or other third parties, then the Principal Investigator shall be responsible for ensuring disclosure of the UNM IP to the University or specifying such reporting requirements on the Copyright or Invention Disclosure Form submitted to STC.UNM. Such disclosures shall be made to the University or STC.UNM as soon as possible and at least within one month of creation. The disclosure shall be made by completing forms generated by the OUC.

The University shall in turn make such disclosures as required by federal and state laws and regulations, and by third party agreements of which it has been made aware.

2.7.4. Voluntary Disclosure

If the invention is not subject to third party disclosure obligations, then the creators have the choice as to whether to disclose the UNM IP to the University or to STC.UNM. Any disclosures shall be made on forms provided by the University or STC.UNM. Creators may consult with either the OUC or STC.UNM as to the advisability of disclosure. Creators who choose not to disclose their UNM IP have no obligation to participate in the commercialization process outlined herein. Creators who chose to disclose thereby agree to participate in the commercialization process outlined herein.

Creators may not commercialize UNM IP created by them except by following the procedures outlined herein.

2.7.5 During as well as after their association with the University, creators of UNM IP shall assist and cooperate with efforts by the University and STC.UNM to secure intellectual property protection and to pursue commercialization by executing all appropriate legal documents, including assignments, to perfect the University's legal rights.

2.7.5.1 Creators shall make available to the University and STC.UNM all Technical Information necessary to support intellectual property protection.

2.7.5.2 Creators may, at their discretion, retain a copy of any Technical Information to use in scholarly pursuits.

2.7.6 In the event the University or the STC.UNM takes legal action against a creator who refuses to execute necessary documents pertaining to disclosed UNM IP or otherwise fails to act in accordance with this Policy, any costs reasonably and necessarily incurred by the University and/or the STC.UNM as a direct result thereof shall be deducted from that creator's share of royalties.

3 Administration of the Intellectual Property Policy

3.1 Provost of the University and Executive Vice President for Health Sciences

The Provost, or designee, shall be responsible for the interpretation, implementation, and enforcement of this Policy on main campus; the Executive Vice President for Health Sciences, or designee, shall be responsible for the interpretation, implementation and enforcement of this Policy on the Health Sciences Center campus. The Provost and/or Executive VP for Health

Sciences shall be responsible for University relations in areas where this Policy affects the University community, governmental authorities, private research sponsors, industry, and the public.

3.2. Office of University Counsel (OUC)

3.2.1 The OUC shall provide legal advice to the University on issues related to UNM IP.

3.2.2 The OUC is authorized with the prior approval of the Provost, Executive Vice President for Health Sciences and the RPC, to promulgate and publish information and procedures to implement this policy.

3.3 STC.UNM (formerly known as Science & Technology Corporation @ UNM) (STC.UNM)

3.3.1 STC.UNM was granted by the University a right to take assignment of UNM IP pursuant to a Memorandum of Agreement (MOA) between the University and the STC.UNM, for the purpose of active support by the STC.UNM for commercialization of UNM IP. The mission of the STC.UNM is to serve the University of New Mexico by facilitating University inventors' commercialization of UNM IP, increasing the University's non-governmental sponsored research, and contributing to economic development in New Mexico.

3.3.2 STC.UNM, among other duties as described in the MOA, pursues the licensing of UNM IP by assessing the market for the IP, selecting the best means to commercialize the IP, negotiating commercialization agreements, overseeing commercialization activity, and receiving and distributing royalties to creators and the University in accordance with this Policy.

3.3.3 The full text of the MOA can be obtained from the STC.UNM or the OUC.

4. Review of Disclosures and Commercialization

The University and the STC.UNM shall expedite processing of reviews of disclosures and commercialization decisions.

4.1 Review of Disclosures. The specific implementation of the items under Article 4 will be determined under written regulations agreed upon by STC.UNM and the University.

4.1.1 The University or STC.UNM may require creators to consult with STC.UNM prior to publishing for a reasonable period not to exceed ninety (90) calendar days from the date of disclosure, in order to enable a sponsor or the University or STC.UNM to evaluate a UNM IP and determine whether to pursue any form of intellectual property protection. In some cases, STC.UNM may require creators to refrain from publishing certain materials within the said 90-day period. The University and the STC.UNM shall cooperate in accelerating commercialization review to enable creators to publish their work in theses and dissertations or to pursue patent protection in cases of statutory bars.

4.1.2 When the OUC has accepted an appropriately completed disclosure as specified in Section 2.7.3, the OUC shall forward a copy to the STC.UNM within one (1) week. The creators may submit disclosures directly to STC.UNM, in which case STC.UNM shall forward a copy to the OUC within one (1) week of receipt.

4.1.3 STC.UNM shall make a written determination as to whether or not commercialization is to be pursued within 120 calendar days from the date of disclosure of the IP to STC.UNM.

(a) If STC.UNM determines to pursue commercialization, it will make a decision about intellectual property protection within the 120 days from the date of disclosure delineated above.

(b) The STC.UNM may find the work described in the disclosure to be of significant interest, but insufficiently developed or documented for commercialization. In that case, the STC.UNM may recommend that the disclosure be returned to the creator(s), with suggestions for further development or requests for additional documentation. The creator(s) may then submit a new disclosure on the more fully developed or documented work.

(3) In certain cases, the STC.UNM may determine that a disclosure should be held in abeyance because further similar inventions are anticipated within nine (9) months. In such cases, the STC.UNM may delay processing the disclosure for up to nine (9) months, or even longer with the consent of the creator(s).

4.1.4 If no determination is made by the STC.UNM within the deadline, the creator(s) shall have the option of extending the deadline or of sending a written letter to the STC.UNM requesting a determination within ten (10) UNM business days. If the STC.UNM does not respond within this period or responds that it will not pursue commercialization the University shall release the intellectual property to the creator pursuant to Section 4.4.2.

4.1.5 If, at any step during the process, both the University and the STC.UNM determine not to pursue the commercialization of a particular UNM IP, the University shall release the intellectual property to the creator, subject to sponsor approval.

4.1.6 If the University or the STC.UNM shall have expended funds for prior art search and patent prosecution, reimbursement shall be in the manner described in Section 2.6.2 and 2.6.3 .

4.2 Reporting Within twelve (12) months of a complete disclosure, and at 18 months and 24 months, respectively thereafter, the STC.UNM shall provide to the University and to each creator whose disclosure is in the hands of the STC.UNM a report detailing the current state of commercialization of the disclosure, including patenting, marketing, and licensing efforts. Any UNM creator may request and obtain from STC. UNM access to STC.UNM's current activity related to the disclosures for which he or she is the creator or co-creator..

4.3 Commercialization In the event the STC.UNM has not made a reasonable effort to commercialize the UNM IP within two (2) years of its decision to commercialize (as per Section 4.1.3), the University or the creator(s) may request the STC.UNM to return the UNM IP to the University. If the UNM IP is returned to the University, the University and the creator(s) will attempt to commercialize the UNM IP within a mutually agreeable period; if these efforts are unsuccessful, the creator(s) may require that the UNM IP be released to them, subject to sponsor approval.

4.4 Filing Deadlines

4.4.1 At least 90 calendar days in advance, STC.UNM shall advise the University and the creator(s) of Technological Works of the following three deadlines:

- A statutory bar to filing a U. S. patent application or provisional application;
- Initiation of filing for foreign patent rights under the Patent Cooperation Treaty(PCT); and
- Entry into national status under the PCT. Any exceptions in meeting the 90-day deadline shall be promptly communicated by STC.UNM to OUC and the creators.

4.4.2 In the event STC.UNM does not intend to continue commercialization efforts and does not commit itself to meeting the above deadlines, the University shall release the intellectual property rights to the creator(s), subject to sponsor approval, within 30 days of STC.UNM's notification to the University.

5 Appeal of University Ownership

5.1 In the event a creator does not believe the University is entitled to the rights in a Work, the creator may seek a determination or a waiver of the University's interests in said Work. The OUC will provide the creator with a Determination of Rights Form which must then be completed and returned to the OUC, with all documents supporting the creator's claim. The OUC will forward a copy of the Form and supporting documentation to the STC.UNM for comments.

5.1.2 The OUC shall forward the Determination of Rights Form with attachments and the OUC's and the STC.UNM's written comments (the "Record") to the Vice President for Research or Vice President for Translational Research, as appropriate, who will form a three person advisory committee in consultation with the President of the Faculty Senate, or his/her designee. At least two advisory committee members shall be tenured faculty. One of the tenured faculty members shall chair the committee. Committee members should be selected on the basis of relevant research background and experience. The creator shall be notified of the proposed committee membership and may object in writing to any of the proposed appointees on the grounds that the person, or the committee as a whole, does not meet the criteria stated above. The Vice President for Research or Vice President for Translational Research, as appropriate, in consultation with the President of the Faculty Senate, or his/her designee will determine whether the objection has merit, and, if so, will make appropriate substitution(s). In the case of disagreement regarding appointments, the Vice President for Research or Vice President for Translational Research, as appropriate, will make a final decision on the matter.

5.1.3 The advisory committee will endeavor to review the Record and hear all evidence within thirty (30) calendar days of receipt of the Record and will issue a written recommendation to the Vice President for Research or Vice President for Translational Research, as appropriate, within thirty (30) calendar days of hearing the last evidence. The committee will keep written minutes of all its meetings.

5.1.4 The Vice President for Research or Vice President for Translational Research will issue his/her ownership determination within thirty (30) calendar days of receiving the advisory committee's recommendation.

5.1.5 Participation in an appeal of ownership as described herein does not prevent the creator from pursuing other remedies.

5.1.6 The creator may appeal the ownership determination made by the VP for Research or the VP for Translational Research to the Provost or Executive Vice President for Health Sciences (based on the department of the creator(s)) by written request to the Provost or Executive Vice President for Health Sciences within ten (10) UNM business days of receiving notice of the ownership determination. The Provost/EVP HSC will meet with all interested persons. Within sixty (60) calendar days of receiving the creator's written request, the Provost/EVP HSC will make a final decision.

5.1.7 If the dispute involves rights in Works being claimed by the Provost/EVPHS, only the President shall have authority to review the ownership determination and make a final decision.

5.1.8 If the dispute involves rights in Works being claimed by the President, only a designee of the Board of Regents shall have authority to review the ownership determination and make a final decision.

5.1.8 Nothing in this section is in derogation of the Regents' discretionary right of review.

5.1.9 All materials produced by the creator and the University under this section shall be retained as a permanent University record. This record shall be made available by the OUC to any party upon consent of the owners of the intellectual property.

5.2 Determination of Inventorship or Authorship among Creators

In the event individuals believe they are creators of UNM IP, and have not been adequately acknowledged as such at any point in the protection and commercialization process, they may petition the University or STC.UNM to assess their claim. The OUC will provide the petitioners with a Determination of Inventorship/Authorship Form which must be completed and returned with any relevant attachments for review. The University or STC.UNM will seek the opinion of outside patent counsel for determination. Any further inventorship or authorship dispute among creators shall fall outside the scope of this policy.

6. Related Provisions

6.1 Flexibility The University may accept, on terms beneficial to the University, a voluntary assignment of a Scholarly/Artistic or Technological Work. It may waive, assign or grant (subject to the MOA with the STC.UNM) all or part of its rights in any Scholarly/Artistic or Technological Work under terms and conditions deemed appropriate and beneficial for the University.

6.2 Legal Actions The University or STC.UNM may take such action as it deems appropriate to defend or enforce any patent, copyright, or other intellectual property right. In the case of claims against the University, settlement of a claim or conduct of litigation shall be within the exclusive control of the University.

11. PROVOST'S REPORT

Provost Suzanne Ortega reported the following:

- The university wants to make clear where it is on faculty hiring. The data suggests tenure-track faculty has grown and shrunk. Provost Ortega only has the data at the college level. It appears that the results are the same as the data that Director Mark Chisholm (Institutional Research) provided to FS President Howard Snell last year (2009-20010). Provost Ortega presented the following data:

VP Area	Admin Flag	College Sort	College	Fac Cat Sort	Fac Category	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	10 year Change
1-Main	Y			2	Senior Faculty	28	28	32	32	34	37	37	37	37	38	36	8
1-Main				1	Junior Faculty	186	197	195	203	194	177	180	185	199	188	191	5
1-Main				2	Senior Faculty	576	568	562	556	561	562	563	542	547	567	577	1
1-Main				3	Clinician Educator - Junior Faculty							1					0
By College			By College														
1-Main	Y	11	ASM	2	Senior Faculty	2	2	2	2	2	2	3	2	1	2	3	1
1-Main		11	ASM	1	Junior Faculty	9	10	10	11	8	12	10	10	11	12	13	4
1-Main		11	ASM	2	Senior Faculty	35	31	29	31	32	30	28	29	31	29	29	-6
																	0
1-Main	Y	12	Arch&Planning	2	Senior Faculty	2	2	2	2	2	4	4	5	4	3	2	0
1-Main		12	Arch&Planning	1	Junior Faculty	0	2	3	4	5	4	3	2	4	3	5	5
1-Main		12	Arch&Planning	2	Senior Faculty	14	14	14	14	15	13	16	15	16	17	18	4
																	0
1-Main	Y	14	A&S-Humanities	2	Senior Faculty	2	3	4	4	4	4	4	4	1	2	1	-1
1-Main		14	A&S-Humanities	1	Junior Faculty	27	31	27	35	33	30	31	33	29	28	25	-2
1-Main		14	A&S-Humanities	2	Senior Faculty	75	74	75	72	68	68	77	77	78	79	79	4
																	0
1-Main	Y	15	A&S-Natural Sciences	2	Senior Faculty	1	2	5	5	5	4	6	5	7	4	3	2
1-Main		15	A&S-Natural Sciences	1	Junior Faculty	18	26	24	28	28	22	24	19	25	23	25	7
1-Main		15	A&S-Natural Sciences	2	Senior Faculty	116	111	106	106	109	112	112	108	106	110	108	-8
																	0
1-Main	Y	16	A&S-Social Sciences	2	Senior Faculty	4	3	3	2	1	3	1	2	3	6	5	1
1-Main		16	A&S-Social Sciences	1	Junior Faculty	32	26	29	26	32	30	35	35	35	31	27	-5
1-Main		16	A&S-Social Sciences	2	Senior Faculty	99	106	97	98	101	96	92	86	91	96	103	4
																	0
1-Main	Y	17	Education	2	Senior Faculty	5	4	5	6	7	6	5	6	7	6	6	1
1-Main		17	Education	1	Junior Faculty	42	41	43	40	32	25	25	30	34	27	25	-17
1-Main		17	Education	2	Senior Faculty	62	61	62	60	60	64	62	59	59	61	63	1
																	0
1-Main	Y	18	Engineering	2	Senior Faculty	4	4	3	3	2	3	3	4	4	4	3	-1
1-Main		18	Engineering	1	Junior Faculty	14	18	21	27	25	25	21	22	27	29	28	14
1-Main		18	Engineering	2	Senior Faculty	73	72	73	65	66	68	68	63	62	69	70	-3
																	0
1-Main	Y	19	Fine Arts	2	Senior Faculty	4	4	3	3	4	2	2	2	2	3	2	-2

1-Main		19	Fine Arts	1	Junior Faculty	20	19	24	23	22	24	22	22	22	22	26	6
1-Main		19	Fine Arts	2	Senior Faculty	49	46	47	46	45	48	50	47	48	49	50	1
1-Main		19	Fine Arts	3	Clinician Educator - Junior Faculty	0						1				0	0
																	0
1-Main	Y	21	Public Administration	2	Senior Faculty	0									1	1	1
1-Main		21	Public Administration	1	Junior Faculty	2	2	2	1	1					1	4	2
1-Main		21	Public Administration	2	Senior Faculty	4	4	5	6	6	7	6	6	5	5	5	1
																	0
1-Main	Y	22	University College	2	Senior Faculty	0						1				1	1
1-Main		22	University College	1	Junior Faculty	4	4	3	4	2	1	1	2	2	2	3	-1
1-Main		22	University College	2	Senior Faculty	2	2	2	2	4	5	4	4	4	5	4	2
																	0
1-Main	Y	23	Law	2	Senior Faculty	3	3	3	3	5	5	4	4	4	3	4	1
1-Main		23	Law	1	Junior Faculty	6	6	1		2	3	4	4	6	6	4	-2
1-Main		23	Law	2	Senior Faculty	26	26	30	29	29	27	27	29	28	27	29	3
																	0
1-Main	Y	24	University Libraries	2	Senior Faculty	1	1	2	2	2	4	4	3	4	4	5	4
1-Main		24	University Libraries	1	Junior Faculty	12	12	8	4	4	1	4	6	4	4	6	-6
1-Main		24	University Libraries	2	Senior Faculty	21	21	22	27	26	24	21	19	19	20	19	-2
1-Main Campus			University Total			790	793	789	791	789	776	781	764	783	793	804	14

- The number of tenured and tenure-track positions has increased by fourteen net new positions. Mostly there has been a re-allocation within departments. The College of Education is down by seventeen from ten years ago, mostly from the junior faculty rank. College of Fine Arts and the School of Public Administration have grown.
- This is year two of the commitment by President Schmidly, with the backing of the BOR, to have the Provost's Office grow the faculty.
- Provost Ortega cancelled the search for the University College Dean. An offer has been made to a candidate from the second dean search. She expects to make an offer and have it accepted in the third dean search. What has been most difficult is choosing from all the qualified candidates.
- A senator asked how was it determined which schools would get new faculty. Provost Ortega replied that there was not a comprehensive university-wide strategy for those faculty hires. She does not know how faculty were allocated amongst those schools and colleges. The data does not go back far enough and she does not know the history behind each of them. Provost Ortega added that all new hires moving forward will be strategically planned. The Statistics Department is in crisis and some of the new faculty lines must be used there. Provost Ortega is going to ask the deans for faculty hiring plans justifying how they will use college resources too.
- Past-President Howard Snell (Biology) asked if all branch campuses report to President Schmidly and when did that change. Provost Ortega replied yes, all branches report to the president. He further asked when that change occurred. Provost Ortega replied that when Vice President for Rio Rancho and Branch Operations Marc Nigliazzo resigned last year, the vacated position was not filled purposely and the responsibilities moved to

the President's Office. Presidential involvement is required because of all of the political ramifications from the districts where those branches are located, for example, budget allocations. However, academic issues have been delegated to the provost.

12. EMERITUS POLICY REVISION

President Fields presented the following revision of the Emerita/Emeritus Policy. The revision reflects changes at requested by Deputy Provost Richard Holder. There was some ambiguity in the original revision. The Academic Freedom and Tenure Committee made and approved the changes. The Faculty Senate Policy Committee has also approved. The Faculty Senate voted to unanimously approve the revision.

REVISED EMERITA/EMERITUS POLICY

The status and title of Emerita/Emeritus are conferred upon faculty described below who retire after having served the University in good standing. Emerita/Emeritus status is considered for voting faculty (including members *ex-officio*) of the University. Eligible faculty seeking Emerita/Emeritus status must receive a majority recommendation of their department through a vote of the senior faculty¹. The conferred title will be their rank at separation with Emerita/Emeritus added. The title of Emerita/Emeritus is honorary and without obligation to the recipient. In addition to the right to use the title, the recipient is encouraged to continue to participate in the academic activities of the University. The recipient also receives a standing invitation to participate in formal academic processions including Convocations.

The University of New Mexico recognizes the loyalty and the continuing scholarly contributions of its Emerita/Emeritus faculty. In order to continue and facilitate these contributions, departmental chairs and deans should endeavor to provide office, laboratory or studio space for Emerita/Emeritus faculty. This should be decided on a space-available basis, with priority given to non-retired faculty. Emerita/Emeritus faculty shall also be entitled to full computer privileges, letters of introduction, institutional identification and other non-financial privileges enjoyed by non-retired faculty.

Emerita/Emeritus faculty may be invited to serve as:

- a guest lecturer in areas of scholarly expertise
- a member of a Doctoral or Masters committee
- an academic advisor to undergraduate honors program
- a member of University or College/School advisory committee, unless prohibited by the Faculty Handbook
- a participant in academic department meetings to the extent permitted by College/School/Department policies

in addition to other responsibilities as deemed appropriate.

Eligible faculty seeking Emerita/Emeritus status who have been denied may seek recourse through the AF&T committee as in cases of tenure and promotion (section B.6).

Emerita/Emeritus faculty may have their title terminated for reasons outlined in the Faculty Handbook for the University-initiated termination of services of faculty members with tenure following procedures specified in section B.6.

¹ Per Section 2.1 of the Faculty Handbook senior faculty comprise associate professors and professors, both tenure-track and clinician-educator faculty.

13. FACULTY TEACHING AWARDS

Faculty Senate Teaching Enhancement Committee Chair Rosalie Otero (University Honors) announced the 2010 Faculty Teaching Awards. Two additional awards were added this year.

The award winners are:

Presidential Teaching Fellow: Howard Waitskin, Distinguished Professor, Sociology, Internal Medicine, and Family and Community Medicine

Outstanding Teachers of the Year: Sanjay Krishna, Associate Professor, Electrical and Computer Engineering

PJ Woods, Clinician Educator and Assistant Professor, College of Nursing

Outstanding Online Teacher: Janis Anderson, Research Associate Professor, Psychology

Outstanding New Teachers: Marissa Greenberg, Assistant Professor, English

Maria Lane, Assistant Professor, Geography

Outstanding Adjunct Teachers and Lectures:

Karolyn Cannata-Winge, Lecturer, Communication and Journalism

Aurora Pun, Lecturer, Earth and Planetary Sciences

Alisha Ray, Lecturer, Chemistry

Susan Deese-Roberts Outstanding Teaching Assistants of the Year:

Elena Aviles, Teaching Assistant, Spanish and Portuguese

Daniel Darling, Teaching Assistant, English

Whitney J. Purvis, Teaching Assistant, Spanish and Portuguese

Mel Strong, Teaching Assistant, Earth and Planetary Sciences

Samantha Tetango, Teaching Assistant, English

Chair Otero invites all faculty to the ceremony in the Student Union Ballroom next Thursday, May 6 at 2:00 p.m.

14. LOOKING AHEAD: THE COMING YEAR

President Fields introduced President-Elect Richard Wood. President-Elect Wood thanked President Fields for his service and reminded the senate that President Fields is president through June 30. President-Elect Wood reported the following:

- He intends to draw upon the senate as a deliberative body for issues.
- The coming year will be difficult, especially with the budget. Next year, things may be much worse because most of the current budget holes were plugged with stimulus or one-time funds.
- There are some opportunities however. The Higher Learning Commission (HLC) has UNM on its radar in ways that require the university to recognize shared governance. From the last general faculty meeting, a faculty commission was created to report to the HLC on behalf of the faculty. It is made up of faculty from across the university.
- The State Department of Higher Education is considering a master plan for higher education in New Mexico. A master plan has real implications for UNM and the state has asked for faculty involvement in developing the plan.
- The Operations Committee has come to understand that the real decisions are not made at the big Board of Regents meetings. The decision is designed ahead of time before the formal voting. By understanding the process, he hopes to have more involvement.
- A number of faculty have been meeting individually with each of the regents. The intention is to continue in the weeks and months ahead. President Fields, President-Elect Wood, and Committee on Governance Chair Ursula Shepherd have been meeting with President Schmidly and Provost Ortega almost monthly.
- Restructuring of the Faculty Senate will continue. There may be a pilot council for the academic committees. A more efficient de-centralized structure will make the senate body more democratic and deliberative.
- More will be asked of the senators. Senators are expected to be more consultative with their constituents, get time on their department meeting agendas, and report back to the senate those issues.

15. NEW BUSINESS AND OPEN DISCUSSION

No new business was raised.

16. ADJOURNMENT

The meeting was adjourned at 4:42 p.m.

Respectfully submitted,

Rick Holmes
Office of the Secretary