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Faculty Senate Summarized Minutes, 1/25/2011

UNM Faculty Senate

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FACULTY SENATE SUMMARIZED MINUTES

**2010-2011 Faculty Senate
January 25, 2011**

The Faculty Senate meeting for January 25 was called to order at 3:01 p.m. in the Roberts Room of Scholes Hall. Senate President Richard Wood presided.

1. ATTENDANCE

Guests Present: Committee on Governance Chair Sever Bordeianu (University Libraries), Associate Dean Gary Harrison (Office of Graduate Studies), Graduate and Professional Committee Chair Claudia Isaac (Architecture and Planning), Curricula Committee Chair Kathleen Keating (University Libraries), Professor Tim Lowrey (Biology), Maria Probasco (UNM Parents' Association) and Academic Freedom and Tenure Committee Chair Vic Strasburger (Pediatrics).

2. APPROVAL OF THE AGENDA

The agenda was approved as written.

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

The November 23, 2010 summarized minutes were deferred to the February 22, 2011 meeting.

4. PROVOST'S REPORT

Provost Suzanne Ortega reported the following:

- Non-degree program reviews were completed December 21, 2010. Provost Ortega was given a list of recommendations that were based on a grid similar to the President's Strategic Advisory Team. Each program was designated as a core function, direct support or indirect support of academics.
- Opportunities for cost containment, program reorganization, reinvestment and long term savings were identified. Results of the reviews are posted on the Provost's website. There are no dollar figures attached to the report.
- All ten reports in the flagging study have been received. Four programs will submit paperwork to reorganize themselves. Some were programs that have not been offered in a number of years. They will begin the process of clearing the inventory and updating the course catalog. Provost Ortega will begin reviewing the remaining six programs for possible savings.
- There are two 'final' finalists in the School of Engineering Dean search. The two candidates are visiting the campus again in the next few weeks.
- Senator Terry Crowe (Pediatrics) asked Provost Ortega to comment on the recommendations to cut the International Programs. Provost Ortega replied that they are only recommendations at this point and to consider the programs cut is premature. Those programs will be reviewed in the same manner that all others are. Functions that do not directly support students should have other funding sources. Most Category II centers are self-supporting and that is the logic behind the recommendation. Some activity funded from Instruction and General Funds (I&G) should

move to endowments.

- In the Office of International Programs, a fee for service model is being considered. UNM fees are quite low comparatively.
- Senator Howard Snell (Biology) asked if there is any coordination between the various groups conducting reviews especially regarding the Science Technology Center (STC). Provost Ortega replied that no, the focus was only on programs supported by I&G funding. STC has funding from many sources. The next iteration of reviews should include STC. Senator Snell reminded the group that everything was to be on the table and if the STC is not being reviewed, it is rhetoric.
- Recommendations for cuts will be ready at the end of January and be made public to begin vetting.

5. FACULTY SENATE PRESIDENT'S REPORT

Faculty Senate President Richard Wood reported the following:

- The work of senate committee is proceeding. The committee structure appears to be working well this year. President Wood thanked the committees and their chairs for their diligent work.
- The BOR Audit Committee has done an audit of the payroll process. The recommendation of that audit is to switch faculty from monthly to bi-weekly pay periods. The main reason is to reduce special payroll runs. A significant amount of money could be saved. President Wood asked for comment. Senators responded:
 - Assistant professors would have to do much more accounting. It would be a hardship to most Jr. faculty.
 - How would summer salaries be handled? Would it require more submissions? Awards would be divided by pay period equaling the same amount.
 - What is the lead-time? Faculty should be given at least 6 months notice. It will not involve more paperwork. May actually involve less.
 - How does it affect retirement contributions? Once per month vs. the present system.
 - HR and Payroll should send the proposal with data to the senate.
 - What is the rationale? Business efficiencies.
 - President Wood will send the audit report with the payroll suggestions to the senators.
 - Why is this an Audit issue and not a Finance and Facilities issue? BOR has extended audits to cover performance and procedure. This crosses into faculty terrain in many new ways. The senate must be much more aware
 - The payroll changes would complicate cash-flow management for many families. Automatic payments would need to be changed. Small amounts would be saved while off-loading a lot more work on accounting to staff and faculty.
 - The senate and faculty need clear numbers on what would be saved.
 - What about paying faculty every four weeks instead of end-of-month? It might give the same savings.

- Is it worth the adjustment? Would significant savings make it more palatable?
- Could the excessive extra payment runs be moved to the once-per-month pay periods negating the need to move to bi-weekly?
- The Board of Regents Audit Committee has ordered an audit of the Provost's Office. They have authorized 600 hours of auditor time for it. No other information is known. The Board of Regents has authorized audits to be more encompassing. Rather than just a financial audit, they are to audit performance, procedure and adherence to policy.
- Budget dollars are looking a little better than they did a month ago. The state economy has begun to slowly turn around. UNM may be facing less of a serious hit in terms of state funding than was originally foreseen. It is still very much in flux and depends on the state. Faculty, staff and students of UNM do not have as much say as the public schools or their teachers' unions. UNM is arguing against disproportional cuts. The legislature is considering adding more to the employee contribution portion of the ERB, shifting it from the state (UNM).

6. FACULTY DISCIPLINARY POLICY C07

Academic Freedom and Tenure Committee Chair Vic Strasburger (Pediatrics) presented the proposed Faculty Disciplinary Policy C07. The policy was initiated from a request by the Board of Regents Audit Committee because there is no current policy in place to discipline faculty short of tenure revocation.

FS President Wood assigned it to the AF&T Committee. Policy C07 was created by AF&T with the aid of University Counsel Emeritus Nick Estes. Chair Strasburger presented the policy as an information item at the November 2010 Faculty Senate meeting. UNM is one of the few universities without such a policy.

The process began in July 2010. There has been substantial faculty discussion and revisions of the policy.

Senator Doug Fields added that the Faculty Senate began to consider this last year before the BOR Audit Committee requested it. He feels that this is a good thing from the faculty. President Wood added that it comes with unanimous support of the Operations Committee.

The Faculty Senate discussed the policy and had the following suggestions:

The insertion of 'willful and knowingly violates.'
Adding of a statute of limitations.

The Faculty Senate unanimously voted to table the vote on approval and send it back to AF&T for the addition of the above suggestions. Nick Estes will add the suggestions and AF&T will vote on the revision. It will then be sent to the Faculty Senate Policy Committee for vote before returning to the senate.

The policy presented is below.

C 07 Policy FACULTY DISCIPLINARY PROCEDURES

1. The University encourages a supportive problem-solving approach to performance problems, but the University recognizes that misconduct may require disciplinary action. The University normally uses a progressive discipline to address possible misconduct. Progressive discipline is intended to be corrective, *not* punitive in nature. It is designed to provide faculty with notice of deficiencies and an opportunity to improve. However, some violations of policies and procedures, or continued

negative behavior, may be of such serious nature that suspension without pay or discharge pursuant to Faculty Handbook policies may be appropriate.

2. Any member of the faculty, including any serving as an academic administrator, who violates a published University policy may be subject to warning, censure, suspension without pay, or dismissal. Teaching or research assistants in their faculty capacity are considered faculty members for purposes of this Policy.

a) "Warning" means an oral reprimand or expression of disapproval.

b) "Censure" means a written reprimand or expression of disapproval, which should include an explanation of the nature of the misconduct, and the specific action to be taken by the faculty member *and/or* chair to correct the problem, including mentoring, if appropriate, and a statement that further disciplinary action could occur should the problem persists.

c) "Suspension without pay" means disciplinary suspension without regular salary for a stated period of time.

d) "Dismissal" means termination of employment (see Faculty Handbook sections B.5.3, B.6.4.3, and B.5.4).

3. The procedures specified in this Policy provide for the consideration and determination of proposed disciplinary actions against faculty members short of dismissal. Consideration and determination of disciplinary actions that may result in a proposed dismissal of a tenured faculty member, or dismissal of an untenured faculty member prior to expiration of his or her contract term, are governed by sections B.5.3, B.6.4.3, or B.5.4, respectively, of the Faculty Handbook and are not covered by these procedures. However, cases in which faculty dismissal has been considered pursuant to sections B.5.3, B.6.4.3, or B.5.4, and a lesser sanction is ultimately proposed instead by the administration, shall be handled under this policy, without duplicating steps that have already taken place. In particular, if the chair and dean conclude that suspension without pay is appropriate in a case in which dismissal was considered but rejected, the faculty member is entitled to request a peer hearing as provided below in sections 10 and 11

4. In the case of allegations against a faculty member that appear to be within the scope of another specific University policy that has its own procedures for investigation and resolution (including but not limited to allegations of research misconduct, discrimination, or sexual harassment), the chair or dean shall forward such allegations to the appropriate person or department for handling pursuant to the applicable policy. If such a process requires the chair to make a disciplinary determination after an investigation and recommendation from another University body, this policy will be followed in determining the appropriate discipline. If the other procedure involved a hearing before a faculty committee, any factual determinations will not be subject to reconsideration by faculty peer review under this policy.

5. References to the department chair in this policy also include the program director or associate or vice dean in a non-departmentalized school or college. If allegations are made against a department chair or other administrator, the next higher academic authority shall perform the functions assigned in this Policy to the chair, and the provisions shall be modified as appropriate. Any individual(s) bringing an allegation of faculty misconduct to the chair's attention is protected by, and subject to, the University's policy on reporting misconduct (UBPPM section 2200, Whistleblower Protection and Reporting Suspected Misconduct and Retaliation).

6. In all cases other than those set forth in paragraphs 3 and 4 above, if a member of the faculty is alleged to have violated a policy of the University, the department chair shall provide the faculty member a written notice explaining the nature and specific content of the alleged violation, together with a copy of this policy, and shall discuss the alleged violation with the faculty member. The written notice shall be given to the faculty member within ninety (90) days of the chair learning of the apparent violation of policy. The faculty member may be accompanied by one person in meeting with the chair. The faculty member and the chair shall notify each other at least two working days prior to the scheduled meeting who, if anyone, will be accompanying them at the meeting. The chair should issue a written report within five (5) working days after the meeting summarizing the discussion with the faculty member, keep a copy in the faculty member's file, and

send a signed copy to the faculty member. Before, during or after the meeting, the chair may ask the faculty member to respond in writing to the notice and present any relevant written material within a reasonable time specified by the chair. Likewise the faculty member shall be free to submit any materials reasonably desired on his/her own volition, no later than five (5) working days after meeting with the chair unless the chair grants additional time in writing. The matter may be concluded at this point by the mutual consent of all parties.

7. The department chair or the faculty member may initiate conciliation proceedings at any time prior to the chair's decision by contacting the Faculty Dispute Resolution program as provided in Section C345 with notice to the other parties. Conciliation may be undertaken if both parties agree.

8. If a mutually agreeable resolution (with or without conciliation) is not achieved, the department chair shall make a decision in the matter and communicate it to the faculty member in writing within ten (10) working days after meeting with the faculty member or the termination of conciliation efforts if they are unsuccessful, whichever is later. The faculty member shall have ten (10) working days from receipt of the written decision to submit a written request for review by the appropriate dean, who will issue a written decision concerning whether the chair's decision is upheld, modified or reversed. Prior to making a decision, the dean shall meet with the department chair and the faculty member, and their representatives if desired, together or separately, and shall receive and consider any documents the parties wish to submit. Documents shall be submitted within five (5) working days of the faculty member's request for review. If formal conciliation has not been attempted previously, the dean may refer the matter to Faculty Dispute Resolution. The dean will communicate his/her decision to the parties in writing within ten (10) working days after meeting with the faculty member or the termination of conciliation efforts if they are unsuccessful, whichever is later.

9. If the faculty member does not agree with the dean's action, he/she may submit a written request for review by the Provost or EVPHS within five (5) working days of receipt of the dean's decision. The Provost/EVPHS will decide the matter on the record unless he/she determines that it would be helpful to meet with the parties, together or separately. Within ten (10) working days after receipt of the complete record or after meeting with the parties, whichever is later, the Provost/EVPHS shall uphold, modify or reverse the dean's decision by written notice to the parties. The Provost/EVPHS may seek an advisory investigation and opinion from the Faculty Ethics Committee. The decision of the Provost/EVPHS is subject to discretionary review by the President or Board of Regents if requested by the faculty member.

10. If the chair, after meeting with the faculty member and considering all materials submitted pursuant to section 6, proposes to suspend the faculty member without pay, the chair shall meet with the dean to review the matter. If the proposal is supported by the dean after meeting with the chair and the faculty member, the faculty member is entitled to a faculty peer hearing. The faculty member shall send such a request to the Provost/EVPHS within five (5) working days of receipt of the dean's determination.

11. If a faculty peer hearing is requested as provided in this Policy, the chair of the Faculty Ethics Committee will arrange for a hearing before two members of that Committee from outside the faculty member's department, chosen by the Ethics Committee, and one uninvolved department chair from a different school or college chosen by the Provost/EVPHS. The hearing will be held as soon as reasonably possible and shall be conducted according to the University's Dispute Resolution Hearing Procedures. The University Secretary's office shall make arrangements for the hearing. Hearings shall be recorded and shall be private unless both parties agree that the hearing be open. The hearing panel may uphold or reverse the proposal to suspend the faculty member without pay. If the panel's decision is to reverse the proposal, the panel may direct the chair and dean to impose a lesser disciplinary measure. The panel's decision may be reviewed on the record by the Provost/EVPHS, but the panel's decision shall not be reversed or modified except in the case of clear error, which shall be detailed in writing by the Provost/EVPHS. The decision of the Provost/EVPHS is subject to discretionary review by the President or Board of Regents if requested by the faculty member.

12. The faculty member may bring a complaint before the Committee on Academic Freedom and Tenure if he/she believes the matter or its handling is within the jurisdiction of the Committee. The Committee will determine whether the matter is within its jurisdiction and, if so, shall handle the matter under the Policy on Academic Freedom and Tenure. Normally, review by the AF&T

Committee should be sought after the determination by the Provost/EVPHS. If the faculty member pursues the matter before the AF&T Committee, AF&T shall accept the facts as determined by the faculty peer hearing, if one was held.

13. If the final determination is that no misconduct occurred, efforts shall be undertaken to the extent possible and appropriate to fully protect, restore, or maintain the reputation of the faculty member.

14. These procedures do not supersede Appendix VIII to Part B of the Faculty Handbook, concerning the Faculty Ethics Committee, and a faculty member who believes that he/she has been improperly accused of unethical behavior may bring the matter to the attention of the Ethics Committee under Appendix VIII after determination by the Provost/EVPHS.

7. SPECIAL BUDGET MEETING FOLLOW-UP

Faculty Senate President Wood stated that he was gratified to see so many constituencies represented and so many faculty attend.

It is difficult to continue the budget design process not knowing what the state appropriation is going to be, if there is a tuition credit and in what amount and what an overall tuition increase might be.

Acting University President Roth and President Schmidly, upon his return, both stated that any further cuts or rescissions from the state would not be across-the-board.

8. FORMS C FROM THE CURRICULA COMMITTEE

The following Forms C were approved by voice vote of the Faculty Senate:

- Revision of BA in Women Studies Minor, College of Arts and Sciences
- New Informatics Subject Code, University Libraries
- Revision of BBA Management Core, Anderson School of Management
- Revision of BS in Earth and Planetary Sciences, College of Arts and Sciences
- Revision of BS Environmental Science, College of Arts and Sciences
- New Entrepreneurship Concentration in MBA, Anderson School of Management
- Revision of PhD in Optical Science and Engineering, School of Engineering
- New MS Optical Science Concentration, School of Engineering
- New MS Photonics Concentration, School of Engineering
- New PhD Imaging Concentration, School of Engineering
- Revision of MS in Optical Science and Engineering, School of Engineering
- New PhD Optical Science Concentration, School of Engineering
- New MS Imaging Science Concentration, School of Engineering
- New PhD Photonics Concentration, School of Engineering
- Revision of MBA Concentrations, Anderson School of Management

9. REVISION OF CURRICULA COMMITTEE CHARGE

Academic Council Chair and Operations Committee member Amy Neel (Speech and Hearing Sciences) presented the following charge revision for the Faculty Senate Curricula Committee. The Faculty Senate unanimously voted to approve the following charge:

Title: Advisement Representative on the Faculty Senate Curricula Committee

Submitted by: Faculty Senate Curricula Committee

WHEREAS, advisement is crucial to the mission of the University of New Mexico; and

WHEREAS, curriculum changes affect the timeliness and accuracy of advisement; therefore be it

RESOLVED, that a representative from advisement be an ex-officio member of the Curricula Committee

Change is in bold:

(Fifteen faculty members from the main campus including the chairperson, and one from each of the branch campuses, appointed by the Faculty Senate; three from Arts and Sciences, [one from the humanities (including foreign languages), one from the social and behavioral sciences, one from the natural/physical sciences and math], and one each from Architecture and Planning, Dental Hygiene Programs, Education, Engineering, Fine Arts, University Libraries, Law, Management, Medicine, Nursing, Pharmacy, Public Administration, two students appointed by the Associated Students of UNM (ASUNM) and the Graduate and Professional Student Association (GPSA), respectively. Ex-officio members shall include the Registrar, the Collection Development Librarian, the Associate Provost for Academic Affairs, **an Advising Manager from the Provost's Committee on Advising, and one representative from the Graduate and Professional Committee.** The chairperson is elected by the Committee.)

10. FACULTY SENATE GRADUATE COMMITTEE AND OFFICE OF GRADUATE STUDIES POLICY REVISIONS.

Each of the policy revisions will be considered individually. The first revision below was approved by a vote of 12-11.

Using CR/NC for project, thesis and dissertation grading.

The SGPC, A&R, and FSCC committees have approved OGS's proposal to replace the grade of PR (Progress) with the grade CR (Credit) for project, thesis and dissertation hours. This Change would apply only to grades earned after the new policy's implementation.

Eliminating PR and replacing it with CR serves several ends. First, settles some of the confusion surrounding the PR grade, which is often awarded to students who are not actually making progress on their work. By arranging for some level of credit to be awarded during each semester, project, thesis and dissertation writers would be encouraged to meet with their committee chairs (and vice versa) to arrange both level of credit and to set the expectations for what work the student would submit to meet that level of credit. Second, earning credit each semester will address student concerns that they do not earn any visible credit for the work they do while enrolled in dissertation hours. Currently, the registrar's office awards eighteen credit hours to Ph.D. students in the semester they successfully defend their dissertation and graduate. The CR option enables Ph.D. students to earn actual credit hours for each semester that will accrue over time. This will also eliminate the need for the registrar to convert PR with no credit into credit in the last semester. Two added benefits we anticipate are that students enrolled in thesis and dissertation hours are likely to complete their projects in a more timely manner, since they will have to complete certain requirements in order to earn the level of credit they set with their committee chairs. In addition, they will more likely adhere to the continuous enrollment requirement for students enrolled in thesis and dissertation hours, since they will actually earn credit for the work they are doing each semester. (Policy Follows)

Project, Thesis, Dissertation Grades (CR/NC)

Students enrolled in Project, Thesis, and Dissertation hours are awarded semester grades of CR (Credit) or NC (No Credit). Students completing a project, thesis or dissertation must consult with their committee chair to determine the appropriate number of credit hours each semester, within the range of allowable credits, and to set clearly defined requirements that must be met to earn CR for those hours. Satisfactory progress as indicated by CR grades does not guarantee a pass on the final examination (defense) of the project, thesis, or dissertation, which is evaluated on its own merit by the full committee.

For the sake of time and to allow deeper discussion, the Faculty Senate unanimously voted to table the remaining policy revisions to the February 22, 2011 meeting.

11. COMMITTEE ON GOVERNANCE UPDATE ON THE HLC SURVEY

Committee on Governance Chair Sever Bordeianu (University Libraries) reported the following:

- The survey results are posted on the Office of the President website under the Research and Pooling Inc., link.

- Chair Bordeianu briefly went over some of the results and asked all faculty to review the report.
- Some faculty governance members have been invited to focus groups for the second survey to be conducted this semester.
- The follow-up survey will be sent out at the end of March or the beginning of April by the same company, Sanderoff. It is not known if it is the same survey instrument. Faculty will be involved in consulting with Sanderoff. Faculty are encouraged to become involved.
- The HLC will compare the two surveys to determine if progress is being made.

12. FACULTY PRESENCE AT LEGISLATIVE SESSION

Faculty Senate President Richard Wood and FS Governmental Relations Committee member Bill Stanley (Political Science) reported the following:

- Faculty priorities and administrative priorities are aligned pretty well this year.
- UNM Day at the legislature is January 31, 2011.
- UNM Governmental and Community Relations Office is going to push for the elimination of a tuition credit. Most legislators are unaware of the credit and what it is. A goal of GCR is to educate legislators.
- Senator Stanley presented the following talking points to the senate to use:

Faculty Senate Governmental Relations Committee
Suggested discussion points for talking to Legislators

You will have just a minute or two so think about the message beforehand. Be crisp and clear.

- 1) Pick up a copy of the 2011 Legislative Almanac so that you can look up your legislator and so you can recognize legislators. As a courtesy, and also to obtain assistance with knowing which legislators to speak with, please check in with Marc Saavedra and/or his staff.
- 2) Introduce yourself to the legislator. Explain your role at UNM and take the time to mention a research, teaching or service project you are working on.
- 3) Mention that you know that budget times are hard, but the recent cuts to the budget and the tuition credit have hit UNM particularly hard.
- 4) Give an example that you personally know about. E.g. cuts to graduate assistantships and part time teaching roles; turning off phones; inability to provide students with hard copies of syllabi; cuts in janitorial staff have led to accelerated wear and tear on offices and classrooms cuts and reallocations in support staff have made more administrative work for faculty, cutting into teaching and research. Also address proposed cuts, e.g. removing I&G funding from LAII would kill a successful program that has brought national and international recognition and had successful joint degree programs, etc. Use examples of which you are personally aware.
- 5) Ask them to support
 - a. eliminating the tuition credit
 - b. a revised funding formula that recognizes the special role and costs of research and service expected of a comprehensive **public** university and the higher costs associated with graduate education and emphasize that the entire state benefits from the research and service of the University. (give examples of which you are aware Eg. Southwest Indian Law Clinic)
- 6) hand them one of your business cards and offer your expertise.
- 7) If asked about the ERB, or if this is your issue, we recommend supporting the ERB REVISED recommendations. Explain your personal situation if you like.
- 8) Be sure to thank legislators who are supporting these issues.

13. NEW BUSINESS AND OPEN DISCUSSION

No new business was raised.

14. ADJOURNMENT

The meeting was adjourned at 5:45 p.m.

Respectfully submitted,

Rick Holmes
Office of the Secretary