4-11-1989

Faculty Senate Meeting Minutes, 04/11/1989, vol 13, p 353-434

UNM Faculty Senate

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TO: Members of the Faculty Senate
FROM: Anne J. Brower, Secretary
SUBJECT: April Meeting

The Faculty Senate will meet on Tuesday, April 11, 1989 at 3:30 p.m. in the Riva.

The agenda will include the following items:

1. Summarized Minutes of March 21, 1989
2. Senate President's Report -- Professor Garrett Flickinger
3. Open Discussion (Senators may speak on any subject of interest; however, no motions may be made. This is not an action item)
4. Item from the Curricula Committee -- Master of Water Resources Administration
5. Policies and Procedures Regarding Research Fraud -- Professor Virginia Shipman
6. Resolution from the Long-Range Planning Committee -- Professor Peter Pabisch
7. Resolution from the Library Committee -- Professor O. J. Rothrock
8. EEOC Discrimination Grievance Procedure -- Margaret Montoya, Special Advisor to the President for Affirmative Action
9. Recommendation re ICES -- Professor Rhonda Hill
10. Amendments to Faculty Senate Bylaws -- Professor Marion Cottrell
11. Regents' Statement on Cultural Pluralism (For Information Only)
Senate President's Report. At 3:30 p.m. a quorum of senators was not present, therefore, President Flickinger gave his report. He described the Regents' meeting which was held earlier in the day. The Regents met in Popejoy Hall so that students could attend the meeting. About 400 students were present and many were given the opportunity to express their opposition to a proposed 7.9% tuition increase. When the Regents voted to approve the increase, students left the meeting to occupy Scholes Hall to further demonstrate their opposition. Professor Flickinger explained that he had not been able to comment on the tuition issue at the meeting. However, Regent Siegfried Hecker reminded the Regents that faculty salaries were a primary concern and he stated that salaries should be raised until the University reached at least the mid-point range of salaries at peer institutions.

At 3:55 p.m. a quorum was present and President Flickinger called the meeting to order.

Senators present: Garland Bills (A&S), Gloria Birkholz (Nursing), Andrew Burrows (A&S), Marlon Cottrell (Engineering), Paul Davis (A&S), Stephen Dent (Arch & Fine), Garrett Flickinger (Law), Douglas George (Fine Arts), Shyam Gurbakshani (Engineering), William Litchman (A&S), Wayne Maes (Education), Clara Miera (Dental Program), Jose Rivera (Pub Admin), Linda Taland (Medicine), Chris Shullie (Fine Arts), Ron Storey (Medicine), Pauline Turner (Education), Richard Van Dongen (Education), Donald Vichick (Medicine), William Woodside (Medicine), and Mel Yazawa (A&S).

Absent: Alonzo Atencio (Medicine), Carl Cords (Medicine), Cecilia Penning-Priester (Medicine), Marilyn Pfeifer (Gen Library), Gregory Franchini (Medicine), Phillip Gonzalez (A&S), George Horner (Management), George Roaco (A&S), Hash Khabat (Pharmacy), Astrid Kadic-Brown (A&S), Tom Kyner (A&S), Jerome Shea (University College), and Tricia Smith (Gallup Branch).

Minutes of March 21, 1989. President Flickinger noted a correction in the minutes of March 21. He said the events passed the Intellectual Property Policy with a minor change in the patent section, not the copyright section as recorded. The minutes were approved as corrected.

Open Discussion. Professor Stephen Dent expressed his concern over the events surrounding the tuition increase approved by the Board of Regents. He said that statements indicating the increase was necessary in order to upgrade faculty salaries seems to put students and faculty in adversarial positions. Senator Polly Turner reported that she had been told that Regent President Robert Sanchez had proposed that if faculty could persuade to reduce the percentage of their salary increase, the Regents could lower the tuition increase. After a brief discussion, Senator Marlon Cottrell urged the Senate to draft a strong statement to emphasize that raises are desperately needed but not at the expense of students.

Senator Shyam Gurbakshani asked that the Senate go on record as thanking Regent Siegfried Hecker for his good judgment and excellent memory in remembering the Regents' commitment last year to try to "catch up" with the national faculty salary levels.
Regent Hecker's reminder to that effect and also to search for other sources to provide a possible 7 to 8% salary increase is also appreciated by the Faculty Senate.

Additionally, Senator Gurubaxani presented data based on the administration's prepared reports (Tuition and Fees Task Force and Exhibit 3 from the report to the CHE) showing last year's $120 increase in tuition and fees resulted in an additional $3.4 million. Hence an increase of about $66 could provide $1.9 million.

Item from the Curricula Committee. Upon the recommendation of Professor Don Bani, chairman of the Curricula Committee, the Senate approved the degree of Master of Water Resources Administration.

Policies and Procedures Regarding Research Fraud. Professor Virginia Shiman, chairman of the Task Force on Research Fraud, reminded the Senate that on May 10, 1988 the Senate had reviewed the first draft of the proposal concerning research fraud. Comments made at that time, as well as comments from the Council of Deans, have been taken into consideration and the proposal presented in the agenda includes changes to reflect these comments and suggestions. She asked the Senate to approve the policy as an interim one which will probably be changed and refined as the University community has the opportunity to evaluate its effectiveness.

After discussion of the policy, the Policies and Procedures Regarding Research Fraud were approved on an interim basis.

Resolution from the Long Range Planning Committee. Professor Peter Pahlisch, chairman of the Long Range Planning Committee, explained that in 1985 the Senate had approved the establishment of a University Planning Group and a Planning Center. He stated that to date the administration has not acted on this recommendation, and he asked the Senate to request the administration to establish a Planning Group and a Planning Center by July 1989.

After the discussion of the feasibility of establishing the two entities at this time, a motion to approve the proposal from the Long Range Planning Committee was defeated by a vote of 6 for and 10 against.

Resolution from the Library Committee. Professor O.J. Rothrock, chairman of the Library Committee, explained that currently the University of New Mexico Libraries ranks 101 of 104 university libraries belonging to the Association of Research Libraries and is now at risk of losing its membership. That loss would adversely affect the nationally perceived quality of the accreditation of its graduate degrees. He asked the Senate to approve the following resolution: 

Whereas, the University of New Mexico is now ranked 101 of 104 university libraries belonging to the Association of Research Libraries, and

Whereas, the University is at risk of losing its membership and thus the nationally perceived quality of the accreditation of its graduate degrees;

Now be it resolved that we, the Faculty Senate of the University of New Mexico, strongly urge the University administration to continue actively to seek sufficient funding and to take necessary measures to insure that the general library maintains its membership and improves its ranking in the Association of Research Libraries.

-2-
Professor Mel Yazawa questioned the number of staff employed by the UWM Libraries and how well their budget is allocated. Dean Migneault explained that student employees are included in the staffing count which brings the number up. Also included in the count are professional (faculty) and non-professional staff. Additionally, he explained that the UWM Library is noting excellent use of its resources and providing jobs for students.

Migneault stated that the UWM Library is close to being issued a warning regarding our ARL membership. If membership were denied, UWM's standing as a recognized research institution as well as the ability to secure grant money from such organizations as the National Endowment for the Humanities would be affected.

The Senate approved the resolution as presented.

At 5:20 p.m., a quorum was no longer present and the meeting was adjourned.

Respectfully submitted,

Anne J. Brown, Secretary
SUBJECT: Items from the Curricula Committee

REQUESTED ACTION: Approve a Master of Water Resources Administration degree

BACKGROUND INFORMATION: See Attachments.
FORM C
MAJOR AND MINOR CURRICULAR CHANGES

Date: 31 January 1989

Unit: Natural Resources Center (Law & Public Admin.)
(Dept., Div., Prog.)

UNIT PREPARES IN TRIPlicate
Routing (All three copies)
1. Dean of Library Services
2. College Curriculum Comm. if necessary
3. College or School Faculty
4. College or School Dean
5. FS Undergraduate Academic Affairs Comm. and/or FS Graduate Comm.
6. Office of Graduate Studies (For grad. level changes)
7. FS Curricula Committee
8. Provost
9. Faculty Senate

I. Major Change

Degree
New

Revision of
existing degree

Deletion

Major
New

Revision of
existing major

Deletion

Minor
New

Revision of
existing minor

Deletion

Concentration
New

Revision of
existing concentration

Deletion

Give exact title and requirements as they should appear in the catalog in the space provided or on attached sheets.

MASTER OF WATER RESOURCES ADMINISTRATION
Requirements: See attached proposal, page 11.

II. Minor Change

Minor name change of existing degree, major, minor, or concentration.

Minor program revision (3-5 hours)

Reasons for Request (attach extra sheets if necessary)
Please see attached proposal.

Effective Date of Proposed Change: Spring , 1990 Semester Year

Budgetary and Faculty Load Implications: (attach statements) See attached proposal, pages 16 & 17.
Might this change impinge in any significant way on student or departmental programs? Yes ___ No ___
If yes, have you resolved these issues with department involved? (attach statement)

Signature: Department Chair

Approvals: Dean of Library Services
Water
College Curricula Committee
(if necessary)
College or School Faculty
College or School Dean
FS Undergraduate Ac. Affairs
and/or
FS Graduate Committee
Office of Graduate Studies
FS Curricula Committee
Provost
Faculty Senate

Date: 2-27-88

Date: 2-24-89

Date: 3/1/89

Date: 3/2/89

Date: 3/21/89

Date: 3/24/89

Date: 3/27/89
Jeanne Sohn, Associate Dean of Library Services
Mary Beth Johnson

Form C - Master's Program in Water Resources Management

The General Library collections can support the proposed master's degree program in Water Resources Management. The Library has been actively collecting materials in natural resource economics in support of the Natural Resources Certificate in Economics program offered through the Natural Resources Center and the Economics Department. Water-related materials have been acquired whenever available. The interest in water-related issues by the Economics and Public Administration Departments, the Law School, other university departments and the community will assure continued support by the library in this area at the depth required for a master's program.
I. INTRODUCTION AND RATIONALE

Water plays a central role in the history of New Mexico and the West as a whole. Nothing is likely to rival water in its power to shape events in this region. It follows, then, that to control its future New Mexico must manage water well. This imperative is not new, but events of the last few decades have made it more complex and urgent.

Over the past 100 years in the Western United States, the dominant strategy with respect to water resources has been to develop them and "make the desert bloom." As the western states have become more densely populated and urbanized, however, competition for water has grown keener and the pressures on decisionmakers more intense. In the West today, rivers and streams are almost all fully appropriated; major dams, reservoirs, and aqueducts are in place; groundwater aquifers are declining as a result of large scale pumping; and the federal government has sharply scaled down and revamped its funding of water projects. Plainly, the water development period is waning. Further, due to the unpredictable nature of global climate change, current water supplies, however longstanding and apparently reliable, cannot be taken for granted.

The historical period of development is being succeeded by an era of management. The management era will be dominated by strategies involving reallocation and conservation of water, as well as protection and restoration of water quality and wildlife habitat. These new strategic emphases call for new water management institutions, some of which are already evolving (e.g., water markets), and water managers prepared for the challenges entailed. In the developmental period, construction engineering was the preferred
technology, politicians the chief decisionmakers, and federal subsidy the fuel. Today, the technological focus is on conservation, efficiency, and environmental protection; decisions are in the hands of judges, market specialists, and public administrators; and urban growth provides the major fuel.

Emerging water management problems demand a combination of knowledge and skill that cannot be acquired through study in a single discipline. In addition to proficiency in their own fields of specialization, water managers who are engineers, hydrologists, geologists, or ecologists will need a working knowledge of water law, policy, and economics. Similarly, water lawyers and water policy analysts must become conversant with the natural science and engineering foundations of changes they litigate, legislate, or administer.

Familiarity with several disciplines, however, does not guarantee the ability to integrate, apply, and communicate knowledge in practice. Today’s water managers must not only understand alternative approaches to problems, but be able to mold them into comprehensive, practical solutions. The conception and implementation of solutions will depend on skill in communicating with professionals in various fields and with the public at large.

Finally, the constraints of both water and financial budgets require that water managers be effective administrators. As stewards of finite resources, they must accommodate competing economic, ecological, and equity concerns. Here, the state and the region have an admirable historical record. The earliest Native American and Hispanic inhabitants of the southwest offer
the tradition of respect for water that is still the surest basis for successful stewardship. In recent times, political leaders such as Senator Clinton Anderson have forged coalitions that produced many water projects in the state. And public officials such as Steve Reynolds have administratively enforced rules for efficient water management that are highly regarded nationally and internationally.

This proposal describes and supports a plan that will help maintain that leadership through creation of a master's degree in water resources administration centered at the University of New Mexico. The plan was developed by the Interdisciplinary Water Curriculum Committee, which is described in the following section.

II. INTERDISCIPLINARY WATER CURRICULUM (INC) COMMITTEE

In June, 1987, responding to faculty interest, Vice President for Academic Affairs Chris Garcia appointed a faculty committee "to design an interdisciplinary water curriculum, explore its feasibility, and prepare a plan for its implementation if the feasibility judgment is favorable." This document is that plan. It is a product of the committee's work over the past year and a half.

Garcia named as committee co-chairs James Goss, Professor of Biology, and F. Lee Brown, Professor of Economics and Public Administration and Co-Director of the Natural Resources Center (NRC). The committee's membership includes faculty from nine academic units: the departments of Biology, Civil Engineering, Economics, Geography, Geology, and Political Science; the Division
of Public Administration; the School of Law and the School of Architecture and Planning. At Garcia's request, staff support to the committee was provided by the NRC. Capsule resumes of the committee members are provided in Appendix 1.

**Members of the IWC Committee**

<table>
<thead>
<tr>
<th>Name</th>
<th>Department/Program</th>
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<tbody>
<tr>
<td>Shaul Ben-David</td>
<td>Economics</td>
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<tr>
<td>Doug Brookins</td>
<td>Geology</td>
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<tr>
<td>F. Lee Brown*</td>
<td>Economics and Public Administration</td>
</tr>
<tr>
<td>Ron Cummings</td>
<td>Economics</td>
</tr>
<tr>
<td>Tim De Young</td>
<td>Public Administration</td>
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<tr>
<td>Charles DuMars</td>
<td>Law</td>
</tr>
<tr>
<td>Willis Ellis</td>
<td>Law</td>
</tr>
<tr>
<td>Jim Goss*</td>
<td>Biology</td>
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<tr>
<td>Em Hall</td>
<td>Law</td>
</tr>
<tr>
<td>Richard Heggen</td>
<td>Civil Engineering</td>
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<tr>
<td>Hank Jenkins-Smith</td>
<td>Political Science</td>
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<tr>
<td>Ted Jojola</td>
<td>Community &amp; Regional Planning</td>
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<tr>
<td>Min Kantrowitz</td>
<td><em>American Studies Center</em></td>
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<tr>
<td>Ruth Kovnat</td>
<td>Law</td>
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<tr>
<td>Manuel Molles</td>
<td>Biology</td>
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<tr>
<td>Michelle Minnis</td>
<td>Natural Resources Center</td>
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<tr>
<td>Chris Mann</td>
<td>Economics</td>
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<td>Antoinette Sedillo Lopez</td>
<td>Law</td>
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<td>John Shomaker</td>
<td>Geology</td>
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<tr>
<td>Bruce Thomson</td>
<td>Civil Engineering</td>
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<tr>
<td>Steve Thompson</td>
<td>Geography</td>
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<td>Steve Wells</td>
<td>Geology</td>
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<tr>
<td>Carl White</td>
<td>Biology</td>
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Natural Resources Center Staff: Robin Morgan and David Kennedy

*Committee co-chair*
Table 1. Curriculum for Master of Water Resources Administration

**PREREQUISITES***

- Calculus (1 year)
- Introductory Chemistry (1 year)
- Probability & Statistics (1 semester)
- Intermediate Microeconomics (1 semester)

<table>
<thead>
<tr>
<th>REQUIRED COURSES</th>
<th>ELECTIVES</th>
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<tbody>
<tr>
<td>(30 credit hours)</td>
<td>(6 credit hours)</td>
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<tr>
<td><strong>Interdisciplinary I (survey) and Communications Lab</strong></td>
<td>Aquatic Ecology &amp; Toxicology</td>
</tr>
<tr>
<td><strong>Interdisciplinary II (technical modeling) &amp; Communications Lab</strong></td>
<td>Resource Economics</td>
</tr>
<tr>
<td><strong>Interdisciplinary III (field based problem solving) &amp; Communications Lab</strong></td>
<td>Public Policy</td>
</tr>
<tr>
<td>Hydrology</td>
<td>Community &amp; Regional Planning</td>
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<tr>
<td>Hydrogeology</td>
<td>Environmental Health</td>
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<tr>
<td>Water Law</td>
<td>(others to be determined)</td>
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<td>Administrative Behavior</td>
<td></td>
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<tr>
<td>Public Budgeting</td>
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<tr>
<td>Public Personnel</td>
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* These can be met by taking the following UNM courses or comparable courses: MATH 162 & 163 (Calculus), CHEMISTRY 121L & 121L, MATH 345 (Probability and Statistics), and ECONOMICS 300.
SUBJECT: Policies and Procedures Regarding Research Fraud

REQUESTED ACTION: Approve attached policies and procedures

BACKGROUND INFORMATION: On May 10, 1988 the Research Policy Committee presented for information and input by the Faculty Senate a proposed policy concerning research fraud. It was understood that the policy would be brought back to the Senate for final approval.
I. Introduction

Integrity, trust, and respect are important elements in an academic research environment. Investigators typically conduct research and explain findings and theories with painstaking diligence, precision, and responsibility. However, a growing number of cases involving research fraud threatens to both erode the public trust and cast doubt on the credibility of all researchers.

Because the University of New Mexico as well as the general public and government are affected by this issue, the University has decided to take steps to deal with research fraud if it arises and to ensure the credibility and objectivity of research activities. These steps are, in broad terms, to:

1. Ensure that ethical standards for research at UNM are clearly understood and applied.
2. Promptly inquire into allegations of fraud and, where appropriate, initiate formal investigations and advise sponsors of action taken.
3. Ensure that each investigation is properly documented to support findings and carefully conducted to protect any person whose reputation may be placed at risk during the process.

The policy and procedures regarding research fraud are intended to protect the integrity of the University's research enterprise and not hinder the search for truth or interfere with academic freedom.
II. Definition:

"Research fraud" or "fraud" applies to sponsored and unsponsored research and means: intentional fabrication, falsification, misrepresentation, theft, or plagiarism concerning research results, activities, and related documentation; it also means gross carelessness in conducting research amounting to wanton disregard of truth or objectivity, or failure to comply or at least attempt to comply with material and relevant aspects of valid statutory or regulatory requirements governing the research in question. Research fraud is not an error in judgment, a misinterpretation of experimental results, an oversight in attribution, a disagreement with recognized authorities, a failure in either inductive or deductive reasoning, an error in planning or carrying out experiments, a calculation mistake, or being wrong or ignorant.

III. Policy

A. Research fraud cannot be tolerated and will be firmly dealt with when clearly shown to be present.

B. Charges of research fraud by persons who do not fully identify themselves shall not be acted upon. Charges from a properly identified party shall be promptly reviewed and a copy of this Policy shall be made available to such party. If health or safety is involved, prompt remedial action shall be taken. The charges shall be treated at ascending levels of formality to minimize distraction from normal activities and permit the taking of action tailored to the authenticity and seriousness of the charges and the nature and extent of the misconduct.

C. Every effort shall be made to protect the rights and the reputations of everyone involved, including the individual who in good faith alleges perceived misconduct as well as the alleged violator(s). However, persons making intentionally dishonest, malicious, or irresponsible allegations shall
be severely dealt with and may be subject to dismissal as well as criminal and/or civil legal action.

D. All faculty members, staff, and students are expected to cooperate with committees conducting inquiries or investigations. Care will be exercised at all times to ensure confidentiality to the maximum extent possible and to protect the safety and privacy of persons involved in the research under inquiry or investigation. Files involved in an Inquiry or Formal Investigation shall be kept secure and not retrievable by personal identifiers, and applicable State and Federal law shall be followed regarding confidentiality of personnel records.

IV. Procedures

A. Processing Initial Allegations of Research Fraud

1. An initial report of alleged fraud shall be treated and brought in a confidential manner to the attention of the faculty member or other person (e.g., chairperson, supervisor, director, principal investigator) responsible for the researcher(s) whose actions are in question. (Accuser may wish to seek counsel prior to bringing charges.) That faculty member or other person shall, in turn, make an immediate confidential report of the allegations to the Vice President for Research or the Director of the Medical Center, as appropriate. The Vice President for Research or the Director for the Medical Center may at their discretion and as they deem appropriate inform the accused of the charges and, if the accuser consents, of the identity of the accuser. The Vice President for Research or the Director of the Medical Center acting as appropriate through deans, chairpersons or directors shall take immediate corrective action if a threat to health or safety is involved.
2. The Vice President for Research or the Director of the Medical Center shall promptly review the allegation and prepare an initial finding. (Note: "Finding" as used herein means a written document containing a full explanation of the facts and the reasoning which supports a decision of innocence or violation.) The Vice President for Research or Director of the Medical Center may appoint an ad hoc Committee for this purpose. Such Committee shall consist of three faculty members at least two of whom including the chairperson shall be tenured. Deans, chairpersons, and directors shall be eligible for appointment to such Committee. Should the allegation be considered frivolous or unfounded by the Vice President for Research or the Director of the Medical Center, the person bringing the charges shall be so informed and appropriate further inquiry made, if necessary, concerning the accuser's motivation or responsibility. The Vice President for Research or Director of the Medical Center shall take disciplinary action against the accuser if appropriate or recommend administrative sanctions or criminal or civil legal action to the President.

B. Inquiry

1. If from the report and initial finding the Vice President for Research or Director of the Medical Center believes that allegations warrant further inquiry, the Vice President for Research or Director of the Medical Center shall provide a copy of the finding to the President and shall appoint an Inquiry Committee of three persons other than persons previously serving as ad hoc Committee members. At least two Committee members shall be tenured faculty. One of the tenured faculty members shall chair the Committee. Care shall be taken to ensure that no Committee member has a potential or actual conflict of interest with...
the researcher(s) under investigation or with the accuser. All Committee
meetings shall be held in confidence in a secure area.

2. The Inquiry Committee shall promptly review the initial report and
finding and other available information on a preliminary basis. If, based
on this preliminary review, the Committee believes that the Inquiry
should be dropped because the allegations are irresponsible, trivial, or
clearly insubstantial, the Committee shall submit a finding to that effect
to the Vice President for Research or the Director of the Medical Center,
as appropriate, and to the President, and the Inquiry shall be terminated
preferably without any notice or publicity whatsoever, except for action
as in A.2. if appropriate. If, however, the Inquiry Committee believes
the allegations are prima facie responsible and have substance, the
Committee shall notify the sponsoring agency if appropriate under the
agency's criteria, and each person accused of fraud shall be advised by
the Vice President for Research or the Director of the Medical Center in
writing of (a) the allegations, (b) the identity of the accuser, (c) the
identity of the Committee members, (d) the right to retain private
counsel, and (e) the need to retain all documents, records, tapes, etc.,
relating to the research in question in unaltered condition.

3. The length of the inquiry shall not exceed sixty days unless prior written
approval for a longer period is obtained from the Vice President of
Research or the Director of the Medical Center. After completion of the
inquiry, the Inquiry Committee's finding shall be provided to the Vice
President for Research or the Director of the Medical Center and to the
President. If the Inquiry Committee's finding is that the allegations lack
sufficient substance or support to justify a formal investigation, the
individual(s) who reported the alleged fraud and the accused shall be so
notified in writing by the Committee Chairperson. All University personnel involved in or contacted in connection with the inquiry shall be informed in writing of the results and shall refrain from making any comments on the matter whatsoever outside of Committee business unless authorized in writing by the Committee Chair. If in its finding the Committee also determines that the charges were dishonest, malicious, or irresponsible, the Vice President for Research or the Director of the Medical Center, or, if necessary, the President, shall take appropriate disciplinary or legal action such as proceedings leading to dismissal of the person making the changes or referral of the matter for criminal or civil legal action.

C. Formal Investigation

1. If the Inquiry Committee unanimously recommends in writing to the Vice President for Research or Director of the Medical Center that a formal investigation is warranted, the Vice President for Research or the Director of the Medical Center, as appropriate, shall appoint in consultation with the University President an Investigation Committee of five tenured faculty members including the chairperson. No person shall be appointed to the Investigation Committee who was ineligible for or who served on the Inquiry Committee, or who has any potential or actual conflict of interest with the persons under investigation or with the accuser. Committee members should be selected on the basis of relevant research background and experience. If required by sponsoring agency regulations, the University shall notify the agency of its decision to commence an investigation.

2. Each researcher under investigation shall be apprised of the allegations in writing, of the identity of the members of the Investigation Committee, and of the right to petition the Committee to reconsider its finding and recommendation.
Committee, and of the right to retain private legal counsel. The accused person(s) as a whole and the accuser(s) as a whole shall each have the right to challenge the appointment of one member. Such challenge shall be made in writing to the chairperson within 10 days of notification of the identity of members. Upon receipt of the challenge the chairperson shall promptly appoint another member to replace the challenged member and notify all parties of the member's identity. Further, the accused person or persons as a whole shall be accorded the right to select one person not under investigation having technical expertise to assist the Committee. Such person shall be appointed to the Committee as a non-voting member and shall be subject to all rules adopted by the Investigation Committee including requirements for confidentiality.

3. During the investigation University legal counsel shall be available to the Committee for consultation. Information concerning the research under investigation such as laboratory notebooks and related records of research activities, topical, technical, and summary reports, drafts of unpublished manuscripts and related data and materials shall be made available as requested by the Committee.

4. The Committee shall hold all meetings in confidence unless open meetings are approved in writing by the President. The Committee from time to time shall inform each accused person under investigation of its general progress. Accused persons under investigation shall be treated as innocent of the charges at all times until and unless duly found to be in violation. Accused persons shall be afforded the opportunity to respond to the charges and to questions posed by the Committee and to provide additional information or explanations voluntarily. In response to a request by the accused or on the Committee's own initiative, it shall
be a matter of the Committee's sole discretion subject to written
approval of the President as to whether and how the accused and accuser
should confront each other, or the case should be publicized. Factors to
be considered in recommending such disclosure, confrontation, or
publication shall include a) the behavior and actions of the accused and
accuser, b) regulatory requirements of the sponsoring agency or
contractual provisions governing the research, c) whether in view of the
nature of the case the proposed action would enhance impartiality,
objectivity, and fairness in the manner of conducting the Committee's
proceedings and in reaching a just decision, and d) relationship of the
University's investigative efforts to criminal or civil court proceedings or
to investigative efforts by the sponsor.

5. The Committee may in its discretion for itself or on behalf of the accused
or accuser require delivery of documents, interview witnesses, take
depositions or signed statements of witnesses, obtain evidence, visit
sites, and replicate tests. The Committee may also hold hearings and
shall maintain a verbatim written record of all proceedings. Courtroom
procedures may be followed at the discretion of the Committee. The
President or President's designee may be present at any proceeding or
meeting of the Committee.

6. A finding that a person has committed research fraud shall require a
unanimous vote of the Investigation Committee. The accused person
shall have fourteen days to provide comments on the finding to the
Committee.

7. If a unanimous vote of the Committee for a finding of research fraud is
not obtained, then the person under investigation is innocent of research
fraud.
8. The Committee may also recommend separately or with the above findings that, because in its unanimous opinion the allegations of fraud appear to be malicious, intentionally dishonest, or irresponsible, a further investigation of the accuser should be initiated. Alternatively, the Committee may actually find by unanimous vote that the allegations of research fraud were malicious, intentionally dishonest, or irresponsible. In such instance, the accuser shall have fourteen days to provide written comments thereon to the Committee.

9. The findings in 6., 7., or 8. above and the comments of the accused and/or accuser as applicable shall be included in a final written report of the Committee signed by all voting members which shall be submitted to the President.

D. Action Following Investigation

1. If the Committee finds research fraud, the University shall take the following actions as required or appropriate:

a) Notify the sponsoring agency of the findings;

b) Take steps to withdraw, retract, modify, or explain all pending and previously published abstracts and papers related to the fraudulent research and to alert publishers, organizations, and the public to the affected research;

c) Take appropriate disciplinary action (e.g., dismissal proceedings) as well as administrative, criminal, or civil legal action concerning the persons found to have committed research fraud; and

d) Take any other steps deemed appropriate to accomplish justice and preserve the integrity of the University and the credibility of the Sponsor's program.
2. If the Committee does not find research fraud, efforts will be undertaken to the extent possible and appropriate by the University to fully protect, restore, or maintain the credibility of the research project, research results, and the reputation of the accused, the sponsor, and others who were involved in the investigation or deleteriously affected thereby. Evidentiary material, documents, etc., shall be disposed of in accordance with University Counsel’s advice.

3. If the Committee further finds that a party’s allegations were malicious, intentionally dishonest, or irresponsible, steps shall be taken by the University to further investigate the party and take appropriate disciplinary or legal action. If such party is not associated with the University, appropriate organizations or authorities shall be notified and administrative or legal action considered.

4. The Board of Regents in the pursuit of justice and fairness may, in its sole discretion, fully or partially reimburse the accused and/or the accuser for legal fees in cases of unusual hardship.

E. Compliance With Federal Policies

Faculty members or others who are on the staff of the Veterans Administration Medical Center or who perform clinical, medical, or other specialized research under the aegis of UNM must also comply with federal policies and guidelines which govern such work. The Committees shall cooperate with the University in meeting various Federal agency reporting requirements regarding their inquiries or investigations.
F. Distribution of this Document

Present faculty and staff shall be given copies of this document as soon as possible. New faculty and staff shall be issued a copy at the time of initial employment, and dissemination shall be made to students in an appropriate manner.

G. Continuing Review of Policy

These University policies and procedures relating to ethical conduct of research and investigation of allegations of fraud shall be under continuing review and modified in light of the experience gained. Suggestions for revision should be sent to the Research Policy Committee.
UNM FACULTY SENATE

SUBJECT: Establishment of University Planning Group and University Planning Center

REQUESTED ACTION: Request again that the University establish a Planning Group and a Planning Center as of July, 1989

BACKGROUND INFORMATION: On March 19, 1985, the Faculty Senate approved a recommendation from the Senate Long Range Planning Committee to establish a University Planning Group and a Planning Center. To date this has not been done.
(See the following pages for more information.)
TO: UNM'S FACULTY SENATE

FROM: FACULTY SENATE LONG RANGE PLANNING COMMITTEE

SUBJECT: REQUEST FOR ACTION -- University Planning Group and University Planning Center

DATE: March 27, 1989

The Faculty Senate Long Range Planning Committee (LRPC) urges the Faculty Senate to request action from the University President so that a new UNIVERSITY PLANNING GROUP (UPG) with a UNIVERSITY PLANNING CENTER (UPC) be implemented as of July 1, 1989.

The Faculty Senate is reminded that it already approved this matter at the end of the academic year 1984/85.

Peter Fabisch
Chair, LRPC

PS: For details please refer to the accompanying document.
Proposal: University-wide Planning at UNM

I. Introduction.

The Faculty Senate Long-range Planning Committee (FSLRPC) notes with approval the emphasis on rational, campus-wide planning which recurs throughout the "preliminary report" of the UNM 2000 committee. The FSLRPC accepts as its charge long-range planning issues on behalf of the faculty; at the same time it notes that long-range planning for any constituency at UNM needs two conditions: 1) a university-wide plan to provide some context and 2) mechanisms for allowing consensus to form.

The UNM 2000 committee's final report will provide university-wide goals, a step which will make planning at all subsequent levels much easier than has been the case previously. We realize that procedures need to be in place to guarantee that the planning process continues. The second aim, that of developing consensus, cannot be achieved at the university level without healthy participation of the faculty, as well as other elements of the university community. In this regard we are pleased that the "preliminary report" of the UNM 2000 committee endorsed the concept of the University Planning Group (UPG) and the University Planning Center (UPC). What follows is a specific organizational structure for these new bodies, their composition (where appropriate), and a general set of charges.

II. Organization.

Office of Planning and Policy Studies (OPPS). This office is already in place; it reports directly to the President. Its current function is to serve the needs of the administration on policy and planning issues. To this would be added the maintenance of the University Planning Center and the support of the University Planning Group.

University Planning Center (UPC). Maintained by the OPPS, this would be a place as much as a body. It would be the source of data needed by units across the university as they pursue their planning functions.

University Planning Group (UPG). A group of individuals who meet regularly to update the university master plan, monitor consistency between plans, and mediate conflicts which arise in the planning area.

III. Composition.


2. University Planning Center (UPC): personnel requirements to be determined.
University Planning Proposal

3. University Planning Group (UPG):

a. Vice President for Planning (chair);
b. Vice President for Finance (or designee);
c. Vice President for Academic Affairs (or designee);
d. Chair, Campus Planning Committee;
e. Chair, Senate Long-range Planning Committee;
f. Chair, Budget Review and Planning Committee;
g. Faculty member, appointed by Senate Operations Committee;
h. President, Faculty Senate;
i. Director, Office of Planning and Policy Studies;
j. Staff member (elected);
k. Student member (elected);
l. Vice President for Student Affairs.

IV. Duties.

1. Office of Planning and Policy Studies (OPPS)

a. Monitor selected areas: e.g.
   1) Demographics (internal and external);
   2) sch/headcount/CHE formulae;
   3) major issues in higher education with impact on UNM;
   4) national, regional, state economies;
   5) accountability/assessment requirements;
   6) changing societal values;
   7) state-level trends in education;
   8) student financial aid;
   9) comparative financing.

b. Maintain environmental scan.
c. Maintain University Planning Center.

2. University Planning Center (UPC)

a. Maintain a file of all planning documents produced at UNM;
b. Prepare and display enrollment forecasts for UNM;
c. Collect, analyze, and display demographic, economic, educational, and attitudinal facts and trends which are likely to or should affect UNM;
d. Propose operational indicators to measure progress toward meeting planning objectives;
e. Collect, analyze, display, and evaluate data on the agreed operational indicators;
f. Acquire and use computer simulations and other models to produce hypothetical futures and perform sensitivity analyses;
g. Provide staff work on planning for the Faculty Senate's Long Range Planning Committee, the central administration, the Council of Deans, SPAC, and other similar entities;
h. Maintain an educational and reference library of the best literature on university planning.
1. Offer training experiences in planning for administrators, staff, and students.

3. University Planning Group (UPG)

a) To regularly update the UNM masterplan by recommending to the president changes which he/she will advance for action to the Board of Regents.

b) To review unit plans for the following characteristics:

1) consistency with any state-wide plan;
2) consistency with the UNM masterplan;
3) internal consistency;
4) inter-unit consistency (i.e., college-department; college-college; academic unit-support unit);
5) creative solutions which could be applied elsewhere in the university.

c) To survey comparable institutions for useful ideas.

d) To report as needed to the president and appropriate vice presidents the results of such regular reviews.

e) To issue opinions at the request of any unit concerning perceived planning conflicts.
SUBJECT: Resolution from the Senate Library Committee

REQUESTED ACTION: Approve the following resolution:

Whereas, the University of New Mexico is now ranked 101 of 104 university libraries belonging to the Association of Research Libraries,

and

Whereas, the University is at risk of losing its membership and thus the nationally perceived quality of the accreditation of its graduate degrees;

Now be it resolved that we, the Faculty Senate of the University of New Mexico, strongly urges the University administration to continue to actively seek sufficient funding and take necessary measures to insure that the general library maintains (its membership in) and improves its ranking within the Association of Research Libraries.

BACKGROUND INFORMATION: Professor O. J. Rothrock, Chair of the Library Committee, will present background information at the Senate meeting.
SUBJECT: EEOC Discrmination Grievance Procedure

REQUESTED ACTION: Senate is requested to discuss the procedure and make recommendations.

BACKGROUND INFORMATION: In accordance with a request made by the Faculty Senate, the attached are new EEOC Discrimination Procedures designed for complaints of discrimination based on sex, race, color, national or ethnic origin, religion, handicap, sexual preference, maternal or paternal status, age or military involvement.
DISCRIMINATION GRIEVANCE PROCEDURE

ARTICLE 1. INTRODUCTION

1.1 General. It is the policy of the University of New Mexico to work with students, faculty and staff in finding fair and just solutions to problems of discrimination. The purpose of this procedure is to provide a mechanism by which all members of the University community can have allegations of discrimination heard, investigated, and resolved with fairness and objectivity and without fear of reprisal.

1.2 Definition of Discrimination. For purposes of this grievance procedure, discrimination shall be defined as including 1) overt acts based on sex, race, color, national or ethnic origin, religion, handicap, sexual preference, maternal or paternal status, age or military involvement including allegations of retaliation related to previous discrimination complaints adversely affecting the complainant and 2) subtle behavior of the respondent, based on the characteristics listed above i.e., sex, race, etc., that is sufficiently severe or pervasive to create a hostile work or learning environment for the complainant, taken from the standpoint of a reasonable person. Examples of subtle discriminatory behavior include, but are not limited to, condensation, stereotyping, derogatory comments, tokenism and patronization.
1.3 Scope. This procedure applies to persons who are University of New Mexico students, faculty and staff at the time of the event or situation alleged to be discriminatory. This procedure does not apply to complaints of sexual harassment which are grievable under the Sexual Harassment Grievance Procedure.

1.4 University Dissemination. The existence of this grievance procedure shall be made known to every new student or employee (faculty or staff) during the initial orientation program. This review should emphasize the University's objectives of resolving grievances with objectivity, without fear of retaliatory consequences or reprisals, and within a reasonable length of time.

1.5 Jurisdiction

1.5.1 If the respondent believes that a complaint filed under this procedure is not within the scope of this procedure set forth in section 1.2 or should be resolved under a different procedure, the respondent shall request that it be transferred. If the Affirmative Action Office (AAO) agrees
with the transfer request, or if the AAO on its own initiative believes that a complaint should be transferred, it shall transfer the matter to the alternative procedure. The AAO shall consult with the alternate decisionmaker in resolving any jurisdictional issue.

If an alternative (transferee) decisionmaker or a party challenges the AAO’s jurisdictional decision, the jurisdiction shall be decided jointly by the Vice President for Academic Affairs, Vice President for Student Affairs, and Director of Personnel, with the University Counsel as a nonvoting member, or their designees. The jurisdictional issue shall be resolved within one week, after the mailing of the complaint to the respondent in accordance with Section 3.3, during which other time limits shall be suspended. Where appropriate, different aspects of a dispute may be resolved under different procedures.

1.5.2 As part of any decision rendered under this procedure, the decisionmaker may transfer the complaint, or part of it, to an appropriate University department or procedure.
1.6 **Complainant:** Respondent. The person complaining of discrimination is the "complainant"; the person accused of discrimination is the "respondent."

1.7 **Affirmative Action Programs Committee.** The Affirmative Action Programs Committee (AAPC) is appointed by the President of the University to perform various functions related to affirmative action. The composition and full responsibilities of the AAPC are specified in the UNM Affirmative Action Manual, section C, "Administration of Affirmative Action Program."

One responsibility of the AAPC is to hear discrimination grievances, in accordance with section 3.8 of this Procedure. The AAPC has, therefore, primary responsibility for the implementation of this Procedure.

1.8 **Affirmative Action Office.** The AAO has responsibility for implementing the University's affirmative action programs. As part of that responsibility, the AAO implements various phases of this procedure, including counseling grievants; receiving and conciliating complaints; and performing ministerial tasks as spelled out in this procedure.
2.1 General. An employee or student is encouraged to discuss any discrimination problem with the putative respondent in the first instance and thereafter with a supervisor, faculty member, department chair, dean, or member of the AAO, in an attempt to resolve the problem without filing a formal complaint. It is intended that such problems be resolved with the cooperation of everyone involved, at the lowest administrative level possible.

2.2 Consultation With AAO Counselor.

2.2.1 Prior to filing a formal discrimination complaint a person may contact the Affirmative Action Office to set up a meeting with a Counselor from that office. At the person's request, the meeting shall be held within one week of the initial contact. The person can call anonymously to receive information.

The Counselor will provide an opportunity to talk about the problem confidentially; evaluate whether the conduct in question appears to
constitute discrimination; and discuss the possibility of retaliation, and how to identify and report it.

The Counselor will also explain options for resolving the problem, including private action, formal complaint, legal action, and counseling; discuss the requirements, advantages, and disadvantages of each option; and offer referrals to other sources of assistance.

If the problem involves allegations of discrimination against a student within the academic process, the Counselor shall advise the student regarding the preliminary resolution process described in Section 3.4.

2.2.2 All conversations and materials submitted by a complainant to a Counselor, as well as that person's identity, shall remain confidential and shall not be disclosed except with the written permission of the complainant.

2.2.3 Discussions with a Counselor shall not extend the deadline for filing a complaint.
3.1 **Deadline.** All formal complaints must be filed in writing with the AAO within ninety days of the complainant's becoming aware of the alleged discriminatory action or of the most recent occurrence if the behavior was continual.

3.2 **Advisors.** Each party may have an Advisor, who, after Step 1 has been completed, may be an attorney, to provide assistance in the complaint process. Each party may select an Advisor from a list maintained by the AAO, or may choose any other person, with the exception of members of the AAO staff and the Affirmative Action Programs Committee. If both parties are union members, neither Advisor may be the union representative or a union steward.

3.3 **Filing the Complaint.** The complaint shall be filed in writing on a form to be provided by the AAO and shall include complainant's name, respondent's name, a statement of the behavior in question, and the remedy desired.
The AAO will determine within one week whether this Discrimination Grievance Procedure is applicable; if not, the Affirmative Action office will refer the complaint to the appropriate department or agency, pursuant to section 1.4.

The AAO shall assign a different AAO Counselor to contact each party immediately to assist in understanding this procedure and in preparing for the conciliation meeting pursuant to section 3.6. The AAO shall send a copy of the complaint to the respondent within one week of receipt. The AAO will provide a copy of this Procedure to each party and inform each party of deadlines, including those for filing with the Equal Employment Opportunity Commission and any other appropriate outside agencies.

3.4 Preliminary Resolution Process for Academic Disputes.

If the complainant is a student and the complaint alleges that he or she has been discriminated against in connection with the academic process, the preliminary resolution process set forth in this section shall be followed unless the respondent is willing to sign a statement expressly waiving this section. The section applies to disputes...
alleging discrimination in academic evaluation, including decisions about program or degree requirements, grades, course requirements, and letters of recommendation.

3.4.1 The student is urged first to try to resolve the grievance by discussing the grievance with the faculty member. If the student and faculty member cannot reach agreement, or if the student does not want to discuss the matter directly with the faculty member, the student shall discuss the grievance with the chairperson of the department or division. If the grievance is still not resolved, the student shall discuss the grievance with the appropriate Dean. When the dispute arises from a particular course, the appropriate Dean is the Dean of the college offering the course.

3.4.2 In these discussions, the chairperson or Dean is encouraged to mediate the dispute. In particular, he or she should talk to both the student and the faculty member, separately or together, and should examine any relevant evidence, including any written statements the parties wish to submit.
3.4.3 The student's Advisor provided for in section 3.2 shall remain available to the student for consultation and advice throughout the preliminary discussions.

3.4.4 These preliminary discussions shall be completed within four weeks after the student files a formal complaint.

3.4.5 If the preliminary discussions do not resolve the grievance, the student may proceed using the procedures set forth in the following sections.

3.4.6 The AAO shall inform the respondent of the student's decision no later than four weeks after the filing of the formal complaint.

3.5 Filing the Answer. The respondent shall submit a written answer to the AAO, which shall send a copy of the answer to the complainant. The answer shall be submitted within two (2) weeks of respondent's receipt of the complaint, or, if section 3.4 applies and no resolution has been achieved, within six (6) weeks of respondent's receipt of the complaint. If the respondent fails to send an answer, the AAO may proceed without it.
3.6 **Step One--Conciliation Meeting.** Within two weeks after the deadline for receiving the answer, the AAO will arrange and conduct an informal meeting or meetings with the complainant, the respondent, their respective Advisors, if any, and the AAO Counselors assigned to the parties to attempt a conciliation. Either party may present written evidence at the informal meeting(s) and explain his or her position. The AAO will maintain a written summary or tape of the proceedings, retain copies of the written evidence, and provide copies to each party, if requested.

If the complaint is resolved, the formal action will be terminated. If conciliation is not accomplished within four weeks from the first meeting under Section 3.6, the AAO shall send the parties notice that Step One procedures have terminated. The notice shall inform the parties of the complainant's right to continue the formal action and shall include an explanation of the appeal procedures as well as notification that respondent's supervisor, if applicable, will be involved.

3.7 **Step Two--Hearing.**

3.7.1 Either party may appeal from Step One of this procedure within one week of the mailing of the notice under Section 3.6 by filing with the AAO a brief statement giving the reasons for the
appeal. The AAO shall immediately send a copy of the statement to the other party, who shall have two weeks to submit a response. No response is required, however.

3.7.2 Within one week of the date by which the response is due, the Chair of the Affirmative Action Programs Committee shall appoint three Committee members to a panel. Attempt should be made to include panel membership that reflects the gender and peer/ethnic groups of the parties involved in the complaint.

A committee member shall be disqualified from serving on a panel if a prior relationship with a party or witness would interfere with his or her objectivity. A request for disqualification may be made by any Committee member or party, and shall be decided by the Chair of the AAPC.

3.7.3 The panel shall, within one week of its appointment, contact the parties to set a mutually agreeable hearing date. The hearing date shall be within four weeks of the panel's appointment.
3.7.4 The hearing shall be conducted in accordance with the University Formal Hearing Procedure, or with procedures approved by the AAPC until the aforesaid Hearing Procedure is adopted.

3.7.5 In evaluating a claim of discrimination in academic evaluation, the panel may utilize one or more expert witnesses to assist and advise the hearing panel in determining whether the evaluation was discriminatory. Any expert witness shall have expertise in the academic subject matter at issue. An expert whose employment relationship with either party might impair his or her objectivity shall not serve as an expert witness.

3.7.6 The panel shall deliberate in closed session. All panel members shall be present. Decisions shall be by majority vote.

3.7.7 The panel shall first consider the testimony of witnesses at the hearing and any documents, evidence, or arguments offered by the parties.
The burden of the production of evidence shall rest on the parties. If the panel concludes it requires information that is not available to the parties but within the control of the university or other third parties, the panel may request the AAO to secure such information. The hearing may be suspended for the shortest time necessary for this purpose but in no event longer than four weeks. The panel shall then determine whether discrimination has occurred.

If the panel determines that discrimination has occurred, the panel may then make recommendations for disciplinary action against the respondent and/or action to remedy any unfair professional or academic treatment of the complainant. If the panel determines that overt discrimination against the complainant has not been proven but that a hostile environment exists, the panel may recommend, in addition to other remedial or disciplinary actions, that the respondent and/or the respondent's work unit, if an employee, be required to participate in educational programs designed to mitigate such discriminatory behavior. In arriving at these recommendations,
the panel shall consider the harm suffered by the complainant, the seriousness of respondent's offense, the outcomes of any prior formal discrimination complaints against respondent, and any comments from respondent's supervisor, if an employee. These factors shall be considered only for the purpose of making disciplinary or remedial recommendations and not for determining whether discrimination occurred in the first place.

The panel shall issue a written opinion containing its proposed findings of fact, conclusions, and any recommendations. The opinion shall be issued within two weeks of receipt of all the evidence and arguments, and shall be forwarded to the Affirmative Action Programs Committee (AAPC).

The AAPC shall review the panel's recommendation and may affirm, modify, or reverse the panel's decision, or remand to the panel for further proceedings. The Committee's written decision
shall be based on the record of the panel’s proceedings (the AAO conciliation report, the panel’s written decision, any written evidence the panel considered, and the tape or transcript of the hearing before the panel), and the written statements of the parties. No new evidence shall be considered.

The decision shall be by a majority of the members present. A quorum shall be a majority of the members. The AAPC decision shall be made within four weeks of the panel’s recommendation. Copies of the AAPC’s decision shall be sent by the Chair to both parties within one week of the AAPC’s decision.

3.8 Step Three—Procedural Review by the President. Either party may appeal from Step Two of this procedure within one week of receiving the AAPC’s decision by filing with the AAO a brief statement giving the reasons for the appeal. The AAO shall immediately send a copy of the statement to the other party, who shall have one week from receipt of the statement to submit a response. No response is required, however.
The AAO shall forward to the President of the University the record of the Step Two hearing along with the statement of appeal and any response. The President shall review, either personally or through two or more designees, the decision of the AAPC and, within two weeks of receiving the record from the AAO, render a decision. The President may affirm, reverse, or remand to the Committee with instructions for further proceedings. The President shall reverse or remand only if there was some procedural flaw in the proceedings below. The President shall send notice to the parties of his/her decision.

3.9 Discretionary Review by the Board of Regents. The parties' right to appeal decisions under these procedures terminates with appeal under sections 3.8. However, the Board of Regents has the discretionary authority to review all decisions. The Regents will normally accept review only in extraordinary cases, such as where proper procedures have not been followed, where the decision appears to be unsupported by the facts, or where the decision appears to violate University policy.

Requests for review made to the Regents normally will be considered only after all other avenues of appeal have been completed. Requests by either party shall be made by
written statement, including the facts, the proceedings below, and the reasons justifying extraordinary review. Such requests shall be filed in the Office of the President within one week of receipt of the President's decision. The Office of the President shall send a copy of the request to the other party.

If review is granted, notice shall be provided to the parties, the President and the AAO. Appropriate procedures shall be established by the Regents. The procedures shall be communicated to the parties in advance, and shall provide each party the opportunity to explain his or her position orally and/or in writing. New evidence (such as additional documents or testimony of witness) will not normally be taken by the Regents.

The decision of the Regents shall be the final step in the University process.

3:10 Enforcement.

3.10.1 If the final decision is within the power of the respondent to carry out, the respondent shall do so. If the respondent does not or cannot carry out the decision within a reasonable time, the
AAO shall prepare a signed statement summarizing the final decision and send it to the appropriate Vice President, who shall carry out the decision or take action to cause the decision to be carried out.

3.10.2 If the final decision includes a recommendation to terminate a tenured faculty member, enforcement shall be according to the Policy on Academic Freedom and Tenure, sections 10 through 14. If the final decision includes any other recommendation believed by a faculty member or graduate assistant to infringe upon his or her academic freedom, he or she may, within three weeks of receipt of the final decision, request a hearing before the Committee on Academic Freedom and Tenure pursuant to the Policy on Academic Freedom and Tenure, sections 15 through 16. The faculty member or graduate assistant shall file any such request with the Committee on Academic Freedom and Tenure which shall inform the President and the AAO. In reviewing any disciplinary action taken against a faculty member or graduate assistant, the reviewing body or official shall consider the record of proceedings before the panel as well as the panel's decision.
3.10.3 If the final decision includes a recommendation that disciplinary action should be taken against a staff member, any such action shall be taken in accordance with the University's Personnel Policies and Practices Manual. In case the staff member seeks review under the Manual, any reviewing body shall consider the record of proceedings before the panel as well as the panel's decision.

3.10.4 If the final decision includes a recommendation that disciplinary action should be taken against a student, any such action shall be taken in accordance with the University's Student Standards and Grievance Procedure. In case the student seeks review under that Policy, any reviewing body or official shall consider the record of proceedings before the panel as well as the panel's decision.
ARTICLE 4. CONFIDENTIALITY OF RECORDS

4.1 General.

4.1.1 Records of each grievance shall be maintained by the AAO, which shall be responsible for their confidentiality. The AAO shall release files only to persons authorized to have access under sections 4.2, 4.3, and 4.4.

4.1.2 The AAO shall be responsible for providing copies of the complaint to the persons indicated herein and for retrieving such copies at the conclusion of each step. The AAO shall inform each person receiving a copy of the complaint that it is not to be copied or shown to persons not directly involved in this procedure and shall require a signed receipt from each person who is provided a copy.

4.1.2 At the beginning of each academic year, the AAO shall deliver to the President a report summarizing all discrimination complaints resolved during the previous academic year. The anonymity of the parties shall be maintained.
4.2 Files of Faculty Members. The Confidentiality of Faculty Records Policy shall apply to discrimination records which involve a faculty member as a named complainant or respondent, provided that such files shall be considered non-public information as defined in that Policy.

4.3 Files of Staff Employees. The Personnel Information Disclosure Policy shall apply to discrimination records which involve a staff member as a named complainant or respondent.

4.4 Files of Students. The Student Records Policy Guidelines shall apply to discrimination records which involve a student as a named complainant or respondent.

4.5 Challenges. Challenges to information in discrimination records, as provided for in Policies referred to in paragraphs 4.2 and 4.4, shall not be used to reconsider issues already resolved under this Grievance Procedure. Rather, challenges shall be only to information which misrepresents proceedings and their results, or to information which was not a part of such proceedings.
ARTICLE 5. GENERAL PROVISIONS

5.1 Time Limits and Extensions.

5.1.1 For good cause, the AAO, the Chair of the AAPC or the President, as appropriate, shall extend any time limit set forth in these rules. Good cause shall include the fact that a time limit includes finals week or periods such as vacations, holidays, intersessions, or summer sessions if parties or decisionmakers are absent from the University. Any time extension shall be communicated in writing to all interested parties along with a new written schedule.

5.1.2 If a time limit is exceeded by a decisionmaker, either party may appeal to the next step before receiving a decision. If a time limit is exceeded by a party, he shall lose the right to proceed unless he can demonstrate unusual circumstances justifying the delay and the failure to request an extension in a timely manner. A decision may be made without the delaying party's participation.
5.2 Absent Party. If one party is absent from the University, the decisionmaker, with both parties' permission, may permit the absent party to participate in a hearing or interview by conference call or by letter.

5.3 Mailing. All mailings by the AAO or the AAPC to the parties of copies of statements, responses, and decisions shall be either by certified mail or by personal delivery.

5.4 Recordkeeping. Copies of all the records in the case including any evidence, tape recordings, transcripts, written arguments, panel decision, and any Committee decision shall be retained by the Affirmative Action Office, for a period of ten years from the date of the final decision.
UNM FACULTY SENATE

SUBJECT: Recommendation re ICES

REQUESTED ACTION: Adopt the following recommendation from the Undergraduate Committee:

That ICES be optional to both tenured and non-tenured faculty. Release to persons other than the instructor must be authorized in writing by the instructor. Departments should encourage the use of alternative methods of evaluation.

BACKGROUND INFORMATION: On May 10, 1988, the Faculty Senate adopted the report of the ICES Task Force and sent the report to the Undergraduate Committee for its recommendation.
SUBJECT: Amendments to Faculty Senate Bylaws

REQUESTED ACTION: Approve amendments as explained below.

BACKGROUND INFORMATION: The Senate Operations Committee recommends that the Senate Bylaws be amended as follows:

A. Section I, B, 1., Senate Operations Committee Membership, add (c) the immediate past president of the Senate, whether or not he/she is a member of the Senate, shall be an ex-officio member of the Operations Committee.

The Operations Committee feels that the Senate should be able to utilize the experience and expertise of the past president in interactions with the administration and the Regents.

B. Section II, C, Procedure, add 3. The President of the Faculty Senate shall have the right to vote as a member of the body on each motion before the Senate.

The Senate follows procedures as outlined in Robert's Rules of Order which stipulate that the President of the body may vote only to make or break a tie vote. Since the Senate President is a Senator elected by the faculty of a school or college, the Operations Committee feels that he/she should be allowed to vote on issues as a representative of her/his constituency.

The Senate Bylaws are attached.
I. Senate Structure
A. Officers

1. The Senate shall elect the following officers and representatives annually:
   (a) President
   (b) Vice President
   (c) Three members of the Senate Operations Committee

2. Duties of Officers
   (a) The President shall have the following duties:
   (1) Serve as chairperson of the Senate, and the Operations Committee
   (2) Represent the Faculty before the Regents, Administration and other groups as appropriate
   (3) Appoint ad-hoc committees as necessary to conduct Senate business
   (b) The Vice President shall have the following duties:
   (1) Serve on the Operations Committee
   (2) Perform the duties of the President in the absence of the President

3. Election of Officers and Operations Committee Members
   (a) The election of the President, Vice President, and Operations Committee members shall be conducted annually at a special meeting of the incoming Senate held at the close of the spring term of the preceding academic year.
   (b) The election shall be chaired by the outgoing President of the Senate.
   (c) The new officers and Operations Committee members shall take office on July 1 of the year of their election.
   (d) Nominating petitions for Senate President and Vice President, signed by at least three senators from the incoming Senate, may be submitted to the Committee on Governance through the University Secretary in advance of the special meeting. Additional nominations may be made from the floor.
(d) Continued

at the special meeting. The Committee on Governance will verify the willingness to serve of the advance nominees. Should fewer than two nominations be received for either office, the Committee on Governance may solicit additional nominations.

(e) Nominees for Vice President shall not be from the same school or college as that of the President.

(f) The three additional elected members of the Operations Committee shall be from different schools or colleges.

B. Senate Operations Committee

1. Membership

(a) The President, Vice President and three voting members of the Senate elected by the Senate

(b) The President of the Senate shall serve as chairperson of the Senate Operations Committee.

2. Duties

(a) Perform basic administrative functions to facilitate the work of the Senate and Senate Committees

(b) Establish priorities and set agenda for Senate meetings

(c) Transmit to the Senate with recommendations as to adoption of all reports, recommendations and proposals received from Senate Committees. In performing this function, the Operations Committee shall not change committee recommendations or proposals without the approval of the originating committee. It may refer a recommendation back to the committee for further study or it may present its own recommendations to the Senate together with those of the originating committee.

(d) Coordinate the activities of all Senate Committees

(e) Study Senate procedures and structure and make recommendations for their improvement

(f) Recommend to the Senate changes in the committee structure in keeping with Article 1, Section 6 (g) of the Faculty Constitution

(g) Refer reports, recommendations or proposals submitted by a Senate Committee to another Senate Committee or directly to a college administrator or other officer if additional comment appears to be needed

(h) Function as a committee on committees. (Recommend to the Senate the appointment of committee members and chairpersons)
C. Other Senate Committees and Representation (See Section III for membership and duties)

1. Standing Committees of the Senate. All standing committees are responsible to the Senate, report to the Senate Operations Committee, and have their faculty membership appointed by the Senate.

   (a) Admissions and Registration Committee
   (b) Athletic Council
   (c) Budget Review Committee
   (d) Computer Use Committee
   (e) Community Education Committee
   (f) Curricula Committee
   (g) Faculty Ethics and Advisory Committee
   (h) Faculty and Staff Benefits Committee
   (i) General Honors Council
   (j) Graduate Committee
   (k) Library Committee
   (l) Long Range Planning Committee
   (m) Research Allocations Committee
   (n) Research Policy Committee
   (o) Scholarships, Prizes, and Loans Committee
   (p) Student Standards and Grievance Committee
   (q) Undergraduate Committee
   (r) University Press Committee

2. Administrative Committees with faculty representatives appointed by the Senate. Faculty members on this Committee shall make periodic reports to the Senate whenever such reports are considered appropriate by them and/or when requested to do so by the Operations Committee.

   (a) Campus Planning Committee

3. Student committees with faculty representatives appointed by the Senate. Faculty members on these Committees shall make periodic reports to the Senate whenever such reports are considered appropriate by them and/or when requested to do so by the Operations Committee.

   (a) Cultural Programs Committee
   (b) International Affairs Committee
   (c) Intramural and Recreation Board
   (d) New Mexico Union Board
   (e) Speakers Committee
   (f) Student Publications Board

II. Senate Operating Policies

   A. Committees

   1. In its capacity as a committee on committees, the Operations Committee shall make recommendations to the Senate for all committee appointments (including committee chairpersons) that are the responsibility of the Senate. These appointments shall be voted on by the Senate.
2. All members of the University voting faculty are eligible for appointment to standing faculty committees or as faculty representatives on administrative and student committees. Appointments shall be determined by the Senate upon recommendation of the Operations Committee.

3. During the Spring Semester of each year, all faculty shall be asked to rank the various committees according to their preference for membership on those committees. The Operations Committee shall recommend appointments to committees based as feasible upon the stated preferences of faculty members.

4. Senators are encouraged to serve on a University Committee, and will be given priority consideration in appointments to committees.

5. Initial committee appointments will normally be effective on July 1 of the year of the appointment. Replacement appointments will be effective when approved by the Senate.

6. Administrative officers (Vice Presidents and College Deans) shall not serve as Senate appointed committee members.

B. Absenteeism

1. After a Senator has missed two Senate meetings in an academic year the Senate Operations Committee may recommend to the Senate that the seat be declared vacant.

2. After a Committee member has missed two meetings in an academic year the chairperson may recommend to the Senate Operations Committee that the committee position be declared vacant.

C. Procedure

1. Each speaker is limited to five minutes each time when speaking to an issue.

2. The Senate shall normally meet during the academic year on the second Tuesday of each month at 3:30 p.m.

III. Committee Membership and Duties

A. The duties and composition of committees presently listed in the Faculty Handbook will remain as stated.

B. For committees not presently listed in the Faculty Handbook the composition will be as follows:

1. At least 12 members

   (a) One member from each of the following academic areas (where possible given the number of faculty in each area): Architecture and Planning, Education, Engineering, Fine Arts, Law, Library, Management, Medicine, Nursing, Pharmacy, Dental Programs and Public Administration.
(b) two members from Arts and Sciences

c) Additional members as recommended by the Operations Committee and approved by the Faculty Senate

2. Members shall normally serve two-year terms with approximately half of the membership appointed each year.

3. Committee membership normally shall include both senators and non-senate faculty.
SUBJECT: Regents' Statement on Cultural Pluralism

REQUESTED ACTION: This item is for information only

BACKGROUND INFORMATION: The attached statement was presented to the Regents on March 13, 1989, for discussion. A final statement will be presented at a later date for Regents' approval.
SOME IDEAS ON A REGENTS' STATEMENT ON CULTURAL PLURALISM

1. By cultural pluralism we mean a community not of passively co-existing or adversarial groups but rather an interactive, participatory campus in which differences in values, life experiences, and outlook are recognized as strengths to be validated, respected and preserved. We seek to create a community of women and men of different ethnic, racial, religious backgrounds, with varying physical abilities because of disability or age, with the range of family responsibilities and experiences—a community dedicated to expanding the opportunities for learning and working in harmony with diversity.

2. The concept of cultural pluralism reflects the demographics and socio-historical context of New Mexico. This context provides UNM with the opportunity to play a leading role on issues relating to Hispanics and Native Americans and has obvious linkages to Mexico, Central and South America.

3. Cultural pluralism is an issue of academic excellence. The way in which institutions of higher learning are dealing with the opportunities presented by diverse populations is one criterion by which the quality of the institution can be judged.

4. Cultural pluralism is a seminal concept in creating a vision for UNM, its foundation for articulating the future direction for UNM and the basis for its academic distinction and institutional uniqueness.

5. Through the development of the concept of cultural pluralism, UNM can show civic and educational leadership by actively devising a new approach to some of our most difficult societal challenges and pedagogical issues.

6. Cultural pluralism incorporates concerns for equity. The fair employment and personnel practices that form the core of affirmative action policies is one of the mechanisms for implementing this concept. Affirmative action is intended to be a temporary program with the express purpose of correcting past injustices committed against discrete and identifiable groups and is thus distinguishable from this idea of cultural pluralism.

7. The institutional agenda for women and minorities is unfinished and is integral to our vision of cultural pluralism. The concept of cultural pluralism is intended to expand our goals rather than to supplant current concerns and functioning programs.
8. The concept of cultural pluralism envisions a program that is comprehensive by including students as well as faculty, staff and administrators and that is integrated by applying to the teaching, research and service mission of the University as well as its employment practices.

DISTINCTIONS BETWEEN THE TWO CONCEPTS

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<thead>
<tr>
<th>CULTURAL PLURALISM</th>
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<td>Means</td>
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<td>5. Focus:</td>
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<tr>
<td>Full mission of University</td>
<td>Employment and personnel Practices</td>
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Special Senate Meeting
April 13, 1989

(Summarized Minutes)

Senate President Garrett Flickinger called the meeting to order at 3:30 p.m. in the Kiva.

Senators present: Alonzo Atencio (Medicine), Garland Bills (A&S), Andrew Burgess (A&S), Marion Cottrell (Engineering), Stephen Dent (Arch & Planning), Cecilia Fenoglio-Priester (Medicine), Marilyn Fletcher (Gen Library), Garrett Flickinger (Law), Gregory Franchini (Medicine), Phillip Gonzales (A&S), Shyam Gurbaxani (Engineering), George Hozier (Management), George Huaco (A&S), Tom Kyner (A&S), William Litchman (A&S), Wayne Miers (Education), Clara Piers (Dental Prog.), Jose Rivera (Pub Admin), Linda Saldan (Medicine), Chris Shultis (Fine Arts), Ron Storey (Medicine), Pauline Turner (Education), Richard VanDongen (Education), Donald Vichick (Medicine), and William Woodside (Medicine).

Senators absent: Gloria Birkholz (Nursing), Carl Cords (Medicine), Paul Davis (A&S), Douglas George (Fine Arts), Hugh Kahat (Pharmacy), Astrid Kodric-Brown (A&S), Jerome Shea (Univ College), Priscilla Smith (Gallup Branch), and Mel Yazawa (A&S).

The press was admitted to the meeting and President Flickinger said the special Senate meeting had been called at the request of some of the students who wish to discuss the tuition increase approved by the Board of Regents on April 11, 1989. Copies of the student resolution which was presented to the Board of Regents as well as additional information from Vice President McKinney were distributed.

President Flickinger then asked Senator Polly Turner to recognize the incoming Graduate Student Association President, Lila Bird. Ms. Bird thanked the Senate for its support of the student actions. She explained that the students had several requests to present to the faculty: 1) that they conduct classes at Scholes Hall, 2) that they encourage student participation by excusing absences, 3) that they integrate class work with the events on campus, 4) that they allow student discussion of the situation during class time, 5) that they have petitions signed in classrooms and 6), that they become personally involved by joining students in Scholes Hall at any time.

She requested that faculty call their legislators regarding the recent events and also that a meeting of the General Faculty be called to consider the situation. Ms. Bird said that at 5:30 p.m., April 13 the students would meet with local legislators and invited anyone interested to attend. She explained that the last action for the students would be a student strike. The Regents, Bird said, had illegally adjourned their April 11 meeting because there was no motion to adjourn and no vote taken to adjourn. The students therefore request that the Regents reconvene and reconsider the vote on tuition increase. If all legal channels are closed and negotiations unsuccessful, the students will request the faculty to support a strike.

Senator Chris Shultis presented a statement regarding the current crisis. Some of the points made by Professor Shultis are:
- that there is a lack of compelling leadership in our state and in this institution regarding appropriate actions which will insure excellence as well as affordability at the University of New Mexico;
- that he holds no faith in the legislature's ability to effectively offer direction to our institution.
- that an adversarial position between universities and their appointed regents can severely compound the problem of maintaining a balance between institutional needs and political realities.
- that the attachment of faculty raises to tuition increases has further weakened this university by pitting student against faculty.
- that he disagrees with the need to keep tuition low because New Mexico is a poor state. That simply insures a poor institution commensurate with those economic conditions.
- that faculty and students should be consulted regarding policies which affect them.
- that clearly defined goals and carefully planned methods toward meeting then are the responsibility of a strong administration and qualified Board of Regents. He is not convinced that these responsibilities are being adequately carried out.
- that he strongly urges the presentation of a unified voice in opposition to our Board of Regents and present administration because of their lack of concern regarding a potential schism between faculty and students, and their long-term history of inadequate representation of UNM's needs to the legislature and the New Mexico community at large.

Senator Stephen Dent presented a statement to the Regents from the faculty of the School of Architecture and Planning expressing their support of the students. The Architecture and Planning faculty believes student concerns are legitimate and their proposals deserves of serious consideration. Their alternative funding sources for meeting this year's financial requirements, including the reordering of priorities for use of University land and trust income, are well reasoned and legitimate negotiation points.
Additionally, the Architecture and Planning faculty feel that the student demands are not counter to faculty interests and their objectives of improved educational access are shared by the faculty. They suggest that the Regents engage in open discussion of the alternatives proposed by the students and that the Regents consider long-term funding that does not put an undue burden on the student.

Professor Dent questioned the goals of the tuition increase and expressed his concern that the current student generation has been most affected by tuition increases. He proposed that students and faculty lobby the legislature together and not leave the lobbying to the administration.

Senator Wayne Maes recognized Professor Jan Rowbuck who said she felt there are alternatives to the current budgeting process. The most important issue, however, is how to resolve the current situation and she urged the Senate to propose to the some kind of compromise be offered. She urged the Senate to propose to the Regents that they reconvene for a genuine reconsideration of their position, including the option they have already chosen: she stated that students and faculty want discourse and input into the decision-making process.

Senator Polly Turner said the students had been professional and dedicated in the recent committee work.

Senator Shyam Gurbaxani presented figures to substantiate that a less than 7.9% increase would maintain the budget. Last year's tuition increase of $120 would produce an increase of $1.4 million dollars. Therefore, a $60 increase would produce a $1.7 million increase. An increase of $66 would produce $1.9 million dollars.
Vice President Mc Kinney pointed out that this year, students carrying 1-6 credit hours, will be charged resident rather than non-resident tuition which would make a difference in the figures proposed by Gurbaxani.
Senator Marion Cottrell presented the following resolution:

BE IT RESOLVED by the Faculty Senate that President May request the Regents to reconvene within one week to reopen dialogue on funding and University decision-making processes and that the Regents give serious consideration to student proposals as well as other alternatives;

BE IT FURTHER RESOLVED by the Faculty Senate that the University administration prepare alternative funding proposals, in consultation with the Faculty Senate Budget Committee, for meeting the University operating needs for 1989-90 including serious consideration of student proposals for such funding as well as alternatives that the administration may propose.

After discussion, the resolution was approved by the Faculty Senate. Senator Chris Shultis expressed concern that the resolution does not take into consideration the larger issues. He felt there are students who would be willing to spend the extra money if it would improve their education. He stated that he felt it would be an injustice to assume that because New Mexico is a poor state, it can support only a poor educational institution. He felt that the issue of lack of leadership should be addressed.

Senator Cottrell pointed out that the lack of leadership has been a problem for a long time but that a resolution should not address too many issues. The main issue at the present time is to get the Regents to listen to the students and to consider all financial alternatives; questions of academic leadership should be addressed separately.

Senator Turner recognized GSA President John Schoeppner who thanked the faculty for their support and for calling the special Senate meeting. He told the Senators that the students had discussed the possibility of a strike but would not do so without faculty support. He requested input from the Senators on the issue and was advised by Senator Tom Ryner to wait for the Regents' response to the resolution. Other faculty members concurred with his advice.

Ms. Mary Ulibarri, one of the students occupying the President's office urged Senators to help the people by calling legislators, copying of materials, and writing individual letters of support.

Senator Turner made a motion to call a meeting of the General Faculty on April 27. The motion was approved by the Senate and it was stressed that students and staff be particularly invited.

The meeting adjourned at 4:35 p.m.

Respectfully submitted,

Anne Brown, Secretary
To: General Faculty
From: Garrett Flickinger, President of the Faculty Senate, Gloria Birkholz and Pauline Turner, members of the Faculty Senate Operations Committee
SUBJECT: Ad Hoc Committee of Faculty, Students, Staff, and Administration on Student Protest

Realizing that there is considerable confusion and concern as to the creation and discussions of the ad hoc committee on the student protest, as well as much misinformation in the local press, the three faculty members on the ad hoc committee have prepared the following statement of their perceptions of the events to date (Sunday, April 23, 1989).

In the Faculty Senate meeting on Tuesday, April 11, some discussion on the student reaction to the Regents' decision to increase tuition by 7.9% occurred. That same night a majority of the Senate Operations Committee reiterated a statement supporting the students' tuition proposal, in which the students identified what they regarded as alternative resources to provide for the proposed faculty compensation package. The stated concern was that it was not in the best interests of the university as a whole to create an adversarial relationship between students and faculty.

On Wednesday, April 12, the entire Operations Committee met with President May to briefly discuss mutual concerns about the student occupation of Scholes Hall (and the necessity for the tuition increase to fund the faculty compensation package). Later on Wednesday afternoon, the administration asked Professors Birkholz, Cottrell and Turner of the Operations Committee, who were acceptable to the student leadership, to meet informally to discuss the crisis with representatives of the students and the administration. Tensions were visibly evident, and immediate problem solving was not possible.

On Thursday, April 13, the Operations Committee called an emergency meeting of the Faculty Senate to seek guidance. A quorum was present, and after public discussion the Faculty Senate, without dissent, passed the following resolutions:

"BE IT RESOLVED by the Faculty Senate that President May request the Regents to reconvene within one week to reopen dialogue on funding and University decision-making processes and that the Regents give serious consideration to student proposals as well as other alternatives;"

"BE IT FURTHER RESOLVED by the Faculty Senate that the University administration prepare alternative funding proposals, in consultation with the Faculty Senate Budget Committee, for meeting the University operating needs for 1989-90, including serious consideration of student proposals for such funding, as well as alternatives that the administration may propose."
On the evening of the same day, Senate President Garrett Flickinger, recognized by the Regents as the spokesperson for the faculty, was asked by the administration to join in an ad hoc discussion committee on the protest with administrators, students, and a facilitator, Paul Nathanson, Director of the Institute of Public Law. President Flickinger asked for other faculty officials to assist him and chose Professors Turner and Birkholz from the Operations Committee. (Staff proxies were added to this committee on the following Sunday and official staff representatives were elected on the following Tuesday).

At the first meeting of the ad hoc committee, Thursday, April 13, (after the facilitator had met separately with each of the constituencies) the request was made that the Regents agree to reconvene to discuss the three issues raised by the students: 1) appointing a task force to conduct a study of the economic impact of tuition increases on student accessibility to UNM, 2) developing a budget process that would be open to budget decisions that are arrived at by a wider constituency input, and 3) examining alternative funding sources to tuition increases while maintaining the 5% salary increase and the 6.5% market adjustment set for faculty compensation. The President of the Regents then met with the committee and agreed to reconvene the Regents as soon as possible, though no specific date was initially set.

The ad hoc committee met daily to discuss and formulate statements on the issues to be presented to the Regents. During the process the faculty representatives have been firmly committed to the protection of the proposed 5% salary increase. They have participated in brainstorming potential methods to evaluate the impact of tuition increases on student accessibility, as well as a budget process that includes open budget information and timely input into budget decisions. On the issue of the 7.9% tuition increase, no deal has been proposed, no alternative accepted, and no specific tuition increase has been "negotiated" by the committee. Instead, budget information on resources and allocations has been shared and questions have been clarified. The students and staff representatives intend to present alternatives to the 7.9% increase. The entire group has participated in this open discussion, but do not necessarily support all specific recommendations.

On Thursday, April 27, the Regents will hold a 10 a.m. meeting to discuss the three student issues. A discussion document has been prepared by the ad hoc committee for this meeting and will be available from any Faculty Senate College representative. Should any faculty member wish to review the document, contact your senate representative. The format of the Regents' meeting will be consistent with other Regents meetings - open to the public but not open for comments from the floor. The three faculty representatives will be happy to answer any questions you might have regarding these issues.
Resolution # 13
1988 - 89 Session II

INTRODUCED BY Sen. Anaya, Disney, Austin, Boehm, Coca, Fobbs, Fulillove, Gallegos,
Hathaway, Madrid, McCracken, Olinger, Penny, Steinberg.

1st READING April 5, 1989
2nd READING
3rd READING ------- SENATE ACTION
4th READING
5th READING
6th READING
7th READING
8th READING
9th READING
10th READING
11th READING
12th READING
13th READING
14th READING
15th READING
16th READING

Be it resolved by the Student Senate of the University of New Mexico, THAT:

1. WHEREAS: The students at UNM have faced a 65% tuition increase over the past five years.
2. WHEREAS: The minority enrollment at UNM has dropped dramatically over the past few years and this can be partially linked to the unreasonable increases in tuition that have occurred in the past five years.
3. WHEREAS: There is an unmet financial aid need of 9 million dollars at the University of New Mexico, and grants to students have also declined.
4. WHEREAS: The ASUNM Student Body President and Senate have been active in the formulation of tuition policy and oppose the final recommendation of the Regent Finance Committee and the Administration.
5. Therefore, be it RESOLVED that: the ASUNM Student Senate opposes the 7.9% tuition increase proposed by the Board of Regent Finance Committee and the Administration.
6. Therefore, be it further RESOLVED that: this resolution be presented to the UNM Board of Regents by President Jim Spehar at the Regent meeting on Tuesday, April 11, 1989.

SIGNED

President Jim Spehar
SUMMARY OF RECOMMENDED CHANGES

The Regents' Finance and facilities Committee met on March 23rd and reviewed the University Administration's recommendations for changes in tuition and fees for FY1989-90 and the intended allocation of new revenues created by the changes in tuition and other revenues for the Main Campus Instruction & General operating budgets support. Table I reflects the Committee's recommended changes in tuition and fees for next year for undergraduate, graduate, law, and medical students and for the branch campuses. In summary, these changes include:

1. 3.0% increase in undergraduate, resident tuition and fees, which is equal to a $50 increase for the academic year.
2. 2.6% increase in graduate, resident tuition and fees, which is equal to a $50 increase for the academic year.
3. 5.0% increase in Law, resident tuition and fees, which is equal to a $76.20 increase for the academic year.
4. 5.0% increase in Medicine, resident tuition and fees, which is equal to $125 increase for the academic year.
5. Nonresident rates would increase approximately 3.2% in all categories of students except Medicine which would increase 5.0% for the academic year.

In addition, it is recommended that all students enrolled for 6 credit hours or less be charged the resident part-time tuition and fee rate. This recommended change reverses the one-year change that was made a year ago for nonresident students. The experience with the current policy has shown a drop in enrollment that created a loss in formula funding slightly greater than the offsetting increase in revenue. The proposed change back to the policy that was in place prior to the current year would be consistent with Commission on Higher Education policy and the practice of all of the other universities in the state. It also allows the University to better serve its regional constituencies and to improve the benefits of the funding formula.

DISCUSSION OF RECOMMENDED CHANGES IN TUITION & FEES

Undergraduate, Resident rates: The proposed changes in undergraduate, resident rates are consistent with the Board of Regents' general tuition and fee policy that was adopted earlier this year. The recommended 3.0% increase is less than the maximum 10% increase allowed in the policy. The change does increase slightly the present contribution by students and parents from 24.2% for the current year to 21.0% for next year. The policy suggests a range of 20% to 30% contribution.

The recommended change in undergraduate, resident tuition and fees reflects both a sensitivity to the recent years' increases (43.2% in the last three years) and the increases in funding for the University while tuition and fees were not.

TABLE 1

RECOMMENDED CHANGES IN TUITION AND FEES
FY 1989-90

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<tr>
<th>Category</th>
<th>CURRENT</th>
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* All proposed rate changes are cut in half.

* Added 50.00 fee to Graduate, Law, and Medicine.

Total:

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<th>(\text{Tuition Fee} )</th>
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<th>(\text{Change\ Dollar} )</th>
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*All proposed rate changes are cut in half.*
changed. The following graph shows the growth in tuition and fee rates compared with the growth in taxpayer support (State General Fund) and the Higher Education Price Index for the period since 1973.

**University of New Mexico**  
Comparison of I & G State Appropriation per FTE  
Student, Tuition/Fees, and Higher Ed Price Index

As the graph above shows, over the period since 1973, state support per student has grown faster than tuition and fees. However, if the period is shortened to the most recent ten year period, the conclusion is different. Since 1979, tuition and fees have grown faster than state support per student, as the above graph reflects. The support, since the recommended increases will close the gap between parent/student and state 6.7% in state support. However, the recommended change is less than changes in tuition and fees in recent years.

The relationship of UNM undergraduate, resident tuition and fee rates to the University's peer institutions is shown below, using current year’s rates:

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</tr>
<tr>
<td>U. of Nebraska</td>
<td>1,703</td>
</tr>
<tr>
<td>U. of Oregon</td>
<td>1,649</td>
</tr>
<tr>
<td>U. of California, Irvine</td>
<td>1,586</td>
</tr>
<tr>
<td>U. of California, Davis</td>
<td>1,532</td>
</tr>
<tr>
<td>U. of Utah</td>
<td>1,392</td>
</tr>
<tr>
<td>U. of Kansas</td>
<td>1,379</td>
</tr>
<tr>
<td>Kansas State U.</td>
<td>1,363</td>
</tr>
<tr>
<td>Oklahoma State U.</td>
<td>1,326</td>
</tr>
<tr>
<td>U. of Oklahoma</td>
<td>1,317</td>
</tr>
<tr>
<td>U. of Arizona</td>
<td>1,278</td>
</tr>
<tr>
<td>U. of NEW MEXICO</td>
<td>1,272</td>
</tr>
<tr>
<td>Texas Tech U.</td>
<td>1,200</td>
</tr>
<tr>
<td>Peer Average:</td>
<td>$1,543</td>
</tr>
<tr>
<td>UNM Percent of Average:</td>
<td>82.4%</td>
</tr>
</tbody>
</table>

Tuition and fee rates for next year for all of the peer institutions have not been established yet.

The policy of allowing the Regents to establish tuition and fee rates and retain the revenues that was recommended last year by the Commission on Higher Education and adopted by the Legislature was continued into next year’s appropriation. The Legislature did not take credit for any additional tuition revenue. However, there was discussion during the session about the magnitude of tuition and fee increases for the current year. There was an attempt to cap tuition and fee increases at 5%. At the same time, the ratios given by the Legislature for funding only a 3.5% increase in compensation for higher education was that the Regents could raise tuition to reach the 5% recommended for public school employees. The proposed 3.9% increase would appear to reflect the expectations of the Legislature in terms of restraint and, at the same time, address the compensation needs.

Another consideration in any change in tuition and fees should be the implications on access to the University by well prepared students who may be economically disadvantaged. In the outline of intended allocations of new revenues discussed below, a portion of the new revenues will be set aside for improving the financial aid program.

Graduate, Resident Rates: Last year, the Commission on Higher Education introduced a differential in graduate tuition from the undergraduate rate for the first time. The Legislature took credit for the additional revenue created by that change of $5 per credit hour. In the recommended increase for next year, the same differential between undergraduate, resident and graduate, resident rates is maintained but not increased.

Law, Resident: The following table shows the relationship of the UNM Law, resident tuition and fees to several other western schools for the current year:
### UNM UNDERGRADUATE AND PEER INSTITUTIONS
#### RESIDENT TUITION AND FEE RATES 1988-89

<table>
<thead>
<tr>
<th>Institution</th>
<th>Rates per Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>U. of Colorado</td>
<td>$1,924</td>
</tr>
<tr>
<td>Colorado State U.</td>
<td>1,897</td>
</tr>
<tr>
<td>Washington State U.</td>
<td>1,798</td>
</tr>
<tr>
<td>U. of Washington</td>
<td>1,797</td>
</tr>
<tr>
<td>U. of Nebraska</td>
<td>1,703</td>
</tr>
<tr>
<td>U. of Oregon</td>
<td>1,649</td>
</tr>
<tr>
<td>U. of California, Irvine</td>
<td>1,586</td>
</tr>
<tr>
<td>U. of California, Davis</td>
<td>1,532</td>
</tr>
<tr>
<td>U. of Utah</td>
<td>1,392</td>
</tr>
<tr>
<td>U. of Kansas</td>
<td>1,379</td>
</tr>
<tr>
<td>Kansas State U.</td>
<td>1,363</td>
</tr>
<tr>
<td>Oklahoma State U.</td>
<td>1,326</td>
</tr>
<tr>
<td>U. of Oklahoma</td>
<td>1,317</td>
</tr>
<tr>
<td>U. of Arizona</td>
<td>1,278</td>
</tr>
<tr>
<td>U. of NEW MEXICO</td>
<td>1,272</td>
</tr>
<tr>
<td>Texas Tech U.</td>
<td>1,200</td>
</tr>
</tbody>
</table>

Peer Average: $1,543
UNM Percent of Average: 82.4%

### UNM LAW AND PEER INSTITUTIONS
#### RESIDENT TUITION AND FEE RATES 1988-89

<table>
<thead>
<tr>
<th>Institution</th>
<th>Rates per Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Texas Tech U.</td>
<td>$3,100</td>
</tr>
<tr>
<td>U. of Oregon</td>
<td>2,971</td>
</tr>
<tr>
<td>U. of Montana</td>
<td>2,846</td>
</tr>
<tr>
<td>U. of Colorado</td>
<td>2,672</td>
</tr>
<tr>
<td>U. of North Dakota</td>
<td>2,508</td>
</tr>
<tr>
<td>U. of South Dakota</td>
<td>2,482</td>
</tr>
<tr>
<td>U. of Utah</td>
<td>2,399</td>
</tr>
<tr>
<td>U. of Hawaii</td>
<td>2,155</td>
</tr>
<tr>
<td>U. of Kansas</td>
<td>1,876</td>
</tr>
<tr>
<td>U. of Nebraska</td>
<td>1,857</td>
</tr>
<tr>
<td>U. of Oklahoma</td>
<td>1,619</td>
</tr>
<tr>
<td>U. of NEW MEXICO</td>
<td>1,529</td>
</tr>
<tr>
<td>U. of Idaho</td>
<td>1,526</td>
</tr>
<tr>
<td>Arizona State U.</td>
<td>1,382</td>
</tr>
<tr>
<td>U. of Arizona</td>
<td>1,278</td>
</tr>
<tr>
<td>U. of Wyoming</td>
<td>1,204</td>
</tr>
<tr>
<td></td>
<td>833</td>
</tr>
</tbody>
</table>

Group Average: $2,044
UNM Percent of Average: 74.7%

### UNM MEDICINE AND SEVERAL WESTERN SCHOOLS
#### RESIDENT TUITION AND FEE RATES 1988-89

<table>
<thead>
<tr>
<th>Institution</th>
<th>Rates per Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>U. of Colorado</td>
<td>$8,231</td>
</tr>
<tr>
<td>U. of Nebraska</td>
<td>6,003</td>
</tr>
<tr>
<td>U. of Kansas</td>
<td>5,915</td>
</tr>
<tr>
<td>Texas Tech U.</td>
<td>5,307</td>
</tr>
<tr>
<td>U. of Oregon</td>
<td>5,269</td>
</tr>
<tr>
<td>U. of Arizona</td>
<td>5,141</td>
</tr>
<tr>
<td>U. of Utah</td>
<td>4,518</td>
</tr>
<tr>
<td>U. of Washington</td>
<td>4,209</td>
</tr>
<tr>
<td>U. of Oklahoma</td>
<td>3,344</td>
</tr>
<tr>
<td>U. of NEW MEXICO</td>
<td>2,536</td>
</tr>
</tbody>
</table>

Group Average: $5,047
UNM Percent of Average: 50.2%

### UNM UNDERGRADUATE AND PEER INSTITUTIONS
#### NONRESIDENT TUITION AND FEE RATES 1988-89

<table>
<thead>
<tr>
<th>Institution</th>
<th>Rates per Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>U. of Colorado</td>
<td>$7,802</td>
</tr>
<tr>
<td>U. of Montana</td>
<td>6,338</td>
</tr>
<tr>
<td>U. of California, Davis</td>
<td>6,092</td>
</tr>
<tr>
<td>Colorado State U.</td>
<td>5,583</td>
</tr>
<tr>
<td>Washington State U.</td>
<td>4,998</td>
</tr>
<tr>
<td>U. of Arizona</td>
<td>4,866</td>
</tr>
<tr>
<td>U. of NEW MEXICO</td>
<td>4,572</td>
</tr>
<tr>
<td>U. of Oregon</td>
<td>4,517</td>
</tr>
<tr>
<td>U. of Nebraska</td>
<td>4,201</td>
</tr>
<tr>
<td>Texas Tech U.</td>
<td>4,000</td>
</tr>
<tr>
<td>Oklahoma State U.</td>
<td>3,909</td>
</tr>
<tr>
<td>U. of Oklahoma</td>
<td>3,889</td>
</tr>
<tr>
<td>U. of Utah</td>
<td>3,842</td>
</tr>
<tr>
<td>U. of Kansas</td>
<td>3,809</td>
</tr>
<tr>
<td>Kansas State U.</td>
<td>3,793</td>
</tr>
</tbody>
</table>

Peer Average: $4,842
UNM Percent of Average: 94.4%
As the table reflects, UNM is closer to the average rate of its peers in nonresident rates than for resident rates. The desire to have nonresident students in the overall student enrollment mix means that the University's nonresident rates need to remain competitive in the region. Nonresident students were about 19% of the new freshman enrollment this last fall.

Branch Campuses Changes: Table I reflects the requested increases in tuition and fee rates for each of the three branch campuses. The increases for UNM-Gallup and UNM-Valencia were requested in order to support a 5% increase in employee salaries. UNM-Los Alamos, because of the employment of primarily part-time faculty, did not request such an increase.

### ALLOCATION OF NEW FUNDS FOR 1989-90

#### MAIN CAMPUS INSTRUCTION & GENERAL

The proposed changes in resident and nonresident undergraduate, graduate, and law tuition and fees rates for next year are projected to generate $1,666,700 in new revenue for Main Campus Instruction & General operating budget support. This assumes no change in overall enrollment, except a recovery of some of the enrollment lost when the 1-6 credit hour part-time nonresident rates were imposed this year. The overall changes in I & G revenues projected for next year are shown in Table II, generating new funds expected to total $6,960,400.
The increase in State General Funds Appropriation for Main Campus I & G is based on the following components:

- 3.5% Compensation Increase: $2,704,793
- 2% Inflationary Adjustment: 317,340
- Utilities Rates Increases: 349,835
- Restoration of Formula Funding: 751,800
- Workload Adjustments: 1,143,332

Total Appropriation Increase: $5,287,100

The allocation of the new funds available for the Main Campus I & G would be as follows:

- 5% Average Salary Increase: $3,218,000
- 0.5% Additional Market Adjustment for faculty (includes fringe benefits): 250,000
- Fringe Benefits Increases: Related to 5% Salary Increase: 682,500
  Required Increases: 515,000
- Utilities Increases: 349,835
- Inflationary Increases: 5% for Academic Units & Library: 316,000
  4% for Plant Maintenance: 75,000
  3% for All Other Units: 77,000
  7% for GA/TA Waivers: 42,000
- Institutional Priorities: Affirmative Action: 100,000
  Student Recruitment: 75,000
  Financial Aid Improvements: 150,000
- Workload Adjustments/Quality Enhancements/Changes in Programs and Services: Academic Areas: 777,255
  Nonacademic Areas: 333,110
- Total Allocation: $6,960,400

Salary Increases: The salary policy proposed for next year would include: 1) an allocation of 2% for cost of living increases; 2) an allocation of 3% for merit adjustments; 3) an allocation of 0.5% for inflation adjustments; 4) a union contract provision for a 2% raise in faculty salaries; 5) an increase in nonpersonnel expenses; 6) a freeze on administrative salaries.

Fringe Benefits: Higher education, again this year, was treated differently than public schools and state government agencies with funded on the basis of an overall change in compensation (salaries plus fringe benefits), whereas, the other public-supported entities received a separate appropriation for salaries. Fringe benefit cost increases were funded separately for the other entities.

Two aspects of increased fringe benefits costs must be considered in the allocation of new funds next year: 1) the changes in costs associated with changes in salaries; and, 2) changes in certain fringe benefits projected to occur independently of changes in salaries. In the first instance, for each dollar allocated for salary increase, an additional 21% must be budgeted for increased fringe benefit costs. This is an average fringe benefit rate, because the actual rates vary from about 16% to over 35%, depending upon salary levels and whether or not the position is rated as hazardous for worker’s compensation insurance. The latter alone adds 7% to the fringe benefit cost.

The nonsalary-related fringe benefit costs projected to increase next year include:

- FICA rate increase from 7.51% to 7.65%, plus an increase in the base covered wages for approximately 30% employees. Total cost increase estimated to be $162,000.
- Group Insurance, specifically health insurance, is estimated to increase 10% next year. Total cost increase is estimated to be $318,000.
- Unemployment Compensation base increase is.

Utilities Rates Increases: The $349,835 increase is based on an assumed overall increase in gas, power, water, and sewage rate changes of 5%. Actual rate changes may slightly exceed that figure, so additional energy conservation measures will have to be implemented. The new cogeneration plant will help; however, much of the savings in power costs must be allocated to retire the debt incurred to finance the facility.

Inflationary Adjustments: The budget deficiency most often heard from deans and department heads, after the competitive salary problem, is the lack of nonpersonnel budget funding for teaching and office supplies, equipment maintenance, and travel. In years when the University experienced double-digit inflation, funding did not keep up. Thus, many departments, particularly in the Academic areas, have not been able to adequately address their support budget needs. The 2% included in the appropriation is inadequate. The proposed differentiation of allocations for Inflationary Adjustments within the University attempts to recognize the most critical problem areas.

Institutional Priorities: The University is identifying several specific institutional issues that need to be addressed. The allocation for Affirmative Action is expected to specifically address the problem of recruiting ethnic minority and female faculty at current salary levels in the University. Much of the allocated funds are expected to be used to supplement vacant budgeted faculty positions for support of underrepresented faculty. There are other aspects of the University’s Affirmative Action program that are being addressed and will be improved through redirection of current recruitment procedures and processes and do not require new funds allocation.
The University is committed to improving the enrollment of ethnic minority students at both the undergraduate and graduate levels. The new funds will be targeted to improve the recruitment effort for these students.

As tuition and fees are increased, it is appropriate to improve the financial aid program to assure that economically disadvantaged students are not denied access to the University as a result of the increase in tuition and fees. These funds will also be used to continue the investments made in the current year in specific programs focused on attracting minority students and supporting those enrolled students who are high academic achievers but are not participating in other merit scholarship programs.

Workload Adjustments/Quality Enhancements/Changes in Programs and Services:
The appropriation bill includes $1,143,322 for workload adjustments. This is based on formula computations for increases in enrollment (in the case of Instruction, Academic Support, and Student Services), changes in total University business (in the case of Institutional Support), and changes in physical facilities space (in the case of Physical Plant). The actual allocation of $1,110,365 is based on allocating 70% of the funds available to the Academic areas and 30% to the Nonacademic areas. The latter includes Student Services, Institutional Support, and Physical Plant. The formula would distribute on a ratio of 69% to Academic areas and 31% to the Nonacademic units.

These funds will be allocated to address only a small fraction of the nearly $14 million of needs and new ideas identified through the budget planning process that was initiated earlier this year. However, these funds, plus internal reallocations of current budgets, will help to address some of the most urgent needs and improve the institution's capabilities to support its programs and services. In the Academic areas, one of the high priorities will be to allocate some of the new funds to recognize the increases in instructional effort of the Colleges. The increasing demand for evening and weekend instructional programs needs to be supported in both the Academic and Nonacademic allocations. Additional security personnel, more support for instructional staff, and improved off-hours student and faculty support services will be addressed in the allocations. The establishment of a governmental relations function must also be supported.

TO: Members of the Faculty Senate
FROM: Anne J. Brown, Secretary
SUBJECT: May Meeting

The Faculty Senate will meet on Tuesday, May 9, 1989 at 3:30 p.m. in the Kiva.

The agenda will include the following items:

- Summarized Minutes of April 11 and April 13, 1989
- Memorial Minute for Professor Emeritus Ralph Edge
- Memorial Minute for Thomas Lyons
- Candidates for Degrees, Semester II, 1988-89
- Senate President's Report
- Open Discussion
- EEO/Discrimination Grievance Procedure
- Recommendation re ICES
- Amendments to Faculty Senate Bylaws
- Items from the Curricula Committee
- Items from the Admissions and Registration Committee
- Report from the Core Curricula Committee
- Committee Assignments

NOTE: PLEASE BRING THE APRIL 11 AGENDA WITH YOU FOR MATERIALS CONCERNING ITEMS 7-9.