

Memorandum

Date: October 8, 2016

To: Faculty Senate Operations Committee

From: Faculty Senate Policy Committee

Re: Request to Post Recommended Changes to Policy C09 “Respectful Campus” for UNM Faculty Review and Comment

In response to free speech concerns pertaining to Policy C09 “Respectful Campus” made in a presentation to the Faculty Senate in 2015, the Faculty Senate Policy Committee (FSPC) appointed a task force to perform a comprehensive review of C09. The task force was asked to focus on policy applicability, enforceability, ease of use, and free speech concerns. The FSPC reviewed the task force’s recommended changes and submits the attached draft, with proposed changes highlighted, to the Operations Committee for permission to post it for faculty review and comment. After the review and comment period, the FSPC will address any concerns raised, and submit the proposed Policy revision to Faculty Senate for approval.

Below is a list of the task force membership and a summary description of the proposed changes highlighted in the attached draft of C09.

Task Force Membership:

Jackie Hood, Chair

Marsha Baum

Jonathan Bolton

Jean Civikly-Powell

Kimberly Gauderman

Richard Holder

Steven Rugala

Carol Stephens

John Trotter

Kimberly Bell –legal advisor

Below is a summary of proposed changes and the rationale for the changes. This summary could go out with the Policy when it goes out for campus comment.

Policy Rationale Section:

- **1st Paragraph**--added language to indicate that the Policy is not intended to infringe on free speech.
- Introduce the term “destructive actions” to broaden the Policy beyond bullying behavior.

Policy Statement Section:

- **1st Paragraph**--Introduces the concept that all members of the UNM Community have a responsibility to address behaviors that are not in accordance with a respectful campus.
- **Section 1** --Removed item 1.4 because possibly contrary to free speech.
- **Section 2**--Consolidated items 2.1 and 2.2
- **Section 3, 1st Paragraph**—emphasizes the concept that only credible reports and substantiated findings of destructive actions will result in corrective actions.
- **Section 3.1.1** --Added to indicate that bullying is a type of destructive behavior prohibited by C09.
- **Section 3.1.2** --Added to clarify that one incident of severe destructive behavior may be covered.

- **Section 3.2**--Discusses specific behaviors prohibited by other UNM policies.
- **Sections 5.1 – 5.3**--This information was moved to applicability section of Policy document.
- **Delete Section 6** on Monitoring because it has not been implemented since inception.

Applicability Section: expanded to clarify that C09 is applicable when a faculty member is accused of destructive behavior to list which policies are applicable when students or staff members are accused. Replaces Sections 5.1 through 5.3 of current policy.

Related Documents Section expanded to include additional applicable documents.

Procedures Section:

- **Change respondent to “alleged wrongdoer”** to clarify the concept of innocent until proven otherwise and to avoid confusion with others responding to inquiries from an investigation.
- **Section 1**--Added to encourage informal resolution when possible.
- **Section 2.3**--Added to provide guidance for investigating incidents when the alleged wrongdoer is unknown.
- **Section 2.5** --Added to provide procedures for supervisors on informal and formal processes for addressing complaints.
- **Section 2.5**—Added procedures for determinations on whether the allegations, if true, would constitute a violations of Policy C09.
- **Section 2.6** --Contains information pertaining to AF&T Committee jurisdiction.
- **Section 8** --Added to provide more information on UNM ombuds services offices, informal assistance and counseling resources, and the HSC Office of Professionalism.