

**President's Task Force on Institutional Ethics and Integrity
Task Force - Report**

University of New Mexico

May 8, 2020

TABLE OF CONTENTS

INTRODUCTION.....	pg. 1
<u>SUBCOMMITTEE REPORT</u> - CAMPUS CULTURE	pg. 3
<u>SUBCOMMITTEE REPORT</u> - RESEARCH AND ACADEMIC ETHICS.....	pg. 12
<u>SUBCOMMITTEE REPORT</u> - CONFLICT OF INTEREST.....	pg. 32
<u>SUBCOMMITTEE REPORT</u> - FINANCIAL AND RESOURCE MISUSE.....	pg. 41
<u>SUBCOMMITTEE REPORT</u> – SEXUAL HARASSMENT/CONSENSUAL RELATIONSHIP.....	pg. 47
CONCLUSION.....	pg. 52

INTRODUCTION

On September 9, 2019, President Garnett A. Stokes announced the *President's Task Force on Institutional Ethics and Integrity* (Task Force). The general charge of the Task Force is to formulate a campus-wide proposal of ethics-related initiatives, training and best practices with the goal of creating and maintaining an ethically inspired environment at UNM, based on strong moral conduct and compliance with applicable laws, rules, and guidance. The Task Force will initially serve as an advisory committee for the President on present and future issues concerning the University's ethical culture, values, and decision-making practices.

The Task Force met on October 4, 2019, to discuss the charge and duties and determine the most pressing and important issues facing UNM. The Task Force decided to create subcommittees that would work independently on 5 key topics and then report regularly back to the full Task Force.

The subcommittees:

1. Campus Culture – Civility, Respect and Professional Boundaries

- Bill Slease – Chair
- Sarah Smith
- Rob Burford
- Patrick Hart
- Muhammad Afzaal Hussain
- Lisa Beauchene-Lawson

2. Research Ethics and Academic Integrity

- Bill Gannon – Chair
- Jonathan Bolton
- Ana Tomlinson
- Xavier Torres

3. Conflict of Interest

- Ana Tomlinson, Arthur Culpepper Purvi Mody – Co-Chairs

4. Financial and Resource Misuse

- Victor Griego – Chair
- Purvi Mody
- Janice Ruggiero

5. Sexual Harassment/Consensual Relationships

- Stephen Bishop - Chair
- Francie Cordova

President's Office Support- Abra Altman

The specific duties of each sub-committee of the Task Force:

1. Conduct literature and research reviews to identify best practices for creating a campus culture that upholds the mission and values of the university and encourages ethical and professional behavior.
2. Review current UNM policies and procedures regarding ethics, professional boundaries and conduct, conflicts of interest and reporting mechanisms and possibly recommend changes, amendments, or the creation of new policies or procedures.
3. Determine whether sub-committees should be created to focus on specific topic areas (i.e. academics, finance, diversity, student, fair dealing and respect for others).
4. Explore offering "Ethics" training for all employees or subsets of employees and identify online and live options.
5. Prepare a final proposal/report regarding its findings.

The subcommittees met several times during 2019/2020. The full Task Force met October 4, 2019, November 22, 2019, and January 24, 2020. The Task Force made several general observations/recommendations relative to improving Ethics and Integrity:

- Most faculty, staff, and students at UNM strive to do the right thing. There should be enhanced opportunity for faculty, staff, and students to seek guidance on specific decisions to ensure that they receive proper guidance regarding a specific choice. "It is better to seek permission than to seek forgiveness."
- Policies regarding ethics and integrity are outdated, often conflicting, and not easy to navigate using the current tracking system. A complete policy review is needed so that policies align enterprise wide.
- Broaden our communication about our UNM Values and our policies that are in line with ethical behavior.
- Education/Training should be created and/or updated.
- Incentives and rewards for ethical conduct should be developed.
- Unethical conduct should be penalized and/or corrected. Everyone is accountable.

The Subcommittees prepared the reports that follow.

Campus Culture Subcommittee Report

Members:

William “Bill” Slease (Chair), Lisa Beauchene-Lawson (Staff Representative), Rob Burford (Compliance), Patrick Hart (Office of University Counsel), Muhammad Afzaal Hussain (GPSA), Professor Sarah Smith (Faculty)

I. Introduction

The Campus Culture Subcommittee was asked to analyze and make recommendations concerning issues involving civility, respect, and professional boundaries, excluding sexual harassment and consensual relationships which are being considered by another subcommittee. The Subcommittee met with the Deans and/or Associate Deans of most departments or schools at the University of New Mexico to gather broad, non-confidential information and data on the types of issues observed and recommendations for improvement in practices and policies. The Subcommittee also gathered data from the Ethics Point system, the Ombuds’ Office, the Dean of Students’ Office, the Provost’s Office, and University Counsel. Other than Ethics Point, no specific statistical data was gathered. Instead, the discussions and work focused on broad ranging concepts and issues.

The Subcommittee also reviewed UNM’s Respectful Campus Policies, both C09 as set forth in the Faculty Handbook¹, and Policy 2240 in the Administrative Policies and Procedures Manual.² Additionally, the Subcommittee: (1) reviewed sample anti-bullying, anti-harassment, and similar policies from other institutions;³; (2) a University of Maryland, Baltimore, White

¹ University of New Mexico, Faculty Handbook, C09: Respectful Campus, <https://handbook.unm.edu/c09/>. Accessed February 18, 2020.

² University of New Mexico, Administrative Policies and Procedures Manual – Policy 2240: Respectful Campus, <http://policy.unm.edu/university-policies/2000/2240.html>. Accessed February 18, 2020.

³ See, e.g., Eastern Washington University Bullying Prevention and Response, EWU Policy 901-04, <https://inside.ewu.edu/policies/knowledge-base/ewu-901-04-bullying/>. Accessed February 17, 2020; Oregon State University, Equal Opportunity & Access, Bullying Policy, <https://eo.oregonstate.edu/bullying-policy>. Accessed February 17, 2020; University of California, Berkeley, Workplace Violence Prevention Policy, <https://campuspol.chance.berkeley.edu/policies/workplaceviolence.pdf>. Accessed February 17, 2020; University of Michigan Statement of Student Rights and Responsibilities, Section IV(F), <https://oscr.umich.edu/article/definitions/#Violation>. Accessed February 18, 2020; University of

Paper focused on the manner in which the University could instill civility as a core instructional value in educating students, and identify initiatives to strengthen civility among students, faculty, and staff;⁴ and (3) a legal challenge to the University of Michigan’s prior version of its anti-bullying policy.⁵

II. Peer Review

As set forth above, the Subcommittee reviewed anti-bullying, anti-harassment, and similar policies from several other institutions. Each of these policies define bullying/harassment and prohibit such conduct. Notably, the important components of each are: (a) objectivity, meaning that anyone observing the conduct would consider it improper; (b) pervasiveness or severity of the conduct; and (c) demonstrable harm, including actual interference with a person’s ability to participate in university programs and pursue his or her education. For example, Eastern Washington University defines bullying as conduct that “creates an intimidating and/or threatening environment that is so severe or pervasive, and objectively offensive, that it substantially interferes with another’s ability to work, study, participate in, or benefit from the university’s programs and activities.”⁶ Similarly, Oregon State University’s Bullying Policy provides that bullying consists of conduct that is “severe, pervasive, or persistent,” and would cause a “reasonable person in the victims position substantial emotional distress and undermines his or her ability to work, study or participate in his or her regular life activities,” and actually causes such harm to the victim.⁷ Likewise, the University of Michigan, which recently amended its policy, defines harassment as “conduct directed toward a person that includes repeated or continuing unconsented contact that would cause a reasonable individual to suffer substantial emotional distress and that actually causes the person to suffer

Wisconsin Superior Anti Bullying/Harassment Policy, <https://www.uwsuper.edu/hr/policies/anti-bullying-harrassment-policy.cfm>. Accessed February 18, 2020.

⁴ Adballa, A. et al., *The Civility Discourse: Where Do We Stand and How Do We Proceed*, Univ. of Maryland, Baltimore, 2013, https://issuu.com/islsi/docs/white_paper_civility. Accessed February 18, 2020.

⁵ See *Speech First Inc., v. Schlissel, et al.*, No. 18-cv-11451 LVP/EAS, E.D. Mich. (2018).

⁶ See Eastern Washington University Bullying Prevention and Response, EWU Policy 901-04, Chapter 2, Section 2.1, <https://inside.ewu.edu/policies/knowledge-base/ewu-901-04-bullying/>. Accessed February 17, 2020.

⁷ Oregon State University, Equal Opportunity & Access, Bullying Policy, <https://eoa.oregonstate.edu/bullying-policy>. Accessed February 17, 2020

substantial emotional distress;” and defines bullying as “any written, verbal, or physical act, or any electronic communication, directed toward a person that is intended to cause or that a reasonable person would know is likely to cause and that actually causes, physical harm or substantial emotional distress and thereby adversely affects the ability of another to participate in or benefit from the university’s educational programs or activities.”⁸

The policies employed at other universities typically include both informal and formal resolution processes, the former consisting of meetings between the parties and their supervisors and mediation, and the latter consisting of formal investigations, evidentiary proof, and resulting disciplinary action if a violation is proven. Notably, most of the policies are purely “reactive,” meaning that they address improper conduct after it has taken place. Eastern Washington University, however, emphasizes training as an important component of deterring improper conduct.⁹

Of note in our review was the University of Maryland, Baltimore, 2013 White Paper concerning civility initiatives and recommendations at that university. In addition to conducting a literature review on the topic of civility, and inviting a variety of national speakers to present on the topic of civility, a committee appointed by the university president conducted a campus-wide survey of students, faculty, and staff to determine the extent of uncivil behavior on campus and the manner in which it might be addressed or solved. The committee also interviewed school and department leadership to gain perspective on the issue of incivility on campus. The resulting White Paper confirmed that incivility was a problem at the university and made specific recommendations for addressing uncivil and disrespectful conduct. Among other things, the committee recommended that the university:

⁸ University of Michigan Statement of Student Rights and Responsibilities, Section IV(F), <https://oscr.umich.edu/article/definitions/#Violation>. Accessed February 18, 2020. The University of Michigan Policy includes an affirmative statement that harassing, and bullying do not include constitutionally protected activity or conduct that serves a legitimate purpose. Both the amendment to its policy and inclusion of the constitutional protected language resulted from a lawsuit against the University of Michigan challenging its prior policy as unconstitutionally vague. *See Speech First Inc., v. Schlissel, et al.*, No. 18-cv-11451 LVP/EAS, E.D. Mich. (2018).

⁹ *See* Eastern Washington University Bullying Prevention and Response, EWU Policy 901-04, Chapter 1, Section 1.1, <https://inside.ewu.edu/policies/knowledge-base/ewu-901-04-bullying/>. Accessed February 17, 2020.

- A. develop official policies whereby ethics and professionalism are strictly enforced. This includes incorporating the term “civility” into each schools’/departments’ mission, statement, bylaws, and/or code of ethics;
- B. develop unofficial practices, such as mentorships and open-door policies designed to encourage civility and respect;
- C. incorporate civility into the schools’ and departments’ curricula;
- D. enhance training on respectful and civil conduct, including the development of a training module for new faculty, and inclusion of civility training in new student orientation; and
- E. create an annual “Civility Award,” to be given to faculty, staff, and students who demonstrate commitment to further civility on campus.¹⁰

III. UNM Existing Policies and Practices

A. Faculty Handbook CO9 – Respectful Campus Policy

Effective April 25, 2017, the Faculty Senate adopted the UNM Respectful Campus Policy which applies to all UNM faculty and academic administrators.¹¹ While affirming the University’s commitment to academic freedom and debate, the Policy provides that “[e]veryone at UNM has a right to be treated with respect and a responsibility to treat others with respect.” The Policy identifies both “constructive actions,” which are designed to promote respect and civility, and “destructive actions” which primarily consist of bullying. Bullying is defined as “repeated mistreatment of one or more individuals or a pattern of mistreatment of more than one individual.”¹² Bullying includes:

1. Verbal bullying, which includes slandering, ridiculing, or maligning another, or addressing abusive and offensive remarks to another. The alleged conduct must be sufficiently severe or pervasive so as to cause or create a hostile work environment or

¹⁰ Adballa, A. et al., *The Civility Discourse: Where Do We Stand and How Do We Proceed*, Univ. of Maryland, Baltimore, 2013, https://issuu.com/islsi/docs/white_paper_civility. Accessed February 18, 2020.

¹¹ University of New Mexico, Faculty Handbook, C09: Respectful Campus, <https://handbook.unm.edu/c09/>. Accessed February 18, 2020

¹² University of New Mexico, Faculty Handbook, C09: Respectful Campus, Section 3.1.1, <https://handbook.unm.edu/c09/>. Accessed February 18, 2020.

- otherwise unreasonably interfere with another’s work or school performance or participation;
2. Nonverbal bullying, which includes making threatening gestures toward another person;
 3. Threats towards a person’s job or well-being, not to include a supervisor addressing poor job performance; and
 4. Anonymous bullying, defined as disguising or withholding one’s identity while treating another in a bullying manner.¹³

The Policy explicitly states that a single incident should be handled by a supervisor using informal processes.¹⁴ Informal processes include identifying the issue, bringing it to the attention of the appropriate supervisors, and seeking resolution with the assistance of the Counseling, Assistance, and Referral Services, and/or the Ombuds Dispute Resolution Services.¹⁵ The Policy also contains a formal complaint process which provides for a supervisor’s investigation, often in consultation with University Counsel, and potential disciplinary consequences.¹⁶

B. Administrative Policy 2240 – Respectful Campus Policy

Administrative Policy 2240 – Respectful Campus Policy applies to all UNM regents, administrators, staff, students, and volunteers.¹⁷ This Policy tracks the language used in the Faculty Handbook C09 Respectful Campus Policy, above, and defines bullying as “sufficiently severe, persistent, or pervasive mistreatment directed at one or more individuals, which a reasonable person would consider to improperly interfere with the individual’s (or individuals’) work or school performance or participation.”¹⁸ Unlike C09, however, the Administrative Policy

¹³ *Id.* at Sections 3.1.1.1 – 3.1.1.4.

¹⁴ *Id.* at Section 3.1.2.

¹⁵ *Id.* at Procedures, Section 1.

¹⁶ *Id.* at Procedures, Sections 2-7.

¹⁷ University of New Mexico, Administrative Policies and Procedures Manual – Policy 2240: Respectful Campus, <http://policy.unm.edu/university-policies/2000/2240.html>. Accessed February 18, 2020.

¹⁸ University of New Mexico, Administrative Policies and Procedures Manual – Policy 2240: Respectful Campus, Section 4.1, <http://policy.unm.edu/university-policies/2000/2240.html>. Accessed February 18, 2020.

includes a prohibition on and a definition of cyberbullying.¹⁹ Like C09, the Administrative Policy contains provisions for both informal and formal resolution.²⁰

IV. Identification of Issues

Based upon our review of the literature, our interviews, statistical data gathered from the EthicsPoint system, and a review of information provided by the Ombuds' Office, the Dean of Students' Office, the Provost's Office, and University Counsel, the Subcommittee has identified the following issues:

1. Sexual harassment appears to remain the largest area of concern on campus, although a deterioration in professional and civil discourse and an increase in bullying, particularly cyberbullying, were reported by several departments/schools.
2. Social media has facilitated an increase in harassment/bullying, and it is difficult to discover and regulate.
3. There is widespread unawareness of or a misunderstanding of the Faculty Handbook Respectful Campus Policy (C09); and of UNM's Ethics Point. When it is consulted, C09 can be confusing and contradictory, particularly when it is read in conjunction with Administrative Policy 2240.
4. Students, faculty, and staff are not sufficiently informed about or aware of University policies and procedures pertaining to respectful campus, civility and bullying.
5. Mandatory training is generally considered tedious, repetitive, and overly focused on reactive compliance.
6. There is widespread distrust and poor communication between groups; e.g. faculty and staff, faculty and administration, etc.
7. The decentralized processes of investigation and enforcement of respectful campus and similar policies across the University leads to suspicion, perceived disparate enforcement of policies, and a purported lack of accountability. Conversely, "one-

¹⁹ *Id.* During our interviews of Deans and Associate Deans, the Subcommittee learned that cyberbullying is escalating, difficult to control, and represents a significant problem for University administrators.

²⁰ *Id.* at Section 5.

size-fits-all” training modules fail to adapt to unique situations within schools/departments.

8. The Ombuds/Dispute Resolution Service is a valuable resource that has proven effective.

V. **Recommendations**

The Subcommittee makes the following recommendations to improve best practices across the University.

1. Revise Faculty Handbook Policy C09 – Respectful Campus, and Administrative Policy 2240 – Respectful Campus, such that they are internally consistent and consistent when compared to one another, including harmonizing the language used to define proper and prohibited behavior. Among other things, both policies would benefit from greater precision when defining bullying which should be focused on severity or pervasiveness, objective measurement, and demonstrable harm. Oregon State University’s Bullying Policy provides a good model, as does the revised University of Michigan Policy, both set forth above. Further, both policies should define cyberbullying and prohibit cyberbullying when using University equipment, email addresses, and other social media sites affiliated with the University.
2. Refresh, or where lacking, institute mandatory training on civility and respectful conduct, including training on C09, Administrative Policy 2240, and the availability and use of EthicsPoint. Training should focus on improving, encouraging, and modeling civil and respectful conduct rather than simply ensuring minimum compliance with anti-bullying and anti-harassment policies, and State and Federal laws. Training should also instruct others on the proper manner of interacting with individuals accused but not proven to have engaged in misconduct.
3. Increase training and awareness surrounding proper social media use, trolling, and cyberbullying.
4. Provide “train-the-trainer” training for supervisors in order to then use those supervisors as trainers for employee training.
5. Add civility and respectful campus training to new faculty, staff and student orientations.

6. Add or include in existing training skill-based training modules for administrators, faculty, staff, and students designed to improve conflict resolution skills.
7. Consider mandating civility and respectful campus practices in student curricula at all schools/departments.
8. Conduct department, school, or campus-wide climate survey(s) and institute policies/training based on the results. A post training survey may also be useful in measuring the success of training modules.
9. Review all schools’/departments’ internal policies and practices pertaining to civility and respectful interactions with the goal of harmonizing the policies, practices, investigation, enforcement, and informal resolution procedures across all departments and schools.
10. Add supervisor/manager training across all schools/departments teaching supervisors in early detection of and intervention to address and deescalate potential problems or disputes.
11. Consider organizing “town halls,” or “forums” to discuss potentially heated or emotionally charged issues and model respectful discourse concerning such issues.
12. Encourage schools/departments to draw on accrediting and other professional organizations’ ethical and best practice resources (e.g. UNM School of Law and American Bar Association; UNM School of Architecture & Planning and the National Architectural Accrediting Board).

VI. Enforcement/Accountability

Enforcement of civility and professionalism can be difficult and must be balanced against academic inquiry, free expression, and open debate. Unwelcome or offensive ideas cannot be prohibited in the university setting. Nevertheless, a respectful campus is critical to fostering an environment where administrators, faculty, staff, and students thrive and succeed. As such, enforcement and accountability are best achieved by:

1. Adopting or modifying respectful campus policies such that they focus on and prohibit objectively improper conduct that has demonstrable harm to its victims.
2. Frequently repeat in presentations, lectures, written directives, course syllabi, and other oral and written forms that civility and a respectful campus are University policy.

3. Requiring strict and uniform enforcement of respectful campus policies by all supervisors/administrators.
4. Modeling respectful conduct. As noted in the University of Maryland, Baltimore, White Paper, incivility often trickles from the top down.²¹ When administrators and supervisors act in a civil manner, it sets the tone for the entire school/department and, ultimately, the University.

²¹ Adballa, A. et al., *The Civility Discourse: Where Do We Stand and How Do We Proceed*, Univ. of Maryland, Baltimore, 2013, https://issuu.com/islsi/docs/white_paper_civility. Accessed February 18, 2020.

Research Ethics and Academic Integrity Subcommittee Report

Members:

William L Gannon (Chair), Professor Jonathan Bolton (Faculty), Ana Andzic Tomlinson (Compliance), and Xavier Torres (ASUNM)

Overview: Below the Research Ethics and Academic Integrity Subcommittee detail responses to six challenges that the President's Task Force on Ethics has been charged with. We begin this response defining research ethics, professional ethics, research misconduct, academic misconduct, and other terms important to understanding academic integrity. We highlight important policies and guidelines that exist at UNM. We then provide a summary of national standards and expectations based on review of both peer institution and national professional statements; we include a summary of nationally recognized best practices. A number of recommendations are provided for the six issues that arose during general Committee meeting discussions. Relevant to addressing important ethical issues is consideration of forming an Ethics Center for main and branch campuses to serve as a vehicle for filling gaps in guidelines and procedures and for addressing and assisting in consideration of overarching ethical issues by students, faculty and staff, on a systemic level. An analogous center already exists at Health Sciences Center at the HSC Institute of Ethics. The mission, quite simply, would be to provide resources for students, faculty, and staff in promoting ethical behavior in research, academia, and practice. Also, the Ethics Center would serve as a point of focus for the university for research on ethics topics, nationally recognized speakers on contemporary topics, and to enhance the culture of ethics for all of us. Issues that we have identified include harmonizing existing UNM policies (such as D175/176 with faculty handbook Student Grievance Procedures), updating the Scientific Integrity Plan with the VPR (this plan is part of our commitment to federal funding agencies for the responsible conduct of research at UNM), bolstering students' understanding of and access to policies relevant to ethics via *The Pathfinder* and beyond, and coordinating ethical standards across disciplines such as for ethical publication guidelines. Finally, based on practices of comparable universities, we found it common to require that all registered graduate students receive research and academic ethics education during their first year. Faculty and staff should be encouraged to participate in providing ongoing ethics content to students and to take the training themselves, especially junior faculty members. A number of other recommendations are also made based on current university practices and culture and are detailed later in this document.

Research Ethics

Research ethics is a broad field that includes many facets important to the accurate and honest design, reporting, and conduct in research. As with many fields, there are a number of people in this arena who have very precise definitions of these terms, distinguishing professional ethics, research ethics, research integrity, responsible conduct of research, academic integrity, etc. The one clear problem with all of these definitions is that people tend not to agree with one another (not referring to us!). Another significant problem is the fact that enforcement mechanisms vary both inter- and intra-institutionally. For the purposes of this report, "**research ethics**" is defined as having a focus on the domain of generating new knowledge (i.e., we don't yet know the answers and we're trying to find them) and

"**professional ethics**" as being the ways in which we, as practitioners, take advantage of or apply what is known. The latter could include not just the use of appropriate technologies and considering the relative risks and benefits of the technologies, but also how we conduct the business of being a professional (e.g., don't oversell products, embezzle funds, or steal client lists of competitors). An active **HSC Ethics Institute** operates under HSC Academic Affairs with responsibilities in clinical, biomedical, and bioethics in the realm of medical ethics and the UNM hospital. More generally, it's all just **ethics**, unavoidably overlapping. The one overall question in ethics is simply "how should we act?" In that case, the point is to never assume that an audience or colleagues have in mind the same definitions. At UNM, ethics involves knowing the standards and expectations of the discipline, and acting in a way that shows virtue, honesty, justice, and truth in a pursuit of knowledge.

Under **research ethics**, the **responsible conduct of research** (RCR) differs from professional ethics (law ethics, nursing ethics, journalism ethics, engineering ethics, etc.) and others, in that it covers content areas that currently include ("the nine content areas of RCR instruction"¹) conflicts of interest, use of humans and other animals in research, data management, mentoring, scientist as a member of society, publication, peer review, collaborative research, and research misconduct that researchers commonly encounter. Formally, research misconduct, "means fabrication, falsification, or plagiarism in proposing, performing, or reviewing research or in reporting research results. Fabrication is making up data or results and recording or reporting them. Falsification is manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record. Plagiarism is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit. Research misconduct does not include honest error or differences of opinion."²(Section 93.103 of Public Health Services regulations; other federal regulatory agencies define research misconduct similarly but there are variations). RCR content areas are what is taught in response to federal regulations and what the *America Competes Act* of 2009 requires of institutions receiving federal funds (see below). At UNM, we enforce research integrity function through the Office of Research & Compliance (ORC), housed within the Office of the Vice President for Research (OVPR), for main and branch campuses and through HSC Office of Research for the HSC. We also have an educational/training program, Academic Integrity and Research Ethics (AIRE), housed at and administered out of the Office of Graduate Studies, with financial support by the OVPR. In addition to enforcement of research integrity through investigation of research misconduct allegations, these UNM facets provide the university with programs in pre-emptive education as well as evaluation of strategies to misconduct claims. There is not such clear nomenclature in enforcement of academic integrity and prevention of plagiarism, falsification, fabrication, and analogous malfeasance in the non-research education and classroom discourse. Prevention of academic/educational misconduct is, however, addressed by AIRE on an *ad hoc* basis.

[UNM Faculty Handbook \(FHB\) Policy E40](#) governs investigations of plagiarism, fabrication, or falsification in connection with UNM research. When this type of research misconduct arises (a complaint is filed by a whistleblower or anonymously), UNM invokes FHB [policy E40](#) where a

¹Steneck NH. Washington, DC: U.S. Government Printing Office; 2004. ORI introduction to the responsible conduct of research. BUT SEE James M. DuBois, and Jeffrey M. Dueker. 2009. Teaching and Assessing the Responsible Conduct of Research: A Delphi Consensus Panel Report. *J Res Adm.* 2009; 40(1): 49–70.

²42 Code of Federal Regulations (CFR) Parts 50, 93

preliminary assessment of allegations begins and may be followed by an inquiry, investigation, and institutional determination phases of this well-prescribed procedure. The policy applies to UNM faculty, students, staff, and agents who are engaged in UNM research. The Vice President and the Vice Chancellor for Research play a role in the early stages of the process for main and branch campuses and for the HSC, respectively, the Faculty Senate President plays a role in appointing the investigation committee for all of UNM, and the Provost and the HSC Chancellor³ are the Deciding Officials for main and branch campuses and the HSC, respectively. Research Integrity Officer roles, which are mandated by certain federal agencies, are held by the Executive Director of the Office of Research Compliance (for main campus and branches) and by the Executive Project Director at the HSC Office of Research. Complainants are provided whistleblower protections under UNM administrative policy [UAP 2200](#)⁴. False accusations or providing false information knowingly are sanctionable offenses under [UAP 2200](#) also. Given the deleterious nature of research misconduct accusations on someone's reputation and the significant detrimental effect a finding of research misconduct has on someone's ability to continue to perform research, these investigations are well-prescribed, extensive, and difficult on everyone involved. Estimated costs to the institution are hundreds of thousands of dollars per investigation.

Taking all of this into account, it is not surprising that a key component of research misconduct enforcement is training and other proactive measures. UNM's [Academic Integrity and Research Ethics](#) program (AIRE) of Graduate Studies accomplishes this through research ethics education. Guided by the university's [Scientific Integrity Plan \(SIP\)](#), AIRE promotes standards and informed pedagogy for instruction of the responsible conduct of research (RCR) campus-wide (does not include HSC). In addition to fostering a community of integrity, AIRE program RCR instruction complies with regulations of the National Science Foundation (NSF), National Institutes of Health (NIH), National Institute of Food and Agriculture (NIFA), and other agencies who support, promote, or require research ethics education as part of their funding requirements. Research ethics then, includes a compliance portion that is applicable to students and post-Doctoral researchers, and new career faculty to complete RCR education. An advantage of this requirement is that it also provides junior researchers, students, and others not required to complete RCR education the research ethics and academic integrity tools to not only do their research and scholarly activities right, but to do them well. Because of some mutability in documenting all-federally funded student completion of RCR training (students go on and off federal grants frequently), many research-active universities throughout the US require all students to receive research ethics education during their graduate training. Finally, there is currently active discussion in the ethics-education community about the utility of the "9 content areas of RCR" promoted by the Office of Research Integrity. Dr. Kathy Partin of the NIH is nationally spearheading discussion of updating/modernizing these topics (Appendix I). AIRE sponsored courses, seminars, workshops, and

³ UNM FHB policy E40 may need to be revised to reflect correct titles at HSC in light of change from Chancellor to EVP for HSC (and the resulting changes to Vice Chancellor titles).

⁴ UNM Policies and Tools Related to Ethical Behavior, Reporting Suspected Misconduct, and Whistleblower Protection from Retaliation: Regents' Policy Manual - Section 2.18: Guiding Principles - <https://policy.unm.edu/regents-policies/section-2/2-18.html>

UAP 2200: Reporting Suspected Misconduct and Whistleblower Protection from Retaliation - <https://policy.unm.edu/university-policies/2000/2200.html>. UNM Compliance Hotline - <https://compliance.unm.edu/compliance-hotline/index.html>

other activities and provides additional content to the “nine areas of RCR” such as publication ethics, predatory practices, financial grant management, reproducibility, and sexual and other forms of harassment in research.

Academic Integrity

Academic integrity is addressed in a more decentralized manner than is the case with research misconduct. This is so largely because of a plethora of federal regulations which govern research misconduct. Plagiarism and other types of dishonesty involved in academic and classroom instruction are not as proscribed as is research fraud, both in terms of institutional policies and through legal and regulatory regimes. At UNM, unethical conduct by faculty is within the purview of the Provost and the Faculty Senate (via its Faculty Ethics and Advisory Committee and Academic Freedom and Tenure Committee), per UNM FHB Section B: Policy on Academic Freedom and Tenure. The procedures for addressing academic dishonesty by faculty, albeit very prescribed, could be clearer and, more significantly, the prudence of having an “informal” investigatory power (such is the case with Faculty Ethics and Advisory Committee) should be revisited or additionally addressed from the procedural standpoint to ensure that informal investigations do not create “double jeopardy” problems and the consequence of having inconsistent outcomes through informal and formal investigations based on the same allegations.

Academic dishonesty involving student respondents is addressed at UNM under Regents' Policy Manual - Section 4.8: Academic Dishonesty, FHB Section D: Teaching and Student Related Policies, *The Pathfinder*, and Student Codes of Conduct. Student grievances procedures are governed by *The Pathfinder* but are not clearly addressed in *The Pathfinder*. Moreover, *The Pathfinder* section on Academic Dishonesty is very brief, does not contain any information on procedural mechanisms, references a Regents Policy which is similarly devoid of any process information (but in case of the Regents' Policy that is so by design), and references an FHB policy which is no longer in existence. Consequently, student grievance procedures (SGP) were outlined to our subcommittee by the Dean of Students (DOS), Nasha Torrez (Appendix II). In general, first time a student is reported for an infraction, there is a warning from the Dean (DOS) and the student is encouraged to refrain from academically destructive behaviors. Faculty are encouraged to file an adjudication form (see resources end of this document) to the DOS in order to build a record or pattern that may require more drastic action. The main guiding document for the DOS is the Student Grievance Procedure (SGP) that exists in two places in the university. The SGP is outlined in the Faculty Handbook (FHB) and in policies D175 (for undergraduate students) and D176 (for graduate students). However, most faculty do not refer to FHB SGP, rather they refer to *The Pathfinder* SGP (<https://pathfinder.unm.edu/student-grievance-procedure.html>). The SGP has been made inconsistent by earlier administrations and there has been a concerted effort by the Dean and current administration to work with the Faculty Policy Committee to update and normalize the policy so the Dean can implement processes. The fact that grievances could follow two different pathways (Appendix II) could lead to confusion and inadvertent conflation of processes. A working document should be approved this year.

The big issues are inconsistencies between the SGP of the Faculty Handbook and the SGP in *The Pathfinder*. Also, all is on hold while the DOS is waiting for approved, revised D175/176 policies from the Faculty Policy Committee. These are then approved by the President and then available for the DOS

to update the SGP in *The Pathfinder*. The DOS hopes the new policies address holes in the current D175/176 so that all student grievance procedures can be harmonized.

Ethics Center. President Stokes' "...goal to create and maintain an ethically inspired environment at UNM based on strong moral conduct..." would be greatly aided by establishment and support of a center for ethics for main and branch campuses. There has been talk about it since VP for Research Nasir Ahmed (late 1990's) and as late as Provost Chaouki Abdallah in 2018. Characters of these centers include fostering ongoing inquiry into important ethical issues in academic and research life and supporting teaching, research, and discussion of ethics and human values throughout the curriculum and across disciplines. For instance, the purview of the Texas Tech Ethics Center includes a "Global Ethics Day", support an annual RCR conference, and ethics library. Harvard's Institute for Ethics and Emerging Technologies (IEET) is a focused as a "technoprogressive think tank" that seeks to contribute to understanding of the likely impact of emerging technologies on individuals and societies.

Many universities, including a number of our peer institutions listed in Appendix III and this report's sub-section 3 below, have ethics centers that serve to promote the goals of maintaining an ethically inspired environment as President Stokes has aspired. We propose that the Committee explore the idea of establishing an ethics center for main and branch campuses, as a vehicle to carry President Stokes' initiative. The center would be a hub of training, best-practices, and through research, formulate a campus-wide entity to launch ethics-related initiatives. It would serve as an across-discipline common denominator for acceptable practices across campus (for instance, criterion for publications and authorship guidelines), with a mission to provide resources for students, faculty, staff, and administrators in promoting ethical behavior in research, academics, and practice (professional and otherwise). Issues of administrative placement, space, staffing, cost, etc. were considered and, besides the current model applicable to AIRE which functions well in Graduate Studies, the sub-committee is open to consideration of additional options.

SUB-COMMITTEE TASKS

1. Sub-Committee Task 1: Literature/Research/Best Practice Review on sub-committee topic (including policies from other universities);

Many universities struggle to implement best practices because their institutions have not put resources into creating and maintaining ethics programs that can devote time to discovering and promoting best practices and promote research on important ethical questions. The federal regulations that emerged in 2009-2010 (include *America Competes Act* and the NSF-NIH regulations listed here) were largely open ended and left the institution to interpret its response. There was a hurry in research ethics to comply and most institutions adopted the "nine areas of RCR instruction". However, recently there has been significant effort to re-consider the content areas of RCR and to standardize guidelines and best practices; many of those efforts had contributions from UNM at national and international workshops.

In 2017, the National Academies Press published [Fostering Integrity in Research](#).⁵ This report provided suggestions for the best practices in research ethics compiled by those who published research in various

⁵The National Academies of Sciences, Engineering, and Medicine. 2017. *Fostering Integrity in Research*. Washington, DC: The National Academies Press. doi:<https://doi.org/10.17226/21896>.

areas of research ethics, spent considerable time working in research ethics education, or were responsible for administering research ethics programs or ethics centers. The report provides best practices in five tiers; the researcher, the institution, the level of dissemination, the journal, and the research sponsor including the US government. Here we list those practices (self-explanatory) directly from *Research Integrity in Research*. A checklist for best practices is provided in Appendix I.

Tier 1. Best practices for the Individual Researcher/Scholar.

Best Practice R-1: Research Integrity. Uphold research integrity with vigilance, professionalism, and collegiality.

Best Practice R-2: Data Handling. Manage research data effectively, responsibly, and transparently throughout the research process. This includes providing free and open access to research data, models, and code underlying reported results to the extent possible, consistent with disciplinary standards, funder requirements, employer policies, and relevant laws and regulations (such as those governing intellectual property).

Best Practice R-3. Authorship and Communication. Follow general and disciplinary authorship standards when communicating through formal publications. Describe the roles and contributions of all authors. Be transparent when communicating with researchers from other disciplines, policy makers, and the broader public.

Best Practice R-4: Mentoring and Supervision. Know your responsibilities as a mentor and supervisor. Be a helpful, effective mentor and supervisor to early-career researchers.

Best Practice R-5: Peer Review. Strive to be a fair and effective peer reviewer who provides careful reviews, maintains confidentiality, and recognizes and discloses conflicts of interest.

Best Practice R-6. Research Compliance. Understand and comply with relevant institutional and governmental regulations governing research, including those specific to a given discipline or field.

Tier 2. Best practices for the Institution.

According to the National Research Council and the Institute of Medicine, “Each research institution should develop and implement a comprehensive program designed to promote integrity in research, using multiple approaches adapted to the specific environments within each institution.” Specific responsibilities include the maintenance of policies and procedures to investigate and address research misconduct—including the responsibility to notify the appropriate federal agency of misconduct investigations involving that agency’s funds—and the provision of educational and training programs for students and faculty to raise awareness of research integrity (NAS-NAEIOM, 1992; IOM-NRC, 2002; OSTP, 2000; NSF, 2013).

Best Practice I-1: Management. Integrate research integrity considerations into overall approaches to research, education, and institutional management.

Best Practice I-2: Assessment. Perform regular assessments of the climate for research integrity at the institutional and department levels and address weaknesses that are identified.

Best Practice I-3: Performing Research Misconduct Investigations. Perform regular inventories of institutional policies, procedures, and capabilities for investigating and addressing research misconduct and address weaknesses that are identified.

Best Practice I-4: Training and Education. Strive for continuous improvement in RCR training and education.

Tier 3. Best practices for Information Dissemination/Publication.

The basics of responsible publishing include ensuring that a journal's existing rules and guidelines have been followed, such as those related to data sharing and research involving human subjects (Gustafsson, 2006). Editors are also responsible for the scientific quality of the journal. Journals should clearly articulate their publication criteria and evaluate submissions based on those criteria. They should provide the authors of proposed publications with a fair and full account of reviewers' comments and ensure transparent communication in the event of disputes, questions, or difficulties in the publication process. Journals should make their principles and processes visible to authors, readers, librarians, and peer reviewers. As an example, publishers should disclose sources of funding or other issues that may affect the choice of work to disseminate. Data retention and ownership are additional areas of enforcement that merit consideration by universities, especially in the sponsored research arena.

Best Practice J-1: Practicing Transparency. Practice transparency in journal policies and practices related to research integrity, including publication of retractions and corrections and the reasons for them.

Best Practice J-2: Requiring Openness. Require openness from authors regarding public access to data, code, and other information necessary to verify or reproduce reported results. Require openness from authors and peer reviewers regarding funding sources and conflicts of interest.

Best Practice J-3: Authorship Contributions. Require that the contributions and roles of all authors are described.

Best Practice J-4: Training and Education. Facilitate regular training and education in responsible publishing policies and best practices for editors, reviewers, and authors.

Best Practice J-5: Collaboration. Work with other journals to develop common approaches and tools to foster research integrity.

Tier 4. Best practices for Research Sponsors.

Research sponsors can make science and research better with the following best practices. The U.S. government research sponsors such as the National Institutes of Health and the National Science Foundation have imposed several mandates and other regulatory requirements on research institutions and researchers over the past several decades covering RCR education and training. The Office of

Research Integrity also requires institutions to file an assurance that they have developed and will comply with policies for addressing allegations of misconduct in Public Health Service–sponsored research that meet Public Health Service policies. Virtually all federal agencies which sponsor scientific research in the U.S. have regulations and/or guidelines governing research integrity through mandates addressing research misconduct enforcement and training/RCR.

Best Practice RS-1. Research Integrity and Quality. Align funding and regulatory policies with the promotion of research integrity and research quality.

Best Practice RS-2. Data and Code. Promote access to data and code underlying publicly reported results.

Best Practice RS-3: Utilizing Research. Practice impartiality and transparency in utilizing research for the development of policy and regulations.

Tier 5. Lastly, the *Fostering Integrity of Research* report also provides guidance to research and scholarly Societies.

Best Practice S-1. Standards and Education. Serve as a focal point within their disciplines for the development and updating of standards, dissemination of best practices, and fostering RCR education appropriate to the discipline.

Best Practices Checklist for Scientific Societies and Professional Organizations

Serve as a Focal Point for Developing Standards and Discipline-specific Educational Materials

- Serve as focal point for developing and communicating disciplinary standards to foster research integrity.
- Develop codes of conduct and keep them updated.
- Foster discipline-specific RCR education.

This is an important point as many of the normalized behaviors passed on by mentors are learned and reinforced in the various discipline societies. Many of these societies may have their own “best practices” for instance the American Society of Mammalogists have *Guidelines for the use of animals in research*⁶, ecologists follow “Ethical Standards”⁷, geographers have theirs⁸, etc.

Bottom line for best practices, is that there are not standards across disciplines, but many disciplines have drafted standards. There are similarities, but to harmonize all the standards would take much time.

The same is true of policies. Most of the UNM peer-institutions have policies, record-keeping, conduct training and ethics education, but not so much on providing resources for best practices. Peer institutions

⁶ **Guidelines of the American Society of Mammalogists for the use of wild mammals in research** [Robert S. Sikes, William L. Gannon, the Animal Care and Use Committee of the American Society of Mammalogists](#) *Journal of Mammalogy*, Volume 92, Issue 1, 16 February 2011, Pages 235–253, <https://doi.org/10.1644/10-MAMM-F-355.1>

⁷ <https://www.esa.org/about/code-of-ethics/>

⁸ **Integrating research ethics with graduate education in geography**, October 2014, [Journal of Geography in Higher Education](#) 38(4)

DOI: [10.1080/03098265.2014.958656](https://doi.org/10.1080/03098265.2014.958656)

<https://oia.unm.edu/facts-and-figures/index1.html> are chosen because their academic program offerings, enrollments, and mission closely resemble UNM's. Categories surveyed include best practices, policies, policies regarding research (and academic) ethics, how ethics is communicated on ethics, record keeping practices, opportunities for ethics education and (RCR) training, resources for Best Practices.

2. Sub-Committee Task 2: UNM Policy reviews on sub-committee topic (suggestions for change/amendment /development);

Policies have been mentioned throughout this document. The subcommittee makes note of the comprehensive list of UNM ethics policies that were compiled for the **Higher Learning Commission accreditation** document – especially section 2 - review in 2018. The Higher Learning Commission (HLC) accreditation documents had an emphasis on ethics and integrity in the University. This is the collection of evidence documents in the Digital Repository:

https://digitalrepository.unm.edu/assurance_argument_2018_19/. The assurance argument (section 2d or 2e) is

here: https://hlc2019.unm.edu/common/docs/2019/UNM_assurance_argument_02_26_2019.pdf.

Section 2 overall is titled: Integrity: Ethical and Responsible Conduct. Part 2A (operational ethics) and Part 2 B (operations of the university), Part 2C (campus autonomy) and Part 2 D (truth in teaching). These documents also contain recommendations relevant to the Faculty Handbook and Regent's Policies that need updating or harmonizing.

Useful to students and faculty would be an effort to provide “statements” and “guidelines” useful as guidance in research and academia such as “Guidelines on Ethical Publishing”, “Guidelines on recognizing predatory publishers and vanity conferences”, or a process such as, “On Revoking Degrees” based on fraud or misconduct. Data management, data security, data ownership, etc. are also areas ripe for clearly written university position statements.

3. Sub-Committee Task 3: Identification of key issues within this topic.

In addition to UNM policies on research and academic integrity, we considered analogous policies of the following institutions:

Peer institutional considered:

Arizona State University
Florida International University
New Mexico State University
Oklahoma State University
Texas A&M University
Texas Tech University
University of Arizona
University of California – Riverside
University of Colorado – Boulder
University of Colorado – Denver
University of Houston
University of Iowa
University of Kansas

University of Missouri – Columbia
University of Nebraska – Lincoln
University of Nevada – Las Vegas
University of Oklahoma – Norman Campus
University of Tennessee
University of Texas – Arlington
University of Texas – Austin
University of Texas – El Paso
University of Texas System
University of Utah

Additional, non-peer universities that were considered:

Duke University
Harvard University
North. Carolina State
University of California at San Diego
University of California system
University of California at Los Angeles
University of California, Berkley
University of North Carolina
University of Texas
Yale University

In a nutshell, UNM’s policies addressing research misconduct and enforcement mechanisms compare well with other universities. UNM’s policies and procedures for governing academic integrity merit consolidation with special attention to accessibility and transparency.

4. Sub-Committee Task 4: Suggestions for improvement

As discussed in the Introduction to this subcommittee’s section of this report, a number of recommendations are provided. Most notable is harmonizing existing UNM policies such as D175/176 with faculty handbook Student Grievance Procedures and updating the Scientific Integrity Plan. Based on practices of most comparable universities, we found it common to require that all registered graduate students receive research ethics education during their first year. Faculty and staff should be encouraged to participate in providing ongoing ethics content to students and to take the training themselves, especially junior faculty members. What is currently considered essential content for research ethics education (“9 areas of RCR”), will be updated to focus on professional development and include three general areas, “performing research”, “research environment”, and “regulatory compliance”. Other ideas include updating the 1968 “faculty Statement of Ethics”, improvement in visibility and marketing of the importance of ethical behavior, model as a university priority. Below please find a summary listing of our recommendations:

A. Ethics Center:

We propose that the Committee explore the idea of establishing an ethics center for main and branch campuses as an additional and important vehicle to carry President Stokes initiative and to fill in the void between compliance and a higher standard of creating a culture of ethics across campus. The subcommittee provides the salient information as bullet point on the purpose and nature of the proposed center's work:

- A center would serve as a hub for training, best-practices, and research.
 - A component of the ethics center, the AIRE program would continue to offer workshops, symposia, regular courses on research ethics, materials and lectures across departments to research methods classes, and working with many faculty and administrators provide research ethics education throughout main and branch campuses.
 - It would “plug” a number of gaps at UNM and could serve as an across-discipline common denominator for acceptable practices across departments and disciplines
 - It would provide resources for students, faculty, staff, and administrators in promoting ethical behavior in research, academics, and practice.
 - It would offer lectures by nationally recognized experts in ethical fields and on contemporary ethical conflicts (such as the ethics of COVID-19 research emergency procedures; effects of cutting compliance corners).
 - The center would complement existing Ethics Institute at HSC and provide educational services to other offices such as ORC, OVPR, departmental (e.g., School of Engineering), and discipline (e.g., Linguistics) campus entities.
 - It could represent UNM nationally and internationally at professional meetings and conferences.
 - It would help discover focal points particular to UNM and specifically of-interest to UNM faculty and students that focuses on issues, moral dilemmas, and quality of life of living in New Mexico.
 - Visiting the websites Ethics Centers listed in Appendix III provides an idea of their role and vital institutional purpose.
- B. Harmonize D175/175 with faculty handbook and student grievance procedures: Inconsistencies between the SGP of the Faculty Handbook and the SGP in *The Pathfinder*. Waiting to settle the D175/176 policies from the Faculty Policy Committee first, approved by the President, and then the DOS will update the SGP in *The Pathfinder* for consistency. There are holes in D175/176 and users do not follow the grievance process consistently.
- C. Produce “Guidelines for Authorship”; other guidelines for better ethical performance and culture.
- D. Conduct an attitudes survey to compare with analogous previous surveys on “Researcher perspectives on ethical issues in research” that were conducted in 1999 and again in 2008 by Roberts, Warner, Gluck, and Brody.
5. Subcommittee Task 5: Training within topic areas.
- A. Formalize training for all graduate students by providing a 1-credit hour (or certification) course on research ethics and academic integrity offered through the AIRE program,

individual departments, labs (“ethics in context”) or methods courses (“ethics across the curriculum”).

- B. Train-the-Trainers: Conduct train-the-trainers’ workshops for faculty and senior graduate students. The long-term goal of this workshop would to promote education in the ethical dimensions of research. This educational need is, in itself, an ethical obligation for the research community, and is also increasingly encouraged, if not required, internationally.
- C. Support should be available to faculty and graduate students who seek to be professionally engaged in this field and who have demonstrated (or have a potential for) success in participating on a national and international level in ethics-related professional associations and endeavors, to bolster UNM’s reputation as an institution vested and actively engaged in promoting a culture of research and academic ethics.

6. Subcommittee Task 6: Top three (3) accountability barriers identified by the sub-committee are:

- 1. Lack of importance put on ethical awareness by Principal Investigators (PI),
- 2. PI’s seem to have impression that ethics education takes too much time away from the bench/project,
- 3. Lack of active involvement by the faculty.

All three can be ameliorated through administrative incentives which would help enormously in improving the culture of ethics for the university as a whole. A campus climate poll could be conducted to inform on the topic further, as was done through analogous surveys in 2001 and in 2010 that helped inform strategic initiatives which ensued in those decades.

APPENDIX I

Responsible Conduct of Research (RCR) Educational Content

Table from Kathy Partin APPE presentation 22 February 2020

2. **Subject Matter:** While there are no specific curricular requirements for instruction in responsible conduct of research, the following topics have been incorporated into most acceptable plans for such instruction:
 - a. conflict of interest – personal, professional, and financial
 - b. policies regarding human subjects, live vertebrate animal subjects in research, and safe laboratory practices
 - c. mentor/mentee responsibilities and relationships
 - d. collaborative research including collaborations with industry
 - e. peer review
 - f. data acquisition and laboratory tools; management, sharing and ownership
 - g. research misconduct and policies for handling misconduct
 - h. responsible authorship and publication
 - i. the scientist as a responsible member of society, contemporary ethical issues in biomedical research, and the environmental and societal impacts of scientific research

Table from Kathy Partin APPE presentation 22 February 2020

Performing Research

[Data Management and Archiving](#)

[Authorship](#)

[Publications](#)

[Mentoring and the Responsibilities of Research Supervisors and Trainees](#)

[Collaborations and Team Science](#)

[Scientific Rigor and Reproducibility](#)

[Research Misconduct](#)

Research Environment

[Harassment, Sexual Harassment, and Inappropriate Conduct](#)

[Peer Review and Privileged Information](#)

[Scientific Integrity at the NIH](#)

[Conflicts of Interest](#)

[Social Responsibility, Media Inquiries, and Dual-Use Research](#)

Regulatory Compliance

[Animal Care and Use](#)

[Human Biospecimen Tracking and Storage](#)

[Health & Safety](#)

[Fetal Tissue Research](#)

[Human Subjects Research](#)

[Research Material Management and Research with High-Consequence Pathogens: Institutional Biosafety](#)

[Ethical Concerns Related to NIH Information Technology](#)

[Whistleblowing and Whistleblower Protections](#)

[Concluding Statement](#)

APPENDIX II

Meeting with Nasha Torrez, Ana Tomlinson, and Bill Gannon

(notes from W. Gannon with input from N. Torrez and A. Tomlinson)

DOS Office, 4 February 2020 10 AM – 11:15 AM

Meeting to discuss process of Academic Misconduct (Integrity) in the Dean of Students office.

In general, first time a student is reported for infraction (described later), there is a warning from the Dean (DOS) and the student is encouraged to refrain from academically destructive behaviors. Faculty are encouraged to file adjudication form (see resources end of this document) to the DOS in order to build a record or pattern that may require more drastic action.

The main guiding document for the DOS is the Student Grievance Procedure (SGP) that exists in two places.

The SGP has been made inconsistent by earlier administrations and there has been a concerted effort by the Dean to work with faculty senate committee (Faculty Policy Committee) to update and normalize the policy so the Dean can provide and implement processes. In the last five years there has been some progress but the Dean hopes to have a working document soon (Spring 2020?)

The SGP is outlined in the Faculty Handbook policies D175 (for undergraduate students) and D176 (for graduate students). However, most faculty do not refer to FH SGP, rather they refer to *The Pathfinder* SGP. The Pathfinder SGP is here: <https://pathfinder.unm.edu/student-grievance-procedure.html>

FH Article 2: covers Academic Dishonesty

FH Article 4: _____

Pathfinder Article 1: Introduction/ definitions

Pathfinder Article 2: Academic Disputes

Pathfinder Article 3: Academic Dishonesty

Pathfinder: Article 4 – Disciplinary Process

Pathfinder Article 5: Student Conduct Committee

Pathfinder Article 6: Hearing Procedures

Pathfinder Article 7: Appeals and rights

Pathfinder Article 8: Academic Record Disputes

Pathfinder Article 9: Variances

Pathfinder Article 10: General Provisions

D175/176 is currently being reviewed and updated by the Faculty Policy Committee

PROBLEM:

Inconsistencies between the SGP of the Faculty Handbook and the SGP in *The Pathfinder*. Waiting to settle the D175/176 policies from the Faculty Policy Committee first, approved by the President, and then the DOS will update the SGP in *The Pathfinder* for consistency. There are holes in D175/176.

COMMENTS:

The FPC hopefully has re-authored the D175/176 to just state policy and leave it to the DOS to write procedures to follow that policy. DOS will implement procedures and have researched Best Practices to inform those procedures.

The Process Currently (Gannon notes and Torrez flowchart)

CHEAT – Academic Dishonesty

Two choices: Could follow either the “Faculty Discretion Path” or the “Code of Conduct Path”

Faculty Discretion Path (from Nasha - Academic Discretion Path); Faculty AF&T issues

1. Student gets a zero on paper but not in course
2. MOST OFTEN faculty follow *The Pathfinder* SGP (and its Article 2 is the same as the FHD175 article 2) on Academic Grievances; Follow SGP or/and D175; Article 2; academic grievance
3. Appeal to the Professor (good to be super contrite and apologetic)
4. Meet with professor (informal)
5. Meet with Chair of discipline college (informal)
6. Meet with departments college Dean (formal)
7. Meet with Provost (Pamela Cheek currently) – formal
8. Regents Appeal (RPM 1.1)

Code of Conduct Path

1. Report to DOS via Faculty Adjudication form
2. Follow Code of Conduct (CoC)
3. DOS (if first offense), does not record, issues a warning and requires a “reflection paper”
4. If multiple cheating, then a higher sanction
5. Meet with Andrea Torrez – Associate Conduct Officer
6. If student disagrees, can appeal to DOS. Follow SGP Article 2 and Article 4 that can continue appeal to VP Student Affairs, continue appeal to President and to Regents.

Depending on their reference, there is currently conflicting information in *The Pathfinder* SGP and in the FH SGP policy D175/176; Article 4 is not the same

For Graduate Students – The stakes are higher and follows D176
Faculty Adjudication Path to the Code of Conduct

Policy is the same as for D175 process but higher stakes. First time infractions are tougher (they should know better)

Section 9.3 of CoC is followed with exceptions for professional programs (e.g. Law, medical, pharmacy, architecture) whose procedures govern (see Ana Appendix below for SoL) – If silent, then *The Pathfinder* SGP is followed. Some departments have Graduate Student Handbooks which state

University and also departmental policies. Again, if there is nothing stated then D176 of the FH SGP and *The Pathfinder* SGP are followed (Article 2)

Other Path for Graduate Students is Academic Discretion (remember AF&T committee) is more serious than undergraduate, where could get a zero for assignment or zero for a class. D's and F's in a class can terminate a graduate student. It can affect GA/TA/RA-ships. Could remove stipends, Green cards,

Role of the Graduate Dean. Look at sort of notice student received, notice, After the departmental (and Graduate School?) sanctions it then goes to the DOS (gender-based go to OEO)

APPENDICES

Ana reviewed the SOL Bulletin and found that the SOL "Student Code of Conduct" is an Appendix A to it. Academic integrity and academic plagiarism are addressed in the SOL Bulletin via the SOL Student Code of Conduct and also SOL Bulletin's Appendix C "Administrative Due Process Policy and Procedure".

The gist - SOL Student Code of Conduct governs academic dishonesty matters at UNM SOL. SOL Student Code of Conduct is student-authored and the student body governs students' "professional conduct" and investigates academic dishonesty, including plagiarism: "Elected student leaders constitute an honor board that reviews all charges of code infractions." Relevant language is extracted below.

- Only conduct related to academic misconduct enumerated in this Code will be governed by the provisions of this Code.
- Persons Subject to this Code include any person enrolled in the University of New Mexico School Of Law is subject to the provisions of this Code.
- As standard conduct, every student shall be honest and candid in his/her academic pursuits as defined in the subsequent provisions of this Code.
- This includes examinations, written submissions, and other interactions as part of SOL degree completion.
 - 1. Every student shall abide by the principle of academic honesty in all written work.
 - 2. Plagiarism is a violation of the Code. Plagiarism is the knowing use of the ideas or words of another as your own without indicating such use fully and accurately.
- As a practice, cite fully and accurately the source of material and place in quotations material used from a source and to cite fully and accurately such material; or
- Do not represent someone else's work as his/her own (or unauthorized materials) submitted in fulfillment of any law school requirement.
- There must be compliance with Code Procedures and enforcement; report, provide evidence, be a witness, do not block or prevent honest testimony.
- Follow procedures outlined in code of conduct to report violations.
- Procedures to investigate are provided
- Typical sanctions are described; reprimand to removal.
- Appeals and final deposition

UNM School of Law "Due Process", governance, disciplinary actions

INTRODUCTION

The University Of New Mexico School Of Law's Due Process Policy and Procedure is designed to guide students, faculty and staff on the course of action that may be taken when a law student fails to maintain ethical or professional standards of behavior. The role of the lawyer encompasses more than just satisfactory acquisition of knowledge in courses. The legal professional must exhibit personal and professional behaviors, including honesty, integrity, and respect for others. The School of Law is committed to both ethical and professional behavior on the part of students and a respectful learning environment in which to become a lawyer.

All conduct related to academic misconduct will be governed by the Student Code of Conduct. Issues related to academic performance will be addressed by the Law School's Committee on Student Suspension, Retention, and Re-admission. Other disciplinary matters will be dealt with by the Law School Administration according to the following procedures.

<http://lawschool.unm.edu/academics/common/docs/bulletin-handbook-policies.pdf>

RESOURCES:

1. DOS Statement on Academic Integrity/Honesty:

<https://dos.unm.edu/images/dean-of-students-academic-integrity-guidelines.pdf>

2. D175: Student Conduct and Grievance Procedures Policy. This policy has been approved by the Faculty Senate 3/10/87, ASUNM Senate 4/1/87, GSA Senate 5/2/87 and by the Board of Regents 8/11/87. Revisions approved by the Faculty Senate in May 1994 and by the President in May 1995. Revisions approved by the President: March 5, 1999; June 19, 2001; July 2, 2013 and May 13, 2014.

<https://handbook.unm.edu/d175/>

3. AIRE Advice on "When things go wrong" - Academic Integrity Information + Resources

<https://grad.unm.edu/aire/academic-integrity.html>

4. Faculty Adjudication Form

<http://dos.unm.edu/campus-expectations/facultyadjudicationform.doc> Word version

<https://losalamos.unm.edu/faculty-staff/forms/faculty-adjudication-form.pdf> Electronic version

5. Biology Graduate Student Handbook

<https://biology.unm.edu/graduate/BiologyGraduateHandbook-Fall2012.pdf>

APPENDIX III

Ethics Centers (as of 2020 from <https://appe-ethics.org/member-institutions/>)

[Center for Professional Responsibility in Business and Society](#), University of Illinois

[Janet Prindle Institute for Ethics](#), DePauw University

[TTU Ethics Center](#), Texas Tech University

[American University, Department of Philosophy and Religion](#)

[Center for Ethics](#), Emory University

[Center for Professional and Applied Ethics](#), University of North Carolina, Charlotte

[Edmond J. Safra Center for Ethics](#), Harvard University

James Madison University, [Ethical Reasoning in Action](#)

[Krause Center for Leadership and Ethics](#), The Citadel

[Markkula Center for Applied Ethics](#), Santa Clara University

[Northern Plains Ethics Institute](#), North Dakota State University

[St. Philip's College, Student Engagement and Success Program](#)

[BB&T Center for Ethical Leadership](#), University of North Georgia

[Center for Bioethics and Health Law](#), University of Pittsburgh

Center for Engineering Ethics, [Purdue University](#)

[Center for Leadership and Ethics](#), Virginia Military Institute

[Center for the Study of Ethics](#), Utah Valley University

[Center for the Study of Ethics in the Professions](#), Illinois Institute of Technology

[Dr. James Dale Ethics Center](#), Youngstown State University

[Dundon-Berchtold Institute for Moral Formation and Applied Ethics](#), University of Portland

[Inamori International Center for Ethics and Excellence](#), Case Western Reserve University

[Kegley Institute of Ethics](#), California State University, Bakersfield

[Kenan Institute for Ethics](#), Duke University

[Michigan Technological University](#)

[Parr Center for Ethics](#), University of North Carolina at Chapel Hill

[Rock Ethics Institute](#), The Pennsylvania State University

[Ukleja Center for Ethical Leadership](#), California State University, Long Beach

[United States Office of Government Ethics](#)

[University of Central Florida](#)
[University of Rochester](#)
[Bioethics Program, The Pennsylvania State University](#)
[Boston College](#)
[Bowen H. McCoy Family Center for Ethics in Society](#), Stanford University
[Bowling Green State University, Department of Philosophy](#)
[Center for Applied Ethics](#), University of Wisconsin-Stout
Center for Ethics and Business, [Loyola Marymount University in Los Angeles](#)
[Center for Ethics in Science and Technology](#), University of California, San Diego
[Center for Ethics](#), University of Texas at Tyler
Center for Professional Ethics, [St. Mary's University](#)
[Center for the Study of Ethics in Society](#), Western Michigan University
[Cintas Institute for Business Ethics](#), Xavier University
[Collaborative IRB Training Initiative \(CITI\)](#), University of Miami
[Ethical Inquiry at Carleton \(EthIC\)](#) Carleton College
[Florida Atlantic University](#), Department of Philosophy
[Fordham Center for Ethics Education](#), Fordham University
[Hersher Institute for Applied Ethics](#), Sacred Heart University
[Institute for Business Ethics and Sustainability](#), Loyola Marymount University
[Institute for Ethical Leadership](#), Rutgers University
[Jackson Family Center for Ethics and Values](#), Coastal Carolina University
[Leadership, Ethics and Values Program](#), North Central College
[Lehigh University Center for Ethics](#), Lehigh University
[Lincoln Center for Applied Ethics](#), Arizona State University
[LSU Ethics Institute](#), Louisiana State University
[Penn State University, Department of Honor and Integrity](#)
[Poe Center for Business Ethics Education and Research](#), University of Florida
Project in Professional Ethics, [University of Houston-Clear Lake](#)
[Richard Richards Institute for Ethics](#), Weber State University
[Robert J. Kutak Center for the Teaching and Study of Applied Ethics](#), Univ Nebraska-Lincoln, College of Law

[Robert J. Rutland Institute for Ethics](#), Clemson University

[Roger Mudd Center for Ethics](#), Washington and Lee University

[San Diego State University](#)

[San Francisco State University](#)

[Texas A&M University](#) – San Antonio

[The Leadership Center](#), Fort Lewis College

[University Center for Human Values](#), Princeton University

[University of California, San Diego, Department of Philosophy](#)

[University of Miami Ethics Programs](#), University of Miami

[University of South Florida](#), St. Petersburg, Journalism and Media Studies

[UNM School of Medicine Institute for Ethics](#), University of New Mexico

[VADM James B. Stockdale Center for Ethical Leadership](#), United States Naval Academy

[Villanova University Ethics Program](#), Villanova University

[Virginia Commonwealth University](#)

[Wendt Center for Character Education](#), University of Dubuque

[Yale Interdisciplinary Center for Bioethics](#), Yale University

Conflict of Interest Subcommittee Report

Members:

Purvi Mody, CPA, CHC; Executive Director of Internal Audit, HSC Health System [Co-Chair]

Arthur Culpepper, Ph.D., FACHE, CCP; Chief HSC Compliance Officer [Co-Chair]

Ana Andzic Tomlinson, J.D.; Executive Director. Office of Research & Compliance [Chair]

1. Subcommittee Name.

Sub-Committee on Conflict of Interest (COI)

2. Literature/Resource - Review/Research/Best Practice from Peers or others.

We have compiled and reviewed COI policies, and codes of conduct from peer and selected non-peer institutions (total of 33 universities have been considered), namely:

Peer institutional considered:

Arizona State University
Florida International University
New Mexico State University
Oklahoma State University
Texas A&M University
Texas Tech University
University of Arizona
University of California – Riverside
University of Colorado – Boulder
University of Colorado – Denver
University of Houston
University of Iowa
University of Kansas
University of Missouri – Columbia
University of Nebraska – Lincoln
University of Nevada – Las Vegas
University of Oklahoma – Norman Campus
University of Tennessee
University of Texas – Arlington
University of Texas – Austin
University of Texas – El Paso
University of Texas System
University of Utah

Additional, non-peer universities that were considered:

Duke University
Harvard University
North Carolina State
University of California at San Diego
University of California system

University of California at Los Angeles
University of California, Berkley
University of North Carolina
University of Texas
Yale University

3. UNM existing policies reviewed.

The following UNM policies have been considered:

Board of Regents Policies:

- **Section 1.8: Regent Code of Conduct and Conflicts of Interest Policy;** Adopted 1996.09.12, Last Amended 2003.09.09
- **Section 5.5: Outside Employment;** Adopted 1996.09.12
- **Section 5.10: Conflicts of Interest in Research;** Adopted 1996.09.12, Last Amended 2000.07.11
- **Section 5.17: Conflicts of Interest Waiver Policy for Technology Transfer;** Adopted 1999.10.12
- **Section 6.4: Employee Code of Conduct and Conflicts of Interest;** Adopted 1996.09.12, Last Amended 2004.06.09

University Administrative Policies and Procedures (UAP):

- **Policy 2215: Consensual Relationships and Conflicts of Interest;** Originally Issued 2014.11.25
- **Policy 3210: Recruitment and Hiring;** Originally Issued 1990.05.01, Last Revised 2018.12.05
- **Policy 3720: Employee Code of Conduct;** Originally Issued 1992.07.30, Last Revised 2017.09.30
- **Policy 4000: Allowable and Unallowable Expenditures;** Originally Issued 1991.11.01, Last Revised 2019.02.20
- **Policy 4030: Travel;** Originally Issued 1989.03.01, Last Revised 2019.02.20

Faculty Handbook (FHB):

- **C30: Employment of Relatives;** Adopted by the Regents initially 1991.11.01 and most recently 2008.08.01
- **C130: Outside Employment and Conflicts of Commitment;** Approved by the Regents 2008.04.30
- **E80: Conflicts of Interest Waiver Policy for Technology Transfer;** Approved by Faculty Senate 1999.08.24 and Board of Regents 1999.10.12
- **E110: Conflicts of Interest in Research;** Adopted by the Regents 2000.04.11, revised by the Faculty Senate 2003.04.22, & approved by the President 2003.05.12

Other Governing Documents:

- Student Code of Conduct
- Visitor Code of Conduct

- HSC Code of Ethics
- Draft HSC Code of Conduct

Synapses of UNM’s Codes of Conduct and other Governing Documents:

Regents' Policy Manual - Section 1.8: Regent Code of Conduct and Conflicts of Interest Policy – Board of Regents (BOR) members must avoid any conflict of interest that could influence the independent appraisal in the performance of their board duties. There is no methodology specified to determine whether BOR members’ commitment has been compromised.

Regents' Policy Manual - Section 4.2: Student Code of Conduct – Emphasizes to full-time and part-time, undergraduate, graduate and professional studies students pursuing demonstrating ethical behavior and good conduct pursuant to their academic endeavor.

Regents' Policy Manual - Section 2.8: Visitors to the University – Addresses expected behavior for those individuals who are visitors to a UNM campus, specifically if that individual behavior interferes or interrupts the activities of daily operation of the institution. The document attempts to specifically outline various sanctions applied to individual conduct not aligned with the policy.

Regents' Policy Manual - Section 6.4: Employee Code of Conduct and Conflict of Interest Policy applies to all employees (faculty and staff) of the University, to public and student members of University advisory boards and committees, and other volunteers serving in an official capacity. Policy addresses standards of business ethics in transactions with the University, with state, federal, and local governments, and with the public. It provides enforcement mechanisms for some categories of constituents but not all.

Administrative Policies and Procedures Manual - Policy 2220: Freedom of Expression and Dissent – Prepares individuals for the possibility of courteous discord, which may subject an individual to concepts that could be seen as offensive or conflicting.

Administrative Policies and Procedures Manual - Policy 2200: Reporting Suspected Misconduct and Whistleblower Protection from Retaliation – Provides an enforcement mechanism for COI policies (and other UNM policies) which do not prescribe procedure for redress of COI violations.

4. Identification of key/critical issues within the topic.

Conflicts of interest can profoundly impact ethical and moral disposition of any institution. They can arise in a multitude of contexts and can affect different areas of University activity. Conflicts of interest invariably cut across multiple facets of any university enterprise. Not surprisingly, all above-referenced institutions have multiple COI policies and resort to a decentralized manner of enforcing COI, just as UNM does.

COI redress can be organized by the general type of COI involved in the extra institutional activity, for example, by broadly classifying the outside activity into financial vs. non-monetary. Most canvassed schools delineate between institutional and individual conflicts of interest but do not divide regulatory and enforcement regimes along those lines. Instead, they use a mixed approach to categorizing its governing policies and mechanisms by university affiliation and the nature of professional activity outside the university.

Delineation between institutional and individual conflicts of interest merits mention since it arises across all of the above-referenced categories. Institutional COI concerns situations in which financial interests of the institution or an official, acting within the official's authority on behalf of the institution, may affect or appear to affect the institutional activities (education, research, financial transactions, clinical care, or other activities of the institution). Institutional COIs are such that the financial interests can create the potential for inappropriate influence over the institution's activities. Institutional conflict may also arise when the resources of the campus or university are utilized in a way that is incongruent with the mission, obligations, or values of the institution (primary objective) and that is for financial gain. Individual COI arises when a secondary objective could affect the performance of a person's responsibilities on behalf of the university (primary objective). Approximately 1/3 of the canvassed institutions has policies specifically addressing institutional vs. individual COI but those policies, along with the remaining COI policies within those institutions, required duplication due to inherent conceptual overlaps.

Typically, COI is classified by the type of university appointment/affiliation (such as the regents, leadership, faculty, staff, students, visitors, and agents) and/or the nature of university activity (academic/teaching, purchasing/procurement, research, technology transfer, gifts/donations, consensual relationships, nepotism/employment of relatives, etc.). The vast majority of universities we considered blend the nature of activity classification with the university affiliation approach. As detailed in this section, UNM is not an exception.

Analysis of Policies on Conflicts of Interest:

Most universities have the following policies on COI:

- Conflict of Interest in Research,
- Conflict of Interest in Technology Transfers and Start-Ups,
- Conflict of Interest in Purchasing/Procurement,
- Nepotism/Employment of Relatives,
- Conflict of Interest in Consensual Relationships (*this report will address this type of COI as a separate category*), and
- Conflict of Commitment in Research.

Universities that seem to have best practices also include additional explicit redress of:

- Conflict of Interest in Academia/Teaching,

- Conflict of Interest associated with Gifts and Donations,
- Conflict of Interests by the regents and top leadership,
- Conflict of Commitment in academic/educational work,
- Conflict of Commitment by staff employees (including leadership/top administrators),
- Conflict of Interest in delivering clinical care,
- Conflict of Interest in receiving non-monetary awards and gifts,
- Nepotism that arises after/following the hiring process, and
- Conflict of Interest post-employment and post-separation from the university.

Careful balancing and management of the university's and individuals competing interests is addressed in varying degrees in any of these policies. **Overall, UNM's policy organization and content comports with the national norm and exceeds most peer institutions. UNM could bolster policy redress in the following areas:**

- A. Nepotism that arises after/following the hiring process;
- B. Conflict of Interest associated with Gifts and Donations outside the research context (compliance in the research context has been accomplished by both Main Campus and HSC through implementation of UNM Foundation Procedure 3.1.2 Institutional Conflict of Interest Review);
- C. Conflict of Interest in Technology Transfers and Start-Ups (by defining "substantial interest" referenced within it and ensuring its publication mandates comport with state law);
- D. Norms which address COI for regents and top administrators (VP level or above). UAP 3720 calls for collection of financial disclosure statements but the redress of COI reflected in those statements is not clear. Proper redress of COI here could be accomplished on a process level by the enforcers, namely, UNM Office of University Counsel and the Executive Vice President for Administration but the governing document should be prescriptive on who handles the disclosed COI and how;
- E. Conflict of Commitment by faculty (bolster procedural redress and implementation);
- F. Conflict of Commitment by staff employees, including leadership/top administrators (bolster policy and procedural redress and implementation); and
- G. Conflict of Interest in delivering clinical care (bolster policy and procedural redress and implementation).

Analysis of Conflicts of Interest-related Codes of Conduct:

Codes of Conduct (Code) of other institutions are more comprehensive compared to UNM's. Institutions with a more harmonized approach to COI enforcement have more comprehensive Code(s) of Conduct.

Best practices seem to include:

- Code applies to all members of the university and are global in scope to cover relevant and important issues or risk areas.
- Code communicates the university's expectations of proper conduct and what professional conduct the university values.
- Code clearly outlines the university's driving principles and the university's brand and reputation.
- The code provides guidance to employees on day-to-day decision making, encourages ethics and compliance, and empowers employees to handle ethical dilemmas.
- The code is links to references to policies and/or procedures and other documents to help employees to locate relevant that documents.

The Code of Code and Code of Ethics were combined at approximately one-third of the universities that were reviewed. Although some institutions combine these documents, it is not the recommendation of this Committee for these guidelines to be combined. The Code of Conduct provides employees with guidance on how to act and policies to follow on how to act. The Code of Ethics provides employees with common ethical concerns and dilemmas and general guide on how University members should approach problems.

5. Recommendations – Suggestions for improvement or change.

1. UNM should bolster COI redress in certain policy areas. For specifics, please see sub-section "Analysis of Policies on Conflicts of Interest" above. Two areas seem especially noteworthy: enforcement of conflict of commitment under UAP 3720 and UNM FHB policy C130 and management of family relationships for preclusion of nepotism post-hiring (both from the policy and enforcement perspective).
2. UNM COI policies should be reviewed for compliance with state law, especially those laws which are enumerated in the COI policies such as the New Mexico Governmental Conduct Act, Procurement Act, Public Moneys Act, and Research Park Act. This review should be done to capture amendments to the New Mexico Governmental Conduct Act (made in 2011), amendments to the New Mexico Procurement Act (2013), and more recent updates to New Mexico Attorney General's Guide to New Mexico Governmental Conduct Act (2015) and procurement-related rules (ongoing).

3. There may be systemic gaps across campuses enforcement-wise due to decentralization. Documentation, management, monitoring, and enforcement are highly decentralized and an average constituent cannot grasp all his/her obligations. Tracking across the organization seems lacking. Communication, record keeping practices (disclosure, decision, management, monitoring, enforcement, sanctions) need to be clearer and improved in non-research contexts.

We note lack of consolidated enforcement across the institution and record keeping/tracking which, among other things, is needed to avoid duplication of efforts across UNM's operational silos. Enforcement outside the research context should be further researched due to lack of published guidelines and procedures detailed above. Processes and procedures need to be more prominently featured and/or implemented to better detect, determine, decide, and implement tools for COI enforcement outside the research and procurement contexts. This issue needs to be explored further, both from the policy and enforcement perspective, in order to exceed mere compliance and move toward building a truly functional culture of ethics.

4. Policy enforcement and implementation can be bolstered through a data storage and maintenance tool (akin to a database). A centralized repository is recommended akin to a very simple query database, to track information on affirmative COI disclosures and areas where they arose. This repository will help ensure that redress of COI is accomplished across various facets of COI enforcement, for each individual with affirmative disclosures. Due to confidential nature of this information, the database information would be limited to topic/policy area, without any specifics, and access would be given only to UNM officials who enforce COI mandates.
5. Establishment of an Ethics Center/Office that would be responsible for leading and directing Code of Conduct and Ethics enforcement on a university level. Center would create the platform for establishing, interpreting, and communicating standards and guidance for Code of Conduct and Ethics, including information within current Regent, Faculty Handbook, and UAP policies. Center would annually identify key metrics for monitoring adherence with the various COI policies (but it could be broader than COI *per se*).
6. Establishment of a [general] Conflict of Interest Committee (perhaps one for HSC and one for Main and Branch campuses) that is/are comprised of a multidisciplinary team to advise on the COIs outside the research context

(where there are already such committees in place). There is a lack of a committee in governance outside the research context. The new COI committees' composition should have a diversity of the members including consideration of expertise but also in terms of ethnic groups, gender, and cultural backgrounds.

Implementation procedures for a policy and the relevant COI committees (general and research committees) will be determined by each cognizant committee, with the approval of the cognizant UNM official or her/his designee. Financial thresholds for relationships requiring management will be included in the operating procedures for each COI committee.

When a potential financial COI exists, the applicable conflict of interest committee would be positioned to take appropriate action, which may include the elimination of the financial conflict of interest, approval of a management plan or adoption of an alternative course of action, and advising deciding officials about potential non-compliance or serving as the deciding official in policy areas which lack enforcement prescription and procedures.

7. UNM COI regime does not model best practice for Code of Conduct. It speaks mainly to Conflict of Interest and not so robustly about other ethical matters. If comprehensive Code of Conduct is not implemented, then at least a COI policy compendium needs to be published so that each UNM constituency is provided with a road map of where COI can arise, how it can be managed, and how to proactively structure arrangements that avoid COI problems.

Bolstering UNM's approach to harmonizing our COI policies can be achieved by creating one comprehensive Code of Conduct that reaches across UNM's silos and addresses various constituencies. Multiple Codes of Conduct may be merited only if needed for different constituencies because a road map to various facets of COI redress is much needed and can be better achieved through one comprehensive Code (with supplements for, for example, UNM Hospitals, UNMH to address more restrictive mandates UNMH is governed by).

8. As detailed above, UNM division of various types of COI, types of activities where it arises, and constituencies involved works well provided that certain additional categories of COIs and classes of involved constituencies are addressed in the future. The current framework is conducive for supplementing UNM's existing COI policies.

9. Code of Conduct and Ethics and COI policies should be reviewed and re-approved every 3 years, or as needed, to reflect business and regulatory changes.

6. Enforcement/Accountability.

An effective Code of Conduct and Ethics training program requires a strong support, endorsement, and message from the top that ethical behavior is a critical part of the institution's success. Also, training should focus on preventing unethical behavior and promotion of UNM mission, vision, and values. Training and education can be face-to-face or online, with specific education modules addressing topics such as: conflicts of interest, gifts and entertainment, and political and other extraneous activities. Education can also be developed to focus on problem areas. In order to foster improvement in institutional culture, Code of Conduct and Ethics training must go beyond simply distributing information and have to incorporate effective promotion and development of ethics and integrity across units within UNM, in a cascading manner.

Financial and UNM Resources Subcommittee Report

Members:

Victor Griego, Interim Director (Chair), Purvi Mody (Health Systems Executive Director for Internal Audit), Janice Ruggiero (Athletics Senior Associate Athletics Director)

Background:

The Ethics Taskforce Financial and UNM Resources Subcommittee members include, Victor Griego (Interim Director for Internal Audit), Purvi Mody (Health Systems Executive Director for Internal Audit), and Janice Ruggiero (Athletics Senior Associate Athletics Director). The subcommittee was tasked to perform the following:

- Review literature, research, and best practices on subcommittee topics;
- Review peer institutions policies and procedures for comparison, informational, and identification of key issues and best practices;
- Review UNM policies on subcommittee topics and provide recommendations for amendment, improvement, or development;
- Review existing training and education program as it relates to financial and UNM resources.

Subcommittee Procedures

The subcommittee reviewed the University Administrative Policies to identify those that pertain to financial and UNM resource matters. Seventeen (17) UAPs were initially identified as potentially within the scope of our review. Upon further discussion, the subcommittee reviewed EthicsPoint compliance database over three-year period to identify common policy violations. This information was used to identify key policies that were most frequently alleged to have been violated. The subcommittee narrowed the scope to 7 policies:

1. 7205: Dishonest and Fraudulent Activities
2. 4000: Allowable and Unallowable Expenditures
3. 2610: Time and Leave Reporting
4. 7710: Property Management
5. 2000: Responsibility and Accountability for Information Transactions
6. 4030: Travel
7. 2480: Incentives for Program Participants

Members of the subcommittee were tasked with reviewing selected UNM policies and peer institution policies and procedures for comparison, information, and identification of key issues and best practice. The peer institutions selected by the subcommittee are listed below.

- a. Arizona State University
- b. New Mexico State University

- c. University of Texas El Paso
- d. University of Arizona
- e. University of California – Riverside

Identification of key/critical issues and Recommendations

The subcommittee’s review of select financial policies and comparison to selected peer institutions identified the following key issues. The subcommittee has included recommendations to address the key issues identified.

- In many cases, UNM’s financial policies use words such as “may”, “shall”, and “should”, which can imply to the reader that the policy language is for guidance only or may indicate it is a requirement or mandatory. The words used in these policies leave the policies for interpretation by reader and may not correspond to the expected actions and behaviors.

Recommendation: The UNM policy office review key financial and UNM resources and policies to determine if language in key policy requirements can be strengthened. Language for key policy requirements should be updated using words such as “must”, “must not” to indicate mandatory compliance.

- The structure of financial and UNM resources policies on the Policy office’s website are not consistently classified by function and/or classification.

Recommendation: The policy office should review the current structure of University Administrative policies and procedures on its website and determine if the structure appropriately organizes financial and UNM resource policies by function and/or classification. Organization by function and/or classification would make it easier for UNM employees to locate for review and/or research.

- Key University policies are not always reviewed and updated on a regular basis. Two of the seven policies reviewed were not revised within the last three years. UAP 7710: Property Management was last revised on 12/17/2015 and UAP 2000: Responsibility and Accountability for Information Transactions was last revised on 1/1/2012.

Recommendation: UNM policies should be reviewed on a regular basis. Key financial and UNM resources policies should be reviewed at least every three years to reflect business and regulatory changes

- An online “Ethics” training course is currently offered through Learning Central. However, the course is not mandatory for UNM Staff and Faculty, and is taken on a voluntary basis. In addition, the course does not include a focus on ethical behavior pertaining to financial transactions and UNM resources. The face-to-face Ethics training

for financial and UNM resources is not currently provided to UNM employees. New and experienced UNM employees may not be familiar with key financial and UNM Resources policies and procedures.

Recommendation: Ethics training in Learning Central should be updated to include a component of ethical behavior pertaining to financial transactions and UNM resources. An initial training should be mandatory for all UNM employees as part of their annual required training. It can then be made required on a less frequent basis, such as once every three years. In addition, face-to-face financial transactions and UNM Resources training should be provided during “New Employee Orientation”. A brief presentation can be developed and presented by the Internal Audit and Compliance departments to new hires during “New Employee Orientation”.

- UNM does not currently offer its employees guidance or education in how to behave ethically as it relates to financial activities and protecting UNM resources. Without providing resources, such as Manuals and/or a Code of Conduct, it is challenging to make employees aware of key policies and procedures for financial transactions and UNM resources.

Recommendation: Code of Ethics should be developed and distributed to UNM employees. The development of a financial ethics manual and/or financial and UNM Resources Code of Conduct could include key policies and procedures and provide guidance for following policies, as well as consequences for violation. Guidance should be provided to new employees during “New Employee Orientation”, available online, and distributed to departments through the UNM mailing system.

Specific Policy Identification and Recommendations:

UAP 2000: Responsibility and Accountability of Information Transactions

- The policy does not specify or give examples to which transactions this policy applies.
- This policy seems to place too much burden on the initiator/originator/approver of the transaction. Responsibility should also include the person that is submitting the request. The requester should be responsible for submitting valid and compliant information and transactions. This should be indicated by the policy.

UAP 2610: Time and Leave Reporting

- The policy only specifies requirements for time and leave reporting review and approval for non-exempt employees. Section 1 of the Policy should also state departments are expected to designate an appropriate person for time and leave review and approval for exempt employees as well.

- Section 3 of the policy only addresses entering and processing time in the HR Banner System. Several UNM departments utilize Kronos (Lobotime) for time and leave reporting. The policy should address time and leave reporting and processing using Kronos as well.
- Section 4 of the policy may not be applicable to departments utilizing Kronos.
- The policy should discuss the importance of all UNM employees including exempt and non-exempt adhering to work schedules and accurate time and leave reporting.

UAP 2480: Incentives for Program Participants

- The policy should be reviewed to determine if it addresses most current regulations.
- This policy leaves it up to departments to allow incentives for program participants. UNM should consider making this process centralized to ensure the University is meeting all required tax regulations.
- UNM should consider changing the title of the policy to “Compensation for Subjects” or “Compensation and Payment for Participants”.

UAP 4000: Allowable and Unallowable Expenditures

- Section 2.1 should be updated to refer to Vice President for Finance and Administration.
- UAP 7200: Cash Management also authorizes the UNM Controller to approve an external bank account. Section 2.1 only indicates the VP for Finance and Administration has authority for authorizing an external bank account. This policy should be updated for consistency with UAP 7200 indicating University Controller granting approval for external bank account. Alternatively, UAP 7200 should be updated for consistency with UAP 4000 regarding external bank accounts.
- Section 2.2: Second sentence should be revised or stricken from policy. UNM funds used for fundraising or donor cultivation, even when reimbursed by UNM Foundation or Lobo Club, increases the risk of violating the Constitution’s Anti-Donation clause.
- Other institutions give examples of violations of the procurement code. This policy should also provide specific examples of what is not allowable

UAP 4030: Travel

- Other peer institutions reviewed require authorization prior to traveling. UNM policy states, “Department may establish procedures for requiring prior approval for travel...” UNM should consider revising this policy making it mandatory to obtain preauthorization prior to travel.
- Other peer institutions reviewed have a check list of non-reimbursable incidentals. This policy should also specify a list of non-reimbursable incidentals.

- Other peer institutions explain funding restrictions in policy between private and public funds. This policy should provide similar guidance as there have been issue in this area at UNM (Athletics).
- Other institutions explain in depth requirements for cash advances. For example, guidance is provided to what happens when unused cash advances for travel are not returned within a certain time period resulting in advances being taxable. Similar guidance should be added to this policy.
- Other institutions explain mixing personal with business travel with family, spouse or domestic partners in depth. UAP 4030 should explain taxability family travel. This policy provides limited information on mixing personal travel with business travel. This is an area that can be abused, so recommend that more details are given, and exact rules are spelled out for employees.
- UAP 4030 primarily discusses employee reimbursements for travel even though travel is primarily financed with the use of a P-Card. The policy does not explain a process for obtaining competitive pricing for lodging or airfare. It was noted, P-Card policies and procedures generally refers to this UAP 4030 for requirements when purchasing travel with a P-Card. The need for competition for booking travel with a P-Card should be discussed in this policy.

UAP 7205: Dishonest or Fraudulent Activities

- Section 1 of this policy only indicates complaints being submitted through UNM hotline. Complaints can also be reported by walk-in, phone calls, letter, or e-mail directly to Internal Audit, HR, or Compliance Office. This policy should indicate these other processes for submitting complaints.

UAP 7710: Property Management and Control

- Other peer institutions' policies reviewed discuss the Anti-Kickback Act of 1986. This policy should provide detail of the Anti-Kickback Act pertaining to property management and control.
- Other institutions' policies reviewed discuss conflict of interest issues for using University equipment for personal use. This policy should provide further detail discussing conflict of issue concerns that rise from using UNM equipment for personal use.
- Other institutions' policies reviewed discuss how to handle fabricated equipment. Recommend we adopt this as UNM does not have this.
- Property management is an area that has a high risk for misusing equipment. UNM should develop a "Misuse of Equipment" policy detailing out what is not permissible for the use of UNM equipment.
- UNM policy does not indicate the internal approval review and approval process for the purchase of equipment. Although approval tiers are assigned at the department level for review and approval, these tiers are not specified in policy.

Recommendation: The University Policy Office should consider the observations and recommendations for the above selected policies and revise policies accordingly. Revised

policies should clearly provide guidance and requirements for issues identified during this subcommittee's policy review.

Additionally, all UNM policies should be reviewed for compliance with state law, especially those enumerated in the Conflict of Interest (COI) policies such as, but not limited to, the NM Governmental Conduct Act, Procurement Act, Public Moneys Act, and Research Park Act. This should be done in partnership with OUC but also in collaboration with the enforcers of these state laws, namely, the NM Attorney General and District Attorneys.

CONFIDENTIAL

Consensual Relationships Subcommittee Report

Members:

Stephen Bishop (Chair) and Francie Cordova (Compliance)

I. Introduction

The Consensual Relationship Subcommittee (CRS) was asked to analyze and make recommendations regarding consensual relationships on campus in order to maintain an academic and workplace environment free from favoritism, exploitation, or conflict of interest. This consideration includes relationships that may be consensual in nature but which may create actual or perceived conflicts of interest, exploitation, favoritism, or harassment because of an academic or employment power differential.

The Subcommittee consists of Professor Stephen Bishop and Francie Cordova, Interim Chief Compliance Officer, in consultation with Senior Vice Provost Barbara Rodriguez, Professor Elizabeth Hutchison, Women's Resource Center (WRC) Director Jessica Holland, WRC advocates Caitlin Henke and Elisa Davidson, PhD Nursing student Alicia Webster, Law student Natalie Saing, and Dr. Jonathon Bolton. The Subcommittee also consulted with Professor David Weiss. The Subcommittee gathered data from the EthicsPoint system, the Office of Equal Opportunity (OEO) and the UNM campus climate surveys. The Subcommittee also reviewed UNM's consensual relationship policy set forth in University Administrative Policy (UAP) 2215 and conducted literature reviews and peer institution policy reviews from over a dozen other universities as well as selected issues of *The Chronicle of Higher Education*.

II. Peer Review

Rather than go into a policy by policy review of every consulted university's approach to the issue, we will provide a resume of the four approaches that are most common across US institutions of higher education. There is no one clear majority approach out of the following:

- 1) *Bright Line* – total ban (i.e., no such thing as a consensual relationship between a faculty member and a student). There are bright line policies (notably The University of Michigan's) that allow for certain, specified exceptions, however.
- 2) *Limited prohibition* – All relationships between a faculty member and a student require notification of the faculty member's direct supervisor. Guidelines concerning the professional (not personal) relationship are then drawn up among at least those three parties and kept on file.
- 3) *Discouragement* – Prior to any specific relationship or upon the disclosure of a specific relationship, the faculty member and student are advised that it is not a good idea, perhaps including having the specific risks pointed out, but are allowed to proceed as they fit.
- 4) *No policy* – Only true in the technical sense as there are other policies – sexual harassment, nepotism, conflict of interest, etc. – that are considered to address the matter sufficiently.

III. UNM Existing Policies

A. UAP 2215 – Consensual Relationships and Conflicts of Interest

Effective November 25, 2014, UNM adopted the Consensual Relationship policy, which applies to all faculty and staff. The policy focuses on consensual relationships in the context of a conflict of interest or ethical concern. The policy defines a consensual relationship as “a relationship in which a superior and a subordinate are engaged by apparent mutual consent in a romantic or sexual relationship.” The policy requires that a superior (defined as someone who exercises authority over the subordinate, such as teaching, teaching assistants, supervising, evaluating or advising) must disclose a consensual relationship to their immediate supervisor and the immediate supervisor must manage the conflict of interest posed by the relationship. If the subordinate is a student, the immediate supervisor of the superior should endeavor to preserve the student’s immediate and long-term educational opportunities and career progression. The policy contains a sample management plan that can be used to track disclosure and articulation of the mitigation plan.

Anecdotally, many stakeholders, from high-level administrators to students, were unaware of the policy or the mitigation plan sample. Those that were aware of the policy indicated that the few staff and faculty that actually disclosed a relationship and created a mitigation plan were already cognizant of the potential issues that may arise, and were likely to mitigate them anyway. UAP 2215 is not being used by those that do not recognize the risks or want to hide the fact that they are in a relationship that may negatively impact the subordinate’s education or and/or career.

B. Health Sciences Center

The Health Sciences Center (HSC) is considering a policy that addresses personal relationships in the context of nepotism and conflict of interest. The draft policy has a requirement for disclosure and mitigation similar to UAP 2215.

C. Faculty Senate Policy Committee

The Faculty Senate Policy Committee is also looking into the possibility of developing a faculty policy on consensual relationships, one that would complement revisions to the UAP policy but centering the faculty’s interest in and responsibility for addressing consensual relationships. The FSPC has consulted with members of the Subcommittee but its own discussions are not very advanced or specific at this time.

IV. Identification of Issues

Based upon review of literature, data, anecdotal conversations, and subcommittee member expertise, the Subcommittee identified the following issues:

1. The UNM community is not aware of UAP 2215 or how it is administered. How are management plans created? Who tracks them? Who enforces them?

2. UAP 2215 as written has many gaps and does not reflect current challenges to addressing consensual relationships in higher education/academia. For example, simply removing a student from a faculty member's class may not remove the potential conflict or risk of exploitation or favoritism as the faculty member may be key to the student's greater academic advancement and career beyond the university, especially as concerns thesis committees, conference networking, or letters of recommendation. Furthermore, the idea that a student can stay in a class with a professor with whom s/he is having a relationship and simply be graded by another professor is not acceptable, yet possible under the current policy.
3. Similarly, the ability to "manage" power imbalances by moving an employee or student to a different faculty or supervisor, does not consider the future risk or continued academic or career impact.
4. People outside the relationship may be impacted and are not considered by UAP 2215. This includes other students or employees that feel the subordinate in the relationship is being favored or getting additional academic or employment attention.
5. The subordinate may not consider the relationship to be "consensual" because of the power differential or "quid pro quo" dynamics. This power differential cannot be ignored or underestimated.
6. The policy does not address relationships that may not be physical but are still emotionally connected and have the potential for exploitation and inherent risk, including financial pressure or favoritism.
7. Participants may not define their status as a "relationship" because it is clandestine, and therefore will not disclose pursuant to UAP 2215. Disclosure is a key element to encourage.

V. Recommendations

The subcommittee's overall recommendation is a *Bright line* policy with *exceptions*. We feel it is important to give some background to how we arrived at this decision, however, before proceeding to the specific issues involved. The subcommittee's initial decision was to support a *Limited prohibition* policy, largely based on the indirect testimony of students and experts in *CHE* articles on the subject and the direct testimony of UNM students as to their concerns. The primary impetus for choosing *Limited prohibition* was that:

- a) *Notification and conflict-avoidance procedures*, such as UNM's current policy, are inadequate and even detrimental to addressing the problems stemming from consensual relations, for the reasons explained above in IV.
- b) *Discouragement* is nothing but an attempt at legally shielding the university without addressing the actual problem, and therefore does not represent best practices.
- c) *No policy* could be fine if other policies were handling the problem, but they are not and a direct addressing of it is superior anyway.
- d) *Bright line* is not a realistic engagement with human nature since human beings will always seek out such relationships, and therefore a complete ban will only drive such relationships underground, precluding the seeking of advice or oversight. A *Bright line*

policy with exceptions seemed, initially, like an oxymoron: how could the university ban relationships between faculty and students, while also allowing exceptions to the policy?

Upon further discussion and reflection, however, partly in response to emerging best practices in higher education (cf NASEM Report and the Action Collaborative - <https://www.nationalacademies.org/our-work/action-collaborative-on-preventing-sexual-harassment-in-higher-education>) -- the subcommittee changed its opinion, opting instead to recommend a *Bright line policy with exceptions*. The subcommittee's revised recommendation is based on the following observations:

1. A *Bright line policy with exceptions* is substantively the same as a *Limited prohibition* policy, but has the advantage of making clearer the potentially serious nature of problems that can be attendant to faculty – student relationships. In simpler terms, a *Limited prohibition* policy suggests that such relationships are fine as long as certain problems are avoided while a *Bright line* policy suggests that such relationships are not fine unless certain conditions are met. The subcommittee felt the distinction important.
2. Implementation of a *bright line policy with exceptions* will be considerably more straightforward than a *limited prohibition* policy, because it will establish specific procedures for participants to seek an exception that allows a particular relationship to occur or continue in a manner consistent with university policy. The strong correlation between the policy principles (absolute prohibition) with the procedures for exception would facilitate communication and training efforts around the new policy.

Furthermore, the subcommittee addressed the issues raised above in section IV as follows:

1. Communication strategy for any new policy, but particularly one involving prohibition, is key. New Faculty Orientation must include a specific and explicit discussion of the issue, perhaps even with testimony from a (brave) student and/or faculty member who can outline just how badly a consensual relationship can turn for those involved. It could also be made part of the current mandatory online training, though the subcommittee is wary of adding another module to what is already an unpopular lineup of training sessions. Research into effective communication strategies, perhaps from C&J, HSC, Sociology, etc., is essential, and we recommend that these efforts draw on expertise in ADVANCE and the Action Collaborative as well.
2. The subcommittee has an incomplete answer to the quandary of management plans and who tracks them as well. The plans themselves are straightforward enough – certain power imbalances as detailed below will be disallowed – but where to keep or “register” such plans remains an issue to address. All suggestions are imperfect – Chairs’ files are not necessarily private enough, Deans (and Chairs, for that matter) are rarely experts in such matters, the WRC can be seen as non-impartial by some parties, CARS is not appropriate, and the Staff, Faculty, and Graduate Ombuds may have too many other duties to take on another. The last option is our current best suggestion, however.
3. Rather than relying on the general “management plan” encouraged under UAP 2215, we suggest that there is no “managing” of a potential problem. Either there is or could be a problem of power disparity, in which case the relationship should not proceed, or there is

not *and there is a no reasonable expectation of a future power disparity*, in which case the relationship is fine. For example, it is not just problematic if a student is currently in a faculty member's course, but also if that student can be reasonably expected to be in a future course, to need that faculty member as a member of a subcommittee, or to need assistance with networking or the writing of letters of recommendation. Simply barring ("managing") such future interactions is not sufficient as the lack of such support, especially when the faculty member is a known expert in the student's field, renders that person's absence glaring, and can therefore be just as damaging.

4. Similarly, moving a student to a different faculty or supervisor does nothing to avoid future risk or continued academic or career impact. The subcommittee's recommendation is therefore to ban all relationships between faculty members and students when their interactions throughout the student's degree and/or research program is likely to involve the faculty member excising power, whether academic, financial, or advisory, over that program (i.e., not just that student's direct participation in it). Put simply, a faculty member and a student can only enter a consensual relationship when there is no current or reasonably expected power disparity at play.
5. "Managing" a conflict of interest or possible favoritism does little to nothing to assuage the concerns of other students in that same class or program or faculty in that same department or program. The perception, often an assumption of bias is corrosive and impossible to manage. People outside the relationship are not considered by UAP 2215, an omission that must be corrected in UNM's policy.
6. The subcommittee can refer anyone interested to myriad (anonymous) stories of subordinates who felt pressured by the power differential of a proposed relationship. EthicsPoint, OEO data, and climate surveys indicate that sexual harassment by faculty, supervisors or others in positions of power is one the of the most common complaints and a large area of concern. We need to make sure that people cannot claim ignorance or innocence as to this danger to students' successful academic careers.
7. As hinted at above, the subcommittee is not concerned solely with relationships of a physical, romantic nature, but also ones that involve any strong emotional connection with the potential for exploitation, including purely financial arrangements.
8. The subcommittee recognizes that some participants in a relationship may not disclose out of shame, fear, ignorance, or taboo enjoyment. Sufficient advertising of a new policy is therefore key, as is the realization that failure to disclosure is a violation in and of itself and that not all relationships are banned (i.e., there are exceptions).

VI. Enforcement/Accountability

Enforcement of any policy that governs relationships is difficult and must be balanced with free will and personal rights. Nevertheless, UNM must take a proactive approach to address the potential for abuse and exploitation of students and others who lack institutional power. Even if UNM implemented every change proposed in this report, consistent and appropriate enforcement mechanisms would be necessary to ensure accountability to the underlying principles.

VI. Applicability to Staff

There is no reason that the word “staff” could not be substituted throughout this document, both for “faculty member” and “student”, but we did not include such language for the time being so as to make the document easier to read during these initial stages of development. It might be better to have an entirely separate, though very similarly worded document concerning staff or just to add the words “staff” and “employee” at appropriate points in this document. Whatever the format, the new policy should apply to everyone on campus, with an emphasis on power imbalances rather than formal titles.

CONCLUSION

The *President’s Task Force on Institutional Ethics and Integrity* has accomplished a great deal of work under a myriad of working conditions over the past several months, from normal working operations to our new current normal of remote working. This has presented some challenges for the group, but the group forged forward with a number of recommendations based on the extensive research each of the subcommittees has done. The subcommittees represent a diverse group from all areas of campus, including, faculty, staff and student representation from HSC, Main, and South Campuses. The subcommittees of the Task Force requested that their reports be added “as is”, so to represent the diversity of each subcommittee and not take away from each of the groups by assimilating the report into one homogeneous report. The Task Force arrived at a number of recommendations, some of which are briefly listed below:

- Creation of an ethics center
- Review of UNM Policies for consistency and ensure that employees understand them
- Rewrite the consensual relationships policy – consider a bright line version that focuses on power differential between the parties
- Refresh the institutional mandatory training with an ethics and integrity lens
- Mandate a civility and respectful campus training for all employees
- Have supervisors assist in the training of their employees for buy-in from management
- Mandate classes for graduate students revolving around ethics and integrity
- Provide opportunities for staff and faculty to seek guidance in making ethical decisions
- Review campus enforcement of ethics violations to delete systemic gaps in enforcement
- Establish a code of ethics for UNM
- Review policy structure at UNM

The *President’s Task Force on Institutional Ethics and Integrity* has provided their subcommittee reports to President Stokes for her review and feedback. These reports represent the hard work of each subcommittee’s diligence and effort in creating sound plans for each of their areas. The Task Force welcomes President Stokes input on the University of New Mexico’s next steps to provide an ethically centered and integrity based university, where we see the faculty, students, and staff doing the “right thing.” We look forward to assisting President Stokes in implementation of these efforts.

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