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THE UNIVERSITY OF NEW MEXICO

FACULTY SENATE MINUTES

1987-88

Volume 12



faculty senate

April 4, 1988

TO: Members of the Faculty Senate

FROM: Anne J. Brown, *Secretary*

SUBJECT: April Meeting

The Faculty Senate will meet on Tuesday, April 12, 1988 at 3:30 p.m. in the Kiva.

The agenda will include the following items:

- (pp. 1-6) 1. Summarized Minutes of March 8, 1988
- 2. Memorial Minute for Professor Theodore Abel -- Professor Patrick McNamara
- 3. Memorial Minute for Professor Emeritus Imogean McMurray -- Professor Mary Smith
- 4. Senate President's Report -- Professor Jack Omdahl
- 5. Announcements from the Floor
- 6. Address by Athletic Director John Koenig
- 7. Report on Status of Implementation of Fractionated Grading -- Vice President Paul Risser
- 8. Report from the Computer Use Committee -- *Postponed* Professor Harry Broussard
- (pp.7-26) 9. Intellectual Property Policy -- Professor Eulalie Brown
- (pp. 27-42) 10. Items from the Curricula Committee -- Professor David Null
 - a. Creation of AAS in Computer Application Technology/Valencia
 - b. Creation of AAS in Construction Technology/Valencia
 - c. Creation of AAS in Real Estate/Valencia
 - d. Creation of AAS in Science/Los Alamos
 - e. Creation of ~~AAS~~ ^{AAS} in Microcomputer Technology/Los Alamos
- 11. Report from the Long-Range Planning Committee -- Professor Ken Jungling
- (pp. 43-45) 12. Resolution re Use of Styrofoam Products -- Professor Leonard Stitelman
- 13. Report from the Merit Pay Policy Subcommittee -- Professor Stephen Dent

Faculty Senate

April 4, 1988

- 1. Summarized Minutes of March 8, 1988
- 2. Approval Minutes for Professor Theodore Abel
- 3. Approval Minutes for Professor Paulus Joseph Murray
- 4. Senate President's Report -- Professor Jack Omdahl
- 5. Announcements from the Floor
- 6. Address by Athletic Director John Koenig
- 7. Report on Status of Implementation of Restricted Faculty -- Vice President Paul Kiser
- 8. Report from the Computer Use Committee -- Professor John Kiser
- 9. Intellectual Property Policy -- Professor John Kiser
- 10. Report from the Curriculum Committee -- Professor Paul Kiser
- 11. Report from the Long-Range Planning Committee -- Professor Paul Kiser
- 12. Report from the Faculty Senate -- Professor Paul Kiser
- 13. Report from the Faculty Senate -- Professor Paul Kiser
- 14. Report from the Faculty Senate -- Professor Paul Kiser
- 15. Report from the Faculty Senate -- Professor Paul Kiser
- 16. Report from the Faculty Senate -- Professor Paul Kiser
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- 18. Report from the Faculty Senate -- Professor Paul Kiser
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- 20. Report from the Faculty Senate -- Professor Paul Kiser
- 21. Report from the Faculty Senate -- Professor Paul Kiser
- 22. Report from the Faculty Senate -- Professor Paul Kiser
- 23. Report from the Faculty Senate -- Professor Paul Kiser
- 24. Report from the Faculty Senate -- Professor Paul Kiser
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- 49. Report from the Faculty Senate -- Professor Paul Kiser
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THE UNIVERSITY OF NEW MEXICO

FACULTY SENATE MEETING

April 12, 1988

(Summarized Minutes)

The April 12, 1988 meeting of the UNM Faculty Senate was called to order by President Jack Omdahl at 3:30 p.m. in the Kiva.

Senators Present: Seymour Alpert (A&S), Alonzo Atencio (Med), Andrew Burgess (A&S), Carl Cords (Med), Stephen Dent (Arch & Plng), Garrett Flickinger (Law), Greg Franchini (Med), Douglas George (Fine Arts), Shyam Gurbaxani (Engr), Mary Ellen Hanson (Lib), Mary Harris (Educ), Richard Harris (A&S), William Hladik (Pharm), George Hozier (Mgt), George Huaco, (A&S), Kenneth Jungling (Engr), Walter Kyner (A&S), Lawrence Lynch (A&S), Wayne Maes (Educ), Jack Omdahl (Med), George Peters (A&S), Linda Saland (Med), Sandra Schwanberg (Nursing), Jerome Shea (U.Col), Priscilla Smith (Gallup), Leonard Stitelman (Public Ad), Richard Van Dongen (Educ), and Melvin Yazawa (A&S).

Absent: Cecilia Fenoglio-Preiser (Med), Clara Miera (Dental Prgm), Jane Slaughter (A&S), William Orrison (Med), and Donald Vichick (Med).

Minutes of March 8, 1988. Senator Seymour Alpert asked that the minutes of March 8, 1988 be amended to include two questions which he had asked President May during the President's report to the Senate. These questions were (1) could the salary earned by Vice President Jones, who has resigned from the University, be returned to the University if the position presently occupied by Vice President Jones were kept vacant and (2) what fraction of the sums that were available for salary increases would go into categories such as merit, compaction, and market factors? President May's answer to the first question was that the position of Vice President for Administration and Student Affairs could not be left vacant, and his response to the second question was that this decision would be made by the vice presidents and deans.

Senator Shyam Gurbaxani asked the minutes be amended to include the following statement:

After the President's budget report, calculations based on the premise that state supported "Instructional" funds should not be allowed to slip into the "General" category of the "I. & G." budget were presented by Professor Gurbaxani of the Senate Budget Review Committee. Thus, application of the 1987-88 budget ratio of "I"/"I. & G." to \$78.1M yields \$59M for "I" (for 1988-89) -- i.e., an increase of \$4.2M. The tuition increase of \$2M (then suggested) along with \$1.3M (from the unexpected windfall of Land and Permanent Fund) would make \$7.5M for the Instructional category. That would amount to well over a 10% salary increase as against the 4.5% just presented by the president. President May could not shed any more light except to note that the numbers seemed reasonable. He suggested a meeting to present his calculations.

The minutes were approved as amended.

Memorial Minutes. Memorial minutes for Professor Theodore Abel and Professor Emeritus Imogean McMurray were presented by Professor Emeritus Charles Woodhouse and Professor Pauline Turner respectively. The Senate adopted the minutes by rising vote and Secretary Brown was asked to send copies of the minutes to the next of kin.

Senate President's Report. President Jack Omdahl reported that the administrative review of Dean David Colton has begun. The Senate Operations Committee will visit the faculty of the Gallup Branch on Friday, April 15. The Regents met and heard students voice concern about KUNM Radio and Regent Accountability. Dr. Ellen Goldberg, chairman of the Department of Microbiology, has been named as this year's research lecturer.

As part of the President's report, Karen Glaser, Dean of Students, informed the Senate of the Mentor Program now being instituted by her office to promote interaction of students with faculty and staff at UNM.

Mimi Swanson, President of the Graduate Student Association, asked the Faculty Senate to become more politically active in the internal affairs of the University.

Announcements from the Floor. Senator Shyam Gurbaxani said that the faculty should ask for a voting member on the Board of Regents.

Professor William Gross, after being recognized by the Senate, asked the Senate to distribute a questionnaire to all faculty asking whether or not the sculpture, "Center of the Universe", should be removed from the campus. He was advised to take his request to the Operations Committee.

Senator Andrew Burgess asked the Senate to schedule a report from the University Staff Association for a future meeting.

Address by Dr. John Koenig. Dr. John Koenig, Director of Athletics, reported to the Senate on the activities of the Athletic Department.

Status Report on Implementation of Fractionated Grading. Vice President Paul Risser stated that it was hoped that fractionated grading could be implemented by Fall 1988.

Intellectual Property Policy. Professor Eulalie Brown, for the Research Policy Committee, presented the Intellectual Property Policy. (The entire policy was printed in the Agenda.)

Some concern was expressed about Section B 3(c) which applied to reimbursement for use of University resources. Mr. Al Sopp, University Patent Attorney, made several suggestions as to how the section could be amended.

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Senator Mary Harris moved that the Senate approve the policy with the understanding that Mr. Sopp and the Committee would amend Section B 3(c) in line with expressed concerns. The motion carried. It was noted that the final version of the policy will be distributed to all faculty members.

Resolution re Styrofoam Products. Upon recommendation by Senator Leonard Stitelman, the Senate passed the following resolution:

- WHEREAS: The disposal of solid waste is a growing problem facing our community, state, and nation, and
- WHEREAS: The University has not implemented any mandatory recycling programs for paper and other recyclable products despite the existence of accessible markets for those products, and
- WHEREAS: The production and use of styrofoam packaging materials compounds the solid waste disposal problem in general, and threatens the earth's protective ozone layer in particular because of the use of chlorofluorocarbons in the production of those materials, and
- WHEREAS: The University of New Mexico makes frequent use of styrofoam products, and
- WHEREAS: Alternatives to styrofoam packaging products and to other nonbiodegradable products are available now at an affordable price,

THEREFORE, BE IT RESOLVED THAT THE FACULTY SENATE

- 1) Encourage the use of biodegradable alternatives to styrofoam packaging in the various food services areas on the UNM campus, and
- 2) Encourages the development and implementation of a mandatory recycling policy for the entire University, starting with those materials for which markets already exist, such as paper, glass, and aluminum, and extending that policy to other materials.

It was understood that the letter accompanying the resolution will ask the administration to make a brief report to the Senate on action taken during the next academic year.

Items from the Curricula Committee. Upon recommendation by Professor David Null for the Curricula Committee, the Senate approved (1) creation of AAS degree in Computer Application Technology at Valencia; (2) creation of AAS degree in Construction Technology at Valencia; (3) creation AAS in Real Estate at Valencia; (4) creation of AS in Science degree at Los Alamos; and (5) creation AAS degree in Microcomputer Technology at Los Alamos.

Report from the Long-Range Planning Committee. Senator Ken Jungling, chair of the Long-Range Planning Committee, distributed the First Data Report on the 1987 Faculty Survey. He asked Senators to study the report and said that the LRPC would appreciate reactions, suggestions, or interpretations of the results.

Report from the Merit Pay Policy Subcommittee. Senator Stephen Dent, chair of the Merit Pay Policy Subcommittee, distributed a draft of "Merit Pay Evaluation Policies" and asked Senators to review the report and make suggestions or recommendations to the subcommittee.

MEMORANDUM FOR THE FACULTY SENATE
 FROM: [Illegible]
 SUBJECT: [Illegible]

The University of New Mexico makes frequent use of styrofoam products, and

The production and use of styrofoam packaging materials compounds the solid waste disposal problem in general, and threatens the earth's protective ozone layer in particular because of the use of chlorofluorocarbons in the production of these materials.

The University has not implemented any mandatory recycling program for paper and other recyclable products despite the existence of accessible markets for these products, and

The disposal of solid waste is a growing problem facing our community, state, and nation, and

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 SUBJECT: [Illegible]

MEMORANDUM FOR THE FACULTY SENATE
 FROM: [Illegible]
 SUBJECT: [Illegible]

The meeting adjourned at 5:40 p.m.

SUBJECT: [Illegible]

REQUESTED ACTION: [Illegible]

Respectfully submitted,

Anne J. Brown

Anne J. Brown, Secretary

SUBJECT: UNM Intellectual Property Policy

REQUESTED ACTION: Approve Attached Policy

BACKGROUND INFORMATION:

The Research Policy Committee appointed a subcommittee to develop a new intellectual property policy. Background information is contained in the "Memorandum" preceeding the policy on the following pages.

The new policy combines inventions, copyrights, chip protection, design patents, and trade secrets as subheadings with one overall policy. Under the new policy chip protection items and design patents are to be treated like copyrightable works. Trade secrets are earmarked for ad hoc treatment. Inventions and patents are treated in a manner similar to the old policy.

The policy was approved by the Research Policy Committee on March 22, 1988 and is brought to the Senate for its approval.

INTELLECTUAL PROPERTY POLICY

A new Intellectual Property Policy is proposed which addresses treatment of patents and inventions, copyrights, designs, microelectronic chips, trademarks, and trade secrets. The new policy features:

- >Greater incentives and rewards to University inventors, authors, and other creators of intellectual property;
- >Greater clarity and precision in defining how rights are allocated in intellectual property;
- >Ways to resolve potential disputes over rights to inventions and copyrights;
- >Increased flexibility in exploiting and realizing benefits from intellectual property;
- >A more cohesive management of intellectual property employing a patent administrator with executive responsibility in the Vice President for Research subject to Presidential oversight;
- >In general, a user-friendly policy intended to promote mutual assistance and cooperation among all affected parties in the area of intellectual property.

In essence, the new policy seeks to be user-friendly. As indicated in the Foreword, the new policy seeks to encourage inventors and other creators and the University to assist each other to enhance their incomes. Incentives and rewards are maximized. Greater clarity is provided to ensure that creators of University research work as well as creators are confident that their rights and interests are recognized and protected. Greater flexibility is afforded to encourage key roles by creators in marketing or otherwise exploiting their work including formation of companies. Monetary awards may be given for particularly meritorious inventions. Ways are provided for resolving disputes over rights to inventions and copyrights. The principal executive responsibility for

MEMORANDUM

SUBJECT: Subcommittee on Intellectual Property Policy--Proposed Revision and Brief Explanation

The Subcommittee on Intellectual Property Policy has developed a new proposed intellectual property policy (hereinafter referred to as the "new policy") to replace the present policy now in the Faculty Handbook on Copyrights (see pp. E-2, E-3) and Patents (see pp. E-7 to E-9) ("old policy"). As a convenience to the RPC and others who will be reviewing the proposed new policy, the differences between the old and new policies are identified and briefly discussed.

General

The new policy combines inventions, copyrights, chip protection, design patents, and trade secrets as subheadings within one overall policy. Under the new policy chip protection items and design patents are to be treated like copyrightable works. Trade secrets are earmarked for ad hoc treatment. Inventions and patents are treated in a manner similar to the old policy.

In essence, the new policy seeks to be user friendly. As indicated in the Foreword, the new policy seeks to encourage inventors and other creators and the University in assisting each other to enhance their interests. Incentives and rewards are maximized. Greater clarity is provided to ensure that sponsors of University research work as well as creators are confident that their rights and interests are recognized and protected. Greater flexibility is afforded to encourage key roles by creators in marketing or otherwise exploiting their works including formation of businesses. Monetary awards may be given for particularly meritorious inventions. Ways are provided for resolving disputes over rights to inventions and copyrights. The principal executive responsible for

intellectual property is the Vice President for Research with support and implementation by the Patent Administrator. A glossary of commonly used terms is provided. In general, in comparison with the old policy the new policy can fairly be described as more generous to inventors, authors, and other creators in the University community.

Particular Revisions

1. Patents and Inventions

The new policy (compared with old policy) adds a preliminary statement in par. A.1. that the University's intent is to not claim rights in inventions unless they fall into the categories specified in A.2. (a), (b), or (c). These categories refashion the language in 2.(i), (ii), and (iii) of the old policy so that:

A. In 2. a) of the new policy it is clarified that University rights correspond to the Government's and other sponsor's rights and reporting requirements in most of their contracts and grants;

B. In 2. b) it is clarified that University ownership requires that an invention be directly related to the Inventor's University research duties instead of arising merely as the "direct result" of (the inventor's) "duties" as in the old policy. This means, for example, that in the absence of applicability of criteria 2.a) and 2.c) of the new policy, inventors having no research duties will retain ownership of their inventions which relate to subjects they teach. Going an illustrative step further, the new policy would enable a faculty member doing research work as a consultant or in connection with his/her private business to retain ownership of an invention even though, under the old policy, that invention would arguendo be "the direct result" of the faculty member's teaching "duties" involving the same subject matter as the research work. This change is intended to reduce apprehension and confusion regarding the meaning of the broad term "duties" as it applied to invention rights in the old policy and to enable University inventors to plan or foresee with a reasonable degree of precision the relationship between areas of research and ownership rights of the University and inventor. An example of this would be where

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the inventor's research duties at the University can involve technology A while his/her research duties as a consultant or as part of his/her business involve technology B, there being no conflict of interest between A and B.

C. In 2. c) it is clarified that a "negligible" contribution of University resources (e.g., office equipment, library, normal professional contact) is not enough to confer ownership of an invention on the University (in the absence of applicability of 2.a) and 2.b). On the other hand, this category combines 2.(i) and (iii) of the old policy and adds as a basis for University ownership the use of "unpublished technical information generated by or for the University". This has been done to ensure that in grant or contract projects, for example, co-workers as well as sponsors are confident that valuable research results in the form of technical data are not mistakenly merged into non-University inventions or are of unknown or doubtful status.

Further, in A.2. timely reporting of inventions is emphasized to give sponsors (especially the U.S. Government) the confidence that inventions made with their funds under their grants will in fact be reported and done so in time to avoid breaches of contract through occurrence of rights-defeating statutory bars which would prevent all parties from protecting the invention.

In A.3. provisions not in the old policy enable resolution of disputes over invention rights in cases of doubt. This ensures that inventions do not go unused because of a possible cloud on ownership, licensability, or enforceability.

In B.1. new language not in the old policy specifies briefly how University-owned inventions are initially processed and how the inventor may obtain ownership if the University decides not to pursue the invention.

In B.2. language not in the old policy spells out that the University pays patent costs when it pursues protection of the invention. As in the old policy, inventor assistance is specified.

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Unlike the old policy, paragraph B.2 specifies a 50% division of gross revenues between inventor and the University.

Under the old policy, par. 5.b., the inventor's percentage is subject to negotiation directly between the Inventor and the President of the University. If there is disagreement over the negotiated division, either the President or inventor can refer the matter to the Subcommittee for a recommendation. Also, the old policy specifies in its table labeled "Percentage of Net Income" that the "minimal percentage for the inventor" is 50% of all net income over \$20,000. That net income is derived by first subtracting 40% from the gross income for allocation to the University. Thus, under the old policy the base for calculating the inventor's share begins with a net equal to 60% of the gross. Therefore, the absolute, theoretical maximum the Inventor could get would be that 60%, assuming that the University would take 0%. From the table, the inventor's minimum would be half of that 60%, or 30% of the gross. The new policy starts the inventor's share at 50% of the gross.

Further, the new policy permits the University in its discretion to raise the inventor's share to a maximum 75% of the first two million dollars of the gross if the inventor's private contribution, expense, or personal effort beyond University duties supports a more favorable division. The purpose of this option is to encourage inventors who do not wish to exploit the invention via the inventor's private business (and concomitant risks) to nevertheless earn a greater reward. This approach, so far as is known, is novel among universities and is intended to provide a level of incentive for the in-between situations where the inventor wants to make substantial private contribution but prefers not to incur the responsibility, risks, distraction, etc., of operating a private business.

Another feature in B.2. not present in the old policy is a recitation of University rights and powers regarding control of its inventions. The language also enables the University to assign or exclusively license the inventions to the Inventor (i.e., inventor's

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business) in return for a maximum 10% equity interest in that business. The new policy does not and is not intended to require the University's interest always to be limited only to equity. However, as a practical matter equity interest will be the norm for the obvious reason that taking of a cash interest would put a drain on start-up businesses and would usually be self-defeating.

In C., the new policy establishes authority in the Vice President to make a monetary award once a year or less often for inventions particularly meritorious in advancing the art. Such an award can serve to promote awareness and incentives in reporting inventions whether or not they are of commercial value.

Paragraph 6. of the old policy has been incorporated in item 8. of the Glossary. Paragraph 7. has been dropped as unnecessary in view of the University's status and obligations as a tax-supported State institution regarding use of funds. Par. 8. of the old policy has been dropped because it is obviously in the interest of not only the University but also the inventors and authors to exert best efforts to optimize exploitation of inventions and other intellectual property. Par. 9. has been incorporated in I.B.1. of the new policy. Par. 10. of the old policy has been dropped for the reason that it raises unnecessary questions about University negotiation practices, authority, and purpose. Clearly, the University has the authority to negotiate agreements and is obviously expected to obtain agreements of benefit and advantage to the University as well as its constituent components and members.

2. Copyrights

Turning to II., Copyrights, Paragraph A. generally follows the Preamble of the old policy, although somewhat increased emphasis is given to the expectation that authors are responsible for protecting their works and making their own arrangements with publishers.

...in terms for a... interest in that business. The new policy... and is not intended to require the University's interest always to be limited only... However, as a practical matter, equity interest will be the norm for the obvious... of a cash interest would put a drain on start-up business and would... to self-defeating... the new policy establishes authority in the Vice President for Research... award once a year or less often for inventions particularly meritorious in... Such an award can serve to promote awareness and incentives in... whether or not they are of commercial value... of the old policy has been incorporated in Item 8 of the University... as unnecessary in view of the University's status and... regarding use of funds. Part 8 of the old... because it is obviously in the interest of not only the University... to create best effects to optimize exploitation of... Part 9 has been incorporated in I.B.1 of the... other intellectual property. Part 9 has been incorporated in I.B.1 of the... Part 10 of the old policy has been dropped for the reason that it raises... about University activities, research, teaching, and purposes... authority to negotiate agreements and is obviously... to obtain agreement of benefit and advantage to the University as well as to... and members... Paragraph A generally follows the substance of the old... through somewhat increased emphasis is given to the expectation that authors... for protecting their works and making their own arrangements with...

In B.1. and 2., the treatment of rights in copyrightable works closely parallels treatment of inventions, it being the University's intent to not claim rights therein unless any of the criteria in B.3. applies. When there is doubt, a determination of rights may be obtained as for inventions.

In B.3., the conditions under which the University will claim copyright ownership have been reduced to three in number (compare with the first five items in the old policy under "policy" numbered (1), (2), (1), (2), and (3)). Further, the conditions have been shortened and tightened somewhat to ensure clarity. The old policy appears to be redundant and confusing (e.g., see aforementioned items (1), (2), (1), (2), (3) therein). In contrast, in the new policy in B.3.(a), assignment or commission to create a copyrightable work must be in writing. This not only complies with the copyright law but also prevents doubts and conflicts or after-the-fact confusion as to the existence or nature of such assignments. In (b), also in compliance with the copyright law, the gift, grant, agreement, or contract on which University ownership of copyright rights is predicated must be in writing. In (c), University ownership is predicated on extensive use of University resources in works slated for commercial use. However, in the situation described in (c), in comparison with the penultimate paragraph under "Policy" in the old policy, greater emphasis is given to the making of advance arrangements by the author with the Chair/Dean/Director so that a clear understanding can be had on the respective rights and obligations of the University and author. For example, if the author has a small business and wishes to develop for that business commercial computer software using University facilities, an advance agreement can be made under which the author agrees to reimburse the University while retaining ownership or exclusive rights in the copyright. Approval by the Vice President for Research assures University-wide consistency in such arrangements.

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3. Other

Deletion has been made of: (a) the subject matter in the old policy dealing with appeal to the Vice President for Academic Affairs using the Research Policy Committee as a fact finder on questions of "extensive use" and "reimbursement", (b) lodging of responsibility in that Vice President for "implementation" and "interpretation" of the copyright policy, (c) appeal of all that Vice President's decisions to the President, and (d) the Statement of how the University handles its copyrights. The deleted material is regarded as being complex and procedurally cumbersome.

The substitution in the draft of the Vice President for Research as the responsible executive in the copyrights area is submitted as being consistent with that officer's role in the patents area and enables greater cohesiveness in implementing intellectual property policy as well as some gain in efficiency because of the Patent Administrator's support to the Vice President for Research.

In the remainder of the policy, section III contains the earlier-mentioned treatment of items covered by the "Chip Protection Act" (i.e., Mask Works), Design Patents, and Trade Secrets. Section IV is believed self-explanatory in providing for interpretation and implementation of the policy. Section V provides an enumeration of important powers of the University in controlling its intellectual property. Sections III, IV, and V are not present in the old policy. Section VI provides an appeal from any decision by the Vice President for Research to the President. This is similar in general to the kind of appeal existing in the current Copyright Policy (Faculty Handbook, page. E-3).

PROPOSED

UNIVERSITY OF NEW MEXICO

INTELLECTUAL PROPERTY POLICY

Foreword

In the course of conducting University administered activities such as research, investigations, and studies, the faculty, staff, and students often create intellectual property which may be protectable by patent, copyright, or other means. The University desires to have a policy which encourages the treatment of such property in ways beneficial to the creators such as inventors and authors as well as to the University and to the public. To do so, it is appropriate for the University and the creators to assist each other in identifying, evaluating, protecting, and exploiting such property in ways to advance and safeguard their interests. Such efforts will provide the intended benefits and serve to enable recognition of inventions and other property as significant achievements of an academic and often practical nature. Accordingly, the policy seeks to recognize such achievements, to provide advice and assistance to faculty, staff, and students, to provide clear understanding of legal relationships, and to realize and optimize the benefits of potentially valuable intellectual property to creators as well as the University and public. A feature of the policy is to encourage creators to perform key roles in the utilization of intellectual property.

I. **Patents** (see Definitions set forth in Glossary, Appendix I. Defined terms are capitalized herein)

A. **Inventions**

1. **General**

It is the intent of the University not to claim rights in an Invention resulting from endeavors not supported by the University or its Sponsors or to which the University's contribution is negligible. To safeguard against future dispute as to

University rights, each Invention should be submitted to the University for review. A written determination of the parties' rights will be provided to the Inventor in the manner set forth in 3. below to include, when appropriate, release of any University claim to the Invention.

2. Invention Rights and Reporting

Except for each Invention regarding which a final determination of no University interest has been made in accordance with 3. below, the University shall have the right, title, and interest in an Invention including the sole right to file patent applications thereon throughout the world, and the right to waive all or part of such rights, where:

- a) the Invention was Conceived or First Actually Reduced to Practice in the performance of work under a Sponsor Agreement,
- b) the Invention was directly related to the Member's University research duties, or
- c) the Invention was made with more than a negligible contribution of University controlled or administered funds, facilities, personnel, equipment, or unpublished technical information generated by or for the University.

Each Invention falling within any of the above criteria shall be reported by the Inventor in writing to the Patent Administrator as soon as possible (preferably within two months) after Conception or First Actual Reduction to Practice, whichever occurs first, to enable earliest possible publication without loss of rights to the Inventor, University, or Sponsor due to Statutory Bar.

3. Determination of Rights in Inventions

If there is doubt as to the ownership status of an Invention, the Inventor should request that the respective property rights of the University and Inventor in the Invention be officially determined. Such request should be made to the Patent

Administrator in writing when reporting the Invention or as soon as possible thereafter. The request must be accompanied by a description of the Invention, a signed Inventor's statement describing the facts and circumstances surrounding the making of the Invention, and the written concurrence of the cognizant Chairperson, Dean, or Director. Within sixty days of receipt of the above statement and concurrence, an official determination will be made by the Patent Administrator, with the approval of the Vice President for Research, that the University has no right, title, or interest in the Invention unless the facts and circumstances show that the Invention falls within any of the criteria in 2. above. The determination shall be retained as a permanent University record and made available to the Inventor's prospective licensees, transferees, or other parties upon the written request by the Inventor or properly authorized representative.

B. Patenting and Revenue Sharing

1. Processing and Arrangements Where University Elects Not to File a Patent Application

The evaluation of Inventions in which the University has title shall be coordinated by the Patent Administrator and, if appropriate, a Prior Art Search made thereon. The Inventor should promptly inform the Patent Administrator at any time of intended publication of the Invention or any other known or suspected Statutory Bar. If, after consideration of a) the evaluation, b) any Sponsors' rights, and c) results of a Prior Art Search, the University determines not to file a Patent Application on the Invention, the Inventor shall be so informed, and the Inventor may then request the University to waive all or part of its rights therein to the Inventor. The University in its sole discretion may waive all or part of its rights in the Invention, i.e., assign title or grant an exclusive or partially exclusive license or a non-exclusive license to the Inventor and shall respond in writing within sixty days of the Inventor's request. Grant of such waiver will not be

unreasonably denied. Any assignment or grant shall be subject to a Sponsor's rights or approval, or the rights of intervening parties. The University may retain rights and benefits which shall be in the best interests of the University and related to its contribution in the development, utilization, and exploitation of the Invention. Such retained rights shall not be competitive with commercially valuable rights assigned or granted to Inventor and as a minimum shall include an irrevocable, non-exclusive, world-wide, paid-up license to practice the Invention for the University's purposes.

2. Processing and Arrangements Where University Elects to File Patent Application on University-owned Invention

If the University decides to file a Patent Application in the United States or in foreign countries, the Inventor during and after association with the University shall cooperate as requested by the Patent Administrator to assist in the preparation, filing, and prosecution of the Patent Application and the issuance and maintenance of any patents issuing thereon. Costs relating to Invention evaluation, Prior Art Search, preparation, filing and prosecution of the Patent Application, and issuance and maintenance of the Patent normally shall be borne by the University.

Gross Revenues including option and license issuance fees received by the University resulting from the licensing of the Invention shall be shared 50% with the Inventor.

The University in its sole discretion may increase the Inventor's share to a maximum of 75% of the first two million dollars of Gross Revenues received depending upon the extent of Inventor's personal effort beyond University duties (consistent with University policy on Outside Employment) and private expense leading to successful exploitation of the Invention.

...any arrangement or grant shall be subject to a sponsor's right of approval or the right of intervening parties. The University may retain the right to license its work shall be in the best interests of the University and related to its contribution in the development, education, and expansion of the invention. Such retained rights shall not be considered as an assignment of the invention rights assigned or granted to inventor and in a minimum shall include non-exclusive, non-exclusive, work-for-hire, first-up license to practice the invention in the University's presence.

2. Processing and Administration of Patent Applications
Application of Invention-related Invention

If the University decides to file a Patent Application in the United States or in a foreign country, the Inventor shall, after consultation with the University, file a Patent Application as requested by the Patent Administrator to assist in the preparation, filing, and prosecution of the Patent Application and the associated maintenance of any patent pending thereon. Costs relating to invention-related Patent Application, prosecution, filing and prosecution of the Patent Application, and issuance and maintenance of the Patent shall be borne by the University.

Costs recoverable including option and license fees received by the University resulting from the licensing of the invention shall be shared 50% with the inventor. The University in its sole discretion may license the invention to a third party or to the first two million dollars of Gross Revenue received, depending upon the extent of inventor's patent cost (noting University's historical practice with University policy on Outside Employment and income expenses relating to successful exploitation of the invention).

Further, the University may transfer or receive invention rights, enter into business, patent licensing, and fiduciary arrangements with the Inventor or others, and take a maximum of 10% equity interest in lieu of cash revenues. This may be appropriate, for example, where the University determines that the Inventor's control of a University-owned invention might result in more effective exploitation. Such arrangements shall be approved by the Vice President for Research. A primary consideration affecting the University's potential interests in such arrangements shall be the extent to which they enhance the mission and goals of the University and the educational, cultural, and economic environment of the State of New Mexico as well as society in general.

C. Invention Award

A monetary award may be made by the Vice President for Research no more than once a year for an invention deemed to be a particularly meritorious advance in the Art.

II. Copyrights (Note: Terms Defined in the Glossary, Appendix I, are capitalized herein)

A. General

Members of the faculty, staff, and student body may become involved in Copyright matters in at least two common ways: first, in securing permission to use material copyrighted by others in a publication or in reproducing it for use in class; second, in obtaining proper copyright protection for their own writings, productions, art, videotapes, computer programs, or other works, whether these be, for example, teaching materials the Author wants to make available to students, or articles and books the Author is publishing. Information and forms needed to apply for a United States Copyright registration are available in the Government Publications Department in the Zimmerman Library. Specific guidelines pertaining to the use and

reproduction of Copyrighted Materials are available at the service desks in the Zimmerman Library and other libraries.

B. Rights to Copyrightable Work

1. The promotion of research, scholarly writing, fine arts, and other creative work are essential activities of the University. In order to foster such activities, the University intends that this Copyright policy should be favorable to Members who create such works. The objective of the University's Copyright policy is to enable the University to maintain traditional incentives for scholarly or creative work and its dissemination while at the same time protecting the rights of Members and the University with respect to Copyright.

2. The University of New Mexico regards Copyrightable Work developed by a Member as the property of the Member unless one of the conditions in 3. below applies. When the Member owns the Copyright, the Member is expected to make the appropriate arrangements (e.g., execute appropriate assignments or licenses) with producers or publishers. If there is any question about potential ownership of a Copyright, the Authors are advised to consult with the Patent Administrator. Within sixty days of the receipt by the Patent Administrator of a request for a rights determination along with the Member's written statement of facts and circumstances under which the work arose and the concurrence of the cognizant dean or director, the Patent Administrator will determine, with the approval of the Vice President for Research, that the University has no right, title, or interest in the Copyrightable Work unless any of the criteria in 3. below applies.

3. The University will claim Copyright ownership in those cases where:
(a) a Member creates a Copyrightable Work in the course of performing a written University assignment or commission to create such a work; (b) University ownership is specified in writing by terms of a gift, grant, agreement, or contract

with an outside party or Sponsor; (c) in any case where a Member in the development of a Copyrightable Work intended for commercial use by the Member has made or intends to make extensive use of University resources, such as personnel, supplies, equipment or facilities (but not including the use of library facilities or incidental use of office equipment). When commercial use is involved, the Member should consult in advance with the cognizant Chairperson, Dean, or Director to determine whether and to what extent the Member's use of University facilities is permissible and corresponding reimbursement is appropriate and acceptable. Reimbursement may be made by direct payment, assignment of a portion of the royalties produced by the commercial venture, or any other mutually agreeable arrangement reflecting the equities of the University and Author. All such arrangements shall be approved by the Vice President for Research.

III. Other Intellectual Property

The two primary areas of protectable intellectual property are Patents and Copyrights. Items protectable under the Chip Protection Act or as Design Patents shall be treated under University policy as Copyrightable Works. Other property protectable under the law of trademarks or trade secrets is generally peculiar to specific commercial situations and is considered appropriate for specific counseling with the Patent Administrator rather than policy treatment.

IV. Administrative Arrangements

The Patent Administrator, with the approval of the Vice President for Research, is authorized to promulgate and publish information and procedures to implement these policies.

V. Related Provisions

The University may in its sole discretion: a) accept under terms beneficial to the University a voluntary assignment of an Invention or Copyright, b) take such action as it

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deems appropriate to defend or enforce any Patent or Copyright including settlement of a claim or conduct of litigation (which shall be subject to the exclusive control of the University), c) waive, assign, or grant all or part of its rights in any Invention or Copyright upon such terms and conditions deemed appropriate and beneficial for the University and creator and, d) require Inventors to refrain from prematurely publishing University-owned Inventions for a reasonable period to enable the Sponsor or University to evaluate the Invention and determine whether and where to file a Patent Application thereon. However, the University will expedite processing of Inventions and cooperate in other ways with Inventors when there is a pressing need to publish.

VI. Appeals

All decisions of the Vice President for Research are appealable to the President, who may appoint an ad hoc panel which will review all relevant facts and circumstances and make recommendations to the President for final determination.

- (1) musical works, including any accompanying works
 - (2) dramatic works, including any accompanying music
 - (3) pictorial, graphic, and sculptural works
 - (4) motion pictures and other audiovisual works
 - (5) sound recordings and
 - (6) computer software
- On or after the date of publication of an original work of authorship created in any form, procedure, process, system, method of operation, concept, principle, or discovery, regardless of the form in which it is described, explained, illustrated, or embodied in such work:
- (a) the subject matter of copyright as specified above includes
 - (b) compilations and derivative works, but procedure for a work employing

Glossary of Terms - Appendix I

1. "Author" means any Member who creates Copyrightable Work.
2. "Conception" or "Conceived" means the Inventor's act of thinking through the complete and effective arrangement and working of the Invention in its essential aspects; it does not require testing or proof of operability.
3. "Copyright" means the legal protection afforded a work copyrightable under the Copyright Act of 1976, as amended. (Title 17 United States Code, Section 101 et seq.)
4. "Copyrightable Work" means those items described in 17 USC 102 and 103 which may be copyrighted and includes original works of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, whether directly or with the aid of a machine or device. Works of authorship include the following categories:

- (1) literary works;
- (2) musical works, including any accompanying words;
- (3) dramatic works, including any accompanying music;
- (4) pantomimes and choreographic works;
- (5) pictorial, graphic, and sculptural works;
- (6) motion pictures and other audiovisual works;
- (7) sound recordings; and
- (8) computer software

(In no case does copyright protection for an original work of authorship extend to any idea, procedure, process, system, method of operation, concept, principle, or discovery, regardless of the form in which it is described, explained, illustrated, or embodied in such work.)

- (a) the subject matter of copyright as specified above includes compilations and derivative works, but protection for a work employing

- 11. "Patent" means a document formally issued from a Patent Application drawn on an Invention and published by the USPTO or by a similar office in a foreign country.
- 12. "Patent" means a document formally issued from a Patent Application drawn on an Invention and published by the USPTO or by a similar office in a foreign country.
- 13. "Patent" means a document formally issued from a Patent Application drawn on an Invention and published by the USPTO or by a similar office in a foreign country.
- 14. "Patent" means a document formally issued from a Patent Application drawn on an Invention and published by the USPTO or by a similar office in a foreign country.
- 5. "First Actual Reduction to Practice" or "First Actually Reduced to Practice" means the first successful test of a physical embodiment of the Invention in its intended environment.
- 6. "Gross Revenues" means all revenues including royalties, fees, charges or other monies including issuance and option fees received from licensing, sale, and/or recoveries from enforcement of a Patent.
- 7. "Invention" means invention or discovery as defined in Title 35 United States Code, Section 101 et seq., whether or not patentable or patented, which is made by an Inventor. (Note: The term Invention disclosure or disclosure of Invention refers to the documents or forms used in reporting an Invention to the University or Sponsor.)
- 8. "Inventor" means the Member or several Members collectively who make an Invention.
- 9. "Member" means any person who is a member of the faculty, staff, or student body of the University of New Mexico.
- 10. "Patent" means a document formally issued from a Patent Application drawn on an Invention and published by the USPTO or by a similar office in a foreign country.

- 11. "Patent Administrator" means the person designated by the University to administer policy and procedures on patents and other intellectual property matters for the University.
- 12. "Patent Application" means a formal document describing and claiming an Invention and duly filed in the United States Patent and Trademark Office ("USPTO") or patent office in a foreign country for the purpose of obtaining issuance of a patent.
- 13. "Prior Art Search" -- see "Search".
- 14. "Publishing" or "Publication" of an Invention means the release of an oral or written description of the Invention to one or more persons without conditions of confidentiality or restriction. (Note: The following constitute publications commencing the running of the one-year statutory bar in the U.S. or immediate creation of an absolute bar in most foreign countries: an oral presentation of an Invention in a classroom, seminar, or symposium; publication in a technical journal effective on the date the journal is actually distributed (not necessarily the printed date of publication); the existence of a single manuscript or thesis describing the Invention in one publicly accessible library anywhere in the world; a proposal or technical report containing a description of the Invention delivered to a federal agency or other Sponsor without restriction on its distribution.
- 15. "Search" or "Prior Art Search" means a formal search of prior art (usually by a firm specializing in such matters) to uncover those prior publications (including patents) deemed most relevant to the Invention before a decision is made to file a Patent Application thereon.
- 16. "Sponsor" means a person or entity, (e.g., federal agency, corporation, foundation, grantor, trustee, individual, etc.) providing funds to the University directly or via a contract for the conduct of research work by or on behalf of the University itself or jointly with the Sponsor.

17. "Sponsor Agreement" means a written contract between the Sponsor and the University including provisions governing reporting and rights in Inventions and other intellectual property developed or involved in work done under the Agreement.

18. "Statutory Bar" means the act of making, non-experimentally using, selling, or publishing an Invention at such a time prior to filing a patent application thereon that issuance of a patent is barred as a matter of law. (Note: the bar is effective in many industrialized countries immediately and absolutely upon publication, sale, or attempt to sell anywhere in the world. In the United States a one-year grace period is allowed. The bar applies regardless of how novel or useful the Invention was when published or sold.)

SUBJECT: Five Form C's for new Programs/Degrees

REQUESTED ACTION: Approval by Faculty Senate

BACKGROUND INFORMATION:

1) Valencia Campus-

The following three degrees from Valencia Campus were presented to the Senate on March 8, 1988 and were tabled until the April meeting pending further information concerning budget implications and the relationship between these programs and courses offered at T-VI:

Create an AAS in Computer Application Technology. Valencia is changing their computer science program into a course of study more focused on software applications.

Create an AAS in Construction Technology. This new degree would focus on computer-aided drafting and construction management. Much of the program is intended to be transferable to the Construction Management program in the College of Engineering at the main campus.

Create an AAS in Real Estate. Valencia was asked to create this program by the Valencia County Real Estate Owners. It is part of a state-wide effort to establish real estate programs at community colleges in New Mexico.

2) Los Alamos Campus-

Create an AS in Science. This degree program has already been approved for UNM-Gallup and UNM-Valencia.

Create an AAS in Microcomputer Technology. The degree program in Microcomputer Technology provides a student with a thorough understanding of microcomputer technology. The curriculum includes: Microcomputer operating systems, microcomputer interfacing, peripherals and communications, software and hardware installation techniques, microcomputer system architecture, and networking. The program is sufficiently flexible to allow students to pursue particular technical electives appropriate for individual backgrounds and career directions.

FORM C
MAJOR AND MINOR CURRICULAR CHANGES

UNIT PREPARES IN TRIPLICATE
Routing (All three copies)

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Date: 9/1/87

Unit: UNM-Valencia Campus
(Dept., Div., Prog.)

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

I. Major Change

Degree	New	<u>A.A.S. Computer Science Technology</u>	Revision of _____ existing degree	Deletion _____
Major	New	_____	Revision of _____ existing major	Deletion _____
Minor	New	_____	Revision of _____ existing minor	Deletion _____
Concentration	New	_____	Revision of _____ existing concentration	Deletion _____

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

II. Minor Change

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

Minor program revision (3-5 hours)

Reasons for Request (attach extra sheets if necessary)

UNM-VC is revamping its Computer Science program to focus on software applications rather than on computer programming. This change is in response to UNM-VC's service area computer ne

Effective Date of Proposed Change: Spring 1988, _____
Semester Year

Budgetary and Faculty Load Implications: (attach statements) None Yes _____ No

Might this change impinge in any significant way on student or departmental programs? Yes _____ No

If yes, have you resolved these issues with department involved? _____ (attach statement)

Signature: Richard Melgen
Department Chair

Approvals: Dean of Library Services Kui Warming Date: 11-17-87
College Curricula Committee _____ Date: _____
(if necessary) Richard Melgen
College or School Faculty _____ Date: 11-19-87
College or School Dean Grego. Juan Date: 11-20-87
FS Undergraduate Ac. Affairs Jim Kaufman Date: 12-9-87
and/or FS Graduate Committee _____ Date: _____
Office of Graduate Studies _____ Date: _____
FS Curricula Committee David S. Mel Date: 2-23-88
ADPAA Provost Gracie R. Cordova Date: 2/27/88
Faculty Senate _____ Date: _____

PROPOSED
UNM-VC
Associate of Applied Science
COMPUTER SCIENCE TECHNOLOGY
(AASCST) *A Application*

The AASCST trains the student to become an "expert user" of state-of-the-art computer science software. In addition, it provides an introduction to business and programming concepts so that the graduate can be readily employed in either the private or public sector of the economy.

Specific Requirements

- 1) A minimum of 60 credit hours of which 15 credit hours must be completed in residence at UNM-VC with a minimum GPA of 2.0 overall and a minimum GPA of 2.0 in the Computer Science Technology core.
- 2) Communication Skills (9 credit hours)
ENGL 101 Writing with Readings in Exposition (3)
ENGL 102 Analytic Writing (3)
ENGL 219 Technical Writing (3)
- 3) Arts/Humanities/Social Sciences (6 credit hours)
- 4) Natural/Behavioral Sciences/Mathematics (6 credit hours)
Math 120 Intermediate Algebra (3)
Math 145 Intro to Probability & Statistics (3)
- 5) Management (6 credit hours)
MGT 113 Management: An Introduction (3)
- 6) Computer Science Tech Core (21-25 credit hours)
CA1 ES 120T Intro to Microcomputers (3)
CA1 CS 121T Electronic Spreadsheets Applications (3)
CA1 ES 122T Database Applications (3)
CA1 ES 125T Microcomputer Setup & Maintenance (2)
CA1 CS 221T Advanced Electronic Spreadsheets Applications (3)
CA1 ES 222T Advanced Database Applications (3)
CA1 CS 290T Project (1-4)
Computer Science programming elective (3)
- 7) Business Technology/Computer Science/
Construction Technology electives (12 credit hours)
- 8) No Basic Skills courses (e.g., ENGL 010T or 100) may be accepted toward the required 60 credit hours for graduation.

FORM C
MAJOR AND MINOR CURRICULAR CHANGES

UNIT PREPARES IN TRIPLICATE

Routing (All three copies)

351

Date: 9/1/87

Unit: UNM-Valencia Campus

(Dept., Div., Prog.)

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

I. Major Change

Degree	New	A.A.S. Construction Technology	Revision of _____ existing degree	Deletion _____
Major	New	_____	Revision of _____ existing major	Deletion _____
Minor	New	_____	Revision of _____ existing minor	Deletion _____
Concentration	New	_____	Revision of _____ existing concentration	Deletion _____

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

II. Minor Change

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

Minor program revision (3-5 hours)

Reasons for Request (attach extra sheets if necessary) UNM-VC is revamping its Construction Technology program to focus on Computer Aided Drafting and Construction Management, rather than on solar/adobe technology.

Effective Date of Proposed Change: Spring, 1988
Semester Year

Budgetary and Faculty Load Implications: (attach statements) None

Might this change impinge in any significant way on student or departmental programs? Yes _____ No X

If yes, have you resolved these issues with department involved? _____ (attach statement)

Signature: Richard Melzer
Department Chair

Approvals: Dean of Library Services Kris Warmeth Date: 11/10/87
 College Curricula Committee _____ Date: _____
 (if necessary) Richard Melzer
 College or School Faculty _____ Date: 11-19-87
 College or School Dean Grego Swan Date: 11-20-87
 FS Undergraduate Ac. Affairs David Kaufman Date: 12-9-87
 and/or FS Graduate Committee _____ Date: _____
 Office of Graduate Studies _____ Date: _____
 FS Curricula Committee David S. Hall Date: 2-23-88
 AUPAA- Francis R. Corlson Date: 2/24/88
 Provost _____
 Faculty Senate _____ Date: _____

PROPOSED
UNM-VC
Associate of Applied Science
CONSTRUCTION TECHNOLOGY
(AASCT)

The AASCT is designed to prepare graduates for either a technical career in Computer Aided Drafting or a business career in Construction Management. Much of the AASCT can also be transferred to the four-year degree program in Construction Management at the College of Engineering at UNM.

Specific Requirements

- 1) A minimum of 60 credit hours of which at least 15 credit hours must be completed in residence at UNM-VC with a minimum GPA of 2.0 overall and a minimum GPA of 2.0 in one of the two Construction Technology options.
- 2) Communication Skills (9 credit hours)
 - ENGL 101 Writing with Readings in Exposition (3)
 - ENGL 102 Analytic Writing (3)
 - ENGL 219 Technical Writing (3)
- 3) Mathematics (6 credit hours)
 - MATH 121 College Algebra (3)
 - MATH 145 Intro to Probability & Statistics (3)
- 4) Natural/Behavioral Sciences (11 credit hours)
 - CHEM 121L General Chemistry (4)
 - PHYSICS 151 General Physics (3)
 - PHYSICS 153L General Physics Lab (1)
 - PSYCH 101 General Psychology (3)
- 5) Social Sciences/Humanities (6 credit hours)
 - ECON 200 Principles & Problems (3)
 - ECON 201 Principles of Economics (3)
- 6) Computer Science (6 credit hours)
 - CAT 05 120T Intro to Microcomputers (3)
 - CAT 05 121T Electronic Spreadsheets Applications (3)
 - OR
 - CAT 05 122T Database Applications (3)
- 7) Construction Technology Options (22-24 credit hours)
 - Computer Aided Drafting Option
 - CS 125T Microcomputer Setup & Maintenance (2)
 - CT 185T Intro to Architectural Drafting (4)
 - CT 195T Intro to Technical Drafting (4)
 - CT 250T Intro to Computer Aided Drafting (3)
 - CT 260T Intermediate Computer Aided Drafting (4)
 - CT 270T Advanced Computer Aided Drafting (4)
 - CT 295T Practicum (3)
 - Construction Management Option
 - MGT 101 Fundamentals of Accounting I (3)
 - BT 103T Fundamentals of Accounting I Lab (1)
 - BT 205T Business Math/Electronic Calculators (3)
 - BT 232T Intro to Small Business Management (3)
 - CT 140T Computer Aided Estimation (3)
 - CT 160T Job Scheduling/Costing (3)
- 8) No Basic Skills courses (e.g., ENGL 010T or 100) may be accepted toward the 60 credit hours required for graduation.

FORM C
MAJOR AND MINOR CURRICULAR CHANGES

UNIT PREPARES IN TRIPLICATE
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Date: October 16, 1987

Unit: UNM-Valencia Campus
(Dept., Div., Prog.)

1. Dean of Library Services 353
2. College Curriculum Comm. if necessary
3. College or School Faculty
4. College or School Dean
5. FS Undergraduate Academic Affairs Comm. and/or FS Graduate Comm.
6. Office of Graduate Studies (For grad. level changes)
7. FS Curricula Committee
8. Provost
9. Faculty Senate

I. Major Change

Degree	New <u>A.A. S. in</u>	Revision of _____	Deletion _____
	<u>Real Estate</u>	existing degree	
Major	New _____	Revision of _____	Deletion _____
		existing major	
Minor	New _____	Revision of _____	Deletion _____
		existing minor	
Concentration	New _____	Revision of _____	Deletion _____
		existing concentration	

Give exact title and requirements as they should appear in the catalog in the space provided or on attached sheets. Please see the attached sheet #1.

II. Minor Change

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

Minor program revision (3-5 hours)

Reasons for Request (attach extra sheets if necessary)

Please see the attached sheet #2.

Effective Date of Proposed Change: Spring, 1988
Semester Year

Budgetary and Faculty Load Implications: (attach statements)

Might this change impinge in any significant way on student or departmental programs? Yes _____ No X

If yes, have you resolved these issues with department involved? _____ (attach statement)

Signature: Richard M. Jensen
Department Chair

Approvals: Dean of Library Services Kris Warratt Date: 11/23/87
College Curricula Committee _____ Date: _____
(if necessary)
College or School Faculty Richard M. Jensen Date: 11-19-87
College or School Dean Grego Sica Date: 11-20-87
FS Undergraduate Ac. Affairs Daniel Kaufman Date: 12-9-87
and/or FS Graduate Committee _____ Date: _____
Office of Graduate Studies _____ Date: _____
FS Curricula Committee Dail D. Hall Date: 2-23-88
AVPAA Graciel R. Cordova Date: 2/24/88
Provost
Faculty Senate _____ Date: _____

PROPOSED
UNM-VC
Associate of Applied Science
REAL ESTATE
(65 credit hours)

354

This program is designed for students who plan to enter the field of real estate as brokers, salespersons, appraisers, property managers, finance or title clerks. Courses included in the program are approved by the New Mexico Real Estate Commission to meet the requirements to take both the sales and brokers licensing exams.

Specific Requirements

- 1) A minimum of 65 credit hours of which 15 credit hours must be completed in residence at UNM-VC with a minimum GPA of 2.0 overall and a minimum GPA of 2.0 in the Real Estate core.
- 2) Communication Skills (12 hours)
Engl 101 Writing with Readings in Exposition (3)
Engl 102 Analytic Writing (3)
Sp Com 130L Public Speaking (3)
Sp Com 221 Interpersonal Communication (3)
- 3) Behavioral/Social Sciences (10 hours)
Econ 200 Principles and Problems (3)
Econ 201 Principles of Economics (3)
Psych 102 General Psychology II (3)
Psych 104L General Psychology II Lab (1)
- 4) Math/Science (3 hours)
Math 120 Intermediate Algebra or above (3)
- 5) Computer Science Technology (3 hours)
CS 120T Intro to Microcomputers (3)
- 6) Business Core (15-16 hours)
Mgt 113 Management: An Introduction (3)
BE 205 Business Math/Electronic Calculators (3)
Plus 9-10 hours from the following:
Mgt 101 Fundamentals of Accounting I (3)
BT 103T Fundamentals of Accounting I Lab (1)
Mgt 233 Principles of Marketing Management (3)
Mgt 284 Selling: Retail and Industrial (3)
~~BE 205 Business Math/Electronic Calculators (3)~~
BE 265 Business Communications (3)
- 7) Real Estate Core (22 hours)
MGT 270 Introduction to Real Estate (3)
RE 110T Real Estate Law (3)
RE 120T Real Estate Finance (3)
RE 130T Legal Documents and Closings (3)
RE 140T Real Estate Appraisal (3)
RE 290T Real Estate Exam Preparation (1)
RE 295T Real Estate Practicum (3)
RE Elective (3)
- 8) No Basic Skills courses (eg., ENGL 010 or 100) may be accepted toward the 6 credit hours required for graduation.

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Attachment #2.

UNM-VC has been asked to develop an A.A.S. by a group of Valencia County Real Estate owners in order to

- 1. enhance the quality of the local Real Estate industry and
- 2. add to the professionalism of Real Estate personnel.

The development of such a degree is in keeping with a statewide effort to establish Real Estate programs at local community colleges in New Mexico.

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FORM C
MAJOR AND MINOR CURRICULAR CHANGES

UNIT PREPARES IN TRIPLICATE
Routing (All three copies)

Date: 2/15/88

Unit: UNM-Los Alamos
(Dept., Div., Prog.)

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

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I. Major Change

Degree	New <u>X</u>	Revision of _____ existing degree	Deletion _____
Major	New _____	Revision of _____ existing major	Deletion _____
Minor	New _____	Revision of _____ existing minor	Deletion _____
Concentration	New _____	Revision of _____ existing concentration	Deletion _____

Give exact title and requirements as they should appear in the catalog in the space provided or on attached sheets.
Associate of Science Degree in Science. This degree program has already been approved for UNM-Gallup and UNM-Valencia.

II. Minor Change

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

Minor program revision (3-5 hours)

Reasons for Request (attach extra sheets if necessary)

To provide students with a structured 2 year program in a science concentration.

Effective Date of Proposed Change: Fall, 1988
Semester Year

Budgetary and Faculty Load Implications: (attach statements)

Might this change impinge in any significant way on student or departmental programs? Yes _____ No X

If yes, have you resolved these issues with department involved? _____ (attach statement)

Signature: _____
Department Chair

Approvals: Dean of Library Services _____ Date: _____
College Curricula Committee _____ Date: _____
(if necessary)
College or School Faculty _____ Date: _____
College or School Dean Angela Cooper Date: 1/28/88
FS Undergraduate Ac. Affairs Donna Date: 3-3-88
and/or FS Graduate Committee _____ Date: _____
Office of Graduate Studies _____ Date: _____
FS Curricula Committee Hail S. Neil Date: 3-25-88
AUPAA Provost Ignacio R. Condon Date: 3-29/88
Faculty Senate _____ Date: _____

REQUIREMENTS FOR THE ASSOCIATE OF SCIENCE IN SCIENCE DEGREE

This degree program, consists of the first two years of science course work that will enable a student to transfer to a four-year institution for the completion of a baccalaureate degree program in science, engineering, medicine, or a health related field. The program is offered with concentrations in physics, chemistry, and biology. The Associate in Science degree program has already been approved by the UNM Faculty Senate, for UNM Gallup and UNM Valencia.

Specific Requirements

1) A minimum of 64 credit hours of which at least 15 credit hours must be University of New Mexico credits (with a minimum GPA of 2.0).

2) 24 credit hours of Science core to be chosen from the following:

Biol 121L/122L, Principles of Biology (8)
 Chem 121L/122L, General Chemistry (8)
 Physics 160/161/262, General Physics (9)
 Physics 163L/264L, General Physics Lab (2)

3) General Education Requirements:

a) 11 credit hours of Mathematics and Computer Science courses:
 Math 162, Calculus I (4)
 Math 163, Calculus II (4)
 Computer Programming course in PASCAL, FORTRAN or C (3 or 4)

b) 6 credit hours of Humanities and Social Science electives

c) 6 credit hours of English

d) 17 credit hours of Science and General Electives.

Science electives must be selected in consultation with a UNM-LA counselor, to compose a meaningful sequence of specialization.

Please note: Students who are pursuing degrees in chemistry or physics should take Math 264.

4) No Basic Studies courses (e.g. Math 100, English 100) may be accepted toward the degree.

5) Courses developed and offered by UNM-LA designated with a suffix T, that do not automatically transfer to UNM, will not be accepted toward the degree.

EXAMPLE PROGRAM BY SEMESTER

1st Semester (Fall)		2nd Semester (Spring)	
Engl 101	3	Engl 102	3
Math 162	4	Math 163	4
Chem 121L	4	Chem 122L	4
2 Humanities/Art/ Soc Sci elective	6	Physics 160	3
	<u>17</u>	General elective	<u>3</u>
			17

3rd Semester (Fall)		4th Semester (Spring)	
Physics 161	3	Physics 262	3
Biol 121L	4	Physics 264L	1
Physics 163L	1	Biol 122L	4
Science electives	6	CS 155L	4
General elective	<u>3</u>	Science elective	<u>3</u>
	17		15

SCIENCE AND MATH ELECTIVES

Biol 136	Human Anatomy & Physiology for Non-majors	3
Biol 139L	Human Anatomy & Physiology Lab	1
Biol 221	Introductory Genetics	3
Chem 212	Integrated Organic Chemistry & Biochemistry	4
Engr 120L	Engineering Computing	3
Engr 122L	Introduction to Engineering Methods	3
Geol 101/105L	Physical Geology & Lab	4
Geol 102/106L	Historical Geology & Lab	4
Math 145	An Introduction to Probability and Statistics	3
Math 264	Calculus III	4
Phys 167	Problems in General Physics	1
Phys 168	Problems in General Physics	1
Phys 267	Problems in General Physics	1

or any listed course that is relevant to the student's major concentration and that carries transfer credit to UNM main campus.

FORM C
MAJOR AND MINOR CURRICULAR CHANGES

UNIT PREPARES IN TRIPLICATE
Routing (All three copies) **359**

Date: February 1, 1988

Unit: UNM-Los Alamos
(Dept., Div., Prog.)

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

I. Major Change

Degree	New <u>X</u>	Revision of _____ existing degree	Deletion _____
Major	New _____	Revision of _____ existing major	Deletion _____
Minor	New _____	Revision of _____ existing minor	Deletion _____
Concentration	New _____	Revision of _____ existing concentration	Deletion _____

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

Associate of Applied Science in Microcomputer ~~Applications~~
Technology

II. Minor Change

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

Minor program revision (3-5 hours)

Reasons for Request (attach extra sheets if necessary)

Effective Date of Proposed Change: Summer, 1988
Semester Year

Budgetary and Faculty Load Implications: (attach statements)

Might this change impinge in any significant way on student or departmental programs? Yes _____ No X

If yes, have you resolved these issues with department involved? _____ (attach statement)

Signature: _____
Department Chair

Approvals: Dean of Library Services _____ Date: _____
College Curricula Committee _____ Date: _____
(if necessary)
College or School Faculty _____ Date: _____
College or School Dean Angela Cooper Virginia Hygie Date: 1/28/88
FS Undergraduate Ac. Affairs David Kasper Date: 3-3-88
and/or FS Graduate Committee _____ Date: _____
Office of Graduate Studies _____ Date: _____
FS Curricula Committee David Small Date: 3-25-88
AVPAH Provost Francis R. Cordova Date: 3/29/88
Faculty Senate _____ Date: _____

REQUIREMENTS FOR AN ASSOCIATE OF APPLIED SCIENCE DEGREE
IN MICROCOMPUTER APPLICATIONS

Technology

The degree program in Microcomputer ^{*Technology*} Applications provides a student with a thorough understanding of microcomputer technology. The curriculum includes: microcomputer operating systems, microcomputer interfacing, peripherals and communications, software and hardware installation techniques, microcomputer system architecture, and networking. The program is sufficiently flexible to allow students to pursue particular technical electives appropriate for individual backgrounds and career directions.

After completion of this program students will be able to develop, manage and operate a microcomputer facility and evaluate and make recommendations about microcomputer hardware and software products.

Even though this degree is considered to be terminal, some of the courses included in the requirements transfer to UNM and may be used toward a baccalaureate degree. Baccalaureate bound students may also substitute higher-level mathematics, general science and English courses for specific degree requirements with prior approval of a UNM-Los Alamos advisor.

Specific Requirements

- 1) A minimum of 62 credit hours of which at least 15 hours must be University of New Mexico credits (with a minimum GPA of 2.0).
- 2) Six hours of Communication Skills: English 101, Writing with Readings in Exposition (3) and, English 119, Technical Communications (3).
- 3) Six hours of Arts/Humanities/Social Sciences.
- 4) Seven hours of Mathematics/Natural Science/Behavioral Science including: Math 150, Algebra and Trigonometry (4).

Technical Requirements

- 5) Computer Technology 102T, Introduction to Microcomputers (3).
- 6) CS 154, Foundations of Computing Science (3).
- 7) Computer Technology 110T, Introduction to Graphics (3).
- 8) Computer Technology 210T, Microcomputer Operating Systems (3).
- 9) CS 138L, Introduction to Computer Hardware (1).
- 10) Computer Technology 211T, Microcomputer Interfacing: Peripherals and Communications (3).
- 11) Computer Technology 220T, Fundamentals of Software Installation (3).
- 12) Computer Technology 221T, Hardware Installation Techniques (3).

- 13) Computer Technology 222T, Microcomputer System Architecture (3).
- 14) Computer Technology 223T, Networking (3).
- 15) A programming course:
 Computer Technology 130LT, Analytical Computing in Technology (BASIC) (3) or;
 CS 150, Computing for Business Students (BASIC), (3) or;
 CS 155L, Introduction to Computer Programming (PASCAL) (4) or;
 Engineering 120L, Engineering Computing (FORTRAN), (3) or;
 CS 235, Introduction to Systems Programming Concepts with 'C' (4) or;
 CS 236, Introduction to Scientific and Engineering Programming (FORTRAN) (3) or;
 CS 237, Introduction to Data Processing (COBOL) (3).
- 16) An applications course such as:
 Computer Technology 201T, Applications of DBaseIII Plus (4);
 Computer Technology 202T, Applications of Lotus 1-2-3 (3);
 Computer Technology 203T, Desk Top Publishing;
 BusTech 264T, Word Processing I (3);
 BusTech 274T, Word Processing II (3).
- 17) The remaining hours of electives will include courses relevant to the needs of individual students. Technical electives are recommended and are listed below.
- 18) No Basic Studies course (Math 100, English 100) may be accepted toward the degree.
- 19) A student may earn a Certificate in Microcomputer Applications by completing the following courses:

<i>Technology</i>		
CS 154	CompT 220T	A programming course -
CS 138L	CompT 221T	see requirement #15
CompT 110T	CompT 222T	An applications course-
CompT 210T	CompT 223T	see requirement #16
CompT 211T		
- 20) Technical electives

Graphics electives:

- CompT 111T, Intro to CADD (AutoCad) (3)
- CompT 207LT, Electronic Computer Aided Design and Drafting I (P-CAD) (3)
- CompT 276LT, Electronic Computer Aided Design and Drafting (Advanced P-CAD) (3)
- CS 239, Computer Graphics Applications Programming (3)

Microcomputer Applications

- CompT 201T, Applications of DBaseIII Plus (4)
- CompT 202T, Applications of Lotus 1-2-3 (3)
- CompT 203T, Desk Top Publishing
- *BusTech 164T, Introduction to Word Processing (3)
- *BusTech 264T, Word Processing I (3)
- *BusTech 274T, Word ProcessingII (3)

* A maximum of 6 credit hours of Word Processing

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Suggested Program by Semester

First Semester

Math 150	4
Engl 101	3
CompT 102LT	3
Arts/Humanities/ Soc Sci Electives	<u>6</u>
	16

Second Semester

CS 154	3
Engl 119	3
A programming course	3
CompT 210T	3
CompT 110T	3
CS 138L	<u>1</u>
	16

Third Semester

CompT 211T	3
CompT 220T	3
An applications course	3
Math/Natural Science/ Behavior Science	3
Technical Elective	<u>3</u>
	15

Fourth Semester

CompT 221T	3
CompT 222T	3
CompT 223T	3
Technical Electives	<u>6</u>
	15

1. Introduction to Computing Systems (3)
 2. Introduction to the Uses of the Macintosh
 Microcomputer (3)
 3. Introduction to Software Engineering (4)
 4. Analytical Computing in Technology (BASIC) (3)
 5. Computing for Business Students (BASIC) (3)
 6. Introduction to Computer Programming (PASCAL) (4)
 7. Introduction to System Programming Concepts with 'C'
 (4)
 8. Introduction to Scientific and Engineering
 Programming (FORTRAN) (3)
 9. Introduction to Data Processing (COBOL) (3)
 10. Engineering Computing (FORTRAN) (3)

Programming electives

- CompT 130LT, Analytical Computing in Technology (BASIC) (3)
- CS 150, Computing for Business Students (BASIC) (3)
- CS 155L, Introduction to Computer Programming (PASCAL) (4)
- CS 235, Introduction to System Programming Concepts with 'C'
(4)
- CS 236, Introduction to Scientific and Engineering
Programming (FORTRAN) (3)
- CS 237, Introduction to Data Processing (COBOL) (3)
- Engr 120L, Engineering Computing (FORTRAN) (3)

Other

- CS 255L, Introduction to Computing Systems (3)
- CompT 193T, An Introduction to the Uses of the Macintosh
Microcomputer (3)
- CS 260, Introduction to Software Engineering (4)

SUBJECT: The use of styrofoam products and the absence of a comprehensive recycling program on the University of New Mexico campus.

REQUESTED ACTION: Passage by the Faculty Senate of the accompanying resolution.

BACKGROUND INFORMATION: Styrofoam packaging materials, along with numerous other consumer products, use a class of man-made chemical compounds known as chlorofluorocarbons in their production. According to the most recent scientific studies, CFCs are the chemical agents responsible for the worldwide decline of the earth's protective ozone layer. Declines of 50 percent have been recorded over the Antarctic continent, while declines of from 1 to 3 percent have been recorded over temperate regions of the globe. The potential effects of that decline on the global environment are severe. The National Academy of Sciences, for example, estimates that for every 1 percent decline in the ozone layer there will be somewhere between 10,000 and 30,000 new cases of skin cancer every year in the United States alone. Food crops and other living organisms will also be affected.

Besides its negative impact on the ozone layer, styrofoam also poses a solid waste disposal problem. It is non-biodegradable and toxic if burned, and it cannot be recycled.

Economical alternatives to the use of styrofoam products are currently available.

With regard to the solid waste disposal problem in general, UNM currently disposes of from 15 to 18 tons of garbage on a weekly basis, at an expense of approximately \$20,000 per month. A large percentage of that total is comprised of paper, cardboard, aluminum, and other recyclable materials. UNM could significantly reduce its garbage bill and help to solve the solid waste disposal crisis by implementing a comprehensive recycling program.

With regard to the solid waste disposal problem in general, UNM currently disposes of from 15 to 18 tons of garbage on a weekly basis, at an expense of approximately \$20,000 per month. A large percentage of that total is comprised of paper, cardboard, aluminum, and other recyclable materials. UNM could significantly reduce its garbage bill and help to solve the solid waste disposal crisis by implementing a comprehensive recycling program.

FACULTY SENATE RESOLUTION ON STYROFOAM PRODUCTS

WHEREAS: The disposal of solid wastes is a growing problem facing our community, state, and nation, and

WHEREAS: The University has not implemented any mandatory recycling programs for paper and other recyclable products despite the existence of accessible markets for those products, and

WHEREAS: The production and use of styrofoam packaging materials compounds the solid waste disposal problem in general, and threatens the earth's protective ozone layer in particular because of the use of chlorofluorocarbons in the production of those materials, and

WHEREAS: The University of New Mexico makes frequent use of styrofoam products, and

WHEREAS: Alternatives to styrofoam packaging products and to other non-biodegradable products are available now at an affordable price,

THEREFORE, BE IT RESOLVED THAT THE FACULTY SENATE

- 1) Encourages the use of biodegradable alternatives to styrofoam packaging in the various food services areas on the UNM campus, and
- 2) Encourages the development and implementation of a mandatory recycling policy for the entire University, starting with those materials for which markets already exist, such as paper, glass, and aluminum, and extending that policy to other materials.

C. Each faculty member shall submit a written self-evaluation to his/her supervising administrator by March 15th (?) that compares their own performance relative to the previously established goals and responsibilities. The form of this submittal shall be determined by each academic unit/college.

D. The supervising administrator shall then include the above described documents and these policies as an integral part of the detailed merit evaluation procedures adopted by each academic unit.

E. When the supervising administrator completes the merit pay evaluation process, the faculty member shall be informed in writing (?) within ten days of the results of the evaluation and the distribution of any merit pay.

F. If the faculty member seeks to further appeal the decision he/she shall proceed as described in Section III.

MERIT PAY EVALUATION POLICIES
DRAFT

Submitted by Merit Pay Subcommittee
of the Faculty Senate

Whereas, the Faculty Senate recognizes the need to encourage and reward outstanding work and achievements by the faculty, and the recognition and evaluation of that work must be done in as fair and equitable a manner as possible, we hereby propose the following policies and procedures on Merit Pay Evaluation be adopted.

I. General Procedures

The following procedures are to be adhered to by all units, schools, departments, and colleges. These basic procedures are intended to guarantee that all faculty are evaluated relative to their actual responsibilities, achievements, and goals.

A. Each faculty member, in consultation with his/her supervising administrator, shall set forth in writing a mutually agreed upon statement of responsibilities and goals in the categories of teaching, research and/or creative works, and service for each new academic (or calendar?) year.

B. This task should be completed by the beginning of classes in the fall semester and in no case later than the end of the second week of classes (second week of January?).

C. Each faculty member shall submit a written self evaluation to his/her supervising administrator by March 15th (?) that compares their own performance relative to the previously established goals and responsibilities. The form of this submittal shall be determined by each academic unit/college.

D. The supervising administrator shall then include the above described documents and these policies as an integral part of the detailed merit evaluation procedures adopted by each academic unit.

E. When the supervising administrator completes the merit pay evaluation process, the faculty member shall be informed in writing (?) within ten days of the results of the evaluation and the distribution of any merit pay.

F. If the faculty member seeks to further appeal the decision he/she shall proceed as described in Section III.

ARTICLE IV

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II. Merit Pay Policies

A. Merit pay distributions shall be based on annual performance evaluations as established by these policies and by each academic unit of the University.

and

Until major salary inequities are demonstrated to be corrected, long term (how long?) performance is to be considered equally with the annual performance evaluation.

B. Funds for salary adjustments shall be distributed by the Administration to the academic units after:

- 1) increments for promotions have been deducted.
- 2) increments to compensate academic units as a whole for salary inequities relative to regional standards (which, how?) and academic unit performance (?) have been deducted.

C. Salary increases in each academic unit shall be allocated according to the following schedule:

- 1) If the percentage increase for salaries is less than or equal to (50%?) of the Consumer Price Index (CPI), the entire salary increase shall be allocated directly to base salaries without consideration of merit.
- 2) If the percentage increase for salaries is greater than (50%?) of the Consumer Price Index, the amount above (50%?) of the CPI shall be allocated for merit.

III. Appeals

A. If a faculty member wishes to appeal the performance / merit evaluation, he or she must submit a written notice to the supervising administration and the supervising administrator's immediate supervisor within 15 days of the annual performance evaluation.

B. The faculty member and his/her supervising administrator shall meet within 10 days of written notice and attempt to resolve the issue satisfactorily. The supervising administrator's immediate supervisor may act as mediator at the request of either party or at his/her own discretion.

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C. If the faculty member wishes to further appeal the decision, the matter shall be referred to the Faculty Merit Review Committee (to be established following adoption of these Policies and Procedures). Application to this Committee shall be made by written request within 15 days following the meeting outlined in Step 1.

D. The Faculty Merit Review Committee shall consist of two tenured faculty members, one non-tenured faculty member, the Vice President for Academic Affairs and one other administrator appointed by the Vice President for Academic Affairs. The faculty committee members and two alternates shall be elected by the Faculty Senate for a term of 3 years. The 3-year terms shall be staggered. The administrator appointed by the Vice President for Academic Affairs shall also serve a 3-year terms. Nominations for the faculty and alternate positions shall be made by faculty-wide written petitions accompanied by his/her agreement to run. No two nominees or committee members may be from the same college. A quorum of the committee shall consist of 4 members. No member shall vote in cases involving a member of his/her college. The committee will annually elect a chairperson and a vice chairperson. The vice chairperson will serve as chair in case of absence or disqualification of the chairperson. One or both of the alternates will serve on the committee if a quorum cannot be obtained because of illness, disqualification or death of one or more of its members.

E. The written request for appeal before the Committee shall be accompanied by copies of all pertinent documentation including the faculty member's written annual professional activities report, the supervising administrator's written evaluation of the faculty member and the supervising administrator's written report of the informal meeting between the faculty member and him/herself. After receipt of the written request and documentation, the committee will study the case for no more than 10 days. If after that time, the committee feels all attempts at informal resolution have been exhausted, a hearing will be scheduled. The hearing shall be scheduled by the committee for the earliest convenient time for all concerned parties. Except under unusual circumstances, the hearing shall occur no later than 30 days after the initial written request for appeal. Time limitations during hearings may be set by the committee. The faculty member and the supervising administrator must be present. No legal counsel will be present during the hearing. The written decision of the committee will be sent to the faculty member, the faculty chair and the chairperson's immediate supervisor within 10 days of the hearing.

PROPOSED

by the Senate
April 12, 1988

UNIVERSITY OF NEW MEXICO

370

INTELLECTUAL PROPERTY POLICY

Foreword

In the course of conducting University administered activities such as research, investigations, and studies, the faculty, staff, and students often create intellectual property which may be protectable by patent, copyright, or other means. The University desires to have a policy which encourages the treatment of such property in ways beneficial to the creators such as inventors and authors as well as to the University and to the public. To do so, it is appropriate for the University and the creators to assist each other in identifying, evaluating, protecting, and exploiting such property in ways to advance and safeguard their interests. Such efforts will provide the intended benefits and serve to enable recognition of inventions and other property as significant achievements of an academic and often practical nature. Accordingly, the policy seeks to recognize such achievements, to provide advice and assistance to faculty, staff, and students, to provide clear understanding of legal relationships, and to realize and optimize the benefits of potentially valuable intellectual property to creators as well as the University and public. A feature of the policy is to encourage creators to perform key roles in the utilization of intellectual property.

I. **Patents** (see Definitions set forth in Glossary, Appendix I. Defined terms are capitalized herein)

A. **Inventions**

1. **General**

It is the intent of the University not to claim rights in an Invention resulting from endeavors not supported by the University or its Sponsors or to which the University's contribution is negligible. To safeguard against future dispute as to

University rights, each Invention should be submitted to the University for review. A written determination of the parties' rights will be provided to the Inventor in the manner set forth in 3. below to include, when appropriate, release of any University claim to the Invention.

2. Invention Rights and Reporting

Except for each Invention regarding which a final determination of no University interest has been made in accordance with 3. below, the University shall have the right, title, and interest in an Invention including the sole right to file patent applications thereon throughout the world, and the right to waive all or part of such rights, where:

- a) the Invention was Conceived or First Actually Reduced to Practice in the performance of work under a Sponsor Agreement,
- b) the Invention was directly related to the Member's University research duties, or
- c) the Invention was made with more than a negligible contribution of University controlled or administered funds, facilities, personnel, equipment, or unpublished technical information generated by or for the University.

Each Invention falling within any of the above criteria shall be reported by the Inventor in writing to the Patent Administrator as soon as possible (preferably within two months) after Conception or First Actual Reduction to Practice, whichever occurs first, to enable earliest possible publication without loss of rights to the Inventor, University, or Sponsor due to Statutory Bar.

3. Determination of Rights in Inventions

If there is doubt as to the ownership status of an Invention, the Inventor should request that the respective property rights of the University and Inventor in the Invention be officially determined. Such request should be made to the Patent

Administrator in writing when reporting the Invention or as soon as possible thereafter. The request must be accompanied by a description of the Invention, a signed Inventor's statement describing the facts and circumstances surrounding the making of the Invention, and the written concurrence of the cognizant Chairperson, Dean, or Director. Within sixty days of receipt of the above statement and concurrence, an official determination will be made by the Patent Administrator, with the approval of the Vice President for Research, that the University has no right, title, or interest in the Invention unless the facts and circumstances show that the Invention falls within any of the criteria in 2. above. The determination shall be retained as a permanent University record and made available to the Inventor's prospective licensees, transferees, or other parties upon the written request by the Inventor or properly authorized representative.

all or any one?

?

B. Patenting and Revenue Sharing

1. Processing and Arrangements Where University Elects Not to File a Patent Application

The evaluation of Inventions in which the University has title shall be coordinated by the Patent Administrator and, if appropriate, a Prior Art Search made thereon. The Inventor should promptly inform the Patent Administrator at any time of intended publication of the Invention or any other known or suspected Statutory Bar. If, after consideration of a) the evaluation, b) any Sponsors' rights, and c) results of a Prior Art Search, the University determines not to file a Patent Application on the Invention, the Inventor shall be so informed, and the Inventor may then request the University to waive all or part of its rights therein to the Inventor. The University in its sole discretion may waive all or part of its rights in the Invention, i.e., assign title or grant an exclusive or partially exclusive license or a non-exclusive license to the Inventor and shall respond in writing within sixty days of the Inventor's request. Grant of such waiver will not be

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unreasonably denied. Any assignment or grant shall be subject to a Sponsor's rights or approval, or the rights of intervening parties. The University may retain rights and benefits which shall be in the best interests of the University and related to its contribution in the development, utilization, and exploitation of the Invention. Such retained rights shall not be competitive with commercially valuable rights assigned or granted to Inventor and as a minimum shall include an irrevocable, non-exclusive, world-wide, paid-up license to practice the Invention for the University's purposes.

2. Processing and Arrangements Where University Elects to File Patent Application on University-owned Invention

If the University decides to file a Patent Application in the United States or in foreign countries, the Inventor during and after association with the University shall cooperate as requested by the Patent Administrator to assist in the preparation, filing, and prosecution of the Patent Application and the issuance and maintenance of any patents issuing thereon. Costs relating to Invention evaluation, Prior Art Search, preparation, filing and prosecution of the Patent Application, and issuance and maintenance of the Patent normally shall be borne by the University.

Gross Revenues including option and license issuance fees received by the University resulting from the licensing of the Invention shall be shared 50% with the Inventor.

The University in its sole discretion may increase the Inventor's share to a maximum of 75% of the first two million dollars of Gross Revenues received depending upon the extent of Inventor's personal effort beyond University duties (consistent with University policy on Outside Employment) and private expense leading to successful exploitation of the Invention.

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Further, the University may transfer or receive invention rights, enter into business, patent licensing, and fiduciary arrangements with the Inventor or others, and take a maximum of 10% equity interest in lieu of cash revenues. This may be appropriate, for example, where the University determines that the Inventor's control of a University-owned invention might result in more effective exploitation. Such arrangements shall be approved by the Vice President for Research. A primary consideration affecting the University's potential interests in such arrangements shall be the extent to which they enhance the mission and goals of the University and the educational, cultural, and economic environment of the State of New Mexico as well as society in general.

C. Invention Award

A monetary award may be made by the Vice President for Research no more than once a year for an invention deemed to be a particularly meritorious advance in the Art.

II. Copyrights (Note: Terms Defined in the Glossary, Appendix I, are capitalized herein)

A. General

Members of the faculty, staff, and student body may become involved in Copyright matters in at least two common ways: first, in securing permission to use material copyrighted by others in a publication or in reproducing it for use in class; second, in obtaining proper copyright protection for their own writings, productions, art, videotapes, computer programs, or other works, whether these be, for example, teaching materials the Author wants to make available to students, or articles and books the Author is publishing. Information and forms needed to apply for a United States Copyright registration are available in the Government Publications Department in the Zimmerman Library. Specific

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guidelines pertaining to the use and reproduction of Copyrighted Materials are available at the service desks in the Zimmerman Library and other libraries.

B. Rights to Copyrightable Work

1. The promotion of research, scholarly writing, fine arts, and other creative work are essential activities of the University. In order to foster such activities, the University intends that this Copyright policy should be favorable to Members who create such works. The objective of the University's Copyright policy is to enable the University to maintain traditional incentives for scholarly or creative work and its dissemination while at the same time protecting the rights of Members and the University with respect to Copyright.

2. The University of New Mexico regards Copyrightable Work developed by a Member as the property of the Member unless one of the conditions in 3. below applies. When the Member owns the Copyright, the Member is expected to make the appropriate arrangements (e.g., execute appropriate assignments or licenses) with producers or publishers. If there is any question about potential ownership of a Copyright, the Authors are advised to consult with the Patent Administrator. Within sixty days of the receipt by the Patent Administrator of a request for a rights determination along with the Member's written statement of facts and circumstances under which the work arose and the concurrence of the cognizant dean or director, the Patent Administrator will determine, with the approval of the Vice President for Research, that the University has no right, title, or interest in the Copyrightable Work unless any of the criteria in 3. below applies.

3. The University will claim Copyright ownership in those cases where:
(a) a Member creates a Copyrightable Work in the course of performing a written University assignment or commission to create such a work or (b) University

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ownership is specified in writing by terms of a gift, grant, agreement, or contract with an outside party or Sponsor.

4. In any case where an employee in the development of a copyrightable work intended for commercial dissemination has made extensive use of University resources, such as computer time, staff personnel, supplies, equipment or facilities, but not including the use of library facilities or office space, his/her director, department chair or dean, as the case may be, may require the employee to reimburse the University for any portion of such use. When a commercial enterprise is undertaken, the employee should consult his/her director, department chair or dean in advance to determine whether and to what extent reimbursement is appropriate. Reimbursement may be made by assignment of a portion of the royalties produced by the commercial venture, lump sum payment, or any other mutually agreeable arrangement. All such arrangements shall be approved by the Vice President for Research.

III. Other Intellectual Property

The two primary areas of protectable intellectual property are Patents and Copyrights. Items protectable under the Chip Protection Act or as Design Patents shall be treated under University policy as Copyrightable Works. Other property protectable under the law of trademarks or trade secrets is generally peculiar to specific commercial situations and is considered appropriate for specific counseling with the Patent Administrator rather than policy treatment.

IV. Administrative Arrangements

The Patent Administrator, with the approval of the Vice President for Research, is authorized to promulgate and publish information and procedures to implement these policies.

V. Related Provisions

The University may in its sole discretion: a) accept under terms beneficial to the University a voluntary assignment of an Invention or Copyright, b) take such action as it

...invention or discovery...
 ...patent application...
 ...University-owned...
 ...publishing...
 ...preliminary...
 ...evaluation...
 ...cooperate...
 ...pressing need...
 ...appeals...
 ...President...
 ...ad hoc panel...
 ...review...
 ...recommendations...
 ...final determination...

deems appropriate to defend or enforce any Patent or Copyright including settlement of a claim or conduct of litigation (which shall be subject to the exclusive control of the University), c) waive, assign, or grant all or part of its rights in any Invention or Copyright upon such terms and conditions deemed appropriate and beneficial for the University and creator and, d) require Inventors to refrain from prematurely publishing University-owned Inventions for a reasonable period to enable the Sponsor or University to evaluate the Invention and determine whether and where to file a Patent Application thereon. However, the University will expedite processing of Inventions and cooperate in other ways with Inventors when there is a pressing need to publish.

VI. Appeals

All decisions of the Vice President for Research are appealable to the President, who may appoint an ad hoc panel which will review all relevant facts and circumstances and make recommendations to the President for final determination.

- (1) printed works, including any accompanying sheets;
- (2) dramatic works, including any accompanying sheets;
- (3) pictorial, graphic, and sculptural works;
- (4) motion pictures and other audiovisual works;
- (5) sound recordings;
- (6) computer software;
- (7) any other works of authorship, including works prepared by an individual as a part of his or her official duties, that are copyrightable under applicable law.

Glossary of Terms - Appendix I

1. "Author" means any Member who creates Copyrightable Work.
2. "Conception" or "Conceived" means the Inventor's act of thinking through the complete and effective arrangement and working of the Invention in its essential aspects; it does not require testing or proof of operability.
3. "Copyright" means the legal protection afforded a work copyrightable under the Copyright Act of 1976, as amended. (Title 17 United States Code, Section 101 et seq.)
4. "Copyrightable Work" means those items described in 17 USC 102 and 103 which may be copyrighted and includes original works of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, whether directly or with the aid of a machine or device. Works of authorship include the following categories:

- (1) literary works;
- (2) musical works, including any accompanying words;
- (3) dramatic works, including any accompanying music;
- (4) pantomimes and choreographic works;
- (5) pictorial, graphic, and sculptural works;
- (6) motion pictures and other audiovisual works;
- (7) sound recordings; and
- (8) computer software

(In no case does copyright protection for an original work of authorship extend to any idea, procedure, process, system, method of operation, concept, principle, or discovery, regardless of the form in which it is described, explained, illustrated, or embodied in such work.)

- (a) the subject matter of copyright as specified above includes compilations and derivative works, but protection for a work employing

preexisting material in which copyright subsists does not extend to any part of the work in which such material has been used unlawfully.

(b) the copyright in a compilation or derivative work extends only to the material contributed by the author of such work, as distinguished from the preexisting material employed in the work, and does not imply any exclusive right in the preexisting material. The copyright in such work is independent of, and does not affect or enlarge the scope, duration, ownership, or subsistence of, any copyright protection in the preexisting material.

5. "First Actual Reduction to Practice" or "First Actually Reduced to Practice" means the first successful test of a physical embodiment of the Invention in its intended environment.

6. "Gross Revenues" means all revenues including royalties, fees, charges or other monies including issuance and option fees received from licensing, sale, and/or recoveries from enforcement of a Patent.

7. "Invention" means invention or discovery as defined in Title 35 United States Code, Section 101 et seq., whether or not patentable or patented, which is made by an Inventor. (Note: The term Invention disclosure or disclosure of Invention refers to the documents or forms used in reporting an Invention to the University or Sponsor.)

8. "Inventor" means the Member or several Members collectively who make an Invention.

9. "Member" means any person who is a member of the faculty, staff, or student body of the University of New Mexico.

10. "Patent" means a document formally issued from a Patent Application drawn on an Invention and published by the USPTO or by a similar office in a foreign country.

11. "Patent Administrator" means the person designated by the University to administer policy and procedures on patents and other intellectual property matters for the University.
12. "Patent Application" means a formal document describing and claiming an Invention and duly filed in the United States Patent and Trademark Office ("USPTO") or patent office in a foreign country for the purpose of obtaining issuance of a patent.
13. "Prior Art Search" -- see "Search".
14. "Publishing" or "Publication" of an Invention means the release of an oral or written description of the Invention to one or more persons without conditions of confidentiality or restriction. (Note: The following constitute publications commencing the running of the one-year statutory bar in the U.S. or immediate creation of an absolute bar in most foreign countries: an oral presentation of an Invention in a classroom, seminar, or symposium; publication in a technical journal effective on the date the journal is actually distributed (not necessarily the printed date of publication); the existence of a single manuscript or thesis describing the Invention in one publicly accessible library anywhere in the world; a proposal or technical report containing a description of the Invention delivered to a federal agency or other Sponsor without restriction on its distribution.
15. "Search" or "Prior Art Search" means a formal search of prior art (usually by a firm specializing in such matters) to uncover those prior publications (including patents) deemed most relevant to the Invention before a decision is made to file a Patent Application thereon.
16. "Sponsor" means a person or entity, (e.g., federal agency, corporation, foundation, grantor, trustee, individual, etc.) providing funds to the University directly or via a contract for the conduct of research work by or on behalf of the University itself or jointly with the Sponsor.

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17. "Sponsor Agreement" means a written contract between the Sponsor and the University including provisions governing reporting and rights in Inventions and other intellectual property developed or involved in work done under the Agreement.

18. "Statutory Bar" means the act of making, non-experimentally using, selling, or publishing an Invention at such a time prior to filing a patent application thereon that issuance of a patent is barred as a matter of law. (Note: the bar is effective in many industrialized countries immediately and absolutely upon publication, sale, or attempt to sell anywhere in the world. In the United States a one-year grace period is allowed. The bar applies regardless of how novel or useful the Invention was when published or sold.)