



# **Faculty Handbook**

## **Section D: Teaching and Student Related Policies**

January 17, 2018

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# D90: Posthumous Degrees

Approved by: Faculty Senate

Effective: November 28, 2017

Responsible FS Committee: Policy Committee

Office Responsible for Administration: Office of the Provost

Revisions to the Policy Rationale, Policy Statement, and Applicability sections of this document must be approved by the full Faculty Senate.

## Policy Rationale

The University of New Mexico (UNM) recognizes that an academic degree is a matter of legitimate pride in achievement not only for students themselves but also for the family members and friends who provide students with vitally important support and encouragement during the course of their studies. UNM also recognizes that not only the degree, but also significant progress in an academic program is, under certain circumstances, an achievement which warrants special recognition. Accordingly, UNM may grant degrees posthumously, in memoriam, or in extraordinary circumstances. A degree of the appropriate type and level may to be bestowed upon a student who meets required criteria with appropriate approvals.

## Policy Statement

Requests for granting degrees posthumously, in memoriam, or due to an extraordinary circumstance may be initiated by the student, student's family, the faculty of the department and/or college/school, or a UNM administrator. The request should be submitted to the Office of University Secretary who will facilitate review and approval by the appropriate faculty, college/school official(s), Faculty Senate (FS) Committees, and the Faculty Senate. Awarding of graduate and professional degrees requires approval of the Departmental faculty and the Faculty Senate Graduate and Professional Committee. Approved degree requests may be awarded under the following circumstances:

### 1. Posthumous

If approved by all levels as specified herein, UNM may grant posthumous degrees to a student who dies before he or she is able to complete his/her program. The student must be in degree status and either currently enrolled or enrolled in the academic year previous to his/her death. Normally, the student should have completed half of the credits required for the degree. The degree will be noted as "posthumous" on both the diploma and the transcript.

### 2. In Memoriam

If approved by all levels as specified herein, UNM may award a degree in memoriam to a student who was in good standing at UNM at the time of his or her death and who does not meet the requirements necessary to be awarded a posthumous degree. The degree will be noted as "in memoriam" on both the diploma and the transcript.

### 3. Extraordinary Circumstances

If approved by all levels as specified herein, UNM may grant a degree when extraordinary circumstances beyond the student's control prevent the student from completion of his or her academic program.

Normally, the student should have completed half of the credits required for the degree. If departmental faculty vote to waive remaining degree requirements, the student will be awarded a degree without special notation on the diploma and transcript. If degree requirements are not waived, a special notation will be added to the diploma and transcript.

#### a. Terminally Ill

If approved by all levels as specified herein, special consideration may be given for a terminally ill student as determined by a qualified healthcare provider. Before the student dies, the student and family may be informed of the college's/school's and UNM's decision to award the degree. The dean, department chair, or other appropriate representatives may present the degree in a private gathering as a special gesture to the family and student. The family will receive the diploma as soon as it is produced.

#### b. Rare and Unusual Situations

If approved by all levels as specified herein, degrees may be awarded to a student or former student due to extraordinary circumstances. These situations are extremely rare and unusual, and the required criteria will be determined on a case-by-case basis by UNM. A request for consideration of granting a degree for an extraordinary circumstance, must describe the exceptional situation(s) that impacted the student's ability to complete the academic program.

## Applicability

All academic UNM units, including the Health Sciences Center and Branch Campuses.

Revisions to the remaining sections of this document may be amended with the approval of the Faculty Senate Policy and Operations Committee in consultation with the responsible Faculty Senate Committee listed in Policy Heading.

## Definitions

No specific definitions are required for the Policy.

## Who should read this policy

- Students
- Faculty members
- Staff in Office of the Dean of Students
- Academic administrators

## Related Documents

Regents Policy Manual RPM 1.1 (<http://policy.unm.edu/regents-policies/section-1/1-1.html>) “Responsibilities of the Board of Regents”

## **Contacts**

Direct any questions about this policy to Office of the University Secretary.

## **Procedures**

Approval of these degrees by the Board of Regents will follow established degree approval processes.

## **History**

February 27, 2007--Approved by the Faculty Senate

# D100: Dishonesty in Academic Matters

## *Policy*

Dishonesty on the part of a student in connection with either course material or student records is a serious matter involving the possibility of disciplinary action. Since the members of the faculty have a direct responsibility in the enforcement of the standards involved, the following formal statement was prepared, incorporating the current regulation and the procedures for implementing it.

1. The following statement appears among the scholastic regulations listed in the **UNM Catalog** (<http://catalog.unm.edu/>) and **Pathfinder** (<http://pathfinder.unm.edu/>):

"Each student is expected to maintain the highest standards of honesty and integrity in academic and professional matters. The University reserves the right to take disciplinary action, up to and including dismissal, against any student who is found guilty of academic dishonesty or otherwise fails to meet these standards.

Academic dishonesty includes, but is not limited to, dishonesty in quizzes, tests, or assignments; claiming credit for work not done or done by others; and nondisclosure or misrepresentation in filling out applications or other university records."

2. When a violation of the regulation occurs in connection with a course, seminar, or any other academic activity under the direction of a faculty member, that faculty member is authorized to take whatever action is deemed appropriate, but no penalty in excess of an "F" in the course and the involuntary withdrawal of the student from the class may be imposed. Whenever this penalty is imposed; the instructor may report the case in full detail in writing to the Dean of Students, who may impose additional sanctions or refer the matter to the Student Conduct Committee for a determination of whether additional sanctions are warranted.

It is also important to point out that before a faculty member takes action on any alleged violation of this rule, the instructor should be certain that there is substantial evidence to support the charge.

3. When academic dishonesty occurs in connection with any test or examination not connected with a course, but administered by an officer of the University or in connection with any non-disclosure or misrepresentation in filling out applications or other University records, the person who observes or discovers the violation shall transmit in writing to the Dean of Students a statement describing the occurrence. A copy shall be sent to the student. The Dean of Students shall determine the sanction following procedures set forth in section 3.4 of the Student Grievance Procedure.

4. Action taken by the Student Conduct Committee shall be completed within the time limits and extension provisions outlined in section 9.1 of the Student Grievance Procedure. Copies of the final decision will be sent to the faculty member's chairperson, dean and to the dean of the student's college if different.

The procedure described above with reference to the Student Conduct Committee removes none of the instructor's authority heretofore practiced in such matters, but rather strengthens and gives uniformity to action taken by making use of an appropriate committee upon which both faculty and students serve.

On the whole, experience shows that student committee members deal as rigorously with dishonesty as do administrative officials, individual faculty members, or faculty committees. More important than consistency or rigorousness of punishment, however, is the simple consideration that student government, student self-reliance, and student responsibility develop further and more firmly when student representatives actually take a role in dealing with student behavior.

In order to be as fair as possible to students, it is recommended that faculty members teaching lower division courses inform the class, at the beginning of each course, as to their policy and the University policy with reference to dishonest academic practices. Students thus informed will thereafter have no basis for pleading ignorance of regulations.

Refer also to "Academic Integrity" **D10** (<http://handbook.unm.edu/section-d/d10.html>) and "Student Conduct and Grievance Procedures" **D175** (<http://handbook.unm.edu/section-d/d175.html>), *Faculty Handbook*.

# D175: Student Conduct and Grievance Procedures

## *Policy*

This policy has been approved by the Faculty Senate 3/10/87, ASUNM Senate 4/1/87, GSA Senate 5/2/87 and by the Board of Regents 8/11/87.

Revisions approved by the Faculty Senate in May 1994 and by the President in May 1995. Revisions approved by the President: March 5, 1999; June 19, 2001; July 2, 2013 and May 13, 2014.

Subject to Change Without Notice

## **ARTICLE 1. INTRODUCTION**

### **1.1. General**

The UNM Student Grievance Procedure is intended to provide procedures for the resolution of disputes of an academic nature between students and University faculty, as well as procedures for handling student disciplinary matters. The following categories of disputes or disciplinary matters are provided for in the articles indicated. Any question about these procedures should be directed to the Office of the Dean of Students.

### **1.2. Academic Disputes**

Disputes arising within the academic process shall follow the procedures set forth in Article 2, unless they involve allegations of academic dishonesty which are handled under Article 3.

### **1.3. Disciplinary Matters**

Disciplinary proceedings brought against students, other than allegations of academic dishonesty, shall be handled under the procedures set forth in Articles 4, 5, 6 and 7.

### **1.4. Academic Record Disputes**

Students seeking retroactive withdrawal, enrollment, or disenrollment or for other academic record changes, shall follow the procedures set forth in Article 8.

### **1.5. Law School and Health Science Center.**

Disputes involving students of the School of Law or any of the academic programs in the Health Sciences Center shall be handled as described in Article 9.

### **1.6. Branch Colleges**

Student grievances or disciplinary matters arising on the branch campuses shall be handled under the Student Grievance Procedures and Student Disciplinary Procedures in effect on those campuses. Branch campuses may elect to follow this Student Grievance Procedure, as modified to identify the decision-makers at the branch campus.



### **1.7. Chartered Student Organizations**

As provided for in UNM's Chartered Student Organization Policy, allegations that a Chartered Student Organization has, through its members and/or officers, violated the Student Code of Conduct or otherwise failed to meet its responsibilities as a Chartered Student Organization will be addressed by the Dean of Students Office under this Student Grievance Procedure.

### **1.8. Discrimination Allegations**

Grievances alleging discrimination based on age (40 and over), ancestry/national origin, color/race, gender identity, medical condition, mental/physical disability, religion, sex/sexual harassment, sexual orientation, spousal affiliation, veteran status and any other protected class should be directed to the UNM Office of Equal Opportunity.

### **1.9. Other Matters Not Included Under These Procedures**

**A.** Disputes involving access to or information in a student's educational records shall follow procedures set forth in the UNM Student Records Policy, published in the student handbook, **The Pathfinder** (<http://pathfinder.unm.edu/>).

**B.** Grievances arising out of a student's status as a University employee hired through the Student Employment Office shall follow procedures set forth in the UNM Student Employee Grievance Procedure, published in the student handbook, **The Pathfinder** (<http://pathfinder.unm.edu/>).

**C.** Disputes involving matters occurring in the Residence Halls shall follow the procedures set forth in the Residence Hall Handbook in addition to this procedure.

**D.** Any student grievances concerning decisions made by University personnel, outside the academic process, for which specific procedures are not established, shall be resolved between the student and the office or department involved. If no resolution is reached, the parties may appeal to the appropriate Dean or Director and then to the appropriate Vice President. Appeals should be filed in writing within one week of the decision.

**E.** Resolution of disputes of an academic nature initiated by graduate students shall follow the Graduate Student Grievance Procedures. Disputes arising from a graduate student's status as a graduate assistant shall follow procedures in the Faculty Handbook.

**F.** Disputes transferred, referred, or appealed to the Student Conduct Committee pursuant to other official UNM procedures shall be heard by the Committee under the applicable articles of this procedure.

**1.10.** Reasonable deviations from these procedures by UNM will not invalidate a decision or proceeding unless significant prejudice results.

**1.11.** Visitors to the UNM campus are subject to the Visitor Code of Conduct. Visitors may be banned from the entire campus, or a portion of the campus, on an emergency basis under Article 4.3 herein. Visitors will normally be given the opportunity to meet with the Dean of Students to discuss alleged violations of the

Visitor Code of Conduct prior to a decision concerning the visitor's final status on campus. Decisions of the Dean of Students regarding visitors to campus are final for the University.

## **ARTICLE 2. ACADEMIC DISPUTES**

### **2.1. Scope**

This article sets forth the procedures which should be followed by a student who believes that he or she has been unfairly or improperly treated by a faculty member or academic program/department in connection with the academic process. For example, it applies to disputes over assignment of grades, decisions about program or degree requirements or eligibility, or claims that course requirements are unfair.

### **2.2. Informal Resolution**

**A.** The student should first try to resolve the grievance informally by discussing the grievance with the faculty member as soon as reasonably possible after the student becomes or should become aware of the matter. If the student and faculty member cannot reach agreement, the student should discuss the grievance with the chairperson or supervisor of the department or division. If the grievance is still not resolved, the student should discuss the grievance with the appropriate Dean. When the dispute arises from a particular course, the appropriate Dean is the Dean of the college offering the course.

**B.** In these informal discussions, the chairperson, supervisor, or Dean is encouraged to mediate the dispute actively. In particular, he or she should talk to both the student and the faculty member, separately or together, and should examine any relevant evidence, including any written statements the parties wish to submit.

**C.** These informal discussions shall be completed within four weeks after the student becomes or should become aware of the matter.

### **2.3. Formal Appeals of Academic Matters**

If the informal discussions do not resolve the grievance, the student may bring a formal appeal using the procedures set forth in the following articles. This appeal process shall begin within two weeks following the informal discussions.

**A.** The student shall make a written complaint to the appropriate Dean, as defined in Article 2.2.A.

**B.** The complaint shall describe the grievance, including a statement of what happened, and the student's reasons for challenging the action or decision. The complaint shall also describe the student's attempts to resolve the grievance informally. The student may attach copies of any relevant documents. The student shall send a copy of the complaint to the faculty member and his or her chairperson. The faculty member shall have two weeks from the receipt of the complaint to respond in writing to the Dean. A copy of the faculty member's response shall be provided to the student, consistent with the federal Family Educational Rights and Privacy Act (FERPA).

**C.** In deciding the appeal, the Dean shall receive and review any written evidence or statements submitted by the parties, and shall provide both parties the opportunity to review and respond to all evidence. The Dean shall interview each party and may interview other persons with relevant information. At his or her discretion, the Dean may decide to hold an informal hearing involving both parties and any witnesses. Where the dispute primarily concerns factual questions, rather than matters of academic judgment, the Dean should normally hold such a hearing. If a hearing is to be held, the Dean will give the parties no less than five days notice. The student and/or faculty member shall be allowed to bring an advisor to the hearing, but legal counsel shall not be permitted. Cross-examination of witnesses shall be permitted, but the Dean may require that questions be directed through the Dean.

**D.** The Dean at his or her discretion may convene an advisory committee to hold a hearing or otherwise help him or her evaluate the dispute. For this purpose the Dean may utilize a standing committee appointed within the Dean's college.

**E.** The Dean shall issue a written decision explaining his or her findings, conclusions, and reasons for the decision. The decision shall be sent to each party, and to the faculty member's chair. The decision shall be made within three weeks after the complaint is filed, unless an informal hearing is held, in which case the decision shall be made within four weeks.

**F.** Either party may appeal the Dean's decision within two weeks of receipt of the decision to the Provost. The Provost or his or her designee shall resolve the grievance utilizing any procedures available to the Dean set out above.

**G.** The Chairperson, Dean, and/or Provost shall not overrule a faculty member's academic judgment.

**H.** The Provost at his or her discretion may refer the matter to the Faculty Ethics and Advisory Committee for consideration of disciplinary action against the faculty member involved, if such action appears warranted.

## **ARTICLE 3. ACADEMIC DISHONESTY**

### **3.1. Scope**

This article sets forth procedures which shall be followed in cases of suspected academic dishonesty. These procedures are not exclusive; various University departments and programs may have additional policies and procedures on academic dishonesty. Academic dishonesty is defined in the Policy on Academic Dishonesty, as published in the student handbook, *The Pathfinder* (<http://pathfinder.unm.edu/>).

### **3.2. Academic Dishonesty within Courses: Faculty-Imposed Sanctions**

**A.** When a violation of the academic dishonesty rules appears to have occurred within the academic process, the faculty member shall discuss the apparent violation with the student as soon as possible and give the student an opportunity to explain. After this discussion, the faculty member may impose an appropriate sanction within the scope of the academic activity, such as grade reduction and/or involuntary withdrawal from the course. The faculty member shall notify the student of the academic sanction. The

faculty member should contact the Dean of Students Office to see if there are any prior incidents of academic dishonesty on file for that student.

**B.** The faculty member should report the matter in writing to the Dean of Students Office, by using the faculty adjudication form provided by that office or submitting written documentation describing the events and indicate if he/she wishes the Dean of Students Office to pursue any additional disciplinary action against the student. A copy of such report shall be sent by the Dean of Students Office to the student.

**C.** The student may challenge a faculty-imposed sanction through the formal academic appeals process, set forth in Article 2. The student may appeal the decision of the Dean of the College to the Provost, as provided in Article 2.3.F.

### **3.3. Academic Dishonesty in Other Settings**

When academic dishonesty occurs other than in connection with a course, the person who observes or discovers the apparent violation shall transmit in writing to the Dean of Students a statement describing the occurrence. A copy shall be sent to the student. The Dean of Students shall determine the sanction following the procedures set forth in Article 3.4.

### **3.4. Sanctions Imposed by the Dean of Students**

Upon receiving a report of academic dishonesty from a faculty member pursuant to Article 3.2.B, or from other University staff pursuant to Article 3.3, the Dean of Students may, after considering the recommendation of the faculty member, if any, initiate additional disciplinary action in accordance with this Student Grievance Procedure. A decision of either the Student Conduct Committee or the Student Conduct Officer shall, however, be appealable to the Provost, rather than to the Dean of Students or the Vice President for Student Affairs.

## **ARTICLE 4. DISCIPLINARY PROCESS**

### **4.1. Prohibited Conduct**

The University may take disciplinary action against a student for a violation of the Student Code of Conduct when the offense occurs on University premises or at a University-sponsored event, or when the violation occurs off campus and failure to take disciplinary action is likely to interfere with the educational process or the orderly operation of the University, or endanger the health, safety or welfare of the University community or any individual student or employee. The term "student" includes both full-time and part-time students pursuing undergraduate, graduate or professional studies. Student status continues for the entire period of enrollment, including University holidays, class breaks and summer session, if the student is enrolled for the preceding spring and following fall academic terms. The University may take disciplinary action for a violation of the Visitor Code of Conduct when the offense occurs on University premises, as part of a University-sponsored event or in connection with University activities. "Visitor" means a person who is not a student, a University employee or a member of the Board of Regents.

### **4.2. Referral of Misconduct to Dean of Students Office**

**A.** Allegations of misconduct in violation of the Student Code of Conduct must be in writing and submitted to the Dean of Students Office which has primary authority to deal with disciplinary matters. Allegations of sexual violence and sexual harassment are addressed under Article 4.4. Complaints of alleged misconduct should be submitted as soon as possible after the event takes place, preferably within sixty (60) days. Absent just cause, complaints must be submitted within one year following discovery of the suspected misconduct.

**B.** Upon referral, or upon his or her own initiative, the Student Conduct Officer may review relevant evidence and consult with the person referring the allegation, the student accused, and any witnesses. The Student Conduct Officer will send written notification to the accused student indicating the nature of the activity in which the student was allegedly involved, and what University rules were allegedly violated. The student will be given the opportunity to meet with the Student Conduct Officer to review the options for resolving the charges. If the student fails to attend the meeting, the Student Conduct Officer may decide the charges based upon the information available and/or place a hold on the student's registration. The accused student will also be offered one or more of the following options to resolve the charges; however, the Student Conduct Officer is authorized to refer the charges for a formal hearing before the Student Conduct Committee even if the student does not elect a formal hearing. If a student fails to select a hearing process, the Student Conduct Officer will decide which hearing process will be followed. The options for resolving the charges are:

**i.** Mediation: This option is reserved for situations where all relevant parties in an incident agree to have a conflict resolved through mediation and sign an agreement to mediate. If all parties agree to this process and mediation is successful, a formal finding will not be issued with regard to the Student Code of Conduct charges. However, failure to fulfill the terms of a final mediation agreement could lead to reactivation of these charges and additional disciplinary action. Mediation will not be used to resolve complaints alleging sexual violence. ([http://handbook.unm.edu/section-d/d175.html#\\_ftn1](http://handbook.unm.edu/section-d/d175.html#_ftn1))

**ii.** Informal Disposition Conference: The accused student and Student Conduct Officer will meet informally to discuss the alleged violation(s). If the substantive facts and sanction can be agreed upon, a disciplinary action agreement will be prepared by the Student Conduct Officer and signed by the accused student. A signed disciplinary action agreement will constitute a waiver by the student of the right to an administrative hearing or formal hearing as well as any appeal, and an acceptance of the findings and sanction.

**iii.** Administrative Hearing with the Student Conduct Officer: This option allows the accused student to present evidence to the Student Conduct Officer for consideration and suggest witnesses that the Student Conduct Officer may consider interviewing before a decision is rendered. The Student Conduct Officer may contact other individuals who have knowledge about the incident giving rise to the charges. The party waives the right to question such individuals or otherwise participate in an evidentiary hearing. Administrative Hearings are not tape recorded. Within three weeks of the completion of all witness interviews, the Student Conduct Officer will send the party charged a letter which indicates the finding in the case and any disciplinary sanction imposed. The Student Conduct Officer may find the party charged not responsible for violating the Student Code of Conduct, or may find the party responsible and impose a disciplinary sanction in accordance with Article 4 of the Student Code of Conduct.

**iv.** Formal Hearing with the Student Conduct Committee: This option allows the accused student to respond to the charges, present witnesses on his or her own behalf and question witnesses. Formal hearings are tape-recorded. Within three weeks of the conclusion of the hearing, the Student Conduct Committee will send the party charged a letter which indicates the finding in the case and any disciplinary sanction imposed. The Student Conduct Committee may find the party charged not responsible for violating the Student Code of Conduct, or may find the party responsible and impose a disciplinary sanction in accordance with Article 4 of the Student Code of Conduct. A formal hearing with the Student Conduct Committee is conducted in accordance with the procedures outlined in Articles 5 and 6.

**C.** When a case involves Student Code of Conduct charges against more than one party, the Student Conduct Officer will determine whether to hold one hearing to resolve charges against all parties or hold separate hearings for each accused student.

**D.** A student allegedly committing a criminal offense under state or federal law that is also a violation of the Student Code of Conduct may be subject to University disciplinary proceedings. The University may pursue disciplinary action against a student at the same time the student is facing criminal charges for the same offense, even if the criminal prosecution is pending. The University may also pursue disciplinary action even if criminal charges were dismissed, reduced or resolved in favor of the student-defendant.

**E.** Unless otherwise specified in the decision, sanctions issued by the Student Conduct Officer (not including an Emergency Suspension as outlined in Article 4.3) or by the Student Conduct Committee shall not be implemented until the appeal process as set forth under Article 7 is completed.

**F.** The standard of proof utilized to resolve Student and Visitor Code of Conduct charges shall be that of preponderance of the evidence, meaning that the evidence, considered in its entirety, indicates that, more likely than not, the accused student (or chartered student organization or visitor) violated the Code of Conduct.

**G.** The party who is charged with violating the Code of Conduct is responsible for presenting his or her case; advisors are therefore not permitted to speak or to participate directly in any conference or hearing.

**H.** Decisions by the Student Conduct Officer or Student Conduct Committee will, in most cases, will be rendered within sixty (60) days of the filing of a complaint. This date can be modified at the discretion of the Student Conduct Officer if deemed necessary to conduct a hearing that protects the rights of all parties.

([http://handbook.unm.edu/section-d/d175.html#\\_ftnref1](http://handbook.unm.edu/section-d/d175.html#_ftnref1)) "Sexual violence" as that term is used in the Student Grievance Procedure means physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol, or due to an intellectual or other disability. Examples of sexual violence include, but are not limited to, rape, sexual assault, sexual battery and sexual coercion.

### **4.3. Emergency Suspension and Banning from Campus**

**A.** The Dean of Students may immediately suspend a student (or chartered student organization) and/or ban a student or visitor if the Dean concludes that the person's continued presence on the campus may endanger persons or property or may threaten disruption of the academic process or other campus functions.

**B.** When a person has been immediately suspended or banned by the Dean of Students under this article, the person may request to meet with the Dean to consider whether the emergency suspension should be continued. The meeting shall be held as soon as possible (no later than one week) after the request. The Dean of Students shall give the person an opportunity to explain his or her position and shall receive evidence or hear from witnesses with pertinent information, if requested by the person. In the case of a chartered student organization, the Dean will meet, if requested, with the organization's president or other designated officer.

**C.** After the meeting, if the Dean finds that the person's continued presence may endanger persons or property or threaten disruption of the academic process or other campus functions, the Dean shall continue the suspension and/or ban. Otherwise, the emergency suspension and/or ban shall be revoked or modified.

**D.** For students and chartered student organizations, an emergency suspension or banning does not end the disciplinary process. Resolution of the charges will proceed as set forth in Article 4.2(B) herein. For visitors, the Dean of Students will decide whether to maintain an emergency ban and make it permanent, or modify or end the emergency ban, ordinarily after giving the visitor an opportunity to meet. The decision of the Dean of Students concerning a visitor is final for the University.

### **4.4. Investigation of Complaints of Sexual Violence and Sexual Harassment**

**A.** A complaint alleging that a student has engaged in an act of sexual violence, as defined in footnote 1 herein, or sexual harassment, as defined in University Administrative Policy #2730, will be referred to the University's Office of Equal Opportunity (OEO) for investigation pursuant to OEO's Discrimination Claims Procedure. OEO will issue a Final Letter of Determination finding either No Probable Cause or Probable Cause that the accused student has committed an act of sexual violence or otherwise violated the University's prohibition against sexual harassment. The accused student and complainant have the right to appeal OEO's Final Letter of Determination as provided for in OEO's Discrimination Claims Procedure.

**B.** If Probable Cause is found that a student committed an act of sexual violence or sexual harassment, OEO will refer the matter to the Dean of Students Office to determine the sanction to be imposed. Sanctions should be designed to eliminate the misconduct, prevent its recurrence, and remedy its effects, while supporting the University's educational mission and obligations under Title IX. Ordinarily, after consulting with the accused student, the Student Conduct Officer will decide which of the options set forth in Section 4.2(B) herein will be utilized to determine the

sanction. The options of an administrative hearing with the Student Conduct Officer and the formal hearing with the Student Conduct Committee will be modified as appropriate so as to focus solely on determining what sanction(s) to impose.

C. The decision on sanctions made by either the Student Conduct Officer or Student Conduct Committee may be appealed as provided for by Article 7 herein, except that the only permissible grounds for appeal is that there was significant procedural error of a nature sufficient to have materially affected the outcome of the sanction decision, and/or the severity of the sanction is grossly disproportionate to the violation(s) committed. Both the accused student and the complainant may appeal the sanction decision. Neither the accused student nor the complainant may appeal the findings and determination made by OEO in the Article 7 appeals process.

D. If OEO finds No Probable Cause that a student committed an act of sexual violence or sexual harassment, OEO will refer the matter to the Dean of Students Office for review to determine whether charges under any other provisions of the UNM Student Code of Conduct are warranted or other action should be taken.

## **ARTICLE 5. STUDENT CONDUCT COMMITTEE**

### **5.1. Jurisdiction**

The Student Conduct Committee will hold a hearing when a party chooses the hearing option of a formal hearing before the Committee or when the Student Conduct Officer refers the matter to the Committee.

### **5.2. Composition**

A. The Student Conduct Committee will consist of three members, ordinarily including one student, one faculty member and one staff member, with the Dean of Students serving as an additional, nonvoting member and Chair of the Student Conduct Committee. The student, faculty and staff members of a Student Conduct Committee are drawn from a standing pool consisting of faculty members designated by the Faculty Senate President; staff members designated by the Staff Council President and student members designated by the Presidents of ASUNM and GPSA.

B. No one may serve on the Student Conduct Committee who has a conflict of interest or bias with respect to the case to be heard such that he or she cannot hear the case fairly and impartially, however, prior knowledge of the parties in the case or of the conduct that is the subject of the case does not itself constitute a conflict of interest or bias. Allegations that a member of the Committee has a conflict of interest or is biased shall be reviewed by the Dean of Students, whose decision is final.

C. A party charged may be found responsible for violating the Code of Conduct by a majority vote of the Student Conduct Committee.



### **5.3. Investigation Report**

The Student Conduct Officer will prepare an Investigation Report for the Student Conduct Committee. The Student Conduct Officer typically conducts interviews with the complainant, the accused student and any third-party witnesses; visits and takes photographs at relevant sites if appropriate; and gathers other relevant evidence. The Investigation Report includes, among other things, summaries of interviews with the complainant, the accused student and any third party witnesses; photographs of the relevant site(s); other relevant evidence; and a detailed written analysis of the events in question. The Investigation Report will be provided to the Student Conduct Committee, the complainant and the accused student.

## **ARTICLE 6. HEARING PROCEDURES**

The following rules shall apply to formal hearings conducted by Student Conduct Committee:

6.1 The hearing shall be closed, unless the Dean of Students decides to let others attend if he or she deems that their presence may be helpful to the review and determination of the charges, or if there are other compelling reasons for their presence.

6.2. The accused student, the complainant and their advisors, if any, shall be allowed to attend the entire portion of the hearing at which information is received (excluding deliberations).

6.3. The accused student and the complainant may each have an advisor (including an attorney) attend the hearing. The role of the advisor is to provide his or her advisee with support and counsel regarding the process. The advisor (including an attorney advisor) cannot act as a representative of his or her advisee, cannot have a voice in the hearing and therefore is not permitted to present arguments or evidence or otherwise participate directly in the hearing.

6.4. Student Conduct Committee members may question the accused student, the complainant and any witnesses.

6.5. The accused student has the right, within reasonable limits set by the Dean of Students to question all witnesses who testify. The Dean of Students may also permit the complainant to question the witnesses, within reasonable limits. However, the accused student and the complainant will not be permitted to directly question each other in hearings to determine the sanction to be imposed on a student for whom UNM's Office of Equal Opportunity has issued a Probable Cause determination under Article 4.4 herein. Questions for the accused student and the complainant from the other party may be suggested by each of them to the Student Conduct Committee who will decide whether to pose them.

6.6. The accused student and the complainant may each request the presence of witnesses at the hearing by informing the Dean of Students of their names and expected testimony at least five business days before the hearing. Based upon the Investigation Report, the Student Conduct Committee may call witnesses not identified by either the complaint or the accused student. The Dean of Students may refuse to call a requested witness if he or she determines that the

expected testimony is not sufficiently relevant to the charges, would be duplicative of other testimony, or would otherwise not be significantly helpful to the review and determination of the charges. The Dean of Students will try to arrange the attendance of witnesses who are members of the University community (students, staff and faculty). The accused student and complainant are responsible for arranging the attendance of persons from outside of the University. The Student Conduct Committee has no subpoena authority. The accused student and complainant will each receive a list of witnesses called to testify at least three business days before the hearing.

6.7. The accused student and the complainant may each submit pertinent documentary evidence for consideration by the Student Conduct Committee at least five business days before the hearing. As with witnesses, the Dean of Students may, for the reasons cited in Article 6.6, decline to accept a party's evidence. Both parties will be provided access to all documentary evidence accepted, consistent with the federal Family Educational Rights and Privacy Act (FERPA).

6.8. The Student Conduct Committee may proceed independently to secure evidence for the hearing. Both parties will have an opportunity to review any such evidence at least three business days before the hearing, consistent with the federal Family Educational Rights and Privacy Act (FERPA).

6.9. The hearing will be tape-recorded and the Dean of Students Office will keep the tape(s). The tape is the property of the University. No typed record will be made.

6.10. The rules of evidence used in civil or criminal trials are not applicable to formal hearings conducted by the Student Conduct Committee.

6.11. Within three weeks of the conclusion of the hearing, the Student Conduct Committee will send the accused student a decision letter which includes the Committee's findings and any disciplinary sanction imposed. The Student Conduct Committee may find the party charged not responsible for violating the Code of Conduct, or may find the party responsible and impose a disciplinary sanction. As set forth in Article 7.6.C, in a case of alleged sexual violence, the complainant will also be notified of the Student Conduct Committee's decision, to the extent permitted by the federal Family Educational Rights and Privacy Act (FERPA).

6.12 The Student Conduct Committee may seek advice from the Office of University Counsel throughout the adjudication process on questions of law or procedure; however, factual determinations are the exclusive domain of the Committee.

6.13. Decisions of the Student Conduct Committee are subject to appeal to the Vice President for Student Affairs, as per Article 7.2 herein, if the sanction imposed by the Committee is suspension, expulsion or banning from the campus.

## **ARTICLE 7. APPEALS, RECORDS AND RIGHTS**

## **7.1. Appeal to Dean of Students**

**A. Decisions of the Student Conduct Committee or the Student Conduct Officer are final, unless a sanction of suspension, expulsion or banning from campus is imposed. A student receiving such a sanction from the Student Conduct Officer may appeal the decision to the Dean of Students. A Dean of Students Office appeal form must be completed and received by the Dean of Students Office within seven working days of the date of the written decision from the Student Conduct Officer. A complainant may appeal a decision of the Student Conduct Officer or the Student Conduct Committee only in cases involving sexual violence.**

**The following will be considered the only grounds for an appeal:**

- 1. There was significant procedural error of a nature sufficient to have materially affected the outcome;**
- 2. The decision was not in accordance with the evidence presented;**
- 3. There is significant new evidence of which the appellant was not previously aware, that the appellant could not have possibly discovered through the exercise of reasonable diligence, and the absence of which was sufficient to have materially affected the outcome; and/or**
- 4. The severity of the sanction is grossly disproportionate to the violation(s) committed.**

**On appeal the Dean of Students shall review the decision of the Student Conduct Officer and may schedule an appointment with the party appealing to discuss the reasons for the appeal.**

**B. After reviewing the case, the Dean of Students may:**

**i. Affirm or overturn the findings of the Student Conduct Officer.**

**ii. Affirm or alter the sanction imposed by the Student Conduct Officer.**

**iii. Remand the case to the Student Conduct Officer. A remand will generally occur where new evidence is to be reviewed or as otherwise determined by the Dean of Students. Where a case is remanded, the decision of the Student Conduct Officer may be appealed to the Vice-President for Student Affairs.**

**iv. The Dean of Students will send written notification of the decision to the appealing party within two weeks of meeting with the appealing party, with a copy sent to the Student Conduct Officer.**

## **7.2. Appeal to Vice President for Student Affairs**

**A. Appeals to the Vice President for Student Affairs may be made from a decision of the Dean of Students to uphold a student's suspension, expulsion or banning from campus; or from a decision of the Student Conduct Committee imposing such a sanction.**

**B. An appeal form must be completed and submitted to the Vice President for Student Affairs within seven working days of the date of the written decision from the Dean of Students or the Student Conduct Committee. A complainant may appeal to the Vice President only in cases**

involving alleged sexual violence. The grounds for appeal to the Vice President are the same as for an appeal to the Dean of Students (see Article 7.1(A)). On appeal the Vice President for Student Affairs shall review the decisions of the Student Conduct Officer, Student Conduct Committee and/or the Dean of Students. The Vice President for Student Affairs may meet with the party appealing to discuss the reasons for the appeal.

**C. After reviewing the case, the Vice President for Student Affairs may:**

**i. Affirm or overturn the findings of the Dean of Students or the Student Conduct Committee;**

**ii. Affirm or alter the sanction imposed by the Dean of Students or the Student Conduct Committee; or**

**iii. Remand the case to the original tribunal (Student Conduct Committee or Student Conduct Officer) for further proceedings. A remand will generally occur where new evidence is to be reviewed or as otherwise determined by the Vice President for Student Affairs. Where a case is remanded, the decision of the Student Conduct Committee or Student Conduct Officer may be appealed after rehearing to the Vice-President for Student Affairs.**

**iv. The Vice President for Student Affairs will send written notification of the decision to the appealing party within two weeks of meeting with the appealing party. A copy of the decision shall be sent to the Dean of Students.**

### **7.3. Student and Visitor Conduct Records**

**A. Records regarding student conduct shall be kept in the Dean of Students Office for a period of ten years after final disposition, except for records of expulsions which shall be permanently maintained. Records regarding action taken against visitors to the University may be permanently maintained. Tape recordings of Student Conduct Committee hearings will be maintained in the Dean of Students Office for the same time period as the written records pertaining to the case.**

**B. Copies of the final decision shall, in an academic dishonesty case, be sent to the faculty member.**

### **7.4. Rights of Those Charged with Violations of the Code of Conduct**

**Those charged with violations of the Student Code of Conduct have rights which are protected throughout the hearing process. The rights of these parties include:**

**A. The right to be notified in writing of the charges against him or her with sufficient detail and time to prepare for a hearing.**

**B. The right to a timely hearing before an appropriate official or committee.**

**C. The right to know the nature and source of the evidence used in a hearing process.**

**D. The right to present evidence in his or her own behalf.**

**E. The right to choose not to testify and/or not to answer questions, in which case the decision maker will decide the charges based upon all of the evidence presented.**

**F. Subject to the limits set forth in Article 6.3, the right to be accompanied by an advisor at a hearing. The advisor may be an attorney retained by the accused student at his or her own expense.**

#### **7.5. Rights of Complainants**

**The complainant in a student discipline case has rights which are protected throughout the hearing process. The rights of include:**

**A. Subject to the limits set forth in Article 6.3, the right to have an advisor accompany them throughout their participation in the discipline process. The advisor may be an attorney retained by the complainant at his or her own expense.**

**B. The right to submit a victim impact statement to the hearing officer or committee during the sanctioning portion of the discipline process.**

**C. The right to have past irrelevant behavior excluded from the discipline process.**

**D. The right to be free from retaliation for having made an allegation of misconduct. Allegations of retaliation should be submitted to the Dean of Students Office.**

#### **7.6. Rights of Complainants Alleging Sexual Violence**

**Because of the serious nature of the alleged action, in addition to the rights listed in Article 7.5, complainants alleging sexual violence also have these additional rights:**

**A. The right to request to be permitted to testify from another room or in such a way as to be visually screened from the accused student.**

**B. The right to know the nature and source of the evidence used in a hearing process and to submit evidence and suggest witnesses, consistent with the rights of the accused.**

**C. The right to be notified in writing of the final determination and any sanctions imposed to the extent permitted by the federal Family Educational Rights and Privacy Act (FERPA).**

**D. The right to be informed of options to notify law enforcement authorities on and off campus as to the incident and to be assisted in doing so by campus officials. Criminal complaints filed with law enforcement are investigated separately from the student disciplinary process.**

**E. The right to be informed about other resources on campus, including UNM's Office of Equal Opportunity, Student Health and Counseling, and the Women's Resource Center.**

**F. The right to be informed of interim measures available to assist the complainant during the disciplinary process, for example, making reasonable changes in academic and/or on-campus living situations, and providing counseling or security escort service on campus.**

**G. The right to have past sexual history excluded as evidence unless the Dean of Students makes a specific finding that it is relevant.**

**H. The right to appeal a decision of the Student Conduct Officer or the Student Conduct Committee, subject to the same requirements and limitations as the accused.**

## **ARTICLE 8. ACADEMIC RECORD DISPUTES**

### **8.1. Scope**

**This article sets forth the procedures which should be followed by a student seeking retroactive withdrawal, enrollment, or disenrollment, or for other academic record changes involving exceptions to the rules governing registration and academic records which are set forth in the University Catalog. It does not cover disputes involving academic judgment (e.g. grades).**

### **8.2. Petitions**

**A. A student seeking a change in his or her academic record within the scope of this article shall submit a petition to the Registrar's Office for consideration by the Faculty Senate Admissions and Registration Committee. The petition shall:**

- 1. Include a statement of the nature of the request including why the student feels it should be granted.**
- 2. Specify the semester involved and the subject/department code, course and section numbers.**
- 3. Specify the student's name, University I.D. number, mailing address, email address and telephone number.**
- 4. Include documentation of extenuating circumstances, such as medical, family, or employment needs.**
- 5. Be typed and signed.**
- 6. Optionally, include supporting statements from involved faculty and academic units.**

**B. Upon receipt of the petition, the Registrar's Office shall forward a copy to the instructor of the course. The instructor shall make any response within three weeks of receipt. If the instructor has not responded within three weeks, the Faculty Senate Admissions and Registration Committee ("Committee") shall proceed to consider the petition without the instructor's response.**

**C. At the next regular meeting after receipt of the instructor's response (or lack of response), the Committee shall take action on the petition. If the Committee denies the petition, it shall issue a brief statement giving the reasons for the denial.**

**D. Absent any new information from the student, the Committee's decision shall be final. If the student has new information that goes to the reasons set forth in the Committee's decision denying the petition, the student may request reconsideration from the Committee. The Committee's decision upon reconsideration is final for the University.**

## **ARTICLE 9. VARIANCES**

### **9.1. Introduction**

**These Student Grievance Procedures, to the extent applicable, shall apply to all University of New Mexico units. Because of differences in administrative structure, however, some modifications to these rules are necessary. The following sections identify those modifications.**

### **9.2. School of Law**

**Students attending the UNM School of Law must comply with the Law School Student Code of Conduct, in addition to the UNM Student Code of Conduct. Allegations of academic misconduct, as enumerated in the Law School Student Code of Conduct, are addressed by the processes defined in that Code. Others kinds of alleged misconduct, except for allegations of sexual violence, may be addressed as described in the School of Law Administrative Due Process Policy and Procedure. Allegations that a student in the School of Law has engaged in any act of sexual violence shall be referred to the UNM Office of Equal Opportunity.**

**The School of Law Bulletin and Handbook of Policies (Bulletin) governs students enrolled in the Law School and to the extent this Student Grievance Procedure differs from the policies and procedures in the Bulletin, the Bulletin supersedes this Grievance Procedure.**

**Discretionary review by the UNM President and Board of Regents, as provided for in Article 10.4 herein, is accorded to students in the School of Law.**

**The School of Law may, at its discretion, refer cases of alleged student misconduct to the UNM Dean of Students for review and possible action under the UNM Student Code of Conduct, except that allegations that a Law School student has engaged in any act of sexual violence shall be referred to the Office of Equal Opportunity.**

### **9.3. Health Sciences Center**

**Academic programs in the School of Medicine, College of Pharmacy and College of Nursing have adopted student codes of conduct (including standards of professionalism) with which students in those academic programs must comply, in addition to the UNM Student Code of Conduct. Except for allegations of sexual violence, to the extent that Health Sciences Center academic programs have adopted policies and procedures that govern the adjudication of student conduct and student grievance matters, those policies and procedures supersede this Student Grievance Procedure. A decision by the respective Dean of the College of Pharmacy or College of Nursing may be appealed to the Health Sciences Center Chancellor, or his or her designee, under procedures adopted by the Chancellor's Office. Decisions by the Dean of the School of Medicine are final for the Health Sciences Center when the positions of Dean and Chancellor are held by the same official.**

Discretionary review by the UNM President and Board of Regents, as provided for in Article 10.4 herein, is accorded to students in academic programs in the School of Medicine, College of Pharmacy and College of Nursing.

Academic programs in the School of Medicine, College of Pharmacy and College of Nursing may, at their discretion, refer cases of alleged student misconduct to the UNM Dean of Students for review and possible action under the UNM Student Code of Conduct, except that allegations that a student in a Health Sciences Center academic program has engaged in any act of sexual violence shall be referred to the UNM Office of Equal Opportunity.

## **ARTICLE 10. GENERAL PROVISIONS**

### **10.1. Time Limits and Extensions**

**A. Unless stated otherwise or extended in writing, the time limit for a decision maker to issue a decision is three weeks if no hearing is held and four weeks if a hearing is held.**

**B. Unless stated otherwise in these rules or extended in writing under 10.1.C. the time limit to file an appeal is two weeks after the decision appealed. If the decision is given in person, the two-week period shall begin at that time. If the decision is mailed, the two-week period shall begin on receipt, which shall be presumed to be three days after mailing.**

**C. In any procedure governed by these rules, time limits shall be suspended in the following circumstances:**

**i. For good cause, the decision maker can extend any time limit set forth in these rules. Good cause includes, but is not limited to, the fact that a deadline falls during finals week or during a period such as vacations, holidays, intercessions, or summer session.**

**ii. If the procedure involves the Student Conduct Committee, and the Dean of Students determines that the Committee members cannot convene and decide the case during finals weeks, summer session, intersession, vacation or holidays, the Dean will so advise the parties and will schedule a hearing as soon thereafter as possible.**

**iii. If a faculty or staff member is absent from the University, the decision maker, may permit the faculty or staff member to participate in a hearing or interview by conference call, Skype or other electronic means.**

### **10.2. Former Students**

**These procedures apply to disputes between students and other members of the University community. If the student has left the University community (by graduation or otherwise), these procedures shall continue to apply so long as the event giving rise to the dispute occurred while the student was a member of the University community and so long as the University has the power to resolve the matter. The University retains the right to change grades or rescind**



degrees, when, after the grade or degree has been awarded, it discovers new information indicating that the grade or degree was not earned in accordance with all University academic, student conduct and other applicable requirements and policies.

### **10.3. Designees of Deans, Vice Presidents or Senior Level Administrators**

Whenever these regulations specify submission of a dispute or decision to a Dean, Vice President or more senior level administrator, that individual may delegate consideration and decision of the matter to a designee. Such designee will normally be but is not required to be, a member of the decision maker's staff

### **10.4. Review by the President and the Board of Regents**

**A. The parties' right to appeal decisions under these procedures terminates where indicated herein. However, the President has the discretionary authority to review all decisions by the senior administrators below, and the Board of Regents has the discretionary authority to review all decisions of the President. The President and the Board of Regents normally review appeals of student grievance or disciplinary decisions only in extraordinary cases, such as where proper procedures have apparently not been followed, where the decision appears to be unsupported by the facts, or where the decision appears to violate University policy.**

**B. Requests for review made to the President or the Board of Regents normally will be considered only after the avenues of appeal established herein have been exhausted. Requests shall be made in writing, and must include the alleged facts, what happened in the proceedings to date, and the reasons justifying extraordinary review. Such requests must be filed in the President's Office within seven working days of the date of the written decision from the last reviewer.**

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

### **10.5. Conflict with Other Procedures**

Except as otherwise stated herein, in the event this Student Grievance Procedure conflicts with previously adopted policies and procedures, these procedures shall take precedence.

See also "Student Code of Conduct," Section **4.2** (<http://policy.unm.edu/regents-policies/section-4/4-2.html>), Regents' Policy Manual.

# D176: Graduate Student Grievance Procedures

## *Policy*

*Approved by Faculty Senate Graduate Committee 10/20/1994*

*Revisions approved March 6, 1997 by Faculty Senate Graduate Committee*

The Graduate Student Academic Grievance (GSAG) Procedures have been established to address complaints, disputes, or grievances of an academic nature initiated by students enrolled in graduate degree programs at the University of New Mexico. Although conflicts that on occasion occur between students and faculty or administrators may be resolved through formal adjudication, a more informal and productive kind of resolution -- one that is mutually agreed upon by the parties involved -- is strongly encouraged.

The GSAG procedures are available for the resolution of a variety of possible issues related to the academic process. These may include, but are not limited to, issues related to progress toward a degree and allegedly improper or unreasonable treatment, except that grievances based upon alleged discrimination or sexual harassment should be directed to the Office of Equal Opportunity (OEO). The procedures may not be used to challenge the denial of admission to a degree program, nor to appeal the refusal of a petition by the Dean of Graduate Studies for an exception to University-wide degree requirements, policies or procedures.

1. A student with a complaint related to academic matters is encouraged to consult with the Office of Graduate Studies to discuss his/her concerns, seek to clarify pertinent rules and regulations governing graduate study, and explore constructive ways to resolve the problem directly with the faculty member or administrator involved. This should occur as soon as reasonably possible after the student has become aware of the problem.
2. The student should then arrange a meeting with the faculty or administrator involved in the complaint to address the problem and to explore the possibility of a jointly achieved resolution.
3. If agreement cannot be reached, the student may seek the assistance of the departmental faculty graduate advisor and/or the chair in resolving the dispute. If the dispute is with a faculty member in a department different from the student's, the appropriate chair or advisor would be in the department in which the faculty member resides or in which the course in which the dispute arose was offered. It is expected that these administrators will play an active part in helping to resolve the disagreement. In the event that the graduate unit involved is non-departmentalized, the student may go directly to the dean or director of that unit for assistance.
4. If the matter cannot be resolved at the departmental level, the student may bring the problem to the attention of the school or college Dean. The school or college Dean will determine whether to adjudicate the dispute or to refer the student to the Dean of Graduate Studies for a resolution. If the dispute is with a faculty member in a school or college different from the student's, the appropriate dean would be the one in the unit in which the faculty member resides, or in which the course in which the dispute arose was offered.

In the resolution of grievances at the level of a school or college Dean or the Dean of Graduate Studies, the following procedures will apply, as described also in the Pathfinder, under "**Student Grievance Procedure** (<http://pathfinder.unm.edu/campus-policies/student-grievance-procedure.html>)," Sections 2.3.1. - 2.3.7.

a. student must submit a formal, written statement of his/her grievance. This document should summarize the facts that support the grievance, indicate the desired resolution, and describe the efforts already made at reaching that resolution, as well as their outcome. The faculty or staff member against whom a grievance has been filed will be sent a copy of the written statement, and will have two weeks in which to respond in writing to the Dean.

b. Dean will review all written materials submitted, and provide both parties the opportunity to review and respond to all evidence. The Dean will interview each party, as well as any other persons who may have relevant information. The Dean may elect to hold an informal hearing involving both the parties to the grievance and witnesses. If such a hearing is held, the parties will be given five days notice. Each party will be allowed to bring an advisor to the hearing, but will not be permitted legal representation. Cross examination of witnesses will be permitted, although the Dean may require that questions be directed through him/her.

c. Dean may choose to convene an advisory committee to help evaluate the grievance. A school or college Dean may utilize a standing committee from that unit; the Dean of Graduate Studies will utilize the Senate Graduate Committee.

d. Generally, a written report on the grievance will be issued by the Dean within a period of four weeks after it has been formally filed. (This period may be extended to allow for University holidays or other periods when the University is not in session.) The report will explain the Dean's findings, conclusions, his/her decision, and the basis for that decision. A copy will be sent to each party, and to the chairperson or supervisor of the faculty or staff member involved.

e. The decision of the Dean may be appealed by either party to the Office of the Provost within a period of two weeks. The Provost will reconsider that decision only if there are substantive, procedural grounds for doing so (for example, significant evidence that was not accepted or has arisen since the Dean's decision was announced). The decision of the Provost is final.

## **PETITION TO MODIFY ACADEMIC REQUIREMENTS**

Graduate students may petition the Dean of Graduate Studies for an exception to any of the University-wide policies or regulations specified in the University Catalog. Petitions are intended to allow students the opportunity to deal with unusual or extraordinary events, particularly circumstances beyond their control, that would penalize them unfairly. It should be kept in mind, however, that a hallmark of fairness is the uniform application of the same standards and deadlines to all students.

A petition should be initiated and signed by the student in the form of a memo or letter addressed to the Dean of Graduate Studies. It should clearly state the specific nature of the exception or special consideration being requested, and provide a complete but concise justification. If the request involves the extension of a deadline, a proposed new deadline date should be indicated. Before considering a petition,

the Dean will require that the student have an approved "Application for Candidacy" on file at the office of Graduate Studies (OGS). If this has not already been submitted, both documents may be turned in simultaneously, with the petition attached to the front.

Petitions must be submitted in the sequence listed below:

1. The student must first submit the petition to his/her graduate advisor. The advisor should indicate whether he/she endorses the student's request, and why.
2. The petition must next be submitted to the student's graduate unit -- the faculty graduate director, the chair, or the departmental graduate committee, depending upon the practice in the particular unit. The student may choose to submit the petition to the graduate unit even if it was not endorsed by the advisor. The unit should also indicate whether it supports or does not support the student's request, and why.
3. The petition should then be forwarded to the Office of Graduate Studies. The student may choose to submit the petition to the OGS even if it was not supported by his/her academic unit. In certain cases, the Dean or his/her designee may ask the Senate Graduate Committee, serving in an advisory capacity, to review the petition and offer its recommendation for approval or disapproval. The decision of the Dean is final.

A written response to a petition will usually be mailed to the student within two weeks from its receipt by OGS, and a copy sent to the academic unit. (This period may be extended to allow for University holidays or other periods when the University is not in session.) The original petition will be retained in the student's file at OGS. Petitions that are lacking required documentation will be returned to the student, and will not be considered until all documentation has been received. Inquiries regarding the status of a petition should be directed to the Academic Records Assistant at (505) 277-2714.

# D75: Classroom Conduct

## *Information*

The classroom instructor is responsible for all classroom conduct, behavior, and discipline. University policy permits only enrolled students, persons authorized by the instructor, and administrative personnel to be admitted to instructional areas during scheduled periods. University policy and New Mexico state law also prohibit all forms of disruptive or obstructive behavior in academic areas or any actions which would disrupt scheduled academic activity. The instructor may refer situations involving classroom misconduct to the Dean of Students for additional action under the **Student Code of Conduct** (<https://pathfinder.unm.edu/code-of-conduct.html>) as published in the UNM *Pathfinder* (<http://pathfinder.unm.edu/>). Use of classrooms and other areas of academic buildings during nonscheduled periods is permitted only in accordance with departmental, college, or university practices.

Any person or persons in unauthorized attendance or causing a disturbance during scheduled academic activity shall be identified by the instructor and asked to leave. Persons refusing such a request may be removed by the University Police and are liable to legal prosecution.

Smoking, eating and drinking are prohibited in all classrooms and teaching laboratories, including seminars.

# D25: Academic Renewal Policy

## *Information*

Academic renewal applies to undergraduate degree-seeking students who have been readmitted to UNM after an absence of five years or more. The procedure allows a currently enrolled student to request his/her academic record be reviewed for the purpose of evaluating previously earned credits and recalculating the student's grade point average from the point of readmission.

Students may obtain petition forms from the Records Office, Room 251, Student Services Center. If all criteria are satisfied, the petition will be approved and the academic record noted. The following guidelines apply:

### **ACADEMIC RENEWAL GUIDELINES**

1. Academic Renewal may be applied only once and is not reversible.
2. An absence of five or more years must have elapsed between readmission and the last enrollment at UNM. (Note: Readmission to the University and acceptance in a degree program must occur prior to Academic Renewal.)
3. The student must be currently enrolled in a degree-seeking status. Additionally, college entrance requirements such as minimum hours and grade point average must still be met after the effect of Academic Renewal. (Note: Academic Renewal will not be applied if total earned credits should fall below the minimum for entrance to the student's academic unit.)
4. At least 12 credit hours but no more than 36 credit hours must be completed in good standing (2.00 grade point average or better) since readmission before Academic Renewal can be applied. (Note: Probationary status is determined by the degree-granting unit and is not automatically changed by Academic Renewal.)
5. All graduation requirements must be satisfied after Academic Renewal, i.e., minimum earned credit, residence credit requirement, cumulative grade point average, etc. (Note: Credit earned prior to Academic Renewal will not count toward satisfying the residence credit requirements.)
6. All courses taken prior to Academic Renewal will remain unaltered on the record. An appropriate notation will be added to the record to indicate Academic Renewal. From prior courses, those with a grade of C or better (or CR) will be carried forward as earned credits only. Acceptability of these credits towards a degree will be determined by the degree-granting unit.
7. Courses with a grade of C- or below taken prior to Academic Renewal will be noted and will not count for earned credits or for satisfying any graduation requirements.
8. Academic Renewal, when applied, will be effective as of the date of the readmission following the five-year absence.
9. The cumulative grade-point average after academic renewal will be calculated on the basis of courses taken since the readmission following the five-year absence.

10. Non-degree, second undergraduate degree, or graduate students are not eligible for Academic Renewal.

# D30: Allowable Maximum Semester Load

## *Information*

The maximum number of hours which students may attempt during a regular semester without special approval is 18. During a summer session the maximum number is 9 hours. Individual colleges may place lower limits on students in individual cases at their discretion. It should be noted that hours in excess of 18 during regular semesters and 9 during summer session are subject to a tuition surcharge. (Refer to the *Schedule of Classes* (<http://schedule.unm.edu>) for the per credit hour amount of these surcharges.)



# D40: Audited Courses

## *Information*

A student wishing to audit a course must be formally enrolled at the University either in regular or in nondegree status and must pay the full tuition rate for the course. The student must have the permission of the instructor by the end of the fourth week of the semester. The student must submit an Enrollment Authorization card to the Records and Registration Office to have the audit grade option added to the student's registration. (Refer to the [Schedule of Classes](http://schedule.unm.edu) (<http://schedule.unm.edu>) for additional information.) This permits proper identification of the student's status as an auditor on the class list given the instructor (refer to "Class Lists" [D60](#) ([/policies/section-d/d60.html](http://policies/section-d/d60.html)), *Faculty Handbook*). Grades are not reported for auditors, but the student's permanent record reflects the enrollment as an auditor. The auditor, having paid the full tuition fee, is allowed full participation in class activities. (See also "Enrollment of Faculty Members in University Courses" [C320](#) ([/policies/section-c/benefits/c320.html](http://policies/section-c/benefits/c320.html)), *Faculty Handbook*).

# D60: Class Lists

## *Information*

From data acquired during registration, on-line class lists for each class are available. These lists are available to the instructor of record beginning with the semester's registration. In addition to alphabetical listings with the names of the students who enrolled during registration for a section, the list will include a truncated social security number, college, enrollment status (credit-no credit, auditor, etc) and e-mail address. In the case of variable credit courses, the class list shows the exact number of hours for which a particular student has enrolled. Students attending class who are not listed must be advised to complete formal registration or add the course by a program change. Students, who do not complete the registration procedure and accordingly are not subsequently listed, are not to be permitted to attend class beyond the second week. The on-line class lists will be updated every evening throughout the semester to keep them current with all student activity regarding the class. (Example: A student dropping the class will be reflected the next day.) The professor is expected to maintain a current permanent class roster. Class lists may be accessed online by using the following URL. <https://classlists.unm.edu/> (<https://classlists.unm.edu/>)

# **D105: Examination to Establish or Validate Credit**

## *Information*

Degree seeking students in an undergraduate college of the university may, with appropriate written approval, take an examination to establish or validate credit in courses appearing in the university's general catalog. Students may not have been previously enrolled (or have earned a W/WP/WF grade) in the course at the university. Students enrolled in the Graduate School have the same privilege, except that only undergraduate credit can be earned in this manner. Credit cannot be earned by examination to establish credit in nonprofessional physical education activity courses and in some professional physical education courses. A check with the department will be necessary to determine which professional physical education courses can be challenged by examination. Upon authorization, the dean or director of the college offering the course will issue a permit for the examination. This permit must be approved by the department concerned and the dean or director of the student's college. The student must then pay the current tuition rate per credit hour and submit the permit to the person who will administer the examination. Once the examination has been administered and graded the instructor will complete the form and send it to the Records and Registration Office for recording on the student's record. Examination to establish credit can be taken only during the week before classes start through the ending date of the semester or summer session. Credit will be allowed and placed on the student's permanent record as of the semester in which the examination is completed and will not count in the student's grade-point average prior to the completion of that semester. A grade of CR will be recorded for successful completion of examination. Credits earned by examination at university count toward graduation and residence requirements.

# **D120: Resolving Grade Grievance Involving Failure to Accommodate**

## *Information*

The Accessibility Resource Center (ARC) offers services to help all qualified students with disabilities gain equal educational access and opportunities throughout the UNM community. ARC has a Faculty Guide to Accommodating Students with Disabilities which includes information for Faculty and the academic unit on how to resolve a grade grievance involving a failure to accommodate. Please see:

<http://as2.unm.edu/facultyhandbook.html> (<http://as2.unm.edu/facultyhandbook.html>)

# **D145: Instructor Drops**

## *Information*

Instructors may drop students from their classes for reasons of excessive absences. Instructor drop forms are available at the Records and Registration Office and in academic departments. The student is responsible for the completion of every course for which the student has registered; if the student drops a course at any time without completing the official change of program procedures, a grade of F may be assigned even though the student may be passing when she or he stopped attending classes.

# D170: Student Attendance

## *Information*

Students are expected to attend all meetings of the classes in which they are enrolled. No extensions of the vacation periods are given to any students, regardless of the location of their homes.

A student with excessive absences may be dropped from a course by the instructor with a grade of W/P or W/F. The instructor may also assign a failing grade of "F" at the end of the semester. Instructor drop request forms are available at all academic department offices.

Absences due to illness, or to authorized University activity such as field trips, athletic trips, etc., are to be reported by the student to his/her instructor(s) and to the Dean of Students Office. If a student is unable to contact his/her instructor(s) the student should leave a message at the instructor's department. The reporting of absences does not relieve the student of responsibility for missed assignments, exams, etc. The student is to take the initiative in arranging with his/her instructor(s) to make up missed work, and it is expected that the faculty member will cooperate with the student in reasonable arrangements in this regard.

Verification of a student's report of absence will be provided on request and in accordance with the following general procedures.

**Short-Term Absence (1-4 days).** When notified in advance of an absence of 1- 4 days, the Dean of Students Office will prepare an absence notice which the student may pick up and personally deliver to his/her instructor(s). On absences of 1-4 days reported to the Dean of Students Office after the fact, an absence notice may be picked up by the student after consultation with a dean, if such consultation provides a basis for issuing a notice.

**Extended Absence (5 days or longer).** The Dean of Students Office will send absence notices to instructor(s) on absences of 5 days or longer when notification of the absence is received prior to or at the onset of the absence. If notified after the absence, the absence notice will be prepared, but the student must hand carry the notice to his/her instructor(s). Verification of extended absences is recommended (such as a doctor's note, hospital billing, etc.)

**Exceptions.** On request, members of the Dean of Students staff will review specific absence situations to determine if exceptions to the established absence procedures are warranted.

It should be noted that written medical excuses for class absence will not be issued routinely by the Student Health Center except in the case of physical education classes, where participation would be detrimental to the student's condition. Where confirmation of a student's attendance at the Health Center is required by a member of the teaching staff, this will be furnished on direct enquiry, without revealing the medical details necessitating such attendance. If it appears that a student will be absent for a week or more, the Dean of Students will be notified.