

D175: Undergraduate Student Conduct and Grievance ~~Procedure~~ Policy

Approved By: Faculty Senate and ASUNM Senate, UNM President, and Board of Regents

Last Updated: **Draft 3/21/17**

Responsible Faculty Committee: Faculty Senate Policy Committee

Office Responsible for Administration: Dean of Students

Revisions to the Policy Rationale, Policy Statement, and Applicability sections of this document must be approved by the full Faculty Senate and the UNM President after consultation with the ASUNM President and the Dean of Students.

POLICY RATIONALE

The University of New Mexico (UNM) is committed to academic excellence and student success. ~~The UNM Student Grievance Procedure is intended to~~ This Policy provides procedures for resolution of disputes of an academic nature between undergraduate students and UNM faculty, allegations of discrimination or sexual harassment, and allegations of student misconduct, as well as procedures for handling student disciplinary matters.

POLICY STATEMENT

Whenever possible, it is important to take a supportive problem solving approach to resolving academic disputes. However, UNM may take disciplinary action against a student for a violation of the Student Code of Conduct or other UNM policy when the offense occurs on UNM premises or at a UNM-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 UNM, or endanger the health, safety or welfare of the UNM community or any individual student or employee. UNM may take disciplinary action for a violation of the Visitor Code of Conduct when the offense occurs on UNM premises, as part of a UNM-sponsored event or in connection with University activities.

1. Matters Covered Under this Policy

The following ~~categories~~ types of disputes or disciplinary matters are covered by this Policy and handled in accordance with the procedures described in the Procedures Section of this document. ~~provided for in the articles indicated.~~ Any questions about these procedures should be directed to the Office of the Dean of Students.

1.1. Academic record disputes involving students seeking retroactive withdrawal, enrollment, or disenrollment or for other academic record changes. ~~shall follow the procedures set forth in Article 8~~

1.2. Academic disputes arising within the academic process, whereby a student believes that there ~~he or she~~ has been unfairly or improperly treatment ~~ed~~ 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. ~~shall follow the procedures set forth in Article 4, 5, 6, and 7~~

1.3. Allegations of Academic Dishonesty arising from violation of academic dishonesty rules as defined in the Definitions Section herein. ~~which are handled under Article 3.~~

1.4. Allegations of Discrimination and/or Sexual Harassment

Grievances alleging discrimination or sexual harassment as defined in the Definitions Section herein should be directed to the UNM Office of Equal Opportunity, which is tasked with investigating allegations of discrimination and sexual harassment and determining whether anti-discrimination policy has been violated. If OEO determines that a student has violated UNM anti-discrimination policy, disciplinary proceedings shall be handled under the Procedures set forth in Article 4. herein.

1.5. Allegations of Student Misconduct NOT Involving Discrimination or Sexual Harassment arising from violation of the Student Code of Conduct or other UNM policy.

~~1.2. Disciplinary matters 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. 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.~~

2.1 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.~~

2.2 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.~~

2. Matters that may also be Covered under other UNM Policy

2.1. Health Sciences Center (HSC) Students

Additional policies and proceduyres listed in Section 6.3.2 herein apply to HSC students.

~~1.11-~~ **2.2. Visitors to the UNM campus**

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 [section 5.5](#), ~~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 UNM.

3. Matters Not Covered Under This Policy

3.1. 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](#).

3.2. Grievances arising out of a student's status as a UNM 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](#).

3.3. Disputes involving matters occurring in the residence halls shall follow the procedures set forth in the Residence Hall Handbook in addition to this [Policy](#) ~~procedure~~.

3.4. Any student grievances concerning decisions made by UNM 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, Provost, or Chancellor. Appeals should be filed in writing within ~~one week~~ [ten \(10\) working days](#) of the decision.

3.5. Resolution of disputes of an academic nature initiated by graduate students shall follow the [Faculty Handbook Policy](#) D176 Graduate [and Professional](#) Student Grievance [Policy](#) ~~Procedures~~. ~~Disputes arising from a graduate student's status as a graduate assistant shall follow procedures in the *Faculty Handbook*.~~

~~**3.6.** 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.~~

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 Committees [after consultation with the ASUNM President and the Dean of Students](#).

DEFINITIONS

[Academic Dishonesty includes, but is not limited to, plagiarism, dishonesty in quizzes, tests, or assignments; claiming credit for work not done or done by others; hindering the academic work](#)

of other students; misrepresenting academic or professional qualifications within or without UNM; and nondisclosure or misrepresentation in filling out applications or other University records.

Accused student refers to the individual accused by the complainant of having violated University policy prohibiting discrimination as defined herein.

Complainant refers to the individual alleging that they have experienced discrimination as defined herein.

Complaint refers to:

- request for formal resolution of academic matters per Section 2.3. herein;
- allegations of prohibited discrimination as defined herein filed with UNM's Office of Equal Opportunity; or
- allegations of misconduct referred to the Dean of Students per Section 5.2. herein.

Discrimination includes all forms of unlawful discrimination based on an individual's or group's protected class(es), including unlawful discrimination based on age (40 and over), ancestry, color, ethnicity, gender identity, gender/sex, genetic information, medical condition, national origin, physical or mental disability, pregnancy, race, religion, sexual orientation, spousal affiliation, veteran status and any other protected class as described in University Administrative Policy #2720. Sexual harassment is a form of gender discrimination that includes sexual violence, which is considered a severe form of sexual harassment. For purposes of this Procedure, "discrimination" also includes retaliation for having made allegations of discrimination, having participated in an investigation into allegations of discrimination, or otherwise having engaged in opposition to unlawful discrimination. Retaliation is explicitly prohibited under University Administrative Policies #2200, 2720, 2730, and 2740.

Misconduct is any activity performed by a UNM student or any other member of the UNM community that violates state and/or federal laws or regulations, local ordinances, or UNM policy.

Office of Equal Opportunity or **OEO** is UNM office that processes allegations of discrimination or sexual harassment as defined herein, including but not limited to investigating such allegations and making determinations as to whether or not UNM's policies prohibiting discrimination or sexual harassment have been violated. OEO does not issue sanctions for violations of policy.

No Policy Violation means that the evidence submitted during the OEO investigation does not support a finding that it is more likely than not that the acts alleged are in violation of University policy prohibiting discrimination or sexual harassment.

Policy Violation means that the evidence submitted during the OEO investigation supports a finding that it is more likely than not that the acts alleged are in violation of University policy prohibiting discrimination or sexual harassment.

Sexual harassment is a form of gender discrimination and is defined in UAP Policy 2730 “Sexual Harassment.” Sexual harassment includes sexual violence, which is considered a severe form of sexual harassment. Sexual Violence is defined in UAP Policy 2740 “Sexual Violence and Sexual Misconduct.”

Undergraduate Student includes both full-time and part-time students pursuing undergraduate studies, degree and non-degree. 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.

Visitor means a person who is not a student, a University employee or a member of the Board of Regents.

Working Days refer to UNM traditional work days defined by Human Resources as five (5) work days Monday through Friday ending at 5:00 PM. Working days do not include official UNM holidays listed in UAP Policy 3405 “Holidays.”

WHO SHOULD READ THIS POLICY

- Undergraduate students including branch campus students
- Faculty members
- Staff in Office of the Dean of Students
- Staff at Student Health and Counseling (SHAC)
- Administrative staff responsible for student events

RELATED DOCUMENTS

Regents Policy Manual

RPM 1.5 “Appeals to the Board of Regents”

RPM 4.2 “Student Code of Conduct”

RPM 4.3 “Student Grievances”

RPM 4.4 “Student Records”

RPM 4.8 “Academic Dishonesty”

Faculty Handbook

D75 “Classroom Conduct”

D100 “Dishonesty in Academic Matters”

D176 “Graduate Student Grievance Procedures”

University Administrative Policies Manual

2200 “Whistleblower Protection and Reporting Suspected Misconduct and Retaliation”

2720 “Equal Opportunity, Non-Discrimination, and Affirmative Action”

2730 “Sexual Harassment”

2740 “Sexual Violence and Sexual Misconduct”

3405 “Holidays”

The Pathfinder—UNM Student Handbook. “Student Grievance Procedures”

CONTACTS

Direct any questions about this policy to Dean of Students Office.

PROCEDURES

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

~~Article 8.~~ **Article 1. Academic Record Disputes**

~~8.1.~~ **1.1. 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 UNM Catalog. It does not cover disputes involving academic judgment (e.g. grades).

~~8.2.~~ **1.2. Petitions**

~~A.~~ **1.2.1.** 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, UNM 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.~~ **1.2.2.** 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~~ **fifteen (15) working days** of receipt. If the instructor has not responded within ~~three weeks~~ **fifteen (15) working days**, the Faculty Senate Admissions and Registration Committee ("Committee") shall proceed to consider the petition without the instructor's response.

~~C.~~ **1.3. Appeal**

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 was unavailable at the time the Committee made the decision and that may affect ~~goes to the reasons set forth in the Committee's decision~~ of denying the petition, the student may request reconsideration from the Committee. The Committee's decision upon reconsideration is final for UNM.

Article 2. Academic Disputes

~~These procedures provide for resolution of disputes of an academic nature between students and UNM faculty, as well as procedures for handling student disciplinary matters.~~

2.1. Scope

This article sets forth the procedures which should be followed by a student who believes that there ~~he or she~~ has been unfairly or improperly treatment ed 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.~~ **2.2.1.** 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.~~ **2.2.2.** In these informal discussions, the chairperson, supervisor, or dean is encouraged to mediate the dispute actively. In particular, the chairperson, supervisor, or dean ~~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.~~ **2.2.3.** These informal discussions shall be completed within ~~four weeks~~ twenty (20) working days after the student becomes or should become aware of the matter.

2.3. Formal Resolution ~~Appeals~~ of Academic Matters

If the informal discussions do not resolve the grievance, the student may bring a formal complaint ~~appeal~~ using the procedures set forth in the following articles. During the formal resolution process, the chairperson and/or dean shall can not overrule a faculty member's academic judgment. This formal complaint ~~appeal~~ process shall begin within ~~two weeks~~ ten (10) working days following the informal discussions.

~~A.~~ **2.3.1.** The student shall make a written complaint to the appropriate dean, ~~as defined in Article 1.2.A.~~

~~B.~~ **2.3.2.** 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~~ **ten (10) working days** 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.~~ **2.3.3.** In **making a determination on the formal complaint** ~~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 **ten (10) five working 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.~~ **2.3.4.** 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.~~ **2.3.5.** 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~~ **fifteen (15) working days** after the complaint is filed, unless an informal hearing is held, in which case the decision shall be made within ~~four weeks~~ **twenty (20) working days**. The chairperson or dean shall **can** not overrule a faculty member's academic judgment.

2.4. Appeal of Formal Decision

During the appeal process, the Provost, **President, and/or Board of Regents** shall **can** not overrule a faculty member's academic judgment.

2.4.1. Appeal to Provost

~~F.~~ Either party may appeal the dean's decision within ~~two weeks~~ **ten (10) working days** 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. ~~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.

2.4.2. Appeal to the President and the Board of Regents

The President has the discretionary authority to review all decisions by the senior administrators, and the Board of Regents has the discretionary authority to review all decisions of the President. A request for a review by the President or the Board of Regents 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~~ ten (10) working days of the date of the written decision from the last reviewer.

Article 3. Academic Dishonesty

3.1. Scope

This article sets forth procedures which shall be followed in cases of suspected academic dishonesty as defined in the Definitions Section of this Policy. These procedures are not exclusive; various University departments and programs may have additional policies and procedures on academic dishonesty. ~~on Academic Dishonesty, as published in the student handbook, The Pathfinder.~~

3.2. Academic Dishonesty within Courses: Faculty-Imposed Sanctions

~~A.~~ 3.2.1. 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.~~ 3.2.2. 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 the faculty member ~~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. In cases where the student has multiple findings of academic dishonesty, the Dean of Students Office may initiate additional disciplinary action in accordance with the Policy.

~~C.~~ 3.2.3. The student may challenge a faculty-imposed sanction using the process defined in section 2.4. herein. ~~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 a statement describing the occurrence in writing to the appropriate faculty member or Dean of Students. A copy shall be sent to the student. The faculty member or Dean of Students will address the situation in accordance with sections 3.2.1. or 3.4. herein. ~~shall determine the sanction following the procedures set forth in section Article 3.4. herein.~~

3.4. Sanctions Imposed by the Dean of Students

Upon receiving a report of academic dishonesty from a faculty member pursuant to section Article 3.3. herein, from other UNM University staff pursuant to Article 3.3, the Dean of Students may after considering the recommendation of the faculty member, if any, initiate disciplinary action in accordance with this Policy. Student Grievance Procedure. In some instances a student may be sanctioned for academic dishonesty by a faculty member and the student may also be sanctioned by the Dean of Students for violating the Student Conduct Policy. A decision of the Dean of Students may be appealed in accordance with Section 5.7 herein. either the Student Conduct Committee or the Student Conduct Officer shall, however, be appealable to the Provost,

Article 4. ~~Disciplinary Process~~ Allegations of Discrimination and/or Sexual Harassment

4.1. Scope

This article sets forth the procedures which should be followed when there are allegations that a student has engaged in an act of discrimination or sexual harassment, which by definition includes sexual misconduct and sexual violence.

4.2. Reporting to/and Investigation by the Office of Equal Opportunity (OEO) ~~4.4 Investigation of Complaints of Sexual Violence and Sexual Harassment.~~

A. 4.2.1. 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, Allegation(s) that a student has engaged in an act of discrimination or sexual harassment will be referred to UNM's Office of Equal Opportunity (OEO) for investigation pursuant to OEO's Discrimination Claims Procedure. If it accepts the matter for investigation, OEO will issue a Final Letter of Determination at the conclusion of that investigation finding either that there was no Policy Violation Probable Cause or there was a Policy Violation Probable Cause found that the accused student has committed an act of sexual violence or otherwise violated in violation of UNM's prohibitions against discrimination or sexual harassment as defined herein 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, which describes the sole method of appealing a determination made by OEO, Nothing in this Grievance Procedure provides an avenue to appeal OEO's final determination of an alleged policy violation.

D. 4.2.2. If OEO finds No Policy Violation 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 or UNM policy are warranted or other action should be taken.

B. 4.2.3. If Policy Violation Probable Cause is found to have occurred that a student committed an act of discrimination or sexual harassment sexual violence or sexual harassment in violation of UNM policy, 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 UNM's educational mission and obligations under

UNM policy and state and federal law, including but not limited to Title IX of the Education Amendments of 1972, the Civil Rights Act of 1964, and the New Mexico Human rights Act.

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.

4.3. Appeals

4.3.1. Appeal to the Vice President for Student Affairs

The decision on sanctions made by the Dean of Students Office ~~Student Conduct Officer or Student Conduct Committee~~ may be appealed to the Vice President for Student Affairs. The student must submit a written request for appeal to the Vice President for Student Affairs within ~~seven~~ ten (10) working days of the date of the written decision from the Dean of Students. The Vice President for Student Affairs will send written notification of the decision to the appealing party within ~~two weeks~~ ten (10) working days of receiving the request for appeal. ~~meeting with the appealing party.~~ A copy of the decision shall be sent to 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.~~

4.3.2. Appeal to the President and the Board of Regents

The President has the discretionary authority to review all decisions by the senior administrators, and the Board of Regents has the discretionary authority to review all decisions of the President. A request for a review by the President or the Board of Regents 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~~ ten (10) working days of the date of the written decision from the last reviewer.

4.4. Disciplinary Information Provided to Victim of Violence or a Non-forcible Sex Offense

Upon written request, UNM, to the extent permitted by the federal Family Educational Rights and Privacy Act (FERPA), will disclose to the individual who alleges that they were subjected to a crime of violence or a nonforcible sex offense the final results of the disciplinary proceedings conducted by UNM issued to the student who is the alleged perpetrator of the offense(s) alleged. If the individual who is alleged to have been subjected to the crime of violence or nonforcible sex offense at issue is deceased as a result of such offense(s), the next of kin of such individual shall be treated the same as that individual for the purpose of disclosing the final result of the disciplinary proceedings.

Additionally, in cases of Sexual Harassment as described herein, the respondent and inquiring parties have 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).

Article 5. Allegations of Student Misconduct NOT Involving Discrimination or Sexual Harassment.

5.1. Scope

This article sets forth the procedures which should be followed when there are allegations that a student violated the Student Code of Conduct or other UNM policy not involving discrimination or sexual harassment, which are addressed in Article 4. herein.

5.2. Referral of Misconduct to Dean of Students Office

Allegations of misconduct in violation of the Student Code of Conduct or other UNM policy must be in writing and submitted to the Dean of Students Office which has primary authority to deal with disciplinary matters pertaining to students. ~~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) calendar 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 UNM 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 misconduct 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.

~~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 misconduct 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 misconduct 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 section 5.4.4. herein Articles 5 and 6.~~

~~C. When a case involves misconduct violating the 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.5.3.- A student allegedly committing a criminal offense under state or federal law that is also a violation of the Student Code of Conduct or other UNM policy may be subject to UNM disciplinary proceedings. UNM 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. UNM may also pursue disciplinary action even if criminal charges were dismissed, reduced or resolved in favor of the student-defendant.

5.4.-E. Unless otherwise specified in the decision, sanctions issued by the Dean of Students Office ~~Student Conduct Officer~~ (not including an Emergency Suspension as outlined in in section 5.5. herein ~~Article 4.3~~) ~~or by the Student Conduct Committee~~ shall not be implemented until the appeal process as set forth under section 5.7. herein ~~Article 7~~ is completed.

F. The standard of proof utilized to resolve misconduct violating the Student 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 UNM policy the Code of Conduct.

G. The party who is charged with misconduct 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 such as to conduct a hearing that protects the rights of all parties.

“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.

5.5. 4.3. Emergency Suspension and Banning from Campus

5.3.1. 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.

Article 6.— 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. Allegations of discrimination or sexual harassment do not go to the Student Conduct 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. Students may not serve on hearing panels in cases involving allegations of sexual harassment, sexual violence, or sexual assault as described in University Administrative Policy #2740. In such cases, the Student Conduct Committee will be comprised of a mixed-gender three-person committee, all of whom have received appropriate Title IX training.

~~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 or 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 misconduct 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 the Dean 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,~~

~~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 accused student or the complainant complaint. The Dean of Students may refuse to call a requested witness if he or she the Dean 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 UNM community (students, staff and faculty). The accused student and complainant are responsible for arranging the attendance of persons from outside of UNM. 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 5.4.4.7. herein, 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 in an appropriate format as determined by the Dean of Students, and the Dean of Students Office will keep the recordings tape(s). The tape recording is the property of UNM. 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 misconduct violating the Code of Conduct, or may find the party responsible and impose a disciplinary sanction. As set forth in Article 7.6.7.7 (C), in a case of alleged or sexual harassment 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.~~ **5.6. Decisions of the Dean of Students pertaining to students Student Conduct Committee are subject to appeal in accordance with section 5.7 herein.**

Article 7. 5.7. Appeals, Records, and Rights

~~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.~~

7.5.5.1. Appeal to Dean of Students

~~5.5.1.1. A. 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.~~ **5.7.1. Appeal to Vice President for Student Affairs**

The decision on sanctions pertaining to students made by the Dean of Students may be appealed to the Vice President for Student Affairs. The student must submit a written request for appeal to the Vice President for Student Affairs within ~~seven~~ **ten (10)** working days of the date of the written decision from the Dean of Students. The Vice President for Student Affairs will send written notification of the decision to the appealing party within ~~two weeks~~ **ten (10) working days** of receiving the request for appeal. A copy of the decision shall be sent to the Dean of Students.

~~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.~~

~~10.4.~~ **5.7.2. Appeal to 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 A request for a review by the President or the Board of Regents normally will be considered only after the avenues of appeal established herein have been exhausted. 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~~ ten (10) 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.~~

Article 6. General Provisions

The following provisions are applicable to all portions of this Policy

~~7.3.~~ 6.1. Student and Visitor Conduct Records

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

~~7.4.~~ 6.2. Rights of the Parties Participating in Student Conduct Grievances ~~Those Charged with Violations of the Code of~~

~~Those charged with violations of the Student Code of Conduct have rights which are protected throughout the hearing process. The rights of these~~ the parties participating in grievances as provided herein include:

~~A.~~ 6.2.1. The party charged with an alleged violation has the right to written notice ~~be notified in writing of the charges~~ at issue in the proceeding that contains ~~against him or her with sufficient detail and time to prepare for a hearing.~~

~~B.~~ 6.2.2. The party charged with an alleged violation has the right to a timely hearing before an appropriate official or committee.

~~C.~~ 6.2.3. The party charged with an alleged violation has the right to know the nature and source of the evidence used in a hearing process.

~~D.~~ 6.2.4. Both parties have the right to present evidence in his or her own behalf.

~~E.~~ 6.2.5. Both parties have the right to choose not to testify and/or not to answer questions; in such ~~which cases,~~ the decision maker will decide the charges based upon all of the evidence presented.

~~F.~~ 6.2.6. Subject to the limits set forth in this Policy ~~Article 6.3,~~ both parties have the right to be

accompanied by an advisor at a hearing. The advisor may be an attorney retained by a party the accused student at his or her own expense.

~~7.5-B.2.~~ **6.2.7.** The party alleging that the accused student engaged in misconduct has the right to submit a victim impact statement to the hearing officer or committee during the sanctioning portion of the discipline process.

~~7.5-C.~~ **6.2.8.** The party alleging that the accused student engaged in misconduct has the right to have past irrelevant behavior excluded from the discipline process.

~~7.5-D.~~ **6.2.9.** Both parties have the right to be free from retaliation for having made an allegation of misconduct or having participated in a grievance under this procedure. Allegations of retaliation should be submitted to the Dean of Students Office.

7.5. Rights of Complainants

~~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 9.~~ **6.3.** Variances

~~9.1.~~ **6.3.1.** Introduction

These Student Grievance Procedures, to the extent applicable, shall apply to all UNM 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—NOTE: Does this section is being moved to in D176 Graduate Student Grievance

~~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, 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 OEO Office.~~

~~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 UNM OEO Office.~~

9.3. 6.3.2. Health Sciences Center

Undergraduate students in academic programs in the Health Sciences Center (HSC) ~~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 and other UNM policies. Except for allegations of discrimination or sexual harassment, which shall be referred to the UNM OEO Office as provided in Article 4 herein, ~~sexual violence~~, to the extent that HSC academic programs have adopted policies and procedures that govern the adjudication of student conduct and student grievance matters, those policies and procedures supersede this Policy ~~Student Grievance Procedure~~. A decision by the ~~respective dean of the School of Medicine, College of Pharmacy, College of Nursing,~~ or College of Population Health may be appealed to the HSC 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 Section 5.7, ~~Article 10.4~~ herein, is accorded to undergraduate students in academic programs in the HSC, ~~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 OEO Office.~~

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 section 5.5, 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 UNM, 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. 6.4. Former Students

These procedures apply to disputes between students and other members of the UNM community. If the student has left the UNM 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 UNM community and so long as UNM has the power to resolve the matter. UNM 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.

6.5. Designees of Dean of Students

Whenever this Policy specifies action by the Dean of Students, the Dean of Students may delegate consideration, action, and decisions of the matter to a designee. Such designee will normally be but is not required to be, a member of the Dean of Students staff.

~~10.3.~~ 6.6. Designees of Deans, Vice Presidents or Senior Level Administrators

Whenever this Policy specifies ~~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.

~~10.5. 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 Regents' Policy Manual Policy [4.2](#) "Student Code of Conduct."

HISTORY

May 13, 2014 – Revisions approved by the President
July 2, 2013 – Revisions approved by the President
June 19, 2001 – Revisions approved by the President
March 5, 1999 – Revisions approved by the President
May 1995 – Revisions approved by the President
May 1994 – Revisions approved by the Faculty Senate
August 11, 1987 – Approved by Board of Regents
May 2, 1987 – Approved by GSA Senate
April 1, 1987 – Approved by ASUNM Senate
March 10, 1987 – Approved by Faculty Senate

DRAFT HISTORY

[March 13, 2017 – Draft revisions to remove DOS procedures and other D175 Taskforce recommendations.](#)

January 2, 2017—Draft revisions based on D175 Taskforce recommendations.

September 20, 2016—Draft revision developed to address inconsistencies between the Pathfinder and Faculty Handbook.

COMMENTS TO:
handbook@unm.edu

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