

D176: Graduate and Professional Student Conduct and Grievance Policy

Approved By: Faculty Senate and UNM President

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Responsible Faculty Committee: Faculty Senate Graduate and Professional Committee

Office Responsible for Administration: Graduate Studies and Dean of Students

Legend: red all other changes or additional text; proposed deletions shown in ~~strikeout~~.

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

POLICY RATIONALE

The University of New Mexico (UNM) is committed to academic excellence and student success. The Graduate Student Academic Grievance (GSAG) Procedures have been established to address ~~This Policy~~ provides procedures for resolution of complaints, disputes, or grievances of an academic nature initiated by students enrolled in graduate and professional degree programs at UNM. It also addresses allegations of discrimination or sexual harassment, and allegations of student misconduct, as well as procedures for handling student disciplinary matters. This Policy does not apply to undergraduate students in professional schools, which are subject to Faculty Handbook Policy D175 "Undergraduate Student Conduct and Grievance Policy."

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 disrupt the academic process or other campus functions, or endanger the health, safety or welfare of the UNM community or any individual student or employee.

1. Matters Covered under this Policy

The following 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. Any questions about these procedures should be directed to Graduate Studies or the Office of the Dean of Students. The Dean of Students may create additional processes and procedures that are in accordance with this Policy to aid the Dean of Students in administration of this Policy.

1.1. Petitions to Modify Academic Requirements due to unusual or extraordinary events.

1.2. Academic record disputes involving students seeking retroactive withdrawal, enrollment, or disenrollment, or for other academic record changes.

1.3. Academic disputes arising within the academic process, whereby a student believes that academic progress has been evaluated in an unfair or improper manner 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.

1.4. Allegations of Academic Dishonesty arising from violation of academic dishonesty rules as defined in the Definitions Section.

1.5. Allegations of Discrimination and/or Sexual Harassment

UNM urges any individual who has experienced discrimination, sexual harassment, sexual misconduct and/or sexual violence, or has knowledge about such an incident, to report the incident to the Title IX Coordinator at Office of Equal Opportunity (OEO) within 24 hours, or as soon as reasonably practicable, by calling (505) 277-5251 or by email at oeounm@unm.edu. Confidential and/or anonymous reports can be made (refer to Procedures Section 4 herein for reporting options). Complaints can also be made to the UNM Ethicspoint Hotline 1-888-899-6092. The UNM OEO is tasked with investigating allegations of discrimination, sexual harassment, sexual misconduct and/or sexual violence and determining whether anti-discrimination policy has been violated. If OEO determines that a graduate student has violated UNM anti-discrimination policy, disciplinary proceedings shall be handled under the Procedures set forth in Article 5 herein.

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

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

2.1. School of Law

Students attending the UNM School of Law must comply with the UNM Law School Bulletin and Handbook of Policies (Bulletin), in addition to this Policy. Allegations of academic misconduct, as enumerated in the Law School Student Code of Conduct (found in the Bulletin), are addressed by the processes defined in that Code. Others kinds of alleged misconduct, except for allegations of an act of discrimination or sexual harassment, may be addressed as described in the School of Law Administrative Due Process Policy and Procedure (found in the Bulletin). Allegations that a student in the School of Law has engaged in any discriminatory or sexual harassment as provided in Article 5. herein, shall be referred to the UNM OEO Office.

The Bulletin governs students enrolled in the Law School and to the extent this Policy differs from the policies and procedures in the Bulletin, the Bulletin supersedes this Policy. The School of Law may, refer cases of alleged student misconduct to the Dean of Students for review and possible action under the UNM Student Code of Conduct.

Discretionary review by the UNM President and Board of Regents, as provided for in sections 5.3 and 6.7 herein, is accorded to students in the School of Law.

2.2. Health Sciences Center

Graduate and professional students in academic programs in the Health Sciences Center (HSC) 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, to the extent that HSC academic programs have adopted policies and procedures the govern the adjudication of student conduct and student grievance matters, those policies and procedures supersede this Policy. A decision by the 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 designee, under procedures adopted by the HSC Chancellor's Office.

Discretionary review by the UNM President and Board of Regents, as provided for in sections 5.3 and 6.7 herein, is accorded to graduate and professional students in academic programs in the HSC.

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. 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 ten (10) working days of the decision.

3.4. Disputes arising from a graduate or professional student holding an assistantship ~~-status as a graduate assistant~~ shall follow procedures in the *Faculty Handbook*.

APPLICABILITY

All academic UNM units, including the Health Sciences Center.

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 GPSA President, Graduate Studies, and the Dean of Students.

DEFINITIONS

Academic Dishonesty includes, but is not limited to, plagiarism (including self-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.

Complaint refers to:

- request for informal resolution of academic matters in Procedures Section 3.2. 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 Procedures Section 6.2. 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 Policy, "discrimination" also includes retaliation for having made allegations of discrimination or sexual harassment, having participated in an investigation into allegations of discrimination or sexual harassment, or otherwise having engaged in opposition to unlawful discrimination or sexual harassment. Retaliation is explicitly prohibited under University Administrative Policies #2200, 2720, and 2740.

Graduate and Professional Student includes both full-time and part-time students pursuing graduate or professional studies. Student status continues for the entire period of enrollment, including UNM holidays, class breaks and summer session, if the student is enrolled for the preceding spring and following fall academic terms. This Policy does not apply to undergraduate students in professional schools.

Misconduct is any activity performed by a UNM graduate or professional student that violates state and/or federal laws or regulations, local ordinances, or UNM policy.

Office of Equal Opportunity or OEO is the 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.

Working Days refer to UNM traditional work days defined by UNM 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

- Graduate and Professional Students
- Faculty members
- Staff in Office of the Dean of Students
- Staff in the Office of Equal Opportunity
- 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”

University Administrative Policies Manual

2200 “Reporting Suspected Misconduct and Whistleblower Protection from Retaliation”

2720 “Prohibited Discrimination and Equal Opportunity”

2740 “Sexual Misconduct”

3405 “Holidays”

Pathfinder “Student Code of Conduct”

Office of Equal Opportunity **Discrimination Claims Procedure**

The School of Law Bulletin and Handbook of Policies (Bulletin)

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

HSC School of Medicine, School of Pharmacy, and School of Nursing Handbooks

CONTACTS

Direct any questions about this Policy to Graduate Studies or the Dean of Students.

PROCEDURES

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

UNM School of Law Students

Graduate and professional students attending the UNM School of Law must comply with the UNM Law School Bulletin and Handbook of Policies (Bulletin), in addition to this Policy (see section 2.1 in Policy Statement above for more information). To the extent these Procedures differ from the Bulletin, the Bulletin supersedes these Procedures. Pertaining to law students, the Dean of the Law School, or designee, has the same sanctioning authorities as granted to the Dean of Students, and may fulfill the responsibilities placed with the Dean of Graduate Studies.

Health Sciences Center Students (HSC)

Graduate and professional students in academic programs in the HSC must comply with applicable HSC student codes of conduct in addition to this Policy (see section 2.2 in Policy Statement above for more information). To the extent these Procedures differ from HSC student codes of conduct, the HSC student codes of conduct supersede these Procedures. Pertaining to HSC graduate and professional students, the Chancellor of the HSC, or designee, has the same sanctioning authorities as granted to the Dean of Students, and may fulfill the responsibilities placed with the Dean of Graduate Studies.

Article 1. Petition to Modify Academic Requirements

Graduate and professional students wishing to petition to modify academic requirements should contact the head of graduate and professional programs for their respective school or college. Graduate and professional students at the HSC wishing to petition to modify academic requirements should contact their school or college dean. Graduate and professional students at the Law School wishing to petition to modify academic requirements should contact the Associate Dean for Academic Affairs.

1.1. Scope

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.

1.2. Petition

~~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:

1.2.1. ~~1.~~ The student must first submit the petition to ~~his/her~~ the student's graduate or professional advisor or equivalent, if one is assigned to the student. The advisor should indicate whether ~~he/she~~ the advisor endorses the student's request, and why.

1.2.2. ~~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.

1.2.3. ~~3.~~ The petition should then be forwarded to the school or college dean. ~~the Office of Graduate Studies~~. The student may choose to submit the petition to school or college dean ~~Graduate Studies~~ ~~the OGS~~ even if it was not supported by ~~his/her~~ the student's academic unit. ~~In certain cases,~~ The school or college dean or ~~his/her~~ designee may ask the Faculty Senate Graduate and Professional Committee, serving in an advisory capacity, to review the petition and offer its recommendation for approval or disapproval. ~~The decision of the school or college dean is final.~~

A written response to a petition will usually be ~~mailed~~ sent to the student within ten (10) working days ~~two (2) weeks~~ from its receipt by Graduate Studies ~~the OGS~~, and a copy sent to the academic unit. (This period may be extended to allow for UNM holidays or other periods when UNM is not in session.) The original petition will be retained in the student's file at Graduate Studies ~~the 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.~~

1.2.4. The student may appeal the dean's decision to the President and Board of Regents in accordance with sections 3.4.2 and 3.4.3 herein.

Article 2. Academic Record Disputes

2.1. 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).

2.2. Petitions

2.2.1. A student seeking a change in the student's academic record within the scope of this article shall submit a petition to 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.

2.2.2. Upon receipt of the petition, Registrar's Office shall forward a copy to the instructor of the course. The instructor shall make any response within fifteen (15) working days of receipt. If the instructor has not responded within fifteen (15) working days, the Faculty Senate Admissions and Registration Committee ("Committee") shall proceed to consider the petition without the instructor's response.

2.3. Committee Decision and Appeals Process

At the next regular meeting after receipt of the instructor's response (or lack of response), the Faculty Senate Admissions and Registration 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. 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 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 3. Academic Disputes

3.1. Scope

This article sets forth the procedures ~~The GSAG procedures are available~~ for 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 disputes or grievances based upon alleged discrimination or sexual harassment should be directed to the Office of Equal Opportunity (OEO) in accordance with Article 5 herein. 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 UNM-wide degree requirements, policies or procedures.

3.2. Informal Resolution

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.

3.2.1. ~~±~~ A student with a complaint related to academic matters is encouraged to consult with the Office of Graduate Studies to discuss his/her the 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.

3.2.2. ~~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.

3.2.3. ~~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 school or college dean or director of that unit for assistance.

3.3. Formal Resolution of Academic Matters

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," Sections 2.3.1. – 2.3.7.

3.3.1. ~~4(a)~~ The Student must submit a formal, written statement of his/her the grievance within ten (10) working days ~~two weeks~~ following completion of the informal discussions. 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 five (5) working days ~~two (2) weeks~~ in which to respond in writing to the school or college dean.

3.3.2. ~~4(b)~~ The school or college dean will review all written materials submitted and provide both parties the opportunity to review and respond to all evidence. The school or college dean will interview each party, as well as any other persons who may have relevant information. The school or college 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 (5) working days' notice. Each party will be allowed to bring an advisor to the hearing, who may or may not be an attorney, but the advisor may not participate in the hearing. ~~but will not be permitted legal representation.~~ Cross examination of witnesses will be permitted, although the school or college dean may require that questions be directed though the school or college dean. ~~him/her.~~

3.3.3. ~~4(c)~~ The school or college 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 and Professional Committee.

3.3.4. ~~4(d)~~ Generally, a written report on the grievance will be issued by the school or college dean within a period of ~~four weeks~~ twenty (20) working days after it has been formally filed, unless an informal hearing is held, in which case the decision shall be made within thirty (30) twenty (20) working days. (This period may be extended to allow for ~~University holidays or other~~ periods when UNM is not in session.) The report will explain the school or college 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.

3.4. Appeal of Formal Decision

During the appeal process, the Provost, Chancellor, President, and/or Board of Regents cannot overrule a faculty member's academic judgement.

3.4.1. Appeal to Provost or Chancellor

~~4(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.~~

Either party may appeal the school or college dean's decision within ten (10) working days of receipt of the decision to the Provost or Chancellor. The Provost or Chancellor or designee shall resolve the grievance utilizing any procedures available to the school or college dean set out above. The Provost or Chancellor 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.

3.4.2. Appeal to the President

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

3.4.3. Appeal to the Board of Regents

In accordance with Regent Policy 1.5 "Appeals to the Board of Regents," students affected by a decision of the administration, faculty, student government, or hearing board may appeal the decision to the Board of Regents. The Board has discretion to determine whether the appeal will be considered. A request for a review by 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 ten (10) working days of the date of the written decision from the last reviewer.

Article 4. Academic Dishonesty

4.1. 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 UNM departments and programs may have additional policies and procedures on academic dishonesty.

4.2. Academic Dishonesty within Courses: Faculty-Imposed Sanctions

4.2.1. 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. The faculty member should consult with Graduate Studies to discuss possible courses of action. 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.

4.2.2. The faculty member may report the matter to the Dean of Students, by submitting written documentation describing the events and indicating if the faculty member wishes the Dean of Students Office to pursue any additional disciplinary action against the student. The faculty member may use the Dean of Students Office's faculty adjudication form in submitting the written documentation. The Dean of Students Office will notify the student of the report, and the student may request a copy of the report from Dean of Students Office. In cases where the student has multiple finding of academic dishonesty, the Dean of Students Office may initiate sanction(s) in accordance with this Policy.

4.2.3. The student may challenge a sanction imposed by a faculty member using the process defined in Procedures section 3.4. herein. The student may challenge a sanction imposed by the Dean of Students for a code of conduct issue using the process defined in Procedures section 6.7 herein.

4.3. 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 may transmit in writing to the appropriate faculty member or Dean of Students a statement describing the occurrence. The faculty member or Dean of Students will send a copy to the student, and will address the situation in accordance with Procedures sections 4.2.1. and 4.2.2. herein respectively.

4.4. Sanctions Imposed by the Dean of Students

Upon receiving a report of academic dishonesty pursuant to section 4.3 herein, the Dean of Students may initiate disciplinary action in accordance with this Policy. In some instances, a faculty member may impose academic consequences and the undergraduate 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 6.7 herein.

Article 5. Allegations of Discrimination or Sexual Harassment

UNM urges any individual who has experienced discrimination, sexual harassment, sexual misconduct and/or sexual violence, or has knowledge about such an incident, to report the incident to the Title IX Coordinator at Office of Equal Opportunity (OEO) within 24 hours, or as soon as reasonably practicable, by calling (505) 277-5251 or by email at oeounm@unm.edu. Confidential and/or anonymous reports can be made. Complaints can also be made to the UNM Ethicspoint Hotline 1-888-899-6092.

UNM recognizes that an individual who has experienced sexual misconduct may want to speak with someone on campus before deciding whether to report the incident to the police or OEO for investigation. UNM and community partners have developed a victim-centered and victim-controlled process. The following centers are designated advocacy and support sites for those students who have experienced all types of crimes or violence including sexual misconduct. Students who utilize these centers may talk with anonymity to individuals employed at these centers. However, these centers will report the nature, date of report and general location of the incident to the Clery Act Compliance Officer in OEO.

- LoboRESPECT Advocacy Center – Phone Number: (505)277-2911 Website: <https://loborespect.unm.edu/>
- LGBTQ Resource Center – Phone Number: (505)277-5428 Website: <https://lgbtqrc.unm.edu>
- Women’s Resource Center – Phone Number (505)277-3716 Website: <https://women.unm.edu>

5.1. 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.

5.2. Reporting to/and Investigation by the Office of Equal Opportunity (OEO)

5.2.1. Allegation(s) that an undergraduate 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.

5.2.2. OEO has no sanctioning authority. If the respondent is a student and is found to have violated policy, OEO will refer the matter to the HSC Chancellor for HSC students, the Dean of the Law School for law students, or the Dean of Students Office for all other graduate or professional students to determine the sanction to be imposed as defined in Regent Policy 4.2 “Student Code of Conduct.” 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.

Before determining sanctions for sexual discrimination, the Dean of the Law School or the applicable HSC dean should consult with the Dean of Students to ensure consistency of sanctions pertaining to OEO findings.

5.3. Appeals

Graduate and professional students in the law school and the HSC may appeal sanction decisions to the UNM President and the Board of Regents per sections 5.3.2 and 5.3.3 herein.

5.3.1. Appeal to the Vice President for Student Affairs

The decision on sanctions made by the Dean of Students Office may be appealed to the Vice President for Student Affairs if the sanction imposed is suspension, expulsion or banning from the campus or results in a significant interruption toward degree completion. The student must submit a written request for appeal to the Vice President for Student Affairs within seven (7) working days of the date of the written decision from the Dean of Students Office. The Vice President for Student Affairs will send written notification of the decision to the appealing party within ten (10) working days of receiving the request for appeal. A copy of the decision shall be sent to the Dean of Students Office.

5.3.2. Appeal to the President

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

5.3.3. Appeal to the Board of Regents

In accordance with Regent Policy 1.5 "Appeals to the Board of Regents," students affected by a decision of the administration, faculty, student government, or hearing board may appeal the decision to the Board of Regents. The Board has discretion to determine whether the appeal will be considered. A request for a review by 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 ten (10) working days of the date of the written decision from the last reviewer.

5.4. 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 non-forcible 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 in Procedures Article 5 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 6. Allegations of Student Misconduct NOT Involving Discrimination or Sexual Harassment

6.1. 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 Procedures Article 5 herein.

6.2. 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. 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 (1) year following discovery of the suspected misconduct.

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.

The Dean of Students may refer the complaint to the Student Conduct Officer for review, investigation, and/or resolution. A decision, in most cases, will be rendered within sixty (60) calendar days of the filing of a complaint. This date can be modified at the discretion of the Dean of Students or the Student Conduct Officer if deemed necessary such as to conduct a hearing that protects the rights of all parties.

6.2.1. Options for Resolving the Charges

Upon referral, or upon the Student Conduct Officer's own initiative, the Student Conduct Officer may review relevant evidence and consult with the person referring the allegation, the undergraduate student accused, and any witnesses. The Student Conduct Officer will send written notification to the accused undergraduate student indicating the nature of the activity in which the undergraduate student was allegedly involved, and what UNM rules were allegedly violated. The undergraduate student will be given the opportunity to meet with the Student Conduct Officer to review the options for resolving the charges.

If the undergraduate 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 undergraduate student's registration. The accused undergraduate 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 undergraduate student does not elect a formal hearing. If an undergraduate student fails to select an option, the Student Conduct Officer will decide which hearing process will be followed. The options for resolving the charges are:

6.2.1.1. 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 of the mediation process or 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.

6.2.1.2. Informal Disposition Conference: The accused undergraduate 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 undergraduate student.

6.2.1.3. Administrative Hearing with the Student Conduct Officer: This option allows the accused undergraduate 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. Within three (3) 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.

6.2.1.4. Formal Hearing with the Student Conduct Committee: This option allows the accused undergraduate student to respond to the charges, present witnesses on the student's own behalf and question witnesses. Formal hearings are recorded. Within three (3) 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.

A formal hearing with the Student Conduct Committee is conducted in accordance with the Dean of Students Hearing Procedures, approved by the UNM President, that ensure all the rights listed in section 7 herein.

Decisions of the Student Conduct Committee are subject to appeal to the Vice President for Student Affairs, as per Article 6.7.1 herein if the sanction imposed by the Committee is suspension, expulsion or banning from the campus or results in a significant interruption toward degree completion. Per Section sections 6.7.2 and 6.7.3 the President and Board of Regents have discretionary authority to review decisions of the Student Conduct Committee and senior administrators.

6.3. 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.

6.4. Unless otherwise specified in the decision, sanctions issued by the Dean of the Law School, HSC Chancellor, or Dean of Students Office (not including an Emergency Suspension as outlined in in Procedures section 6.5 herein) shall not be implemented until the appeal process as set forth under Procedures section 6.7 herein is completed.

6.5. Emergency Suspension and Banning from Campus

The Dean of Students may immediately suspend a student (or chartered student organization) and/or ban a student or visitor if the Dean of Students 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. When a person has been immediately suspended or banned by the Dean of Students, the person may request to meet with the Dean of Students to consider whether the emergency suspension should be continued.

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 herein.

6.6. Decisions of the Dean of Students Office pertaining to students are subject to appeal in accordance with Procedures section 6.7 herein.

6.7. Appeals, Records, and Rights

Graduate and professional students in the law school and the HSC may appeal sanction decisions to the UNM President and the Board of Regents per sections **6.7.2** and **6.7.3** herein.

6.7.1. Appeal to Vice President for Student Affairs

The decision on sanctions pertaining to students made by the Dean of Students Office may be appealed to the Vice President for Student Affairs if the sanction imposed is suspension, expulsion or banning from the campus or results in a significant interruption toward degree completion. The student must submit a written request for appeal to the Vice President for Student Affairs within ten (10) working days of the date of the written decision from the Dean of Students Office. The Vice President for Student Affairs will send written notification of the decision to the appealing party within ten (10) working days of receiving the request for appeal. A copy of the decision shall be sent to the Dean of Students Office.

6.7.2. Appeal to the President

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

6.7.3. Appeal to the Board of Regents

In accordance with Regent Policy 1.5 “Appeals to the Board of Regents,” students may appeal the decision to the Board of Regents. The Board has discretion to determine whether the appeal will be considered. A request for a review by 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 ten (10) working days of the date of the written decision from the last reviewer.

Article 7. General Provisions

7.1. Student Conduct Records

Records regarding student conduct shall be kept in the Dean of Students Office for a period of ten (10) years after final disposition, except for records of expulsions which shall be permanently maintained. Copies of the final decision shall, in an academic dishonesty case, be sent to the faculty member.

7.2. Rights of the Parties Participating in Student Code of Conduct Grievances

The rights of the parties participating in grievances as provided herein include:

7.2.1. The party charged with an alleged violation has the right to written notice of the charges at issue in the proceeding that contains sufficient detail and time to prepare for a hearing.

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

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

7.2.4. Both parties have the right to present evidence in their own behalf.

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

7.2.6. Subject to the limits set forth in Procedures section 3.3.2 both parties have the right to be accompanied by an advisor at a hearing, who may or may not be an attorney, but the advisor may not participate in the hearing.

7.2.7. 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.

7.2.8. The party alleging that the accused student engaged in misconduct has the right to have past irrelevant behavior excluded from the discipline process.

7.2.9. 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.

7.3. 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 UNM academic, student conduct, and other applicable requirements and policies.

7.4. Designees of Deans, Vice Presidents, Vice Chancellors, or Senior Level Administrators

Whenever this Policy specifies an action or decision by a school or college dean, the Dean of Students, the Dean of Graduate Studies, a vice president, a vice chancellor, or a 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.

HISTORY

*Approved by Faculty Senate Graduate Committee 10/20/1994
Revisions approved March 6, 1997 by Faculty Senate Graduate Committee*

DRAFT HISTORY

February 17, 2019 – Draft revision updated for FSPC changes in response to recommendations from Operations Committee.

February 10, 2019 – Draft revision updated with recommendation from Operations Committee for consideration by Policy Committee.

October 11, 2018 – Draft revised to include changes from FSPC Oct 2018 meeting.

September 28, 2018 – Draft revised to address comments at and after FSPC Sept 2018 meeting.

October 5, 2017 – Draft revised per 10/4/17 FSPC meeting.

September 23, 2017—Draft revised to reflect changes made in response to comments from Dean of Students and Office of Equal Opportunity.

April 28, 2017 Draft revised to reflect changes from 4/18/17 task force meeting.

April 17, 2017 – Draft revised to reflect changes from 3/21/17 task force meeting.

March 21, 2017 – Draft revised to reflect changes from last meeting pertaining to the Law School and to incorporate changes submitted by Graduate Studies.

March 5, 2016 – Draft revised to reflect changes to D175 and changes requested by Graduate Studies.

February 18, 2017 Draft revised to reflect recent changes to D175.

January 7, 2017 – Draft revision prepared for Taskforce discussing at its next meeting scheduled for 2/9/17. The taskforce is revising the policy because law and HSC students are being removed by D175. In addition, appeal rights need to be corrected in D176. It also appears that many of the items addressed in D175 for undergraduate students might also be needed in D176 for graduate students.

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