

Faculty Senate Policy Committee
Meeting Agenda, Scholes Hall Room 101, June 19, 2019, 11:00 AM to 3:00 pm

Agenda Topics

Consent Agenda Topics: None

Action Items

- 1. D170 “Student Attendance”** with discussion related to UAP 2310 “Reasonable Accommodation for Students with Disabilities” **pg.1**
- 2. CoG Report pg. 18**
- 3. D175 “Undergraduate Student Conduct and Grievance Policy” and D176 Graduate and Professional Student Conduct and Grievance Policy” pg. 27**

Updates

- 1. C290 “Ombuds/Dispute Resolution for Faculty”** approved by Faculty Senate 4/23/19 and posted to Faculty Handbook.
- 2. Military Leave**—sent to AF&T for review
- 3. Committee membership and vacancies**
- 4. UAP 2710 “Education Aboard Health and Safety”**

Discussion Items:

- 1. Strategic Planning pg. 73**

Policy Priorities:

- Consensual Relationships
- Classroom Conduct
- Copyright

Work Status Report

Academic Year Status Report

- 3. Open Meetings Act**
- 4. Election of Officers**

D170: Student Attendance

Approved By: Faculty Senate

Last Updated: **Draft 6/16/19**

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.

POLICY RATIONALE

Class attendance is critical for the overall success of the students at the University of New Mexico (UNM). However, there are situations when a student may qualify for an excused absence and be provided with the opportunity to make up assignments or examinations missed. This Policy describes absences that normally qualify as excused absences and provides the process for reporting such absences and completing missed assignments and exams.

POLICY STATEMENT

The absences listed below are normally excused unless the instructor determines that the absences are excessive, adversely impact learning, or fundamentally threaten the integrity of the class. An excused absence does not relieve the student of responsibility for missed assignments, exams, etc. The student is to take the initiative in arranging with his/her instructor(s) to make up missed work, and it is expected that the faculty member will cooperate with the student in reasonable arrangements in this regard.

~~Students should have the opportunity to make up any assignments or examinations missed. Instructors should provide an opportunity to make up an assignment or test and not limit the accommodation to dropping the lowest test or assignment grade.~~ However, the student must recognize that some classes or class-work (quizzes, seminars, small labs, etc.) cannot be made up. Classes or class-work that cannot be made up will be identified in the syllabus.

To ensure equitable treatment of students, when there is concern on the type of absences that should be excused and reasonable accommodations for such absences, instructors are encouraged to consult with their chair or dean, or the Dean of Students or equivalent position designated for graduate or professional schools or colleges and branch community colleges.

1. UNM Official Absences

Instructors should excuse absences due to UNM official absences which result when a student is required to represent UNM at University functions or related extracurricular activities such as

professional meetings, academic competitions, field trips, research activities, NCAA athletic competitions, or other similar activities.

2. Legally or Administratively Compelled Absence(s)

Instructors ~~should~~ must excuse absences due to a legally or administratively compelled absence when a student is required to participate in legal proceedings or administrative procedures. This includes mandatory admissions interviews for professional or graduate school, or mandatory internships that cannot be rescheduled.

3. Military Obligations

Instructors ~~should~~ must excuse absences due to military obligations for students serving in the military, military reserves, or National Guard of the United States who are required to miss class due to military obligations. If the military obligations require withdrawal, ~~in recognition of the service of deployed military personnel,~~ the instructor should refer to the UNM Catalog or contact the Dean of Students Office or equivalent position for graduate or professional schools or colleges and branch community colleges for procedures pertaining to withdrawal and re-enrollment of military personnel.

4. Illness, Accident, or Death in the Family

Instructors should excuse unexpected absences due to personal or family illness, accident, or death in the family. Instructors may require students who are ill for ~~more than fifteen percent (15%) of required contact hours~~ ~~six (6) class days or longer~~ to obtain official notification from the Dean of Students office or equivalent position designated for graduate or professional schools or colleges and branch community colleges.

5. Disability

Instructors ~~should~~ must excuse absences due to disabilities where reasonable. Such requests must be processed in accordance with University Administrative Policy 2310 "Academic Adjustments for Students with Disabilities." ~~although instructors may require students to provide confirmation from the Accessibility Resource Center for ADA-protected disabilities.~~ For a short-term disability due to an illness or injury not covered by the ADA, students should contact the Dean of Students Office or equivalent position designated for graduate or professional schools or colleges and branch community colleges for assistance. They can also assist instructors with verification of the short-term disability.

5.1. Attendance Accommodation for Students with Disabilities

Attendance during scheduled class times is a necessary part of the learning process. ARC may recommend flexibility in attendance for some students. (Source: ARC's website) This accommodation should be provided unless the accommodation threatens the integrity of the course as offered. (Source: 1994 Civil Rights Case per Ferris State University) The following six factors should be used in considering if attendance is an essential element of the course and the flexibility in attendance recommended is not considered a reasonable accommodation:

1. Are there classroom interactions between the instructor and the students and among the students?
2. Do student contributions constitute a significant component of the learning process?
3. Does the functional nature of the course rely on student participation as an essential method for learning?
4. To what degree does a student's failure to attend constitute a significant loss to the educational experience of the other students in the course?
5. What do the course description and syllabus say?
6. What are the classroom practices and policies regarding attendance? (Source: 1996 Civil Rights Case per Ferris State University)

6. Pregnancy

In accordance with Title IX of the Educational Amendments of 1972, instructors ~~should~~ must treat pregnancy related absences as excused as long as deemed medically necessary by the student's healthcare provider. If the length of absence is more than fifteen percent (15%) of required contact hours ~~six (6) class days~~, the student may be required to obtain official notification from the Dean of Students Office or equivalent position designated for graduate or professional schools or colleges and branch community colleges. If instructors have any questions, they may contact the UNM Office of Equal Opportunity (OEO).

7. Religious Observances

In recognition of UNM's diverse student population, instructors are encouraged to schedule important class events to minimize conflict with major religious observances. Students who request that an absence be excused for religious reasons ~~should~~ must be granted reasonable accommodations. Instructors should be sensitive to the difficulty some students may have anticipating all religious obligations. Absences due to religious accommodations should be requested in accordance with Policy **C260** "Religious Accommodations." ~~the faculty member will cooperate with the student in reasonable arrangements in this regard.~~

8. Request for Reconsideration

If a request for an excused absence and/or reasonable accommodation is denied by an instructor, the student may seek informal resolution of the matter by submitting a request for reconsideration to the ~~college/school dean~~ department chair, program/course director, or equivalent position or designee. Given the need for timeliness of the issue, the student's request for reconsideration should be addressed as expeditiously as possible. This does not preclude the student from addressing the matter further in accordance with Policies **D175** "Undergraduate Student Conduct and Grievance Policy" or **D176** "Graduate and Professional Student Conduct and Grievance Policy."

APPLICABILITY

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

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

DEFINITIONS

WHO SHOULD READ THIS POLICY

- 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

Faculty Handbook

Policy C220 "Holidays"

Policy C260 "Religious Accommodations"

D175 "Undergraduate Student Conduct and Grievance Policy"

D176 "Graduate and Professional Student Conduct and Grievance Policy."

University Administrative Policy 2310 "Academic Adjustments for Students with Disabilities."

The Pathfinder—UNM Student Handbook. "Student Grievance Procedures"

CONTACTS

Direct any questions about this policy to Dean of Students Office or equivalent position designated for graduate or professional schools or colleges and branch community colleges.

PROCEDURES

The following procedures pertain to undergraduate students at the Albuquerque campus. Branch community college, graduate, and professional students should follow the attendance procedures issued by their respective school or college, when available.

Absences due to the situations described in the Policy Statement above ~~illness or to attend~~ authorized University activities such as field trips, athletic trips, etc. are to be reported by the student to his/her instructor(s) and to the Dean of Students Office in accordance with the procedures listed herein. If the student is unable to contact his/her the instructor(s), the student should leave a message at the instructor's department.

UNM Official Absence(s) will be determined by a college dean or the Provost, or designee.

1. Course Attendance Expectations

Students are expected to fulfill all course requirements including attendance if specified. ~~attend all meetings of the classes in which they are enrolled. No extensions of the vacation periods are given to any students, regardless of the location of their homes.~~ Course instructors are responsible for setting attendance policies for their individual courses except where academic units, required by special circumstances such as accreditation standards, establish unit-wide policies through normal faculty governance procedures. Instructors should inform students of their expectations for attendance and participation on the first day of class and are encouraged to include this Policy in the course syllabus. Instructors may also require students to notify them of anticipated absences at the beginning of the semester and may require reasonable verification of the reason for an excused absence such as a doctor's note, hospital billing, military orders, or death notices.

Instructors may drop students with excessive absences with a grade of W ~~W/P or W/F.~~ ~~The instructor~~ They may also assign a failing grade of "F" at the end of the semester for excess unexcused absences, but should inform students if they will be dropped or penalized for unexcused absences. Academic units may also reserve the right to cancel a course reservation for a student who does not attend the first class meeting of the semester, although notification should be made before the student is dropped and reasonable accommodations should be made for excused absences. ~~Instructor drop request forms are available at all academic department offices.~~ Students should not assume that nonattendance results in being dropped from class. It is the student's responsibility to initiate drops or complete withdrawals within published deadlines utilizing the appropriate process.

2. Verification of Absence

Verification (such as doctor's note, hospital billing, military orders, death notices, etc.) of a student's report of absence will be provided by the student if requested ~~on request~~ by the instructor or the Dean of Students Office. ~~and in accordance with the following general procedures.~~ Student Athletes shall submit documentation to their instructors.

3. Short-Term Absence (Less than or equal to 15% of required contact hours) (1-5-4 class days).

~~When notified in advance of an absence of 1-4 days, the Dean of Students Office will prepare an absence notice which the student may pick up and personally deliver to his/her instructor(s). On absences of 1-4 days reported to the Dean of Students Office after the fact, an absence notice may be picked up by the student after consultation with a dean, if such consultation provides a basis for issuing a notice.~~ The Dean of Students Office will encourage the student to speak directly with the faculty member to work out absences that are less than or equal to fifteen percent (15%) of required contact hours ~~six (6) class days~~. When requested by a faculty member, the Dean of Students Office may assist with verification of absences that are less than or equal to fifteen percent (15%) of required contact hours ~~six (6) class days~~ on a case-by-case basis.

4. Extended Absence (More than 15% of required contact hours) (Six (6) days or longer).

The Dean of Students Office, as a service to faculty and students, will send absence notifications to the respective faculty member should an absence be ~~longer than five (5) class days~~ more than 15 percent (15%) of required contact hours. This service will only be utilized when an absence is for a family/student medical issue, death of a family member, military leave, or a UNM sponsored activity. The absence notification process is only meant as a notification and not meant to excuse the absence. Excusing an absence is entirely up to the faculty member of the

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

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

It should be noted that written medical excuses for class absence will not be issued routinely by Student Health and Counseling (SHAC) the Student Health Center except in the case of physical education classes, where participation would be detrimental to the student's condition. Where confirmation of a student's attendance at SHAC the Health Center is required by a faculty member of the teaching staff, this will be furnished on direct inquiry, without revealing the medical details necessitating such attendance. If it appears that a student will be absent for more than 15 percent (15%) of required contact hours five class days a week or more, the Dean of Students Office will be notified.

HISTORY

Effective:

Unknown (effective date not listed in current policy.)

DRAFT HISTORY

April 8, 2019 – Draft revised to address campus comments.

November 11, 2018 – Draft revised for Policy Committee changes.

September 5, 2018 – Draft revised to refine policy revisions further.

June 27, 2018 – Draft revised to address different procedures for graduate and professional students and branch community colleges.

April 28, 2017 -- Draft revised for task force recommendations. April 4, 2017 – Draft revised for task force recommendations.

September 29, 2016 – Draft revised to incorporate input from FSPC member L. Oakes.

January 2, 2016—Draft developed to address COF task force recommendations.

July 19, 2015 Draft developed for Information Items taskforce review.



Draft 6.5.19 — partial TC, showing changes from 3.18.19 version

Administrative Policies and Procedures Manual - Policy 2310: Reasonable Accommodation for Students with Disabilities

Date Originally Issued: 08-02-2004

Process Owner: Director, Accessibility Resource Center

1. Policy

The University of New Mexico has a continuing commitment, responsibility, and desire to provide equal opportunities and reasonable accommodations to individuals with disabilities. Section 504 of the Rehabilitation Act of 1973, Title II of the Americans With Disabilities Act of 1990, and the Americans with Disabilities Act Amendments Act of 2008, collectively referred to in this policy as “ADA,” protect against disability-based discrimination, as does the New Mexico Human Rights Act.

Under the ADA, the University must provide reasonable accommodations (as defined in Section 3.3) to qualified ~~individuals with a disability who are qualified~~ students with disabilities, as necessary, to ensure equality of access to the courses, programs, services, and facilities of the University. However, students with disabilities are still required to adhere to all University policies, including policies concerning conduct and performance.

The student is responsible for demonstrating the need for a reasonable accommodation by providing the University's [Accessibility Resource Center](#) (ARC) with complete and appropriate current [documentation](#) that establishes the disability, and the need for and appropriateness of the requested accommodation(s). The University is responsible for all costs of academic

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adjustments. The following sections provide procedures for students, faculty, and staff on academic adjustment requirements.

2. Definitions

- “Essential skills” are the fundamental (as opposed to marginal) requirements of a course, degree, or program.
- “Individual with a disability” is a person who has a serious medical condition or a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment.
- “Qualified student with a disability” is a student with a disability who meets the academic and technical standards required for admission and participation in the programs and activities and who can, with or without a reasonable accommodation, perform the essential skills of the course, degree or program.
- “Interactive dialogue” is a dialogue between the University (including ARC and faculty) and a student about the need for an accommodation.
- “Auxiliary aids and services” may include, but are not limited to: note-takers, readers, Braille or large print materials, and sign language interpreters. It does not include devices or services of a personal nature such as personal attendants or personal devices utilized in activities of daily living.
- “Reasonable accommodation” is a reasonable modification or adjustment to instructional methods and/or to a course, program, service, or facility of the University that enables a qualified student with a disability to have equal access and opportunity to attain the same level of performance and to enjoy equal benefits and privileges as are available to similarly-situated students without a disability. Reasonable accommodations do not include fundamental alterations of a class or program.
- “Full-time student” is a designation for the purposes of residence, University insurance coverage, participation in extracurricular activities and intercollegiate athletics, academic honors such as Dean’s List designation, and scholarship/financial aid as allowed by federal and state guidelines.

3. Reasonable Accommodation

Reasonable accommodations are determined on a case-by-case basis in consultation with the student and may include, but are not limited to, the following actions:

- Making facilities used by students accessible to and usable by an individual with a disability.
- Modifying courses, programs, or educational requirements as are necessary and appropriate to enable a qualified student with a disability to enjoy equal opportunity and access. However, the University is not required to fundamentally alter the essential nature of a course or academic program. Reasonable academic accommodations may include,

but are not limited to, extended time on an examination or paper, [extended deadlines](#), and oral instead of written examinations, where appropriate.

- [Using part-time or modified class schedules.](#)
- [Modifying attendance requirements \(see Faculty Handbook D170 “Student Attendance”\).](#)
- Acquiring or modifying equipment or devices, or providing auxiliary aids.
- Providing qualified signed-language interpreters.
- Providing full-time student status designation for- students taking a reduced course load as an accommodation, and providing an eligibility exception to the part-time tuition and fee structure when full-time status is a lower cost.

The University is not required to provide the specific accommodation requested, but the accommodation must be effective to enable a qualified student with a disability to enjoy equal opportunity and access. All offers of accommodations are subject to applicable University policies.

Under the ADA, the University must make reasonable accommodations to accommodate qualified individuals with a disability unless the accommodations would create an “undue hardship” or would constitute a fundamental alteration to the class or program. An undue hardship is determined by considering the nature of the accommodation and cost in relation to the University's total budget.

Students who are performing work (i.e. practicums) in professional and/or clinical settings are entitled to reasonable accommodations, as necessary, to perform the essential duties of the site. In the event that students require accommodations at a site, students should notify their course instructor and ARC. ARC and the faculty member will assist- the student in engaging in the interactive process with the site.

Students with disabilities enrolled in academic degree programs that require licensure or certification at the conclusion of the degree must realize the process for accommodations by the licensing or certification is separate from the University’s accommodation process. The licensing or certification board and may require- additional disability documentation including a recent disability evaluation at the student’s expense. ARC is available to assist with the application process and necessary disability documentation requirements, but does not control the process or guarantee the outcome

4. Requesting a Reasonable Accommodation

The first step in the process for a student who seeks academic adjustment because of a disability is to register with the [Accessibility Resource Center](#) and submit documentation of the disability from a licensed or certified professional in order to become eligible for services. Applicants to or students attending a UNM Branch [Community CollegeCampus](#) at Gallup, Los Alamos, Taos, or Valencia should contact the [applicable Branch liaison](#) for information requesting academic accommodations. Once a student establishes, through appropriate documentation, that he or she has a disability, the University will work with the student to determine what academic accommodations are appropriate and reasonable in accordance with [Section 3-3](#).

4.1. Student Responsibilities

Students are responsible for:

- Self-identification;
- Requesting reasonable accommodations in a timely manner;
- Providing requested documentation to the ARC; and
- Meeting the academic standards expected of all students.

If an accommodation is ineffective or has not been provided and it is impacting performance, the student should bring it to the attention of the disability specialist. The student and disability specialist will then decide an appropriate action plan, which may include both formal and/or informal options as outlined under Exhibit A. Ultimately, responsibility lies with the student. Students must contact ARC and faculty with questions and concerns in a timely manner. Through the cooperation of all parties reasonable accommodations are provided.

It is the student's responsibility to demonstrate the need for an ~~academic adjustment~~ ~~accommodation~~ by providing the [Accessibility Resource Center](#) with complete and appropriate current documentation that establishes the disability, and the need for and appropriateness of the requested ~~adjustment~~ ~~accommodation~~(s). The Accessibility Resource Center can provide information on the kind of documentation that is required. If the initial documentation is incomplete or inadequate, the student will be required to provide additional documentation at the student's expense.

Students are encouraged to pre-register with the Accessibility Resource Center before classes begin so that accommodations can be in place when needed at the start of the semester. If pre-registration is not possible, students should register at the start of the semester or as soon as the need for an accommodation becomes known, and Accessibility Resource Center will make good faith effort to accommodate the student's needs as soon as possible. Requests received right at or after the start of a semester may result in the student being without the accommodation for part of the semester. Students should be aware that an academic adjustment does not apply retroactively, so that grades earned on exams, assignments, or other classroom activities before the adjustment takes effect will not be changed.

4.2. Faculty Responsibilities

Faculty members are responsible for:

- Being open to accommodating students;
- ~~Providing program access;~~
- Meeting with students and ARC to discuss the student's needs;
- Implementing reasonable accommodations ~~to provide program access~~; and
- Maintaining confidentiality.

Faculty members are responsible for assisting in the provision of accommodations as described in the accommodation letter. Any concern related to an accommodation fundamentally altering

the academic curriculum should be brought to the attention of the student and disability specialist. All parties will engage in an interactive process to determine the reasonableness of the request and ensure equal access is maintained.

If a student discloses a disability to a faculty member and requests an academic adjustment/accommodation but the student does not have a letter from ARC, the faculty member should direct the student to ARC. It is not the faculty member's responsibility to decide whether the student has a disability and what ~~adjustments or~~ accommodations are appropriate. Faculty can help the University meet its obligations to provide students with academic adjustments/reasonable accommodations in a timely manner by stating on their class syllabus that students should inform them of any special needs as soon as possible. Students who do so should be referred to ARC.

4.3. ARC Responsibilities

ARC is responsible for:

- Verifying disabilities and need for accommodations;
- Recommending reasonable accommodations;
- Informing students of their rights and responsibilities
- Advocating program access; and
- Problem-solving with the student and, ~~if necessary, the~~ instructor, ~~in response to student concerns~~ regarding the implementation or consistency of reasonable accommodations

ARC has neither the right nor the responsibility to manage the student's classroom participation and accommodations. Students are ultimately responsible for themselves. Accessibility Resource Center works with students and, when appropriate, with their instructors, to determine two things. First, which accommodations are reasonable and second, identification and referral for other campus and community services that may be appropriate. Accessibility Resource Center provides students with the tools necessary for their academic success.

ARC will determine a student's eligibility and, in consultation with the student, will determine effective and appropriate academic accommodations, adjustments in accordance with Section 3.3. ARC may consult with other University departments, as necessary, in order to make a determination of eligibility and what academic adjustments/accommodations are appropriate and reasonable. ARC will send a letter, per the student's request, to faculty, ~~with a copy to cognizant department chairs and others as needed~~, informing the faculty members of what adjustment/accommodation(s) the student is to receive.

Once the student has established his or her eligibility for academic adjustments/accommodations, ARC will provide appropriate adjustments/accommodations as expeditiously as possible. Generally, adjustments/accommodations will be in place within fifteen (15) working days; however, some adjustments/accommodations can require a longer period of time to arrange. ARC is responsible for coordinating adjustments/accommodations that are part of instructional courses at the Albuquerque campus.

4.4. University responsibilities

Everyone at the University is responsible for:

- Engaging in an interactive discussion of reasonable accommodations for specific courses and degree programs;
- Problem-solving issues and concerns; and
- Maintaining academic standards for course and degree programs.

The University is responsible for all costs of reasonable accommodations. Branch ~~campuses~~ Community Colleges are generally responsible for coordinating reasonable accommodations for their students.

The purchase and implementation of programs, including software, must take accommodations for disabilities into consideration. Contractors and third-party vendors of the University must adhere to the same standards of accessibility and accommodation for disabilities.

4.5 Confidentiality

Strict confidentiality requirements pertain to disability disclosures, accommodation requests, and related procedures. This information is only shared on a need-to-know basis. Faculty and staff with knowledge of a disability disclosure or accommodation made for a student must maintain strict confidentiality, and only use disability information to implement the accommodation.

The disability documentation and any paperwork related to accommodations will be maintained by ARC in a separate, locked file

Reported violations of these confidentiality protocols are subject to investigation and may result in disciplinary procedures.

4.6. ~~Appeal~~ Assisted Dialogue

In most instances, the academic accommodation determination made by ARC will be acceptable to the student and faculty. However, in the rare case of a disputed accommodation, the determination is subject to discussion and appeal. When a faculty member disagrees with a determination by ARC, the accommodation must be implemented while the faculty member, ARC, and ARC ADA Compliance officer enter into assisted dialogue ~~with the ADA Compliance officer~~ in an effort to reach agreement. If no agreement is reached during the assisted dialogue, any accommodation issued by ARC shall remain in effect, ~~and the faculty member's concern will be documented.~~

The assisted dialogue process is available for faculty members, ARC, and the ADA Coordinator to collaboratively address concerns about accommodations and possible fundamental alteration of a course, degree, or program. Throughout the assisted dialogue process, faculty members may include the academic unit's department chair, dean, or others as needed.

5. Student Appeal

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~~In addition, the s~~Students ~~can~~may appeal a determination by an academic unit that an accommodation would result in undue hardship or a fundamental alteration of a course or program. ~~r~~ In the case of student appeal, the Provost/Chancellor for Health Sciences, or designee, will convene an ad hoc committee to consider the appeal. Members of the ad hoc committee will include representatives from relevant University departments as determined on a case-by-case basis. The ad hoc committee will follow the appeal procedures listed in [Exhibit A](#). Any accommodations recommended by ARC will continue throughout the appeal process. The ad hoc committee will make a recommendation to the Provost/Chancellor for Health Sciences, or designee, whose decision on the appeal is final for the University. Every effort should be made to arrive at a determination of the appeal as expeditiously as possible.

If an approved accommodation has not been provided, the student may file a complaint with the Office of Equal Opportunity according to UAP 2720 (“Prohibited Discrimination and Equal Opportunity”).

56. Americans With Disabilities Act (ADA) Coordinator

The Americans With Disabilities Act (ADA) Coordinator for The University of New Mexico is the Director of the University Office of Equal Opportunity. Students who believe that they have been discriminated against on the basis of a disability may contact the [Office of Equal Opportunity](#) to file a complaint.

67. References

~~Exhibit A. - Academic Adjustments~~[Reasonable Accommodation](#) for Students with Disabilities: Appeal Rights Procedures

UAP 2295 (“Service and Assistance Animals”)

UAP 2720 (“Prohibited Discrimination and Equal Opportunity”)

UAP 5320 (“Universal Design”)

[Faculty Handbook D170 \(“Student Attendance”\)](#)

Americans with Disabilities Act of 1990

42 U.S.C. §§ 12101 et seq.

Section 501 of the Rehabilitation Act of 1973, as amended

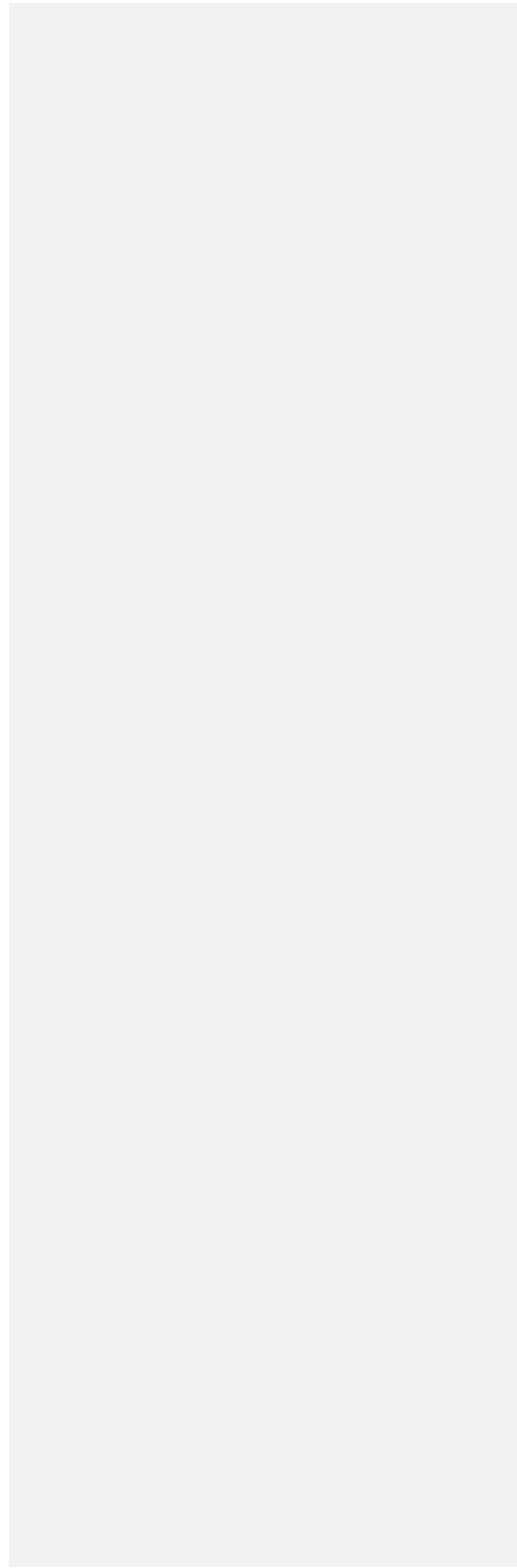
29 U.S.C. § 791

Section 503 of the Rehabilitation Act of 1973, as amended

29 U.S.C. § 793

Section 504 of the Rehabilitation Act of 1973, as amended
29 U.S.C. § 794

Section 508 of the Rehabilitation Act of 1973, as amended
29 U.S.C. § 794d



UNM Policy 2310 Exhibit A: Reasonable Accommodation for Students with Disabilities: Appeal Rights Procedures

Pursuant to Section 2.3. of [UAP 2310 \("Reasonable Accommodation for Students with Disabilities"\)](#), the following process shall govern consideration of student appeals.

Article 1. Submission of Appeal

1.1. A student may utilize this appeal process in the event that:

- the [Accessibility Resource Center](#) finds that the student is not eligible for academic adjustments;
- the student disputes the academic adjustments that the Accessibility Resource Center determines to be appropriate; or
- an academic unit determines that an adjustment would fundamentally alter the nature of a course or program.

Prior to invoking this process, the student must have provided the required documentation to the Accessibility Resource Center and must have engaged with the Accessibility Resource Center to resolve the problem.

1.2. The student must submit an appeal in writing to the Provost. Students at the Health Sciences Center should submit their appeal to the dean of their college. The appeal must describe the student's reasons for challenging the decision and the student's attempts to date to resolve the problem. The student should attach copies of any relevant documents that he or she wants to be considered.

1.3. The Provost/Chancellor for Health Sciences, or designee, shall promptly review the appeal and decide within five (5) business days whether, under paragraph [1.1.](#) above, the appeal should proceed to review by a committee. If the appeal is not accepted, a written explanation shall be provided to the student. If the appeal is accepted, a copy shall be sent to the Accessibility Resource Center and/or the academic unit, as appropriate.

1.4. Upon receipt of the student's appeal, the Accessibility Resource Center and/or the academic unit has seven (7) business days to respond in writing to the Provost/Chancellor for Health Sciences, or designee, and must include copies of any relevant documents it wants to be considered as evidence.

Article 2: Appointment of Committee

2.1. If the appeal is to proceed to committee, the Provost/Chancellor for Health Sciences, or designee, shall promptly appoint a committee made up of three (3) to five (5) members (faculty and/or staff) from relevant University departments. The student may challenge appointment(s) for cause. The Provost/Chancellor for Health Sciences, or designee, will decide the challenge. The Provost/Chancellor for Health Sciences, or designee, will send a copy of the student's appeal and the Accessibility Resource Center's and/or the academic unit's response to the committee members.

2.2. Committee members must review the student's appeal and the Accessibility Resource Center's and/or the academic unit's response and will schedule a hearing. The committee will appoint a chairperson to preside at the hearing.

Article 3: Hearing Procedures

3.1. The student may have an advisor; however, the student is responsible for presenting his or her case. The advisor may be an attorney. The advisor is not permitted to present arguments or evidence or otherwise participate directly in the hearing.

3.2. The Accessibility Resource Center and/or the academic unit may appoint a representative for the hearing process. The representative may also have an advisor but the representative must present the department's case. The advisor may be an attorney. The advisor is not permitted to present arguments or evidence or otherwise participate directly in the hearing.

3.3. If the parties have any additional documentary evidence to be considered by the committee, it must be submitted at least three (3) business days before the hearing. A copy will be provided to the other party.

3.4. The committee has the right to secure evidence independently for the hearing. Any such evidence shall be provided to both parties at least three (3) business days before the hearing.

3.5. Parties may offer witness testimony. The names of any witnesses and a brief description of their testimony must be given to the committee at least five (5) business days before the hearing. The committee has the discretion to limit witness testimony.

3.6. The student and representative from the Accessibility Resource Center and/or the academic unit will have an opportunity to address the committee. Committee members may question them and may also permit the student and representative to question each other, within reasonable limits.

3.7. Witnesses offered by one party are subject to questioning by the committee and the other party, within reasonable limits.

3.8. The hearing will be tape-recorded and the Provost/Chancellor for Health Sciences office will keep the tape. The tape is the property of the University. No typed record will be made.

3.9. The hearing is not subject to judicial rules of evidence.

Article 4: Committee Decision

4.1. The committee's decision on the appeal will take the form of a recommendation to the Provost/Chancellor for Health Sciences, or designee.

4.2. The committee will make their recommendation based on the documentary evidence, testimony, and arguments presented at the hearing. The committee will issue a written decision within ten (10) business days after the hearing and will send it to the student, the Accessibility Resource Center and/or the academic unit, and to the Provost/Chancellor for Health Sciences, or designee.

4.3. After reviewing the committee's decision, the Provost/Chancellor for Health Sciences, or designee, may seek additional input from the student and the Accessibility Resource Center and/or the academic unit. The Provost/Chancellor for Health Sciences, or designee, will issue a decision as expeditiously as possible accepting, rejecting, or modifying the committee's recommendation. The student has no right to appeal the Provost/Chancellor for Health Sciences, or designee, decision, but the student may file a discrimination complaint with the University's [Office of Equal Opportunity](#) if the student believes that he or she has been discriminated against on the basis of a disability.

Date: June 19, 2019 **Draft**

To: Committee on Governance

From: Co-Chairs, Faculty Senate Policy Committee

Re: Final Report on CoG Task Force Recommendations Pertaining to Implementation of Faculty Constitutional Amendments

Over the past three years, considerable progress has been made in addressing the CoG Task Force recommendations. Due to changes in the Policy Committee leadership and membership and change in governance leadership, the FSPC respectfully submits this final report to CoG. The Policy Committee will continue to work on outstanding issues as resources allow and priorities dictate.

Nine policies have been revised, changes to four policies were determined not necessary, six policies are pending action from another Faculty Governance body or the Board of Regents, seven policies are currently under review by the Policy Committee, and two policy changes were determined to be beyond the scope of the Committee. In the Placeholder Policies category on page 6, the Committee took action it felt was within its scope. Some recommended changes to Regent and UAP policies have been submitted to the UNM Policy Office and are pending action by that Office or the Board of Regents, others were determined to be beyond the scope of the Committee. Below is the table of the CoG recommendations with a column added to indicate final Committee action.

**CoG Taskforce Recommendations for FH policy revision and Administrative policy review.
Status of Faculty Senate Policy Committee (FSPC) Action**

Legend: Blue highlight indicates FSPC action completed; Green highlight indicates work is under way and will continue; No highlight means no action taken as of the date of this report.

FH Policy	FH Policy Title and References to be added	Reason and/or Other Recommendations or Concerns	FSPC Action
A20	Vision, Mission, and Values ... RPM 2.14 Branch Colleges and Off Campus Education Centers RPM 3.4 Health Sciences Center and Services UAP 1000 UNM History, Mission, and Organizations	A20 should be revised to better articulate the scope and how it relates to other policy documents.	Final: This Policy was approved by the Board of Regents and is <u>beyond the scope</u> of the Policy Committee. Any revision of the Policy should be done as a joint project by the three branches of Faculty Governance working with the President and Regents.

A50	RPM 5.1 <u>The Faculty's Role in the University's Academic Mission</u>	Regent policy that authorizes A50. Should RPM 2 nd para info be in A50? Is requirement for Regent approval too general?	Final: This Policy was approved by the Board of Regents and is <u>beyond the scope</u> of the Policy Committee. Any revision of the Policy should be done as a joint project by the three branches of Faculty Governance working with the President and Regents.
A53.1	<u>Policies Applicable to Faculty</u>	Review COG taskforce draft of comprehensive policy listing all policies applicable to faculty.	Completed: Policy issued 12/22/15. Policy updated April 2018 to reflect new, changed, and/or deleted policies.
A60	<u>Faculty Senate Bylaws</u> RPM 1.7 Advisors to the Board of Regents	Regent policy lists Faculty Senate President as advisor to the Board of Regents.	In addition to the change requested by COG, A60 needs to be revised to reflect the reorganization of Faculty Senate (FS) councils and committees. The FSPC has drafted revisions of A60 and the council and committee charges. Approval and issuance of revised A60 and related policies will <u>depend on FS progress.</u>
A88	<u>Creation and Reorganization of UNM Academic Units</u> RPM 5.1 The Faculty's Role in the University's Academic Mission	RPM 5.1 gives faculty a role in the creation and reorganization of academic units.	Completed: Effective 10/27/15
A91	<u>Creation, Review, Reorganization, and Termination of UNM Research Centers and Institutes.</u> RPM 5.1 The Faculty's Role in the University's Academic Mission	RPM 5.1 gives faculty a role in the creation and reorganization of research centers and institutes.	Completed. Effective 3/7/16
C05	<u>Rights and Responsibilities at the University of New Mexico</u> RPM 2.4 Diversity and Campus Climate RPM 5.1 The Faculty's Role in the University's Academic Mission UAP 2210 Campus Violence	These policies provide important information that should be referenced in the Faculty Handbook. Policy content which focuses on a state of emergency seems inconsistent with C05 title. Content that should be in this policy seems to be missing. The taskforce requests the Committee	AF&T proposed changing this policy to State of Emergency and moving any information pertaining to discipline to C07. Revised draft approved by AF&T and FSPC 3/7/18. <u>Operations endorsed changes but placed C07 on hold.</u> Revision of C05 is dependent

		conduct a full review of this policy and perhaps broaden C05 to provide a positive description of faculty rights and responsibilities.	on C07 revision, so <u>C05 is on hold pending decision on C07.</u>
C07	<u>Faculty Disciplinary Policy</u> RPM 2.5 Sexual Harassment RPM 2.6 Drug Free Environment RPM 2.9 University Archives and Records RPM 6.4 Employee Code of Conduct and Conflicts of Interest policy UAP 2140 Possession of Alcohol on University Property UAP 2200 Whistleblower Protection and Reporting Suspected Misconduct and Retaliation UAP 2210 Campus Violence UAP 2215 Consensual Relationships and Conflicts of Interest UAP 2730 Sexual Harassment UAP 3715 Code of Conduct UAP 3720 Conflicts of Interest UAP 3270 Suspected Employee Impairment at Work UAP 3290 Professional Development and Training	These policies provide important information that should be referenced in the Faculty Handbook. Include these references in C07 because they discuss behavior that can result in disciplinary action.	AF&T Committee and FSPC performed extensive review of C07 and approved revisions 3/7/18. <u>Operations placed on hold due to concerns about Ethics Committee role.</u>
C09	<u>Respectful Campus</u> UAP 2200 Whistleblower Protection and Reporting Suspected Misconduct and Retaliation UAP 2210 Campus Violence	These policies provide important information that should be referenced in the Faculty Handbook.	Completed: Effective 4/25/17. In addition to the changes requested by COG, C09 has been reviewed by the Respectful Campus taskforce for implementation concerns and free speech issues raised by Professor G. Miller in FS meetings. Amended policy approved by Faculty Senate.
C20	RPM 5.3 <u>Employment of UNM Graduates</u>	Regent policy that authorizes C20. Update HSC Chancellor title.	Completed. Effective 11/18/17. Based on campus comment the Faculty Senate chose

			not to delete the policy but did revise it to address the concerns raised by CoG.
C70	<u>Confidentiality of Faculty Records</u> RPM 2.17 Public Access to University Records RPM 5.7 Confidentiality of Faculty Records RPM 6.8 Disclosure of Information About Employees UAP 2300 Inspection of Public Records UAP 3710 Personnel Information Disclosure Policy	These policies contain information that is important for faculty to know—such as “opt out procedures” to protect home address, phone#, personal cell phone #, and personal email addresses.	Final. The Policy Committee feels it is adequate to reference the related Regent and UAP policies in Faculty Handbook Policy A53.1 “Policies Applicable to Faculty”
C130	RPM 5.5 <u>Outside Employment</u> RPM 6.4 Employee Code of Conduct and Conflicts of Interest Policy UAP 3720 Conflicts of Interest	RPM 5.5 authorizes C130. RPM 6.4 and UAP 3720 provide conflict of interest restrictions and state law pertaining to financial disclosure requirements.	FSPC Work Completed—awaiting action by Regents. Policy Committee sent request for change to Policy Offices; unclear when change will be made.
C140	RPM 5.6 <u>Extra Compensation</u>	Update Chancellor title.	FSPC Work Completed—awaiting action by Regents. Policy Committee sent request for change to Policy Offices; unclear when change will be made.
C150	<u>Political Activities of UNM Faculty</u> RPM 2.7 Use of University’s Name and Symbols RPM 6.5 Political Activity UAP 1010 University External Graphic Identification Standards UAP 2060 Political Activity UAP 3740 Media Response	Useful information for faculty engaging in political activity. Newly revised political activity policy number changed to 2060. Either revise C150 to state UAP 2060 does not apply to faculty or ask Policy Office to update 2060 to reference process for leave for faculty to serve in legislature.	Draft under review by FSPC
C220	<u>Holidays</u>	Update for current holidays and add language asking instructors to accommodate student religious holidays. See UAP 3405 for useful language.	Completed. Effective 4/26/16
C225	<u>Professional Leave</u> RPM 7.7 Travel	These policies provide important information that should be referenced in the Faculty Handbook.	FSPC Work Completed. Effective 4/26/16; however original policy was approved by the Board of Regents, so issuance is pending

	UAP 4030 Travel Reimbursement and Per Diem		determination if the Regents have to approve the revision.
C230	<u>Military Leave of Absence</u>	Required by law, C230 is outdated and provides little guidance. Needs to address tenure clock—tricky because based on federal law; need assistance from legal counsel. See UAP 3425 for guidance.	Draft under review by FSPC
NEW	Domestic Abuse Leave	This leave is required by NM State Law. Do faculty need a separate policy?	Final. A <i>Faculty Handbook</i> policy is not needed. UAP Policy 3445 is adequate.
C240	<u>Leave of Absence Incident to Political Activity</u> RPM 6.5 Political Activity by Employees	Regent policy authorizes C240.	Draft under review led by FSPC.
C305	<u>Emeriti Status</u> RPM 6.3 Privileges and Benefits	Regent policy authorizes C304.	
NEW	Copyright Policy and Law	Consider developing a policy on copyrights. See Pathfinder for useful language.	Draft under review by FSPC
D100	RPM 4.8 <u>Academic Dishonesty</u>	Regent policy that authorizes D100. Does D100 need to be revised to include full RPM definition?	
D170	<u>Student Attendance</u>	Need to add a section to address military withdrawal, recognize the use of on-line systems to drop, and make it clear it is the student's responsibility to make sure a drop happens.	Taskforce completed work, sent for campus comment. Considerable comments received –will go out for a second comment period in Fall 2019.
D175	<u>Student Conduct and Grievance Procedures</u> RPM 4.2 Student Code of Conduct RPM 4.3 Student Grievances	Regent policy that authorizes D175; and RPM 4.2 describes conduct subject to D175.	Taskforce completed work. Revised draft sent out for initial campus comment period. Considerable comments received. Went out for 2 nd comment period ending 4/16/19. FSPC will meet to address concerns raised.
D176	<u>Graduate Student Grievance Procedures</u> RPM 4.3 Student Grievances	Regent policy that authorizes D176. Update to allow for appeal to BOR.	Taskforce completed work. Went out for initial comment period ending 4/16/19. FSPC will meet to address concerns raised.

E10	RPM 5.11 <u>Classified Research</u>	Regent policy authorizes and restricts classified research. Update E10 #4 for HSC counterparts.	
E20	RPM 5.12 <u>Overseas Research</u>	Discusses overseas research. Revise references in E20 to state the provisions of E40. E60 & E70 apply.	
E40	RPM 5.13 <u>Research Fraud</u>	Authorizes and requires E40. Update HSC titles.	Completed: Effective 4/25/17.
E60	RPM 5.9 <u>Sponsored Research</u> UAP 2425 Recovery of Facilities and Administration Costs UAP 2480 Incentives to Program Participants UAP 2470 Sub-Award Administration	These policies provide important information that should be referenced in the Faculty Handbook.	Completed: Effective 10/27/15.
E70	<u>Intellectual Property Policy</u> RPM 2.15 Science and Technology Corporation at UNM RPM 5.8 Intellectual Property	Describes requirements for protection and commercialization of intellectual property. Update HSC titles; possibly add sentence from RPM 2.15; add STC requirements from RPM 2.15 to E70.	
E80	RPM 5.17 <u>Conflict of Interest Waiver for Technology Transfer</u>	Authorizes E80. Update HSC title.	Completed: —no action taken. FSPC advised by legal counsel proposed change is contrary to state law.
E90	RPM 5.14 <u>Human Beings as Subjects in Research</u>	Provides guidance for E90.	Completed: Effective 10/27/15.
E100	RPM 5.15 <u>Use of Animals in Education and Research</u>	Provides guidance for E100. Is the FH Policy title complete?	
E110	RPM 5.10 <u>Conflict of Interest in Research</u>	Provides guidance for E110.	FSPC Work Completed—HSC requested change not made. Awaiting action by Regents. Policy Committee sent request for change to Policy Office; unclear when change will be made. HSC requested revision but there are legal concerns. Per legal counsel requested change would be illegal. No action taken.

Placeholder Policies in FH: In addition to the references listed above, the taskforce identified a few general topics that are not discussed in the FH, but that have a number of important RPM or UAP policies that are applicable to faculty, which made it difficult to associate the applicable policies with a FH policy that would reference them. These topics include employee benefits, information technology, safety and security, and student policies. The taskforce recommends that the Policy Committee review these topics to determine if a high-level faculty policy should be developed to address the issue and contain references to applicable RPM or UAP policies.

Employee Benefits	RPM 6.11 Dependent Education Benefits UAP 3600 Eligibility for Employee, Retiree, and Dependent Benefit Plans UAP 3625 Retirement UAP 3630 Worker's Compensation UAP 3635 Unemployment Compensation UAP 3640 Supplemental Retirement Savings Plans UAP 3650 Flexible Spending Accounts UAP 3700 Education Benefits UAP 3745 Service Awards UAP 3750 Counseling, Assistance, and Referral Service UAP 3790 Domestic Partners	Final: FSPC determined no Faculty Handbook policy needed.
Information Technology and Security—Does there need to be a separate IT Policy in the Faculty Handbook?	UAP 2000 Responsibility and Accountability for University Information and Transactions UAP 2030 Social Security Numbers UAP 2500 Acceptable Computer Use UAP 2510 Computer Use Guidelines UAP 2520 Computer Security Controls and Access to Sensitive and Protected Information UAP 2540 Student Email UAP 2550 Information Security UAP 2570 Official University Webpages	Final: FSPC determined no Faculty Handbook policy needed.
Payroll	UAP 2615 Non Standard Payment Processing UAP 2620 Distribution of Pay UAP 2635 Payroll Deductions, W-2s, and Tax Reporting UAP 2650 Payment When Terminating Employment UAP 2670 Garnishments and Other Wage Withholdings	Final: FSPC determined no Faculty Handbook policy needed.

	UAP 2680 Payroll Overpayments and Collection	
Safety and Security	RPM 3.7 Health Sciences Center Institutional Compliance Program RPM 7.14 Risk Management and Insurance RPM 8.2 Law Enforcement on Campus RPM 8.3 Parking and Vehicles on Campus UAP 2210 Campus Violence UAP 2250 Tobacco-Free Campus UAP 2260 Bicycles and Other Non-Motorized Vehicles UAP 2290 Animal Control on University Property UAP 6100 Risk Management UAP 6110 Safety and Risk Services UAP 6130 Emergency Control UAP 6150 Casualty and Liability Insurance and Claims	Final: FSPC recommend to Faculty Senate Operations that an existing committee be charged with working with administration to ensure that faculty are consulted when significant safety and security decisions are made by UNM administration.
Student Policies	UAP 2310 Academic Adjustments for Student with Disabilities UAP 2710 Education Abroad Health and Safety	Final: FSPC determined no <i>Faculty Handbook</i> policy needed. These two UAP policies are being revised by the Policy Office and the FSPC has sent extensive comments and concerns. FSPC chair will attend a meeting in June to discuss concerns with subject experts.

Major Concerns with: **Final:** The FSPC determined these issues and policies are beyond the scope of the Policy Committee, except for FH C05 “Rights and Responsibility at UNM,” FH C09 “Respectful Campus,” and FH C150 “Political Activity,” which are discussed above.

UAP 2100 “Sustainability” The FSPC has developed a revision of C07 which was approved by AF&T and is with Faculty Senate Operations. Please review UAP 2100 pertaining to academic freedom. Sec 3.2.2 of UAP 2100 addresses faculty's role and Sec 5 addresses curriculum and research. The taskforce raised the following concerns about 2100:

- 1) Does there need to be a partner policy that protects academic freedom?
- 2) Should University Counsel be asked if this should even be a policy—isn't it more a value?
- 3) Can a faculty member be disciplined for not complying with UAP 2100? If so, should C07 be revised to address academic freedom concerns?

UAP 3425 “Military Leave and Related Service” The FSPC determined that UAP 3425 is adequate with the exception of addressing the tenure clock which the Policy Committee is working on. Please review UAP 3425 to determine applicability to faculty and students. There is concern as to how the policy would relate to the tenure clock. Also, there are specific grade, credit, and graduation legal requirements for faculty pertaining

to students who are called to active service during a semester. The Policy Committee should determine if changes need to be made to UAP 3425 or whether a separate *Faculty Handbook* policy should be developed.

Political Activities, Freedom of Speech and Media Response Policies. The FSPC is working on C150 and C240, the remaining policies are beyond the scope of the Committee. Please review UAP 3740 to determine if changes are needed to address the faculty role. This should be done in conjunction with a review on C150, RPM 2.1, RPM 6.5, UAP 2220, and UAP 3735, which pertain to political activity and freedom of speech. After review by the Policy Committee, requests should be made to the Policy Office for any revisions to applicable RPM and/or UAP policies.

Public Records. The FSPC determined this work is beyond the scope of the Committee. The Committee may want to revisit the discussion of public records and how faculty information is or is not released in response to an Inspection of public records request.

FIRE Report: Final: The FSPC created a report for Operations on this issue. The Foundation for Individual Rights in Education issued the report “Spotlight on Speech Codes 2015: The State of Free Speech on our Nation’s Campuses.” Professor Geoffrey Miller performed an analysis on UNM policies that he feels support or undermine academic free speech. He raised concerns, which may or may not be valid about the policies listed below. The taskforce wanted to bring his concerns to the attention of the Policy Committee for possible review.

FH A20 Vision, Mission, and Value Statements

FH C05 Rights and Responsibility at UNM -- This Policy is being rewritten to apply only to State of Emergency with discipline items moved to C07 “Faculty Discipline Policy”

FH C09 Respectful Campus—Completed 4/25/17

FH C150 Political Activity—The FSPC is working on C150. Professor Miller had only good comments for this policy, but as the Committee reviews it for other issues raised by the taskforce, it might be helpful to read Professor Miller’s analysis on this policy.

D175: Undergraduate Student Conduct and Grievance Policy

Approved By: Faculty Senate and UNM President

Last Updated: **Draft 6/17/19**

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. This Policy provides procedures for resolution of disputes of an academic nature between undergraduate students and UNM faculty, allegations of discrimination or sexual harassment by undergraduate students, and allegations of other kinds of undergraduate student misconduct, as well as procedures for handling undergraduate student disciplinary matters. This Policy does not apply to graduate and professional students, which are subject to *Faculty Handbook* [Policy D176](#) "Graduate and Professional 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 an undergraduate 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 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 in administration of this Policy.

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

1.2. Academic disputes arising within the academic process, whereby an undergraduate 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.

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

1.4. 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 Article 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 an undergraduate student has violated UNM's 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.

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

Additional policies and procedures listed in Procedures Section 6.3.2 herein apply to HSC undergraduate students.

3. Matters Not Covered Under This Policy

3.1. Disputes involving access to or information in an undergraduate 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 an undergraduate 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.

3.4. Any undergraduate student grievances concerning decisions made by UNM personnel, outside the academic process, for which specific procedures are not established, shall be resolved between the undergraduate 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.

3.5. Resolution of disputes of an academic nature initiated by graduate or professional students shall follow the *Faculty Handbook* [Policy D176](#) "Graduate and Professional Student Grievance Policy."

APPLICABILITY

All academic UNM units, including the Health Sciences Center and branch community colleges.

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 (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 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 Policy, "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](#), and [2740](#).

Misconduct is any activity performed by a UNM undergraduate 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.

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

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 community college students
- Faculty members
- Staff in the Office of the Dean of Students
- Staff in the Office of Equal Opportunity
- Staff at Student Health and Counseling (SHAC)
- Administrative staff responsible for undergraduate 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 and Professional Student Conduct and Grievance Policy"

University Administrative Policies Manual

[2200](#) "Reporting Suspected Misconduct and Whistleblower Protection from Retaliation"

[2720](#) "Prohibited Discrimination and Equal Opportunity"

[2740](#) "Sexual Misconduct"

[3405](#) "Holidays"

The *Pathfinder*—UNM Student Handbook.

Office of Equal Opportunity [Discrimination Claims Procedure](#)

[HSC School of Medicine, College of Pharmacy, College of Nursing, and College of Population Health Handbooks](#)

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. At branch community colleges, the role of Dean of Students will be performed by the applicable position designated at each branch community college.

Article 1. Academic Record Disputes

1.1. Scope

This article sets forth the procedures which should be followed by an undergraduate 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).

1.2. Petitions

1.2.1. An undergraduate student seeking a change in the student's 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.

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 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.

1.3. Appeal

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 undergraduate student, the Committee's decision shall be final. If the undergraduate 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 undergraduate student may request reconsideration from the Committee. The Committee's decision upon reconsideration is final for UNM.

Article 2. Academic Disputes

2.1. Scope

This article sets forth the procedures which should be followed by an undergraduate student who believes that academic progress has been evaluated in an unfair or improper manner by a faculty member or academic program/department. 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

2.2.1. The undergraduate student should first try to resolve the grievance informally by discussing the grievance with the faculty member as soon as reasonably possible after the undergraduate student becomes or should have become aware of the matter. If the undergraduate student and faculty member cannot reach agreement, the undergraduate student should discuss the grievance with the chairperson or supervisor of the department or division. If the grievance is still not resolved, the undergraduate 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.

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 should talk to both the undergraduate student and the faculty member, separately or together, and should examine any relevant evidence, including any written statements the parties wish to submit.

2.2.3. These informal discussions shall be completed within twenty (20) working days after the undergraduate student initially raised the issue with the faculty member.

2.3. Formal Resolution of Academic Matters

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

2.3.1. The undergraduate student shall make a written complaint to the appropriate dean within ten (10) working days following completion of the informal discussions.

2.3.2. The complaint shall describe the grievance, including a statement of what happened, and the undergraduate student's reasons for challenging the action or decision. The complaint shall also describe the undergraduate student's attempts to resolve the grievance informally. The undergraduate student may attach copies of any relevant documents. The undergraduate student shall send a copy of the complaint to the faculty member and the faculty member's chairperson. The faculty member shall have five (5) 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 undergraduate student, consistent with the federal Family Educational Rights and Privacy Act (FERPA).

2.3.3. In making a determination on the formal complaint, 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 the dean's discretion, the dean may decide to hold an informal hearing involving both parties and any witnesses. Where the dispute primarily concerns factual questions, rather than matters of academic judgment, the dean should normally hold such a hearing. If a hearing is to be held, the dean will give the parties no less than five (5) working days notice. The undergraduate 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.

2.3.4. At the dean's discretion, the dean 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.

2.3.5. The dean shall issue a written decision explaining the dean's 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 twenty (20) working days after the complaint is filed, unless an informal hearing is held, in which case the decision shall be made within thirty (30) working days. (This period may be extended to allow for UNM holidays or other periods when UNM is not in session.) The chairperson or dean cannot overrule a faculty member's academic judgment.

2.4. Appeal of Formal Decision

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

2.4.1. Appeal to Provost or Chancellor

Either party may appeal the dean's decision to the Provost or Chancellor within ten (10) working days of receipt of the decision. The Provost or Chancellor or designee shall resolve the

grievance utilizing any procedures available to the dean set out above. At the Provost's or Chancellor's discretion, 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.

NOTE: OEO and DOS pointed out there is no requirement for discretionary approval by the President. OEO Claims Procedures and Student Grievance Procedures have standard (nondiscretionary) appeals to the President with discretionary appeal to the Board. This was confirmed and with discretionary Regent approval going through the Office of the President, it would not take place without the President's knowledge. Therefore, this draft removes discretionary appeal to the President and replaces it where appropriate with standard appeal to the Provost/Chancellor or President in multiple places of the policy.

2.4.2. Appeal to the Board of Regents

NOTE: Changed time requirement to align with OEO Claims Procedures in multiple places.

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 seven (7) ~~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 UNM departments and programs may have additional policies and procedures on academic dishonesty.

3.2. Academic Dishonesty within Courses: Faculty-Imposed Consequences

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 undergraduate student as soon as possible and give the undergraduate student an opportunity to explain. The faculty member may impose an appropriate consequence within the scope of the academic activity, such as grade reduction and/or involuntary withdrawal from the course. The faculty member shall notify the undergraduate student of the academic consequence.

3.2.2. The faculty member may report the matter to the Dean of Students Office, 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 undergraduate 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 undergraduate student of the report, and the undergraduate student may request a copy of the report from Dean of Students Office. In cases where the undergraduate student has multiple findings of academic dishonesty, the Dean of Students Office may initiate additional disciplinary action in accordance with the Policy.

3.2.3. The undergraduate student may challenge a faculty-imposed consequence using the process defined in section 2.3 herein.

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 may transmit a statement describing the occurrence in writing to the appropriate faculty member or Dean of Students. The Dean of Students Office will notify the undergraduate student of the report, and the undergraduate student may request a copy of the report from Dean of Students Office. The faculty member or Dean of Students will address the situation in accordance with sections 3.2.1 or 3.4 herein, respectively.

3.4. Sanctions Imposed by the Dean of Students

Upon receiving a report of academic dishonesty pursuant to section 3.3 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 5.5 herein.

Article 4. 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 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.

- 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>

4.1. Scope

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

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

4.2.1. 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.

NOTE: Needed to clarify procedure for HSC undergraduate students in multiple sections.

4.2.2. OEO has no sanctioning authority. If the respondent is an undergraduate student other than an HSC undergraduate student, and is found to have violated policy, OEO will refer the matter to the Dean of Students Office to determine the sanction to be imposed, as defined through Regent Policy 4.2 “Student Code of Conduct.” If the respondent is an HSC undergraduate student, OEO will refer the matter to the applicable HSC dean to determine the sanction. Before determining sanctions for sexual discrimination, the applicable HSC dean should consult with the Dean of Students to ensure consistency of sanctions pertaining to OEO findings. 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.

If the respondent is a faculty member, OEO will refer the matter to the faculty member’s department chair to determine the sanction to impose in accordance with *Faculty Handbook* Policy C07 “Faculty Discipline.” If the respondent is a staff member, OEO will refer the matter to the staff member’s supervisor to determine the sanction to be imposed in accordance with University Administrative Policy 3215 “Performance Management.”

4.3. Appeals

4.3.1. Appeal OEO Findings to the UNM President

Students may appeal a final determination issued by OEO to the President within five (5) working days of the date of issuance of the final determination from OEO. Refer to the OEO Discrimination Claims Procedures for allowable grounds for appeal and procedures.

4.3.2. Appeal of Sanctions Issued by the Office of the Dean of Students

NOTE 1: Because Student Grievance Procedures (approved by DOJ) require appeal to the President, OEO objected to what they saw as additional level of appeal to the VP, therefore

we changed appeal from VP to standard (nondiscretionary) appeal to the President to limit to one level of nondiscretionary appeal.

NOTE 2: VP Torres and DOS objected the phrase shown below in red that was added by the Committee to allow for limited grounds for appeal. They stated it is not required for due process. Question: Does the Committee change/remove it from multiple sections?

Decisions regarding a sanction of suspension, expulsion or banning from campus or results in a significant interruption toward degree completion. imposed by the Office of the Dean of Students for violations of the University's prohibition against discrimination may be appealed to the Office of the President. The appeal must be in writing, contain a statement of the sanction (s) being appealed and the grounds therefore, and must be received at the Office of the President within seven (7) working days of the date of the written decision from the Office of the Dean of Students. Either the sanctioned student or complainant may appeal a sanctioning decision in cases involving sexual discrimination, sexual harassment, sexual misconduct, or sexual violence. Only the sanctioned student may appeal a sanctioning decision in cases involving discrimination that is not related to sexual harassment, sexual misconduct, or sexual violence.

NOTE: Per OEO and DOS added standard grounds to all appeals except for discretionary appeals which have no grounds i.e. Regents.

Appeals of sanctions issued for violations of the University's prohibition against discrimination, including sex discrimination, sexual harassment, sexual misconduct, or sexual violence, are only permissible if the grounds for such appeal are that: 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 would 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.

4.3.3. Appeal of Sanctions Issued by the Applicable HSC Dean

Decisions regarding HSC undergraduate students receiving a sanction of suspension, expulsion or banning from campus or results in a significant interruption toward degree completion. imposed by the applicable HSC dean for violations of the University's prohibition against discrimination may be appealed to the HSC Chancellor. The appeal must be in writing, contain a statement of the sanction (s) being appealed and the grounds therefore, and must be received at the Office of the Chancellor within seven (7) working days of the date of the written decision from the applicable HSC dean. Either the sanctioned student or complainant may appeal a sanctioning decision in cases involving sexual discrimination, sexual harassment, sexual misconduct, or sexual violence. Only the sanctioned student may appeal a sanctioning decision in cases involving discrimination that is not related to sexual harassment, sexual misconduct, or sexual violence.

Appeals of sanctions issued for violations of the University's prohibition against discrimination, including sex discrimination, sexual harassment, sexual misconduct, or sexual violence, are only permissible if the grounds for such appeal are that: 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 would 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.

4.3.3.1. Discretionary Appeal to the UNM President

The President has the discretionary authority to review the decision of the HSC Chancellor. 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 seven (7) ~~ten (10)~~ working days of the date of the written decision from the last reviewer.

4.3.4. 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 seven (7) ~~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

NOTE: Made Dean of Students responsible for this.

Upon written request, the Dean of Students, 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 undergraduate 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 an undergraduate student violated Regent [Policy 4.2](#) "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 for Non-HSC Students

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 undergraduate students other than HSC undergraduate 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 undergraduate student (or chartered student organization) violated UNM policy or the Code of Conduct. Charges will be resolved in accordance with the Dean of Students Procedures. 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 if deemed necessary such as to conduct a hearing that protects the rights of all parties. Decisions of the Dean of Students pertaining to undergraduate students are subject to appeal in accordance with Section 5.5 herein.

NOTE: Deleted Procedures for the Office of Dean of Students

5.3. Referral of Misconduct to Applicable HSC Dean for HSC Undergraduate Students

Allegations of misconduct in violation of the Student Code of Conduct, HSC Student Conduct policies, or other UNM policy must be in writing and submitted to the applicable HSC dean. 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 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 undergraduate HSC student violated UNM or HSC policies. The applicable HSC dean will render a decision within sixty (60) calendar days of the filing of a complaint. This date can be modified at the discretion of the dean if deemed necessary such as to conduct a hearing that protects the rights of all parties.

5.4. Emergency Suspension and Banning from Campus

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

For undergraduate 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 herein.

5.5. Appeals, Records, and Rights

5.5.1. Appeal of Sanctions by Issued by Dean of Students

The decision on sanctions pertaining to undergraduate students made by the Dean of Students 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 undergraduate 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 or the Student Conduct Committee. The grounds for appeal to the Vice President are that: 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 would not have possible 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.

The Vice President for Student Affairs will notify the appealing party of the Vice President's decision within seven (7) ~~ten (10)~~ working days of receiving the request for appeal. A copy of the decision shall be sent to the Dean of Students.

5.5.2. Appeal of Sanctions Issued by the Applicable HSC Dean

Decisions regarding HSC undergraduate students receiving a sanction of suspension, expulsion or banning from campus or results in a significant interruption toward degree completion imposed by the applicable HSC dean for violations of UNM or HSC policies may be appealed to the HSC Chancellor. The undergraduate HSC student must submit a written request for appeal to the Office of the HSC Chancellor within seven (7) ~~ten (10)~~ working days of the date of the written decision from the applicable HSC dean. The grounds for appeal to the HSC Chancellor are that: 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 would not have possible 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.

The HSC Chancellor will notify the appealing party of the Chancellor's decision within ten (10) working days of receiving the request for appeal. A copy of the decision shall be sent to the applicable HSC dean.

5.5.2.1. Discretionary Appeal to the UNM President

The President has the discretionary authority to review the decision of the HSC Chancellor. 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 seven (7) ~~ten (10)~~ working days of the date of the written decision from the last reviewer.

5.5.3. 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 seven (7) ~~ten (10)~~ working days of the date of the written decision from the last reviewer.

Article 6. General Provisions

6.1. Undergraduate Student Conduct Records

Records regarding undergraduate 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.

6.2. Rights of the Parties Participating in Grievances

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

6.2.1. 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.

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

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.

6.2.4. Both parties have the right to present evidence ~~in~~ on their own behalf.

6.2.5. 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.

6.2.6. Subject to the limits set forth in this Policy, both parties have the right to be accompanied by an advisor at a hearing. The advisor may be an attorney retained by a party at their own

expense. The advisor, including an attorney advisor, cannot act as a representative of the advisee, cannot have a voice in meetings or hearing and therefore is not permitted to present arguments or evidence or otherwise participate directly in meetings or hearing.”

6.2.7. The party alleging that the accused undergraduate 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.

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

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. See UAP Policy [2200](#) “Reporting Suspected Misconduct and Whistleblower Protection from Retaliation.”

6.3. Variances

6.3.1. Introduction

This Policy, 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.

6.3.2. Health Sciences Center

Undergraduate students in academic programs in the Health Sciences Center (HSC) have adopted student codes of conduct (including standards of professionalism) with which undergraduate 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, to the extent that HSC academic programs have adopted policies and procedures that govern the adjudication of undergraduate student conduct and undergraduate 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 Chancellor's Office. Discretionary review by the President and Board of Regents, as provided for in Section 5.5. herein, is accorded to undergraduate students in academic programs in the HSC.

6.4. Former Students

These procedures apply to disputes between undergraduate students and other members of the UNM community. If the undergraduate 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, there is information

indicating that the grade or degree was not earned in accordance with all UNM academic, student conduct and other applicable requirements and policies.

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

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

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

D176: Graduate and Professional Student Conduct and Grievance Policy

Approved By: Faculty Senate and UNM President

Last Updated: **Draft 6/17/19**

Responsible Faculty Committee: Faculty Senate Graduate and Professional Committee

Office Responsible for Administration: Graduate Studies and Dean of Students

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. 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. Graduate Studies or the Office of the Dean of Students may create additional processes and procedures that are in accordance with this Policy to aid 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 Article 5 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 Board of Regents, as provided for in Procedures 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 deans 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 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 3.3. 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 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 the 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"

D175 "Undergraduate Student Conduct and Grievance Policy"

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, College of Pharmacy, College of Nursing, and College of Population Health 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 at the Law School.

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 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. Petitions must be submitted in the sequence listed below:

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

1.2.2. 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. The petition should then be forwarded to the school or college dean. The student may choose to submit the petition to school or college dean even if it was not supported by the student's academic unit. The school or college dean or 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.

A written response to a petition will usually be sent to the student within ten (10) working days from its receipt by the school or college dean, 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. Petitions that are lacking required documentation will be returned to the student, and will not be considered until all documentation has been received.

1.2.4. The student may appeal the dean's decision to Provost/Chancellor and the Board of Regents in accordance with sections **3.4.** 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 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 Graduate Studies to discuss 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. 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. 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

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.

3.3.1. The Student must submit a formal, written statement of the grievance within ten (10) working days 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 in which to respond in writing to the school or college dean.

3.3.2. 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. Cross examination of witnesses will be permitted, although the school or college dean may require that questions be directed through the school or college dean.

3.3.3. 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. Generally, a written report on the grievance will be issued by the school or college dean within a period of 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) working days. (This period may be extended to allow for periods when UNM is not in session.) The report will explain the school or college dean's findings, conclusions, 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 Chairperson, Dean, Provost, Chancellor, and/or Board of Regents cannot overrule a faculty member's academic judgement.

NOTE: OEO and DOS pointed out there is no requirement for discretionary approval by the President. OEO Claims Procedures and Student Grievance Procedures have standard (nondiscretionary) appeals to the President with discretionary appeal to the Board. This was confirmed and with discretionary Regent approval going through the Office of the President, it would not take place without the President's knowledge. Therefore, this draft removes discretionary appeal to the President and replaces it where appropriate with standard appeal to the Provost/Chancellor or President in multiple places of the policy.

3.4.1. Appeal to Provost or Chancellor

Either party may appeal the school or college dean's decision to the Provost or Chancellor within ten (10) working days of receipt of the decision. 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 Board of Regents

NOTE: Changed time requirement to align with OEO Claims Procedures in multiple places.

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 seven (7) ~~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 Consequences

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 academic consequence 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 consequence.

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 findings of academic dishonesty, the Dean of Students Office may initiate sanction(s) in accordance with this Policy.

4.2.3. The student may challenge an academic consequence 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 6.8.1 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 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 6.8.1 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.

- 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 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.

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.

If the respondent is a faculty member, OEO will refer the matter to the faculty member’s department chair to determine the sanction to impose in accordance with *Faculty Handbook* Policy C07 “Faculty Discipline.” If the respondent is a staff member, OEO will refer the matter to the staff member’s supervisor to determine the sanction to be imposed in accordance with University Administrative Policy 3215 “Performance Management.”

5.3. Appeals

5.3.1. Appeal OEO Findings to the UNM President

Students may appeal a final determination issued by OEO to the President within five (5) working days of the date of issuance of the final determination from OEO. Refer to the OEO Discrimination Claims Procedures for allowable grounds for appeal and procedures.

NOTE: Needed to clarify procedure for HSC and Law students in multiple sections.

5.3.2. Appeal of Sanctions Issued by the Dean of Students or the Dean of the Law School (non HSC)

NOTE 1: Because Student Grievance Procedures (approved by DOJ) require appeal to the President, OEO objected to what they saw as additional level of appeal to the VP, therefore we changed appeal from VP to standard (nondiscretionary) appeal to the President to be the one level of standard (nondiscretionary) appeal.

NOTE 2: VP Torres and DOS objected the phrase shown below in red that was added by the Committee to allow for limited grounds for appeal. They stated it is not required for due process. Question: Does the Committee change/remove it from multiple sections?

5.3.2.1. Appeal to the UNM President

Decisions regarding a sanction of suspension, expulsion or banning from campus or results in a significant interruption toward degree completion imposed by the Dean of Students or the Dean of the Law School for violations of the University's prohibition against discrimination may be appealed to the Office of the President. The appeal must be in writing, contain a statement of the sanction (s) being appealed and the grounds therefore, and must be received at the Office of the President within seven (7) working days of the date of the written decision from applicable dean. Either the sanctioned student or complainant may appeal a sanctioning decision in cases involving sexual discrimination, sexual harassment, sexual misconduct, or sexual violence. Only the sanctioned student may appeal a sanctioning decision in cases involving discrimination that is not related to sexual harassment, sexual misconduct, or sexual violence.

NOTE: Per OEO and DOS added standard ground for appeal to all standard (nondiscretionary) but not to discretionary appeals which have no grounds i.e. Regents.

Appeals of sanctions issued for violations of the University's prohibition against discrimination, including sex discrimination, sexual harassment, sexual misconduct, or sexual violence, are only permissible if the grounds for such appeal are that: 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 would 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.

5.3.2.2. 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 seven (7) ~~ten (10)~~ working days of the date of the written decision from the last reviewer.

5.3.3. Appeal of Sanctions Issued by an HSC Dean

5.3.3.1. Appeal to the Chancellor

Decisions regarding a sanction of suspension, expulsion or banning from campus [or results in a significant interruption toward degree completion](#) imposed by the applicable HSC dean for violations of the University's prohibition against discrimination may be appealed to the Office of the HSC Chancellor. The appeal must be in writing, contain a statement of the sanction(s) being appealed and the grounds therefore, and must be received at the Office of the HSC Chancellor within seven (7) working days of the date of the written decision from applicable dean. Either the sanctioned student or complainant may appeal a sanctioning decision in cases involving sexual discrimination, sexual harassment, sexual misconduct, or sexual violence. Only the sanctioned student may appeal a sanctioning decision in cases involving discrimination that is not related to sexual harassment, sexual misconduct, or sexual violence.

Appeals of sanctions issued for violations of the University's prohibition against discrimination, including sex discrimination, sexual harassment, sexual misconduct, or sexual violence, are only permissible if the grounds for such appeal are that: 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 would 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.

5.3.3.2. Discretionary Appeal to the UNM President

The President has the discretionary authority to review the decision of the HSC Chancellor. 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 seven (7) ~~ten (10)~~ working days of the date of the written decision from the last reviewer.

5.3.3.3. 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 seven (7) ~~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

NOTE: Made Dean of Students responsible for this.

Upon written request, the Dean of Students, 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 (Not Law or HSC Students)

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 other than law or HSC 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 violated UNM policy the Code of Conduct. 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 if deemed necessary such as to conduct a hearing that protects the rights of all parties.

NOTE: Deleted Procedures for the Office of Dean of Students

6.3. Referral of Misconduct to the Law School Dean

Allegations of misconduct by a Law student in violation of the Student Code of Conduct or other UNM or Law School policies must be in writing and submitted to the Dean of the Law School. 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 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 violated UNM or Law School policy. 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 if deemed necessary such as to conduct a hearing that protects the rights of all parties.

6.4. Referral of Misconduct to the Applicable HSC Dean

Allegations of misconduct by an HSC student in violation of the Student Code of Conduct or other UNM or HSC policies must be in writing and submitted to the applicable HSC dean. 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 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 violated UNM policy or HSC policy. 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 if deemed necessary such as to conduct a hearing that protects the rights of all parties.

6.5. 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.

6.6. 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 Procedures section 6.7 herein) shall not be implemented until the appeal process as set forth under Procedures section 6.8 herein is completed.

6.7. Emergency Suspension and Banning from Campus

The Dean of Students may immediately suspend a student and/or ban a student 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, an emergency suspension or banning does not end the disciplinary process. Resolution of the charges will proceed as set forth in herein.

6.8. Appeals, Records, and Rights

6.8.1. Appeal of Sanctions Issued by the Dean of Students (Not Law or HSC Students)

6.8.1.1. Appeal to Vice President for Student Affairs

The decision on sanctions pertaining to students other than Law or HSC students made by the Dean of Students 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 or the Student Conduct Committee. that: 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 would not have possible 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.

The Vice President for Student Affairs will notify the appealing party of the Vice President's decision within ten (10) working days of receiving the request for appeal. A copy of the decision shall be sent to the Dean of Students.

6.8.1.2. 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 ~~seven (7)~~ ~~ten (10)~~ working days of the date of the written decision from the last reviewer.

6.8.2. Appeal of Sanctions Issued by the Dean of the Law School

6.8.2.1. Appeal to the President

Decisions regarding Law students receiving a sanction of suspension, expulsion or banning from campus or results in a significant interruption toward degree completion imposed by the Dean of the Law School for violations of UNM or Law School policies may be appealed to the President. The student must submit a written request for appeal to the Office of the President within seven (7) ~~ten (10)~~ working days of the date of the written decision from the Dean of the Law School. The grounds for appeal to the President are that: 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 would 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.

The President will notify the appealing party of the President's decision and a copy will be sent to the Dean of the Law School.

6.8.2.2. 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 seven (7) ~~ten (10)~~ working days of the date of the written decision from the last reviewer.

6.8.3. Appeal of Sanctions Issued by an HSC Dean

6.8.3.1. Appeal to the HSC Chancellor

Decisions regarding HSC graduate or professional students receiving a sanction of suspension, expulsion or banning from campus [or results in a significant interruption toward degree completion](#) imposed by the applicable HSC dean for violations of UNM or HSC policies may be appealed to the HSC Chancellor. The HSC student must submit a written request for appeal to the Office of the HSC Chancellor within ten (10) working days of the date of the written decision from the applicable HSC dean. The grounds for appeal to the HSC Chancellor are that: 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 would 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.

The HSC Chancellor will notify the appealing party of the Chancellor's decision within ten (10) working days of receiving the request for appeal. A copy of the decision shall be sent to the applicable HSC dean.

6.8.3.2. Appeal to the President

The President has the discretionary authority to review the decision of the HSC Chancellor. 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 seven (7) ~~ten (10)~~ working days of the date of the written decision from the last reviewer.

6.8.3.3. 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 ~~seven (7)~~ ~~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, the Law School Dean's Office, or the applicable HSC dean's 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 this Policy, both parties have the right to be accompanied by an advisor at a hearing. The advisor may be an attorney retained by a party at their own expense. The advisor, including an attorney advisor, cannot act as a representative of the advisee, cannot have a voice in meetings or hearing and therefore is not permitted to present arguments or evidence or otherwise participate directly in meetings or 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. See UAP Policy **2200** "Reporting Suspected Misconduct and Whistleblower Protection from Retaliation."

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, if there is 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

From: Heather Jaramillo <hjaramillo@unm.edu>
Sent: Tuesday, April 16, 2019 2:06 PM
To: Faculty Handbook <handbook@unm.edu>
Subject: Comments - D175 and D176

Thank you for considering my comments to the proposed revisions for D175 and D176 of the UNM Faculty Handbook.

Of particular concern to the Office of Equal Opportunity are the following:

- D175 – 4.3.1
- D176 – 5.3.1

Specifically, these revisions add another layer of appeal for students before appealing to the President or Regents, which adds a significant amount of time to OEO investigations, for both Respondents and Complainants. It is the experience of OEO that students found to have violated policy use this already lengthy process to delay sanctions until they graduate or otherwise move on from UNM. This leaves UNM in the position of being unable to achieve the goals of UAP 2740, which are stopping sexual misconduct and preventing its recurrence.

Additionally, providing an additional appellate level to the Vice President for Student Affairs is inconsistent with other UNM processes. This will make it more likely that students – both Respondents and Complainants – will have less confidence in navigating the appellate process in these cases and make disciplinary outcomes less consistent overall. This was a stated concern of the Department of Justice when it performed its Title IX investigation of UNM, and is one of the items being addressed under that agreement, which is in place at least until 2020.

Regards,

Heather S. Jaramillo, JD
Associate Director, Office of Equal Opportunity

From: Angela Marie Catena <acatena@unm.edu>
Sent: Tuesday, April 16, 2019 1:44 PM
To: Faculty Handbook <handbook@unm.edu>
Subject: Comments

To whom it may concern:

Thank you for the opportunity to provide comments to the proposed changes to D175 and D176. My comments are the same for both policies.

D175 4.3.1

D176 5.3.1

Adding an additional line in the appellate chain presents many problems for the University. It adds a significant amount of time to OEO/Title IX investigations as students who have been found responsible can now delay sanctioning decisions even further, oftentimes using this to run out the clock until they graduate. This leaves the University with no ability to address the policy violation.

Secondly, adding the Vice President for Student Affairs makes these appellate processes inconsistent with other processes within the University, therefore further contributing to the ambiguous and oftentimes, confusing, process we expect our students, staff, and faculty to navigate.

From: Eliseo Torres <cheo@unm.edu>
Sent: Monday, April 15, 2019 2:59 PM
To: Faculty Handbook <handbook@unm.edu>
Cc: Eliseo Torres <cheo@unm.edu>
Subject: Policy D175 (Section 4.3.1 on page 10) and D176 (section 5)

This are my comments to policy D175 (Section 4.3.1 on page 10) and D176 (section 5) the undergrad and grad student grievance procedures in the Faculty Handbook related to “or results in a significant interruption toward degree completion”.

It is my understanding that legally, students are only entitled to due process, in this case an appeal to the Vice President of Student Affairs, when the University is depriving them of an education right, like suspension, expulsion, or a ban from campus that would prohibit the student from taking classes. Therefore, it makes sense that the draft policy states that students can appeal a suspension or expulsion to the Vice President of Student Affairs. However, the added language of “or results in a significant interruption toward degree completion” may become significantly problematic because it is not defined and can be very subjective. For example, a student who was sanctioned by the Student Conduct Officer with writing an educational reflection paper close to their planned graduation date could argue that the sanction results in significant interruption toward completing their degree because it takes time away from them studying for their finals. The draft policy does not state that the appeal is discretionary. This means that by the language of this draft policy, the Vice President does not get to decide that excuse does not equate to a significant interruption. Then, the student gets to appeal the decision, thereby drawing out the time table for completion and graduate without ever having to fulfill the sanction obligation and face a minor consequence for their actions. Leaving this language in the draft policy will likely create confusion and lead to an increased number of appeals on cases that should not be eligible. If the number of appeals significantly increases, my office is not equipped to handle the increase. We would need additional resources like training and staff, that would cost additional money to implement. In tight budgetary times, this does not seem advisable.

In summary, I recommend that this section of the policy remain as is, in order to avoid confusion by students. It is currently effective and provides an adequately timed due process.

Eliseo Cheo Torres

April 16, 2019

To: Faculty Senate Policy Committee

From: Nasha Torrez, Dean of Students; Kelly Davis, Student Conduct Officer

Re: Public Comment on D175 and D176

The Dean of Students Office (“DoS”) appreciates the improvements and changes made in the most recent draft of the Undergraduate Student Conduct and Grievance Policy (“D175”) and D176, the Graduate Student Grievance Procedure (“D176”) of the Faculty Handbook (hereafter collectively referred to as the “the Policies”). We realize that it took diligence and hard work from the Faculty Senate Policy Committee, and others to get the Policies ready for public comment and are grateful for the effort. The Policies language requires DoS to be responsible for their administration. Since student conduct has always resided under the purview of the DoS, and typically does nationwide, we are experts in the field of student conduct and behavior. The DoS works with the Policies on a daily basis and therefore, has a strong understanding of how the Policies can create confusion or ease tension. The Dean of Students Office still has concerns related to some of the revisions and recommend further changes; we included small changes and big concerns in chronological order so that it would be easier to follow. Since the language in D175 is so similar to the language in D176, our comments may repeat for each policy.

Our biggest concerns are:

- Under this draft, students may now appeal sexual misconduct cases to the Vice President of Student Affairs. This level of appeal does not currently exist and does not exist for the Office of Equal Opportunity (“OEO”) finding of responsibility. (Please see our comments related to section 4.3.1. for more information.)

- In regards to appeals, the new language “or results in significant disruption toward degree completion” is vague and may create confusion on what this means. In addition, it could lead to students feeling like the decision to accept the appeal is arbitrary or discriminatory. (Please see our comments related to section 4.3.1. for more information.)
 - We recommend leaving in the previous policy language related to the standard of review for an appeal. (Please see our comments related to sections 4.3.1., 4.3.2., and 4.3.3. for more information.)
 - We believe that the portion of the policy related to how a conduct case is adjudicated, should instead be housed in a procedure. (Please see our comments related to sections 5.2.1.1.-5.2.1.4.)
 - If a student brings an attorney or advisor to a meeting, they should be able to attend and listen, but not speak on behalf of the student. (Please see our comments related to section 6.2.6.)
-

Concerns on D175

Section 2.1, page 21

We recommend adding the term “Undergraduate” after “(HSC)” before “Student”, to be consistent within D175, and the new Definitions section on page 3 of the Draft.

“WHO SHOULD READ THIS POLICY”, page 4

Under the third bullet point, add “the” after “Staff” before “Dean of Students”

Section 2.4.2, page 8

This comment applies to all references to appeals to the President. We are unsure that it’s true that the President has the discretionary authority to review “all decisions by the senior administrators.” We are unsure what “senior administrators” means, and think the Policies should define the term. We know that Regent Policy Manual (“RPM”) 1.5, allows a discretionary appeal to the Regents, but it does not say the discretionary appeal extends to the President in any situation where a senior administrator makes a decision. If this is true, or the Faculty Senate intends to make it a requirement, then we recommend that it be consistently outlined in all policies where senior administrators make decisions.

The ten day appellate window listed here as well as the standard of review for the President differs from Section 9 of the OEO Discrimination Claims Procedure (“DCP”). These should all be consistent. Since the Policies would take precedence over the DCP, this change might require approval by the Department of Justice (“DOJ”) as an “attendant document” under the current agreement between the University of New Mexico (“UNM” or “University”) and the DOJ.

Section 3.2 and 3.2.1., page 8

We recommend replacing the word “sanction” with “consequence” or some other term. Students who face disciplinary sanction from the Dean of Students Office on academic dishonesty would be confused by being doubly “sanctioned.” The wording in section 3.4 uses consequences and sanctions, which helps clarify the difference.

Article 4, page 9

We understand that the Clery Officer may be moved to the Compliance Office out of OEO. Therefore, we recommend removing “in OEO” from the Clery Officer description throughout the document.

It should be made clear in Section 4, that Complainants have the right to appeal the outcome of OEO sanctions, not only Respondents.

Section 4.2.2., page 10

We believe that a sentence or section should be added that includes what policy governs disciplinary outcome if the Respondent is a staff or faculty person. Students will be reading this policy, which may include Complainants or other affected parties and it would be best if they understood actions may be taken against staff/faculty and where they can reference those policies/procedures.

Section 4.3.1., page 10

This section adds a layer of appeal for the Vice President (“VP”) of Student Affairs to hear OEO sanction decisions. This is a drastic shift in process, as OEO findings are not currently appealed to the VP of Student Affairs. We suggest removing entirely or, at a minimum, ensure Department of Justice approval before proceeding with this drastic shift. This is problematic because OEO’s findings are appealed only to the President. This would mean that sanctions would have additional appellate levels than the findings and there would be no balance in the appellate line.

Another issue is that the VP of Student Affairs and staff have not currently been trained in the neurobiology of trauma, trauma informed interview techniques, and Title IX to the levels required of an appellate body hearing a sexual misconduct case as required by the DOJ Agreement, the Violence Against Women Act (“VAWA”) and the Clery Act. The additional training is feasible, but will require time and resources to implement.

This change is significant enough that it may require DoJ approval prior to implementation.

We strongly recommend removing the language “or results in significant disruption toward degree completion” here and throughout the document. We are not certain what this means, and believe that the confusion would lead to a drastic increase in appeals, which our office and the VP of Student Affairs would be incapable of handling without significant additional resources. The Dean of Students Office makes no academic decisions, so we genuinely do not know what sanctions other than suspension, expulsion, or ban would impede degree completion. There is no definition or standard the Dean of Students Office or the students would be able to utilize to discern which case fits. This could lead to students feeling like the decision is arbitrary or discriminatory.

Sections 4.3.1., 4.3.2., and 4.3.3., page 10

Previously the Policies had a uniform standard of review for appeals, that also found in the DCP, which was used on all cases previously. A standard of review is so important that we believe it should be contained in the Policies, instead of a DoS procedure. We also think that taking it out of the Policies may disrupt the uniformity of past practices in cases. Here is the previous language we would like to see included in the policy

“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.”

Section 4.4., page 11

This section states that “UNM” will disclose the result. Who is “UNM”? Is this OEO, the Dean of Students Office, the Registrar’s Office, or some other entity? This section also states that “inquiring parties” have the right to know the outcome depending on FERPA, but we are confused as to who these inquiring parties would be. Is this the media?

Section 5.1, page 11

We agree with the statement that these are procedures and not policy. We recommend removing all procedures from policy as it is beyond the scope of Faculty Senate to create departmental procedures for staff offices.

Section 5.2.1., page 12

We recommend changing this to: “the Student Conduct Officer will consult with the student regarding which hearing option to proceed. However, the Student Conduct Officer has discretion on which hearing option will be followed, taking into consideration the student’s desires and the severity of the matter.” We currently see students with low-level matters that would result in a written warning, request formal hearings. Staff must organize schedules for the hearing and formulate the panel with staff, faculty, and students, the hearing is recorded and there is a large amount of work and resources that go into holding a formal hearing. In the past we used to see about one formal hearing a year and now we are seeing five or six; very few of which would result in a suspension or expulsion. Allowing the student to choose a formal hearing on any conduct infraction is not a good use of finite public resources.

Sections 5.2.1.1. through 5.2.1.4., page 13

We believe these sections are strictly procedure and should be removed from policy. This would allow the DoS to more easily adapt our procedures to mirror national best practices and adapt to the needs of our campus. The DoS procedures would still require Presidential approval and we would be glad to share any changes with the Faculty Senate for public comment.

Section 5.2.1.1., page 12

We recommend changing the term “Mediation” to “Alternative Dispute Resolution” to also incorporate restorative justice practices.

Section 5.2.1.4., page 13

We suggest removing appeal language entirely other than to state it aligns with section 5.7. We echo prior concerns and suggest removing “or results in significant disruption toward degree completion.”

Section 5.7., page 15

Please see our previous comment on this related to Sections 4.3.1., 4.3.2., and 4.3.3., however, we suggest adding in the standard of review for appeals that is currently used:

“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.”

Section 6.2.6., page 17

We strongly suggest adding in the clarification that an attorney may not speak or present evidence on behalf of the student, which is the current practice and is meant to afford all students the same opportunity to participate equally regardless of means to hire an attorney. We suggest the following language: “The advisor, including an attorney advisor, cannot act as a representative of his or her advisee, cannot have a voice in meetings or hearings and therefore is not permitted to present arguments or evidence or otherwise participate directly in meetings or hearings.” This is also important because we want the conduct process to be a personal learning experience for the student to help them grow. If an attorney or advisor comes to the meeting and handles it for the student, it defeats the purpose of having the student learn.

Section 6.2.9., page 17

We recommend citing to UNM’s policy on retaliation.

Section 6.3.2., page 17

This section is silent as to whether HSC will issue sanctions for undergraduate HSC student matters related to discrimination or whether the Dean of Students Office will issue those sanctions for discrimination matters regarding HSC students. We believe this should be clarified so that OEO knows the correct referral party and everyone is on the same page regarding sanctioning jurisdiction. If HSC will be doing undergraduate OEO sanctions, we believe the Policies should mention adoption their own procedures.

Concerns on D176

Throughout D176, especially in Section 6, the language of “undergraduate student” is used instead of “graduate and professional student.” Since this policy pertains to graduate and professional students, the language should appropriately reflect that.

“WHO SHOULD READ THIS POLICY”, page 5

Under the third bullet point, add “the” after “Staff” before “Dean of Students”

Section 3.4.2, page 10

This comment applies to all references to appeals to the President. We are unsure that it’s true that the President has the discretionary authority to review “all decisions by the senior administrators.” We are unsure what “senior administrators” means, and think the Policies should define the term. We know that RPM 1.5, allows a discretionary appeal to the Regents, but it does not say the discretionary appeal extends to the President in any

situation where a senior administrator makes a decision. If this is true, or the Faculty Senate intends to make it a requirement, then we recommend that it be consistently outlined in all policies where senior administrators make decisions.

The ten day appellate window listed here as well as the standard of review for the President differs from Section 9 of the OEO DCP. These should all be consistent. Since the Policies would take precedence over the DCP, this change might require approval by the DOJ as an “attendant document” under the current agreement between UNM and the DOJ.

Section 4.2 and 4.2.1., page 11

We recommend replacing the word “sanction” with “consequence” or some other term. Students who face disciplinary sanction from the Dean of Students Office on academic dishonesty would be confused by being doubly “sanctioned.” The wording in section 4.4 uses consequences and sanctions, which helps clarify the difference.

Article 5, page 12

We understand that the Clery Officer may be moved to the Compliance Office out of OEO. Therefore, we recommend removing “in OEO” from the Clery Officer description throughout the document.

It should be made clear in Section 5 that Complainants have the right to appeal the outcome of OEO sanctions, not only Respondents.

Section 5.2.2., page 12

We believe that a sentence or section should be added that includes what policy governs disciplinary outcome if the Respondent is a staff or faculty person. Students will be reading this policy, which may include Complainants or other affected parties and it would be best if they understood actions may be taken against staff/faculty and where they can reference those policies/procedures.

Section 5.3.1., page 13

This section adds a layer of appeal for the VP of Student Affairs to hear OEO sanction decisions. This is a drastic shift in process, as OEO findings are not currently appealed to the VP of Student Affairs. We suggest removing entirely or, at a minimum, ensure Department of Justice approval before proceeding with this drastic shift. This is problematic because OEO’s findings are appealed only to the President. This would mean that sanctions would have additional appellate levels than the findings and there would be no balance in the appellate line.

Another issue is that the VP of Student Affairs and his staff have not currently been trained in the neurobiology of trauma, trauma informed interview techniques, and Title IX to the levels required of an appellate body hearing a sexual misconduct case as required by the DOJ Agreement, VAWA and the Clery Act. The additional training is feasible, but will require time and resources to implement.

This change is significant enough that it may require DOJ approval prior to implementation.

We strongly recommend removing the language “or results in significant disruption toward degree completion” here and throughout the document. We are not certain what this means, and believe that the confusion would lead to a drastic increase in appeals, which our office and the VP of Student Affairs would be incapable of handling without significant additional resources. The Dean of Students Office makes no academic decisions, so

we genuinely do not know what sanctions other than suspension, expulsion, or ban would impede degree completion. There is no definition or standard the Dean of Students Office or the students would be able to utilize to discern which case fits. This could lead to students feeling like the decision is arbitrary or discriminatory.

Sections 5.3.1, 5.3.2, and 5.3.3., page 13

Previously the Policies had a uniform standard of review for appeals in the DCP, which was used on all cases previously. A standard of review is so important that we believe it should be contained in the Policies, instead of a DoS procedure. We also think that taking it out of the Policies may disrupt the uniformity of past practices in cases. Here is the previous language we would like to see included in the policy

“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.”

Section 5.4, page 13

This section states that “UNM” will disclose the result. Who is “UNM”? Is this OEO, the Dean of Students Office, the Registrar’s Office, or some other entity? This section also states that “inquiring parties” have the right to know the outcome depending on FERPA, but we are confused as to who these inquiring parties would be. Is this the media?

Section 6.1, page 14

We agree with the statement that these are procedures and not policy. We recommend removing all procedures from policy as it is beyond the scope of Faculty Senate to create departmental procedures for staff offices.

Section 6.2.1, page 14

We recommend changing this to: “the Student Conduct Officer will consult with the student regarding which hearing option to proceed. However, the Student Conduct Officer has discretion on which hearing option will be followed, taking into consideration the student’s desires and the severity of the matter.” We currently see students with low-level matters that would result in a written warning, request formal hearings. Staff must organize schedules for the hearing and formulate the panel with staff, faculty, and students, the hearing is recorded and there is a large amount of work and resources that go into holding a formal hearing. In the past we used to see about one formal hearing a year and now we are seeing five or six; very few of which would result in a suspension or expulsion. Allowing the student to choose a formal hearing on any conduct infraction is not a good use of finite public resources.

Sections 6.2.1.1 through 6.2.1.4.

We believe these sections are strictly procedure and should be removed from policy. This would allow the DoS to more easily adapt our procedures to mirror national best practices and adapt to the needs of our campus. The DoS procedures would still require Presidential approval and we would be glad to share any changes with the Faculty Senate for public comment.

Section 6.2.1.1., page 15

We recommend changing the term “Mediation” to “Alternative Dispute Resolution” to also incorporate restorative justice practices.

Section 6.2.1.4, page 15

We suggest removing appeal language entirely other than to state it aligns with section 6.7. We echo prior concerns and suggest removing “or results in significant disruption toward degree completion.”

Section 6.7., page 16

Please see our previous comment on this related to Sections 5.3.1., 5.3.2., and 5.3.3., however, we suggest adding in the standard of review for appellate that is currently used:

“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.”

Section 7.2.9., page 18

We recommend citing to UNM’s policy on retaliation.

Thank you for your consideration in our feedback related to these important policy changes.

Policy Committee Work Status Table (updated 6/17/19)

(Rows shaded orange indicates active with FSPC; shaded purple indicates on hold pending action by another group)

Policy #	Brief Title	Date Last Revised	Date Added to List	Summary of Recommended Action	Related Documents & Notes or Concerns	Target Cycle	FSPC Action	Campus Comment Period	Faculty Senate Action	FH Status
NA	Policy Approval Table	N/A	November 2015	Identify the required approvals for all FH Policies						
A52.1.1	FMRC Charge		Feb 2018	Recommended by AF&T linked to C07		Spring '19	AF&T and FSPC approved 3/7/18 to go to Operations. Operations placed on hold pending review.			
A53.1	Policies Applicable to Faculty	4/20/2018		Update to reflect new and revised policies		Fall '19	FSPC needs to review in Fall '19 to see if any new UAP policies need to be added.			
A60	Faculty Senate Bylaws	4/27/04	11/4/15	Major changes required to reflect the Faculty Senate restructure. COG taskforce asked FSPC to add reference to RPM 1.7. Final action awaiting FS report to COG		Spring '19	Drafts reviewed by FSPC 2/7/18 & 3/24/19 and sent to Operations 2/27/18 & 3/24/19 for review. Operations placed on hold.			
A61 – A70	Council and Committee Charges			Charges need to be developed for new councils and committee charges need to be revised to reflect FS restructure in accordance with revision of A60 above		Spring '19	Drafts reviewed by FSPC 2/7/18 & 3/24/19 and sent to Operations 2/27/18 & 3/24/19 for review. Operations placed on hold.			
A61.8	Faculty Ethics and Advisory Committee	unknown	June 2015	The Ethics Committee wants to update their charge. Referred to AF&T		Spring '19	AF&T recommendation for the FMRC linked to C07 being discussed with Operations hold			
Sec B	AF&T			Professor of Practice title. But approval date (1/25/13) does not seem to be added.						
C05	Rights and Responsibilities at UNM	July 1982	12/2/15	COG taskforce asked FSPC to perform a comprehensive review. AF&T recommend change to State of Emergency and move disciplinary language to C07		Spring '19	FSPC approved 3/7/18 to go to Operations. Operations placed on hold pending review.			
C07	Faculty Disciplinary Policy	3/22/11	5/6/15	Assigned to AF&T for review. 1) need to add peer hearing procedures. 2) C Parker has implementation concerns. Stephens working with AF&T on revision		Spring '19	AF&T and FSPC approved 3/7/18 to go to Operations. Operations placed on hold pending review.			
C50	Faculty Contracts	unknown	3/6/14	Update and possibly remove annual leave issues if C205 developed			Referred to C Parker. C Parker has left. Need to discuss at future mtg.			
C150	Political Activities of UNM faculty	Sept 1970	12/2/15	COG taskforce asked FSPC to perform a comprehensive review.			FSPC briefly reviewed; will take up in Fall 2019			
C170	Endowed Chairs	10/15/13		Add definitions for endowed chairs and named professors.	Related to Sec B issues above		Researched other colleges and universities for definitions. ON HOLD pending AF&T			
C200	Sabbatical Leave	05/14/04	01/29/14	Good enough for now, but needs to be updated.	RPM 5.4; May require BOR approval	???	Addressed campus comments. FSPC sent draft to AF&T for review. M Baum thinks AF&T requested policy not be changed	2/18/15 to 3/20/15		
C205	Annual Leave	Unknown	01/29/14	Propose a policy be written that reflects current practice and removes annual leave information from C50 Faculty Contracts Policy	C50 RPM 5.4; May require BOR approval.	Depends on C50	Tied to C 50 included in memo to be sent Parker to remind her. Need to discuss at future mtg.			

					Look at HSC policies for outside work					
C210	Sick Leave	08/29/78	01/29/14	Out of date. Needs to be completely rewritten	C50 RPM 5.4; May require BOR approval		Discussed at 2/4/15 meeting. Per FSPC Chairs leave alone.			
C225	Professional Leave	8/29/78	11/4/15	COG taskforce asked FSPC to add reference. FSPC identified a few other required changes		Spring '17	Approved by OPS for campus comment.	Ends 4/19/16	Approved by FS 4/26/16	Needs approval of faculty and Regents
C230	Military Leave	8/29/78	10/13/14	Review for consistency with revised admin policy; need to address tenure and also new military recruiting policy which Kim will send me	UAP 3425 Military recruit law	???	At 2/13/19 mtg approved revised draft, but requested it go to AF&T for review. Stephens will send draft to AF&T for review.			
C240	LOA Incident to Political Activity			See C 150 above			On FSPC 2/13/19 agenda. Needs further discussion			
C250	Academic Leave for Lectures	10/8/13	July 2015	Need to align with proposed changes to Sabbatical		??? depends on C200	FSPC needs to discuss and decide if to move off list re C200 Sabbatical & AF&T's request not to change.			
C305	Emeriti Policy	4/27/10	12/20/15	Add dept. processes and criteria for emeriti status.			Under consideration by AF&T			
D75	Classroom Conduct	Unknown	10/5/16	Reassign from info item to Policy document put in new format. Address Copyright issues			On FSPC 3/6/19 agenda. Needs further discussion			
D170	Student Attendance	unknown	12/2/15	COG taskforce asked FSPC to perform a comprehensive review. Taskforce work progressing	Pathfinder, Dean of Students pro, Catalog	Fall '18	FSPC made changes to address campus comments. FSPC to consider adding guidelines for attendance accommodation. On June 19, 2019 agenda. Needs to go out for 2nd comment period in Sept 2019.	1/30/19 – 3/1/19 To go out in Fall '19		
D175	Student Grievance Procedure	5/13/2014	June 2016	Inconsistencies between Pathfinder and FH; identified by DOJ as needing immediate attention			FSPC revised draft to address campus comments. Operations approved to go out for 2 nd comment period. Extensive comments received from DOS on June 19, 2019 FSPC agenda.	4/7/17 to 5/10/17 2 nd comment period 2/13/19 to 4/13/16		
D176	Graduate Student Grievance Procedure	3/1/17		Remove graduate students from d175 and expand D176			FSPC revised draft to include changes made to D175 per campus comments. Operations approved to go out comment. Extensive comments received from DOS on June 19, 2019 FSPC agenda.	2/13/19 to 4/13/16		
E40	Research Misconduct	4/13/04	9/2015	Address ORI Concerns	RPM 5.13 may need to be revised.	Fall '17	ORI endorses per Dr Larson. RPM 5.13 may need to be revised.	4/7/17 to 4/21/17	Approved by FS 4/25/17	Posted Sept 2017 May need to be approved by Regents—previous versions were

Recently Completed Work

A53.1	Policies Applicable to Faculty	12/22/2015	3/27/2018	Update to reflect new and revised policies		Spring '18	Approved by FSPC 4/4/18	NA	Approved by Operations April 2018	Posted
A61.6	IT Use Committee		6/7/17	IT Use Committee requested changes		Spring '18	Approved by FSPC 4/4/18	3/23/18 - 4/22/18	FS Approv. 4/24/2018	Posted
A66	Policy Committee	11/27/07	6/7/1715	Update Committee membership.		Fall '17	FSPC approved draft	10/13/17 11/13/17	FS Approv. 11/28/2017	Posted
A91 Standard	Research Centers and Institutes	4/28/15		Need to post standard on FH webpage						POSTED to FH Resources page
C20	Employment of UNM graduates	03/12/51	01/29/14	Comprehensive review to address diversity and recruitment & NM Minority Doctoral Loan-for Service Program	RPM 5.3 Does not need to be revised	Fall '17	FSPC and Operations recommended deletion, but based on campus comments revised draft to reflect current practices	4/17/17 – 5/18/17 & 10/13/17 11/13/17	Approved by FS 11/28/2017	Posted
C290	Ombuds for Faculty	new	May 2016	The C09 Respectful Campus Taskforce suggested the Handbook needed a policy on Ombuds for Faculty similar to the staff policy			FSPC approved 12/5/18 to go to Operations to go out for campus comment		Approved by FS 4/23/19	Posted to FH
D50	Assignment of Credit Hours	NEW	2/26/18	HLC requires an institutional policy	Glossary of Terms Catalog	Spring '18	Out for campus comment. FSPC approved draft	3/23/18 - 4/22/18	Approved by FS 4/24/2018	Posted
D90	Posthumous Degrees			Revise to address new situations		Fall '17	FSPC approved; Approved by OPS for campus comment.	10/13/17 11/13/17	Approved by FS 11/28/2017	Posted
E40	Research Misconduct	4/13/04	9/2015	Address ORI Concerns	RPM 5.13 may need to be revised.	Fall '17	ORI endorses per Dr Larson. RPM 5.13 may need to be revised.	4/7/17 to 4/21/17	Approved by FS 4/25/17	Posted Sept 2017
E90	Human Beings as Subjects in Research	11/15/1966	1/27/16	IRB and Dr. Larson propose revisions	RPM 5.13 & 5.14; FH E40	Fall '17	ORI endorses per Dr Larson. RPM 5.14 may need to be revised.	March 2017	Approved by FS 4/25/17	Posted Sept 2017
E110	Conflict of Interest in Research	5/12/2003	5/2017	Coffee Brown requesting change to definition of significant financial int.	RPM 5.10	No action	Policy Committee not making requested change on advice of legal FSPC advised by legal counsel proposed change is contrary to state law.			Issue Closed—No changes on advice of legal
F10	Role and Functions of UNM Branch Community Colleges		4/20/17	Branch campus taskforce working on updating policies			FSPC approved; Approved by OPS for campus comment.	10/13/17 11/13/17	Approved by FS 11/28/2017	Posted
F70	Articulation, Degree Approval ...		4/20/17	Branch campus taskforce working on updating policies		Spring '18	FSPC addressed campus comments, FSPC approved to go out for subsequent comment period.	2/27/18 – 3/29/18 October 2018 ???	Approved by FS 1/22/19	Posted Feb 2019
F80	Representation on FS and Its Committees		4/20/17	Branch campus taskforce working on updating policies		Spring '18	FSPC approved 12/6/17, Operations approved to go out for campus comment.	2/27/18 – 3/29/18	Approved by FS 4/24/2018	Posted
F90	AF&T Appointment and Grievance Procedures		Oct 2017	Branch campus taskforce working on updating policies			Approved by AF&T and FSPC. Went to faculty for vote and was approved.		Approved by full faculty in Nov 2017	Posted
F100	Teaching Load		4/20/17	Branch campus taskforce working on updating policies			Approved by AF&T and FSPC. Went to faculty for vote and was approved.		Faculty Approved Nov 2017	Posted 75

Date: June 12, 2019 **Draft**

To: Faculty Senate Policy Committee
Kenedi Hubbard, University Secretary

From: Carol Stephens, Professional Consultant

Re: 2018- 2019 Academic Year Faculty Policy Work Status Report

This is a status report on the policy work performed during the 2018-19 Academic Year.

Policies Approved by Faculty Senate in 2017-2018 and Posted to the Faculty Handbook

C290 “Ombuds for Faculty.” Approved by Faculty Senate April 23, 2019. This new policy describes the role of Ombuds/Dispute Resolution Services for Faculty, and states the service is confidential, impartial, informal, and independent resource for faculty concerns and conflicts. The need for this policy was identified as part of the C09 “Respectful Campus” policy revision process.

F70 “Articulation, Degree Approval, Transfer of Course Credit and Approval of Credentialing Standards.” Approved by the Faculty Senate January 22, 2019. F70 was revised to:

- Clarify the types of degree programs and workforce pathways offered at the branch community colleges.
- Clarify the articulation and transfer of courses offered at branch community colleges; not only transfer credits for baccalaureate programs, but also credits that may transfer to other branch community colleges.
- Clarify that new courses and programs developed at branch community colleges follow the same process as those created by any other educational entity of UNM.
- State the circumstances under which courses at the branch community colleges may not be accepted for transfer to another entity in UNM.
- Clarify how qualifications of faculty teaching classes will be determined and that supporting documentation will be maintained.

COG Task force: In September 2015, the COG task force sent the FSPC a number of concerns and recommendations pertaining to *Faculty Handbook* policies. The FSPC has reviewed these recommendations and taken action on most items and issued a final report to COG providing an analysis of issues and action taken by the FSPC.

Policies Pending Approval After Second Comment Periods Which were Completed in April 2019:

D170 “Student Attendance.” The COG Task force asked the FSPC to perform a comprehensive review of this Policy. A taskforce was appointed by the FSPC and their recommendations were submitted to the Policy Committee 6/6/18. Concerns was raised as to how the policy would apply to graduate and professional students. The Policy Committee addressed concerns and sent

the revised draft to the campus for review and comment in March 2019. Significant concerns were raised and the Committee has developed changes to address concerns. In addition, the Committee is including attendance guidelines for accommodations to assist with implementation of UAP 2310 “Reasonable Accommodations for Students with Disabilities.” The revised draft will be sent out for a second comment period in September 2019.

D175 “Undergraduate Student Conduct and Grievance Policy.” In response to Department of Justice (DOJ) concerns that there are discrepancies between the D175 and the Student Grievance Procedures, the FSPC appointed a taskforce, that included the Dean of Students, to analyze the discrepancies and identified significant areas of concern with the Student Grievance Procedures, including violation of Regent policies. After considerable work, the task force brought a recommended revision to the FSPC. After approval by the FSPC and Operations, the proposed revision was sent for campus comments. Comments were received and the FSPC revised the draft to address some concerns. Memos were sent to the Dean of Students Office, the Office of Equal Opportunity and Amy Wohlert, Chief of Staff for the UNM President responding to their comments. The DOJ agreement was reviewed to ensure compliance. Concerns were raised as to the authority of the *Pathfinder* and its relationship to D175 and D176. CoG and Interim Provost Wood determined the *Faculty Handbook* had jurisdiction. Operations released the revised draft for a second campus comment period. Comments were received from OEO, the Dean of Students, and the VP for Student Affairs. The Committee will determine if changes need to be made to address the concerns. Once concerns are reviewed and any necessary changes are made the Policy revision will be forwarded to the Faculty Senate for approval in the Fall of 2019.

D176 “Graduate and Professional Student Conduct and Grievance Policy.” D176 went out for campus comment in March 2019 and received the same comments as D175, so will follow the same path described above.

Policies Awaiting Approval by the FS Operation Committee to send to Campus for Review and Comment:

A60 “Faculty Senate Bylaws” and A61 – 70 Council and Committee policies. A60 and A61–70 Committee policies need to be revised to reflect the Faculty Senate Restructure which adds councils and deletes some committees. In addition, new policies are required for the three Councils created by the restructure. Due to inaction by the Faculty Senate Operations Committee, the 23 previously submitted policy drafts were revised to reflect changes that took place between May 2017 and March 2019. These revised drafts were submitted to Faculty Senate President Pyle for consideration. Incoming Faculty President Coleman is reviewing the drafts in conjunction with a full review of the Faculty Senate Council and Committee structure to determine if additional changes to Council and committee charges is desirable. I am working Coleman on the policy drafts.

Previous policy draft history: The Policy Committee prepared revised drafts of 23 existing policies and developed 3 new policy drafts in 2017 and submitted them to the Faculty Senate Operations Committee in May 2017. Finalization of these policies is dependent on the Faculty Senate President sending a “Final Report on the Faculty Senate Reorganization” to the Committee on Governance (COG). To assist with this process, I prepared a draft report for

consideration by the Faculty Senate President. In the Fall of 2017, the FSPC reviewed the policy drafts and forwarded them to the FS Operations Committee for review and permission to send to the campus for review and comment. No response was received from Operations.

Note: Nancy Lopez (email dated 2/27/19) has requested a number of changes to FS Bylaws pertaining to parliamentarian, tally of votes, teleconferencing, 3-year term for President, position on governance bodies designated for equity, inclusion, and justice, and conflict of interest forms.

Faculty Discipline. Draft revisions of three policies related to faculty discipline which were approved by the Policy Committee and the Academic and Freedom Committee were submitted to the Faculty Senate Operations Committee in March 2018 for approval to send out to faculty for review and comment.

A52.1.1 “Faculty Misconduct Review Committee”

C05 “Rights and Responsibilities at the University of New Mexico” Title to be changed to “State of Emergency”

C07 “Faculty Disciplinary Policy

The Operations Committee has concerns about the Faculty Misconduct Review Committee and is working with AF&T to arrive at a compromise. The Chair of AF&T indicated June 22, 2018, that they disagreed with the proposal by Operations that Ethics replace the proposed Faculty Misconduct Review Committee. Faculty Senate President Coleman is reviewing Committee charges and hopefully the impasse will be resolved in the coming academic year.

Note: On Feb 24, 2019, John Trotter proposed some changes to the proposed draft of C07, which the Policy Committee will need to address.

Policies Currently with FS Policy Committee for Review and/or Development:

A 53.1 “Policies Applicable to Faculty.” The table in this policy is being reviewed to see if it needs to be updated to include any of the new policies issued by UAP: 5250 “Use of University Facilities,” 5320 “University Design,” 6020 “Records Management, Retention, and Disposition,” and 6420 “UNM Public Art Collection.”

A61.8 “Faculty Ethics and Advisory Committee.” In addition, to changes to reflect the Faculty Senate Restructure, in June 2015, this Ethics Committee requested revisions to A61.8 to their charge and authority. Because of the possible implications to AF&T issues, the FSPC referred the requested changes to AF&T for review. The Policy revision is tied to the decision on the proposed “Faculty Misconduct Review Committee.”

CXX “Consensual Relationships” Concern has been raised that there is an urgent need for a policy addressing consensual relationships between faculty and students. This will be addressed at the September 2019 meeting, and the Committee will ask OEO, Women’s Resource Center, and LGBTQ send representatives to assist with Committee discussions.

C50 “Faculty Contracts.” This Policy needs to be updated and possibly remove annual leave text if Policy C205 “Annual Leave” is developed. Work on the revised draft was pending input from

Carol Parker, Senior Associate Provost. This will need to be revisited since she is no longer at UNM.

C150 “Political Activity” and C240 “Political Activities of UNM Faculty.” The COG task force asked the Committee to perform a comprehensive review of these policies. The FSPC briefly discussed C150 in January 2016, but no further action has taken place. At the 6/6/18 meeting Richard Wood indicated an interest in these policies. On 5/27/2018, I sent him copies of the draft policy revisions and an email with background information.

C170 “Endowed Chairs and Named Professorships.” This Policy needs to be revised to add definitions, which are currently are under review by AF&T. I do not know the AF&T status.

C200 “Sabbatical.” The FSPC performed a comprehensive review of this Policy and proposed revisions to bring it up to date and to clarify some issues. The proposed revisions were sent to the campus for review and comments. Comments were addressed and the draft is now with AF&T for review before moving forward for required approvals, which include the Faculty Senate and the Board of Regents. Marsha Baum indicated at the 6/6/18 Policy Committee meeting that AF&T was recommending the policy not be changed. It should be placed on the September Policy Committee agenda for discussion on course of action, if any.

C205 Annual Leave.” The *Faculty Handbook* currently states “This policy is under revision or is being developed. Current provisions for annual leave are located in C50 “Faculty Contracts.” The FSPC has identified this as a policy that needs to be developed in conjunction with the revision of C50.

C210 “Sick Leave.” This policy is out of date and may to be revised.

C225 “Professional Leave.” The FSPC revised the policy, which was approved by the Faculty Senate; however, it was previously approved by the Regents in 1978, so the changes may need to be approved by the Regents. The revised version has not been added to the *Faculty Handbook*. A determination needs to be made if Regent approval is required, and if so, action needs to be taken to gain Regent approval, so that the version approved by the Faculty Senate can be posted.

C230 “Military Leave.” FSPC reviewed this policy and proposed changes. These changes need to be reviewed by AF&T.

C250 “Academic Leave.” If, the proposed revisions to C200 Sabbatical are approved, this Policy needs to be revised to align with C200. C200 is awaiting action by AF&T. See C200 above.

C305 “Emeriti Policy.” This Policy needs to be revised to add department processes and criteria for emeriti status. It is under consideration by AF&T. I do not know the AF&T status.

D75 “Classroom Conduct.” The Policy Committee feels this should be moved from an information item to a Policy document. It needs to be put in the new format and reviewed for any needed changes. The Policy Committee has discussed the policy and feels it is an

appropriate place to address copyright of class material. The Policy Committee will continue these discussions.

Policies pending Action by AF&T:

- C170 “Endowed Chairs and Named Professorships”
- C200 “Sabbatical”
- C250 “Academic Leave” because it must align with C200 which is under review by AF&T
- C305 “Emeriti Policy”

Policies that Require or May Require Change to Regent Policy

- | | |
|--|----------|
| C20 “Employment of UNM Graduates” | RPM 5.3 |
| C225 “Professional Leave” previously approved by the Regents in 2013 | RPM 5.4 |
| C200 “Sabbatical” previously approved by the Regents in 2004 | RPM 5.4 |
| C250 “Academic Leave” previously approved by the Regents | RPM 5.4 |
| E40 “Research Misconduct” | RPM 5.13 |
| E90 “Human Beings as Subjects in Research” | RPM 5.14 |
| C130 “Outside Employment and Conflicts of Commitment” | RPM 5.5 |
| C140 “Extra Compensation Paid by the University.” | RPM 5.6 |

Other tasks:

Regent Policy Revision: I worked briefly with Liz Hutchins to review agenda items for the Regent Policy Taskforce and prepared a memorandum stressing the importance of updating RPM 5.5 “Outside Employment” and RPM 5.6 “Extra Compensation Paid by the University” to reflect Regent approved changes to C130 “Outside Employment and Conflicts of Commitment” and C140 “Extra Compensation Paid by the University.” Regent minutes approving the changes to C130 and C140 were included with the supporting documentation.

Miscellaneous Outstanding Items:

UAP 2740: Katherine Miefert raised concerns that UAP 2740 as written does not correctly reflect action pertaining to faculty. The Committee discussed this and it was determined that a correction is needed to UAP 2740. I will prepare a draft memo for the Committee to send to the Policy Office.

UAP Policies 2310 “Reasonable Accommodation for Students with Disabilities” and 2710 “Education Abroad Health and Safety”: The Committee raised significant concerns about the proposed revisions to these policies. These concerns were discussed at a meeting with subject matter experts and Committee chair Gauderman to discuss. The group agreed to some of the Committee’s concerns.

Model Hearing Procedures: Draft was developed for use with *Faculty Handbook* policies such as C07. University Counsel’s Office and Jean Bannon were going to review the draft. Not sure of the status of the procedures.

Standard #2 A91 “Creation, Review, Reorganization, and Termination of HSC Research Centers and Institutes” Policy A91 states, “A standards document will be developed to provide standards and guidelines applicable to HSC research centers and institutes.” The Committee needs to work with HSC to meet this requirement.

Section B “Academic Freedom and Tenure” Section 2.3.14 added Professor of Practice as a title, which I understand was approved by the required bodies on 1/25/13, but this approval date does not appear on the policy. I’m not sure if that date is needed, but the issue should be researched.

AF&T is considering appointing a taskforce to work on revisions to Section B. I have been asked to assist with the process. The initial taskforce is scheduled for 6/28/19

No longer Outstanding, but noted for Records:

E110 “Conflicts of Interest in Research”_Dr. Coffee Brown requested a small change to E110 to reflect less stringent disclosure requirements than currently listed in E110; however, that change generated some legal concerns pertaining the New Mexico state statute on disclosure requirements. The Policy Committee decided the change would NOT be made because it would violate state law.

Cc: Candyce Torres, Administrative Coordinator, Office of University Secretary