Date: September 9, 2019

To: Faculty Senate

From: Dr. Lora Stone, Co-Chair, Faculty Senate Policy Committee
Dr. Leslie Oakes, Co-Chair, Faculty Senate Policy Committee

Re: Latest Changes Made to Address Campus Comments
D175 "Undergraduate Student Conduct and Grievance Policy"
D176 "Graduate and Professional Student Conduct and Grievance Policy"

During the Spring semester of 2019, D175 and D176 were sent out for a second faculty comment period. Comments received were appropriately addressed in the attached proposed policy revisions.

Only one comment was not fully accommodated as explained below. The comment pertains to ability to appeal sanctions from the Dean of Students. The current policy only allows for appeal of decisions regarding a sanction of suspension, expulsion or banning from campus. The Policy Committee discussed this in depth and feels strongly that the opportunity to appeal should also be granted to students who receive a sanction that results in a significant interruption toward degree completion." However, the Committee did agree to add grounds which limit such appeals to: 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. The remaining comments were fully accommodated/addressed. Comments are shown below with Committee explanations in red.

Since the Policy Committee worked extensively with all stakeholders, the proposed drafts went out for campus comment twice, and all comments were appropriately addressed; the Policy Committee requests Faculty Senate approval of the attached proposed policy revisions.

Campus Comments:

Both Heather and Angela present the same concern (see their emails below) so the following resolutions is designed to address both comments. Proposed Resolution: **Done:** Revised draft removes the level of appeal to the VP for Student Affairs for OEO related sanctions and changes the appeal to the President from discretionary to a standard appeal. The ability to appeal OEO findings to the President will also be added with a reference to the OEO Claims Procedures for grounds and procedures.

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.

Thank you,
Angela

Proposed Limited Resolution: Not remove phrase--but add allowable grounds for appeal. The Policy Committee extensively discussed this concern raised by VP Torres and the Dean of Students and consulted with legal counsel. The Policy Committee feels strongly that students who receive a sanction that results in a significant interruption toward degree completion" should be allowed to appeal to the Vice President for

Students Affairs. The Committee did agree to add grounds which limit such appeals to: 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.

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

Due to the extensive comments/ concerns, the proposed resolutions will be imbedded in the following email after each specific comment and shown in red.

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 Polices 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 and 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.

Proposed Resolution: **Done:**

"WHO SHOULD READ THIS POLICY", page 4

Under the third bullet point, add "the" after "Staff" before "Dean of Students" **Done:**

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 intents to make it a requirement, then we recommend that it be consistently outlined in all policies where senior administrators make decisions. Proposed Resolution: Replaced discretionary appeal to the President with standard appeal listed grounds for appeal which are the same as OEO Claims Procedures and the current Student Grievance Procedures.

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. Proposed Resolution: **Done:**

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.

Proposed Resolution: **Done:** The proposed revised draft changes sanction to consequence for all mention of faculty action (3.2.3 in addition to the sections mentioned 3.2, & 3.2.1)

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.

Proposed Resolution: **Done:** Deleted "in OEO".

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

Proposed Resolution: **Done:** The proposed revised draft added the President appeal language from the Student Grievance Procedures so it now correctly includes Complainants.

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.

Proposed Resolution: **Done:** The proposed revised draft adds "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."

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.

Proposed Resolution: **Done:** The revised draft replaces the appeal to the VP for Student Affairs with standard appeal to the President proposed with grounds for appeal. The ability to appeal OEO findings to the President were added to be consistent with OEO Claims Procedures.

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.

Proposed Limited Resolution: Not remove phrase--but add allowable grounds for appeal. The Policy Committee extensively discussed this concern raised by VP Torres and the Dean of Students and consulted with legal counsel. The Policy Committee feels strongly that students who receive a sanction that results in a significant interruption toward degree completion" should be allowed to appeal to the Vice President for Students Affairs. The Committee did agree to add grounds which limit such appeals to: 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.

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."

Proposed Resolution: **Done:** The proposed revised draft adds grounds for appeal to all appeal sections except for Regents discretionary appeal, since Regents Policy does not lists grounds for appeal.

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?

Proposed Resolution: **Done with explanation**: The proposed revised draft changes UNM to the Dean of Students Office. This language comes from the federal regulations. UNM Counsel's advisor to the Committee confirmed the language and that it is required by law to be in policy.

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.

Proposed Resolution: **Done**: The proposed revised draft removes procedures for the Office of Dean of Students (Sections 5.2.1 through5.4). This resolves the following comments pertaining to sections up to 5.2.1.4

Section 5.2.1., page 12 NOTE: (Proposed draft deletes this section so change is not needed)

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 NOTE: (Proposed draft deletes this section so change is not needed)

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 or 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 NOTE: (Proposed draft deletes this section so change is not needed)

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

Section 5.2.1.4., page 13 NOTE: (Proposed draft deletes this section so change is not needed)

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 Proposed Resolution: **Done**

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 Proposed Resolution: **Done**

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 Proposed Resolution: **Done**

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.

Proposed Resolution: **Done:** The proposed revised draft adds sections on procedures for HSC undergraduate students. These procedures were confirmed with the HSC Vice Chancellor. Also add the following sentence to ensure consistency with Dean of Students sanctions. "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."

Concerns on D176 Proposed Resolution: **Done:** Since the concerns discussed below for D176 are the same as for D175. All the same resolutions added to D175 are included in the proposed revised draft of 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 Proposed Resolution: **Done:**

Under the third bullet point, add "the" after "Staff" before "Dean of Students" Proposed Resolution: **Done:**

Proposed Resolution: **Done:** Since the concerns discussed below for D176 are the same as for D175. All the same resolutions added to D175 are included in the proposed revised draft of D176.

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 intents 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 theyunderstood 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.