

## Faculty Senate Policy Committee

**Draft Meeting Agenda, Scholes Hall Room 101, April 3, 2019, 3:30 – 5:00 pm**

### Updates

1. Update on campus comments to date” **D175** “Undergraduate Student Conduct and Grievance Policy” **and D176** “Graduate and Professional Student Conduct and Grievance Policy,” and **C290** “Ombuds/Dispute Resolution for Faculty” needs approval by Operations to go out for comment. **pg. 1**
2. Committee membership and vacancies

### Agenda Topics

**Consent Agenda Topics: None**

### Action Items

1. D170 “Student Attendance,” review campus comments **pg. 45**
2. Comments on UAP 2310 “Reasonable Accommodation for Students with Disabilities” **pg. 53**
3. Comments on UAP 2710 “Education Aboard Health and Safety” **pg. 62**

### Discussion Items:

1. Consensual Relationships
2. C07 Faculty Discipline

# D175: Undergraduate Student Conduct and Grievance Policy

Approved By: Faculty Senate and UNM President

Last Updated: **Draft 2/19/19**

Responsible Faculty Committee: Faculty Senate Policy Committee

Office Responsible for Administration: Dean of Students

Legend: Proposed text shown in **red**; proposed deletions shown in ~~strikeout~~. Large sections of deleted text shown at end of Policy draft to limit interruption of document flow.

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.

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## POLICY RATIONALE

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

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## POLICY STATEMENT

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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 ~~threaten~~ disruption of the academic process or other campus functions, ~~interfere with the educational process or the orderly operation of UNM,~~ or endanger the health, safety or welfare of the UNM community or any individual student or employee. ~~UNM may take disciplinary action for a violation of the Visitor Code of Conduct when the offense occurs on UNM premises, as part of a UNM-sponsored event or in connection with University activities.~~

### 1. Matters Covered Under this Policy

The following ~~categories~~ types of disputes or disciplinary matters are covered by this Policy and handled in accordance with the procedures described in the Procedures Section of this document. 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 the Dean of Students 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, shall follow the procedures set for in Article 2, unless they involve allegations of academic dishonesty which are handled under Article 3. whereby an undergraduate student believes that he or she has been academic progress has been evaluated in an unfair or improper manner treatment 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 Section 4 herein for reporting options). Complaints can also be made to the UNM Ethicspoint Hotline 1-888-899-6092. The UNM OEO is tasked with investigating allegations of discrimination, sexual harassment, sexual misconduct and/or sexual violence and determining whether anti-discrimination policy has been violated. If OEO determines that 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**

**2.1. Health Sciences Center (HSC) Students**

Additional policies and procedures listed in section 6.3.2 herein apply to HSC students.

**2.2. Visitors to the UNM campus**

Visitors to the UNM campus are subject to the Visitor Code of Conduct.

**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](#) ~~one week~~ 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."

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## APPLICABILITY

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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.
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## DEFINITIONS

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[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."

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## WHO SHOULD READ THIS POLICY

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

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## RELATED DOCUMENTS

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### *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"

[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**

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## CONTACTS

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

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## PROCEDURES

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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](#) ~~his or her~~ academic record within the scope of this article shall submit a petition to the Registrar's Office for consideration by the Faculty Senate Admissions and Registration Committee. The petition shall:

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

**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 ~~he or she has been~~ **academic progress has been evaluated in** an unfairly or improperly **manner** ~~treated~~ 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 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 ~~four weeks~~ after the **undergraduate** student **initially raised the issue with the faculty member.** ~~becomes or should become aware of the matter.~~

### 2.3. Formal Resolution Appeals of Academic Matters

If the informal discussions do not resolve the grievance, the undergraduate student may bring a formal complaint appeal 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-appeal process shall begin within ten (10) working days ~~two weeks~~ 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 ~~his or her~~ chairperson. The faculty member shall have five (5) working days ~~two weeks~~ from the receipt of the complaint to respond in writing to the dean. A copy of the faculty member's response shall be provided to the undergraduate student, consistent with the federal Family Educational Rights and Privacy Act (FERPA).

**2.3.3.** ~~In deciding the appeal~~ 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 ~~his or her~~ discretion, the dean may decide to hold an informal hearing involving both parties and any witnesses. Where the dispute primarily concerns factual questions, rather than matters of academic judgment, the dean should normally hold such a hearing. If a hearing is to be held, the dean will give the parties no less than five (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 ~~his or her~~ 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 ~~his or her~~ findings, conclusions, and reasons for the decision. The decision shall be sent to each party, and to the faculty member's chair. The decision shall be made within twenty (20) working days ~~three weeks~~ after the complaint is filed, unless an informal hearing is held, in which case the decision shall be made within thirty (30) working days ~~four weeks~~. (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, President, 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 ~~his or her~~ may refer the matter to the Faculty Ethics and Advisory Committee for consideration of disciplinary action against the faculty member involved, if such action appears warranted.

### 2.4.2. Appeal to the President

The President has the discretionary authority to review all decisions by the senior administrators. A request for a review by the President shall be made in writing, and must include the alleged facts, what happened in the proceedings to date, and the reasons justifying extraordinary review. Such requests must be filed in the President's Office ~~seven (7)~~ ten (10) working days of the date of the written decision from the last reviewer.

### 2.4.3. Appeal to the Board of Regents

In accordance with Regent Policy 1.5 "Appeals to the Board of Regents," students affected by a decision of the administration, faculty, student government, or hearing board may appeal the decision to the Board of Regents. The Board has discretion to determine whether the appeal will be considered. A request for a review by the Board of Regents shall be made in writing, and must include the alleged facts, what happened in the proceedings to date, and the reasons justifying extraordinary review. Such requests must be filed in the President's Office within ten (10) ~~seven (7)~~ 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 Sanctions

**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. ~~After this discussion,~~ **T**he faculty member may impose an appropriate sanction within the scope of the academic activity, such as grade reduction and/or involuntary withdrawal from

the course. The faculty member shall notify the undergraduate student of the academic sanction. ~~The faculty member should contact the Dean of Students Office to see if there are any prior incidents of academic dishonesty on file for that student.~~

**3.2.2.** The faculty member ~~should~~ may report the matter to the Dean of Students Office, by ~~using the faculty adjudication form provided by that office or~~ submitting written documentation describing the events and indicating ing if ~~he/she~~ 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. A copy of such report shall be sent by the Dean of Students Office to the student. 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 sanction 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 ~~shall~~ 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. ~~A copy of such report shall be sent by the Dean of Students Office to the student.~~ The faculty member or Dean of Students will address the situation in accordance with sections 3.2.1 or 3.4 herein, 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 5.7 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 in OEO.

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

#### **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 by definition 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 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.

**NOTE #1:** Propose deletion of OEO procedures which are governed by OEO Claims Procedures—see proposed deleted text at end of this document.

**4.2.2.** OEO has no sanctioning authority. If the respondent is an 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.” 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.

#### **4.3. Appeals**

##### **4.3.1. Appeal to the Vice President for Student Affairs**

The decision on sanctions made by the Dean of Students Office 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. The Vice President for Student Affairs will send written notification of the decision to the appealing party within ten (10) working days of receiving the request for appeal. A copy of the decision shall be sent to the Dean of Students.

### **4.3.2. Appeal to the President**

The President has the discretionary authority to review all decisions by senior administrators. A request for a review by the President shall be made in writing and must include the alleged facts, what happened in the proceedings to date, and the reasons justifying extraordinary review. Such requests must be filed in the President's Office within ten (10) ~~seven (7)~~ working days of the date of the written decision from the last reviewer.

### **4.3.3. Appeal to the Board of Regents**

In accordance with Regent Policy 1.5 "Appeals to the Board of Regents," students affected by a decision of the administration, faculty, student government, or hearing board may appeal the decision to the Board of Regents. The Board has discretion to determine whether the appeal will be considered. A request for a review by the Board of Regents shall be made in writing and must include the alleged facts, what happened in the proceedings to date, and the reasons justifying extraordinary review. Such requests must be filed in the President's Office within ten (10) ~~seven (7)~~ working days of the date of the written decision from the last reviewer.

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

Upon written request, UNM, to the extent permitted by the federal Family Educational Rights and Privacy Act (FERPA), will disclose to the individual who alleges that they were subjected to a crime of violence or a nonforcible sex offense the final results of the disciplinary proceedings conducted by UNM issued to the 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).

**NOTE #2:** Propose deletion of Rights of Complainants Alleging Sexual Violence because they are governed by OEO Claims Procedures—see proposed deleted text at end of this document.

## **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

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. 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 ~~and Visitor Code of Conduct~~ charges shall be that of preponderance of the evidence, meaning that the evidence, considered in its entirety, indicates that, more likely than not, the accused undergraduate student (or chartered student organization) ~~or visitor~~ violated UNM policy or the Code of Conduct.

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

### 5.2.1. Options for Resolving the Charges

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

If the undergraduate student fails to attend the meeting, the Student Conduct Officer may decide the charges based upon the information available and/or place a hold on the undergraduate student's registration. The accused undergraduate student will also be offered one or more of the following options to resolve the charges; however, the Student Conduct Officer is authorized to refer the charges for a formal hearing before the Student Conduct Committee even if the undergraduate student does not elect a formal hearing. If an undergraduate student fails to select an option, the Student Conduct Officer will decide which hearing process will be followed. The options for resolving the charges are:

**5.2.1.1. Mediation:** This option is reserved for situations where all relevant parties in an incident agree to have a conflict resolved through mediation and sign an agreement to mediate. If all parties agree to this process and mediation is successful, a formal finding will not be issued with regard to the Student Code of Conduct charges. However, failure of the mediation process or failure to fulfill the terms of a final mediation agreement could lead to reactivation of these charges and additional disciplinary action. Mediation will not be used to resolve complaints alleging sexual violence.

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

**5.2.1.3. Administrative Hearing with the Student Conduct Officer:** This option allows the accused undergraduate student to present evidence to the Student Conduct Officer for consideration and suggest witnesses that the Student Conduct Officer may consider interviewing before a decision is rendered. ~~The Student Conduct Officer may contact other individuals who have knowledge about the incident giving rise to the charges. The party waives the right to question such individuals or otherwise participate in an evidentiary hearing. Administrative Hearings are not tape recorded.~~ Within three (3) weeks of the completion of all witness interviews, the Student Conduct Officer will send the party charged a letter which indicates the finding in the case and any disciplinary sanction imposed. ~~The Student Conduct Officer may find the party charged not responsible for violating the Student Code of Conduct, or may find the party responsible and impose a disciplinary sanction in accordance with Article 4 of the Student Code of Conduct.~~

**5.2.1.4. Formal Hearing with the Student Conduct Committee:** ~~The Student Conduct Committee will hold a hearing when a party chooses the hearing option of a formal hearing before the Committee or when the Student Conduct Officer refers the matter to the Committee.—~~ This option allows the accused undergraduate student to respond to the charges, present witnesses on the student's ~~his or her~~ own behalf and question witnesses. Formal hearings are ~~tape~~-recorded. Within three (3) weeks of the conclusion of the hearing, the Student Conduct Committee will send the party charged a letter which indicates the finding in the case and any disciplinary sanction imposed. ~~The Student Conduct Committee may find the party charged not responsible for violating the Student Code of Conduct, or may find the party responsible and impose a disciplinary sanction in accordance with Article 4 of the Student Code of Conduct.—~~

A formal hearing with the Student Conduct Committee is conducted in accordance with [the Dean of Students Hearing Procedures, approved by the UNM President, that ensure all the rights listed in section 6 herein.](#)

**Note #3:** The above sentence results in proposed deletion of the detailed hearing procedures in the current policy. see proposed deleted text at end of this document.

Decisions of the Student Conduct Committee are subject to appeal to the Vice President for Student Affairs, as per Article 5.7.1 herein if the sanction imposed by the Committee is suspension, expulsion or banning from the campus [or results in a significant interruption toward degree completion. Per Section sections 5.7.2 and 5.7.3 the President and Board of Regents have discretionary authority to review decisions of the Student Conduct Committee and senior administrators.](#)

The Student Conduct Committee will consist of three (3) members, ordinarily including one (1) undergraduate student, one (1) faculty member and one (1) staff member, with the Dean of Students serving as an additional, nonvoting member and Chair of the Student Conduct Committee. The undergraduate student, faculty member, and staff member of a Student Conduct Committee are drawn from a standing pool consisting of faculty members designated

by the Faculty Senate President, staff members designated by the Staff Council President, and undergraduate student members designated by the Presidents of ASUNM and GPSA.

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

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

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

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

**5.3.** An undergraduate 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 an undergraduate student at the same time the undergraduate 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 undergraduate student-defendant.

**5.4.** Unless otherwise specified in the decision, sanctions issued by the Dean of Students Office (not including an Emergency Suspension as outlined in in section 5.5 herein) shall not be implemented until the appeal process as set forth under section 5.7 herein is completed.

### **5.5. 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 ~~or visitor~~ if the Dean concludes that the person's continued presence on the campus may endanger persons or property or may threaten disruption of the academic process or other campus functions. 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. ~~The meeting shall be held as soon as possible (no later than one week) after the request. The Dean of Students shall give the person an opportunity to explain his or her position and shall receive evidence or hear from witnesses with pertinent information, if requested by the person. In the case of a chartered student organization, the Dean will meet, if requested, with the organization's president or other designated officer.~~

~~C. After the meeting, if the Dean finds that the person's continued presence may endanger persons or property or~~

~~threaten disruption of the academic process or other campus functions, the Dean shall continue the suspension and/or ban. Otherwise, the emergency suspension and/or ban shall be revoked or modified.~~

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. ~~Visitors will normally be given the opportunity to meet with the Dean of Students to discuss alleged violations of the Visitor Code of Conduct prior to a decision concerning the visitor's final status on campus. For visitors, the Dean of Students will decide whether to maintain an emergency ban and make it permanent, or modify or end the emergency ban, ordinarily after giving the visitor an opportunity to meet. The decision of the Dean of Students concerning a visitor is final.~~

**5.6.** Decisions of the Dean of Students pertaining to undergraduate students are subject to appeal in accordance with section 5.7 herein.

## **5.7. Appeals, Records, and Rights**

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

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 by the Committee 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) ~~seven (7)~~ working days of the date of the written decision from the Dean of Students or the Student Conduct Committee. ~~A complainant may appeal to the Vice President only in cases involving alleged sexual violence.~~ The Vice President for Student Affairs will send written notification of the decision to the appealing party within ten (10) working days ~~two weeks~~ of receiving the request for appeal. A copy of the decision shall be sent to the Dean of Students.

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

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

- ~~i. Affirm or overturn the findings of the Dean of Students or the Student Conduct Committee;~~
- ~~ii. Affirm or alter the sanction imposed by the Dean of Students or the Student Conduct Committee; or~~
- ~~iii. Remand the case to the original tribunal (Student Conduct Committee or Student Conduct Officer) for further proceedings. A remand will generally occur where new evidence is to be reviewed or as otherwise determined by the Vice President for Student Affairs. Where a case is remanded, the decision of the Student Conduct Committee or Student Conduct Officer may be appealed after rehearing to the Vice President for Student Affairs.~~

### **5.7.2. Appeal to the President**

The President has the discretionary authority to review all decisions by senior administrators. A request for a review by the President shall be made in writing, and must include the alleged facts, what happened in the proceedings to date, and the reasons justifying extraordinary

review. Such requests must be filed in the President's Office within ten (10) ~~seven (7)~~ working days of the date of the written decision from the last reviewer.

### **5.7.3. Appeal to the Board of Regents**

In accordance with Regent Policy 1.5 "Appeals to the Board of Regents," students may appeal the decision to the Board of Regents. The Board has discretion to determine whether the appeal will be considered." A request for a review by the Board of Regents shall be made in writing, and must include the alleged facts, what happened in the proceedings to date, and the reasons justifying extraordinary review. Such requests must be filed in the President's Office within ten (10) ~~seven (7)~~ working days of the date of the written decision from the last reviewer.

## **Article 6. General Provisions**

The following provisions are applicable to all portions of this Policy

### **6.1. Undergraduate Student ~~and Visitor~~ 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. ~~Records regarding action taken against visitors to UNM may be permanently maintained. Tape recordings of Student Conduct Committee hearings will be maintained in the Dean of Students Office for the same time period as the written records pertaining to the case.~~ Copies of the final decision shall, in an academic dishonesty case, be sent to the faculty member.

### **6.2. Rights of ~~those Charged with Violations~~ the Parties Participating in ~~Student Code of Conduct~~ Grievances**

**Rights of Those Charged**

**Rights of Complainants**

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 ~~his or her~~ 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 ~~his or her~~ own expense.

**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.

### **6.3. Variances**

#### **6.3.1. Introduction**

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

#### **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 ~~his or her~~ designee, under procedures adopted by the Chancellor's Office.

Discretionary review by the UNM President and Board of Regents, as provided for in Section 5.7 herein, is accorded to undergraduate students in academic programs in the HSC.

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

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

## 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.

Below are sections that are proposed to be deleted:

**NOTE #1** Propose deletion of the following OEO procedures from Section 4.4 of current policy because they are governed by OEO Claims Procedures

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

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

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

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

**NOTE #2:** Propose deletion of the following Rights of Complainants Alleging Sexual Violence because they which are governed by OEO Claims Procedures

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

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

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

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

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

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

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

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

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

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

**Note #3:** Propose deletion of the following rules for hearings because hearings will follow Model Hearing Procedures approved by the President.

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

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

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

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

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

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

~~6.6. The accused student and the complainant may each request the presence of witnesses at the hearing by informing the Dean of Students of their names and expected testimony at least five business days before the hearing. Based upon the Investigation Report, the Student Conduct Committee may call witnesses not identified by either the complaint or the accused student. The Dean of Students may refuse to call a requested witness if he or she determines that the expected testimony is not sufficiently relevant to the charges, would be duplicative of other testimony, or would otherwise not be significantly helpful to the review and determination of the charges. The Dean of Students will try to arrange the attendance of witnesses who are members of the University community (students, staff and faculty). The accused student and complainant are responsible for arranging the attendance of persons from outside of the University. The Student Conduct Committee has no subpoena authority. The accused student and complainant will each receive a list of witnesses called to testify at least three business days before the hearing.~~

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

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

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

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

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

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

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

**Note #4:** Propose deletion of the following procedures for appeal because they violate Regent Policies 1.5 and 4.3 pertaining to appeals.

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

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

~~B. Requests for review made to the President or the Board of Regents normally will be considered only after the avenues of appeal established herein have been exhausted. C. If review is granted, appropriate procedures shall be set by the President or the Board of Regents. The procedures shall be communicated to the parties in advance, and shall provide each party the opportunity to explain his or her position orally and/or in writing. New evidence (such as additional documents or testimony of witness) will not normally be taken by the President or Regents.~~

~~Conflict with Other Procedures~~

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

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## HISTORY

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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

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## DRAFT HISTORY

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[February 19, 2019 – Draft revision updated for FSPC changes in response to recommendations from Operations Committee.](#)

February 9, 2019 – Draft revision updated with recommendation from Operations Committee for consideration by Policy Committee.

October 4, 2018 -- Draft revision updated to include latest review by Policy Committee

September 26, 2018 – Draft revision updated to include latest review by Policy Committee

June 23, 2017 – Draft revision updated to address campus comments and Policy Committee recommendations.

March 13, 2017 – Draft revisions to remove DOS procedures and other D175 Taskforce recommendations.

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

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

COMMENTS TO:  
[handbook@unm.edu](mailto:handbook@unm.edu)

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## D176: Graduate and Professional Student Conduct and Grievance Policy

Approved By: Faculty Senate and UNM President

Last Updated: **Draft 2/19/19**

Responsible Faculty Committee: Faculty Senate Graduate and Professional Committee

Office Responsible for Administration: Graduate Studies and Dean of Students

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

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

### POLICY RATIONALE

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

### POLICY STATEMENT

Whenever possible, it is important to take a supportive problem-solving approach to resolving academic disputes. However, UNM may take disciplinary action against a student for a violation of the Student Code of Conduct or other UNM policy when the offense occurs on UNM premises or at a UNM-sponsored event, or when the violation occurs off campus and failure to take disciplinary action is likely to disrupt the academic process or other campus functions, or endanger the health, safety or welfare of the UNM community or any individual student or employee.

#### **1. Matters Covered under this Policy**

The following types of disputes or disciplinary matters are covered by this Policy and handled in accordance with the procedures described in the Procedures Section of this document. Any questions about these procedures should be directed to Graduate Studies or the Office of the Dean of Students. The Dean of Students may create additional processes and procedures that are in accordance with this Policy to aid the Dean of Students in administration of this Policy.

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

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

**1.3. Academic disputes** arising within the academic process, whereby a student believes that academic progress has been evaluated in an unfair or improper manner by a faculty member or academic program/department in connection with the academic process. For example, it applies to disputes over assignment of grades, decisions about program or degree requirements or eligibility, or claims that course requirements are unfair.

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

### **1.5. Allegations of Discrimination and/or Sexual Harassment**

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

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

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

### **2.1. School of Law**

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

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

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

## **2.2. Health Sciences Center**

Graduate and professional students in academic programs in the Health Sciences Center (HSC) have adopted student codes of conduct (including standards of professionalism) with which students in those academic programs must comply, in addition to the UNM “Student Code of Conduct” and other UNM policies. Except for allegations of discrimination or sexual harassment, which shall be referred to the UNM OEO, to the extent that HSC academic programs have adopted policies and procedures the govern the adjudication of student conduct and student grievance matters, those policies and procedures supersede this Policy. A decision by the dean of the School of Medicine, College of Pharmacy, College of Nursing, or College of Population Health may be appealed to the HSC Chancellor, or designee, under procedures adopted by the HSC Chancellor's Office.

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

## **3. Matters Not Covered Under This Policy**

3.1. Disputes involving access to or information in a student's educational records shall follow procedures set forth in the **UNM Student Records Policy**, published in the student handbook, *The Pathfinder*.

3.2. Grievances arising out of a student’s status as a UNM employee hired through the Student Employment Office shall follow procedures set forth in the **UNM Student Employee Grievance Procedure**, published in the student handbook, *The Pathfinder*.

3.3. Any student grievances concerning decisions made by UNM personnel, outside the academic process, for which specific procedures are not established, shall be resolved between the student and the office or department involved. If no resolution is reached, the parties may appeal to the appropriate dean or director and then to the appropriate vice president, Provost, or Chancellor. Appeals should be filed in writing within ten (10) working days of the decision.

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

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## **APPLICABILITY**

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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.

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## DEFINITIONS

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**Academic Dishonesty** includes, but is not limited to, plagiarism (including self-plagiarism), dishonesty in quizzes, tests, or assignments; claiming credit for work not done or done by others; hindering the academic work of other students; misrepresenting academic or professional qualifications within or without UNM; and nondisclosure or misrepresentation in filling out applications or other University records.

**Complaint** refers to:

- request for informal resolution of academic matters in Procedures Section 3.2. herein;
- allegations of prohibited discrimination as defined herein filed with UNM's Office of Equal Opportunity; or
- allegations of misconduct referred to the Dean of Students per Procedures Section 6.2. herein.

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

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

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

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

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

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## WHO SHOULD READ THIS POLICY

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- Graduate and Professional Students
- Faculty members
- Staff in Office of the Dean of Students
- Staff in the Office of Equal Opportunity
- Staff at Student Health and Counseling (SHAC)
- Administrative staff responsible for student events

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## RELATED DOCUMENTS

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### *Regents Policy Manual*

**RPM 1.5** “Appeals to the Board of Regents”

**RPM 4.2** “Student Code of Conduct”

**RPM 4.3** “Student Grievances”

**RPM 4.4** “Student Records”

**RPM 4.8** “Academic Dishonesty”

### *Faculty Handbook*

**D75** “Classroom Conduct”

**D100** “Dishonesty in Academic Matters”

### *University Administrative Policies Manual*

**2200** “Reporting Suspected Misconduct and Whistleblower Protection from Retaliation”

**2720** “Prohibited Discrimination and Equal Opportunity”

**2740** “Sexual Misconduct”

**3405** “Holidays”

Pathfinder “Student Code of Conduct”

Office of Equal Opportunity **Discrimination Claims Procedure**

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

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

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

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## CONTACTS

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

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## PROCEDURES

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

## UNM School of Law Students

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

## Health Sciences Center Students (HSC)

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

### **Article 1. Petition to Modify Academic Requirements**

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

#### **1.1. Scope**

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

#### **1.2. Petition**

A petition ~~should be initiated and signed by the student in the form of a memo or letter addressed to the Dean of Graduate Studies. It should clearly state the specific nature of the exception or special consideration being requested, and provide a complete but concise justification. If the request involves the extension of a deadline, a proposed new deadline date should be indicated. Before considering a petition, the Dean will require that the student have an approved "Application for Candidacy" on file at the Office of Graduate Studies (OGS). If this has not already been submitted, both documents may be turned in simultaneously, with the petition attached to the front.~~

Petitions must be submitted in the sequence listed below:

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

**1.2.2.** ~~2.~~ The petition must next be submitted to the student's graduate unit -- the faculty graduate director, the chair, or the departmental graduate committee, depending upon the practice in the particular unit. The student may choose to submit the petition to the graduate unit even if it was not endorsed by the advisor. The unit should also indicate whether it supports or does not support the student's request, and why.

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

A written response to a petition will usually be ~~mailed~~ sent to the student within ten (10) working days ~~two (2) weeks~~ from its receipt by Graduate Studies ~~the OGS~~, and a copy sent to the academic unit. (This period may be extended to allow for UNM holidays or other periods when UNM is not in session.) The original petition will be retained in the student's file at Graduate Studies ~~the OGS~~. Petitions that are lacking required documentation will be returned to the student, and will not be considered until all documentation has been received. ~~Inquiries regarding the status of a petition should be directed to the Academic Records Assistant at (505) 277-2714.~~

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

## **Article 2. Academic Record Disputes**

### **2.1. Scope**

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

### **2.2. Petitions**

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

1. Include a statement of the nature of the request including why the student feels it should be granted.
2. Specify the semester involved and the subject/department code, course and section numbers.

3. Specify the student's name, UNM I.D. number, mailing address, email address and telephone number.
4. Include documentation of extenuating circumstances, such as medical, family, or employment needs.
5. Be typed and signed.
6. Optionally, include supporting statements from involved faculty and academic units.

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

### **2.3. Committee Decision and Appeals Process**

At the next regular meeting after receipt of the instructor's response (or lack of response), the Faculty Senate Admissions and Registration Committee shall take action on the petition. If the Committee denies the petition, it shall issue a brief statement giving the reasons for the denial. Absent any new information from the student, the Committee's decision shall be final. If the student has new information that was unavailable at the time the Committee made the decision and that may affect the Committee's decision of denying the petition, the student may request reconsideration from the Committee. The Committee's decision upon reconsideration is final for UNM.

## **Article 3. Academic Disputes**

### **3.1. Scope**

This article sets forth the procedures ~~The GSAG procedures are available~~ for resolution of a variety of possible issues related to the academic process. These may include, but are not limited to, issues related to progress toward a degree and allegedly improper or unreasonable treatment, except that disputes or grievances based upon alleged discrimination or sexual harassment should be directed to the Office of Equal Opportunity (OEO) in accordance with Article 5 herein. The procedures may not be used to challenge the denial of admission to a degree program, nor to appeal the refusal of a petition by the Dean of Graduate Studies for an exception to UNM-wide degree requirements, policies or procedures.

### **3.2. Informal Resolution**

Although conflicts that on occasion occur between students and faculty or administrators may be resolved through formal adjudication, a more informal and productive kind of resolution -- one that is mutually agreed upon by the parties involved -- is strongly encouraged.

**3.2.1.** ~~±~~ A student with a complaint related to academic matters is encouraged to consult with the Office of Graduate Studies to discuss his/her the concerns, seek to clarify pertinent rules and regulations governing graduate study, and explore constructive ways to resolve the problem directly with the faculty member or administrator involved. This should occur as soon as reasonably possible after the student has become aware of the problem.

**3.2.2.** ~~2.~~ The student should then arrange a meeting with the faculty or administrator involved in the complaint to address the problem and to explore the possibility of a jointly achieved resolution.

**3.2.3.** ~~3.~~ If agreement cannot be reached, the student may seek the assistance of the departmental faculty graduate advisor and/or the chair in resolving the dispute. If the dispute is with a faculty member in a department different from the student's, the appropriate chair or advisor would be in the department in which the faculty member resides or in which the course in which the dispute arose was offered. It is expected that these administrators will play an active part in helping to resolve the disagreement. In the event that the graduate unit involved is non-departmentalized, the student may go directly to the school or college dean or director of that unit for assistance.

### **3.3. Formal Resolution of Academic Matters**

4. If the matter cannot be resolved at the departmental level, the student may bring the problem to the attention of the school or college dean. The school or college dean will determine whether to adjudicate the dispute or to refer the student to the Dean of Graduate Studies for a resolution. If the dispute is with a faculty member in a school or college different from the student's, the appropriate dean would be the one in the unit in which the faculty member resides, or in which the course in which the dispute arose was offered. In the resolution of grievances at the level of a school or college dean or the Dean of Graduate Studies, the following procedures will apply. , as described also in the Pathfinder, under "Student Grievance Procedure," Sections 2.3.1. – 2.3.7.

**3.3.1.** ~~4(a)~~ The Student must submit a formal, written statement of his/her the grievance within ten (10) working days ~~two weeks~~ following completion of the informal discussions. This document should summarize the facts that support the grievance, indicate the desired resolution, and describe the efforts already made at reaching that resolution, as well as their outcome. The faculty or staff member against whom a grievance has been filed will be sent a copy of the written statement, and will have five (5) working days ~~two (2) weeks~~ in which to respond in writing to the school or college dean.

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

**3.3.3.** ~~4(c)~~ The school or college dean may choose to convene an advisory committee to help evaluate the grievance. A school or college dean may utilize a standing committee from that unit; the Dean of Graduate Studies will utilize the Senate Graduate and Professional Committee.

**3.3.4.** ~~4(d)~~ Generally, a written report on the grievance will be issued by the school or college dean within a period of ~~four weeks~~ twenty (20) working days after it has been formally filed, unless an informal hearing is held, in which case the decision shall be made within thirty (30) twenty (20) working days. (This period may be extended to allow for ~~University holidays or other~~ periods when UNM is not in session.) The report will explain the school or college dean's findings, conclusions, ~~his/her~~ decision, and the basis for that decision. A copy will be sent to each party, and to the chairperson or supervisor of the faculty or staff member involved.

### **3.4. Appeal of Formal Decision**

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

#### **3.4.1. Appeal to Provost or Chancellor**

~~4(e). The decision of the Dean may be appealed by either party to the Office of the Provost within a period of two weeks. The Provost will reconsider that decision only if there are substantive, procedural grounds for doing so (for example, significant evidence that was not accepted or has arisen since the Dean's decision was announced). The decision of the Provost is final.~~

Either party may appeal the school or college dean's decision within ten (10) working days of receipt of the decision to the Provost or Chancellor. The Provost or Chancellor or designee shall resolve the grievance utilizing any procedures available to the school or college dean set out above. The Provost or Chancellor may refer the matter to the Faculty Ethics and Advisory Committee for consideration of disciplinary action against the faculty member involved, if such action appears warranted.

#### **3.4.2. Appeal to the President**

The President has the discretionary authority to review all decisions by the senior administrators. A request for a review by the President shall be made in writing, and must include the alleged facts, what happened in the proceedings to date, and the reasons justifying extraordinary review. Such requests must be filed in the President's Office within ten (10) working days of the date of the written decision from the last reviewer.

#### **3.4.3. Appeal to the Board of Regents**

In accordance with Regent Policy 1.5 "Appeals to the Board of Regents," students affected by a decision of the administration, faculty, student government, or hearing board may appeal the decision to the Board of Regents. The Board has discretion to determine whether the appeal will be considered. A request for a review by the Board of Regents shall be made in writing, and must include the alleged facts, what happened in the proceedings to date, and the reasons justifying extraordinary review. Such requests must be filed in the President's Office within ten (10) working days of the date of the written decision from the last reviewer.

## **Article 4. Academic Dishonesty**

### **4.1. Scope**

This article sets forth procedures which shall be followed in cases of suspected academic dishonesty as defined in the Definitions Section of this Policy. These procedures are not exclusive; various UNM departments and programs may have additional policies and procedures on academic dishonesty.

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

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

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

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

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

When academic dishonesty occurs other than in connection with a course, the person who observes or discovers the apparent violation may transmit in writing to the appropriate faculty member or Dean of Students a statement describing the occurrence. The faculty member or Dean of Students will send a copy to the student, and will address the situation in accordance with Procedures sections 4.2.1. and 4.2.2. herein respectively.

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

Upon receiving a report of academic dishonesty pursuant to section 4.3 herein, the Dean of Students may initiate disciplinary action in accordance with this Policy. In some instances, a faculty member may impose academic consequences and the undergraduate student may also be sanctioned by the Dean of Students for violating the Student Conduct Policy. A decision of the Dean of Students may be appealed in accordance with Section 6.7 herein.

## **Article 5. Allegations of Discrimination or Sexual Harassment**

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

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

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

### **5.1. Scope**

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

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

5.2.1. Allegation(s) that an undergraduate student has engaged in an act of discrimination or sexual harassment will be referred to UNM’s Office of Equal Opportunity (OEO) for investigation pursuant to OEO’s Discrimination Claims Procedure.

5.2.2. OEO has no sanctioning authority. If the respondent is a student and is found to have violated policy, OEO will refer the matter to the HSC Chancellor for HSC students, the Dean of the Law School for law students, or the Dean of Students Office for all other graduate or professional students to determine the sanction to be imposed as defined in Regent Policy 4.2 “Student Code of Conduct.” Sanctions should be designed to eliminate the misconduct, prevent its recurrence, and remedy its effects, while supporting UNM’s educational mission and obligations under UNM policy and state and federal law, including but not limited to Title IX of the Education Amendments of 1972, the Civil Rights Act of 1964, and the New Mexico Human rights Act.

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

### **5.3. Appeals**

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

#### **5.3.1. Appeal to the Vice President for Student Affairs**

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

#### **5.3.2. Appeal to the President**

The President has the discretionary authority to review all decisions by the senior administrators. A request for a review by the President shall be made in writing, and must include the alleged facts, what happened in the proceedings to date, and the reasons justifying extraordinary review. Such requests must be filed in the President's Office within ten (10) working days of the date of the written decision from the last reviewer.

#### **5.3.3. Appeal to the Board of Regents**

In accordance with Regent Policy 1.5 "Appeals to the Board of Regents," students affected by a decision of the administration, faculty, student government, or hearing board may appeal the decision to the Board of Regents. The Board has discretion to determine whether the appeal will be considered. A request for a review by the Board of Regents shall be made in writing, and must include the alleged facts, what happened in the proceedings to date, and the reasons justifying extraordinary review. Such requests must be filed in the President's Office within ten (10) working days of the date of the written decision from the last reviewer.

### **5.4. Disciplinary Information Provided to Victim of Violence or a Non-forcible Sex Offense**

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

Additionally, in cases of sexual harassment as described in Procedures Article 5 herein, the respondent and inquiring parties have the right to be notified in writing of the final determination and any sanctions imposed to the extent permitted by the federal Family Educational Rights and Privacy Act (FERPA).

## **Article 6. Allegations of Student Misconduct NOT Involving Discrimination or Sexual Harassment**

### **6.1. Scope**

This article sets forth the procedures which should be followed when there are allegations that a student violated the Student Code of Conduct or other UNM policy not involving discrimination or sexual harassment, which are addressed in Procedures Article 5 herein.

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

Allegations of misconduct in violation of the Student Code of Conduct or other UNM policy must be in writing and submitted to the Dean of Students Office which has primary authority to deal with disciplinary matters pertaining to students. Complaints of alleged misconduct should be submitted as soon as possible after the event takes place, preferably within sixty (60) calendar-days. Absent just cause, complaints must be submitted within one (1) year following discovery of the suspected misconduct.

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

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

#### **6.2.1. Options for Resolving the Charges**

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

If the undergraduate student fails to attend the meeting, the Student Conduct Officer may decide the charges based upon the information available and/or place a hold on the undergraduate student's registration. The accused undergraduate student will also be offered one or more of the following options to resolve the charges; however, the Student Conduct

Officer is authorized to refer the charges for a formal hearing before the Student Conduct Committee even if the undergraduate student does not elect a formal hearing. If an undergraduate student fails to select an option, the Student Conduct Officer will decide which hearing process will be followed. The options for resolving the charges are:

**6.2.1.1. Mediation:** This option is reserved for situations where all relevant parties in an incident agree to have a conflict resolved through mediation and sign an agreement to mediate. If all parties agree to this process and mediation is successful, a formal finding will not be issued with regard to the Student Code of Conduct charges. However, failure of the mediation process or failure to fulfill the terms of a final mediation agreement could lead to reactivation of these charges and additional disciplinary action. Mediation will not be used to resolve complaints alleging sexual violence.

**6.2.1.2. Informal Disposition Conference:** The accused undergraduate student and Student Conduct Officer will meet informally to discuss the alleged violation(s). If the substantive facts and sanction can be agreed upon, a disciplinary action agreement will be prepared by the Student Conduct Officer and signed by the accused undergraduate student.

**6.2.1.3. Administrative Hearing with the Student Conduct Officer:** This option allows the accused undergraduate student to present evidence to the Student Conduct Officer for consideration and suggest witnesses that the Student Conduct Officer may consider interviewing before a decision is rendered. Within three (3) weeks of the completion of all witness interviews, the Student Conduct Officer will send the party charged a letter which indicates the finding in the case and any disciplinary sanction imposed.

**6.2.1.4. Formal Hearing with the Student Conduct Committee:** This option allows the accused undergraduate student to respond to the charges, present witnesses on the student's own behalf and question witnesses. Formal hearings are recorded. Within three (3) weeks of the conclusion of the hearing, the Student Conduct Committee will send the party charged a letter which indicates the finding in the case and any disciplinary sanction imposed.

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

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

**6.3.** A student allegedly committing a criminal offense under state or federal law that is also a violation of the Student Code of Conduct or other UNM policy may be subject to UNM disciplinary proceedings. UNM may pursue disciplinary action against a student at the same time the student is facing criminal charges for the same offense, even if the criminal prosecution is pending. UNM may also pursue disciplinary action even if criminal charges were

dismissed, reduced or resolved in favor of the student-defendant.

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

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

The Dean of Students may immediately suspend a student (or chartered student organization) and/or ban a student or visitor if the Dean of Students concludes that the person's continued presence on the campus may endanger persons or property or may threaten disruption of the academic process or other campus functions. When a person has been immediately suspended or banned by the Dean of Students, the person may request to meet with the Dean of Students to consider whether the emergency suspension should be continued.

For students and chartered student organizations, an emergency suspension or banning does not end the disciplinary process. Resolution of the charges will proceed as set forth in herein.

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

### **6.7. Appeals, Records, and Rights**

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

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

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

#### **6.7.2. Appeal to the President**

The President has the discretionary authority to review all decisions by the senior administrators. A request for a review by the President shall be made in writing, and must include the alleged facts, what happened in the proceedings to date, and the reasons justifying extraordinary review. Such requests must be filed in the President's Office within ten (10) working days of the date of the written decision from the last reviewer.

### **6.7.3. Appeal to the Board of Regents**

In accordance with Regent Policy 1.5 “Appeals to the Board of Regents,” students may appeal the decision to the Board of Regents. The Board has discretion to determine whether the appeal will be considered. A request for a review by the Board of Regents shall be made in writing, and must include the alleged facts, what happened in the proceedings to date, and the reasons justifying extraordinary review. Such requests must be filed in the President's Office within ten (10) working days of the date of the written decision from the last reviewer.

## **Article 7. General Provisions**

### **7.1. Student Conduct Records**

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

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

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

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

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

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

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

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

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

7.2.7. The party alleging that the accused student engaged in misconduct has the right to submit a victim impact statement to the hearing officer or committee during the sanctioning portion of the discipline process.

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

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

### **7.3. Former Students**

These procedures apply to disputes between students and other members of the UNM community. If the student has left the UNM community (by graduation or otherwise), these procedures shall continue to apply so long as the event giving rise to the dispute occurred while the student was a member of the UNM community and so long as UNM has the power to resolve the matter. UNM retains the right to change grades or rescind degrees, when, after the grade or degree has been awarded, it discovers new information indicating that the grade or degree was not earned in accordance with all UNM academic, student conduct, and other applicable requirements and policies.

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

Whenever this Policy specifies an action or decision by a school or college dean, the Dean of Students, the Dean of Graduate Studies, a vice president, a vice chancellor, or a more senior level administrator, that individual may delegate consideration and decision of the matter to a designee. Such designee will normally be but is not required to be, a member of the decision maker's staff.

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## HISTORY

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

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## DRAFT HISTORY

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

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

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

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

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

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

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

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

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

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

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

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

<a href="mailto:handbook@unm.edu">COMMENTS TO: handbook@unm.edu</a>	<a href="#">FACULTY HANDBOOK HOME</a>	<a href="#">TABLE OF CONTENTS</a>	<a href="#">TABLE OF POLICIES</a>	<a href="#">UNM HOME</a>
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## Faculty Handbook

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**From:** Luis Campos  
**Sent:** Thursday, March 21, 2019 9:19 PM  
**To:** Faculty Handbook  
**Subject:** Policies D175 and D176

Policy D176: 4.2.2 should refer to "multiple findings" (plural); and 3.4 misspells "judgment."

Policy D175 2.3.5 states "the chairperson or dean cannot overrule a faculty member's academic judgment." This does not seem to be appear in D176 but it seems it should. (D176 section 3.4 speaks to others who cannot override a faculty member's academic judgment during an appeals process, but makes no mention of a chairperson or dean.)

And a larger question about D175 2.3.5: if a faculty member's academic judgment cannot be overruled by the dean in matters concerning academic integrity, what is the significance of the dean's decision? In such cases, it seems that the faculty member can simply ignore the dean's determination, if in the faculty member's academic judgment a violation of academic integrity has occurred.

There are various "NOTES" that seem to be included in the final text and should be removed. 4.2.1 contains "NOTE #1"; 4.4 contains "NOTE #2." 5.2.1.4 contains "NOTE #3."

## C290: Ombuds/Dispute Resolution Services for Faculty

Approved By: Faculty Senate

Last Updated: **Draft 3/7/19**

Responsible Faculty Committee: Faculty Senate Policy Committee

Office Responsible for Administration: Ombuds/Dispute Resolution Services for Faculty

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

### POLICY RATIONALE

The University of New Mexico (UNM) is committed to providing a working and learning environment where all members of the UNM community work together in a mutually respectful and constructive manner. At times however, workplace conflicts can occur, and when possible under the circumstances, UNM encourages faculty to address and resolve complaints informally at the least adversarial level. Ombuds/Dispute Resolution Services for Faculty is a confidential, impartial, informal, and independent resource for faculty concerns and conflicts.

### POLICY STATEMENT

Ombuds services are provided for all faculty and faculty administrators. Ombuds services include individual consultations, joint meetings/mediations, no-cost mediation training, and periodic workshops. The services provide for confidential respectful consultations about experiences and concerns, discussion of options, information about policies and relevant UNM resources, collaborative problem-solving, and mediation. Difficulties experienced often include, but are not limited to, communication breakdowns, information voids, differing views about how work is done, interpersonal tensions, and difficult collaborations. The Ombuds office adheres to the principles and standards of practice established by the [International Ombudsman Association \(IOA\)](#) and to UNM policies and procedures.

#### 1. Confidential

Participants' identities and the contents of their conversations are private. Only with the individual's permission would ombudspersons contact other UNM individuals or services to help resolve a dispute. The exceptions to confidentiality are disclosures of imminent harm to self, others, or property or if disclosure is required by law.

Ombuds Services does not keep permanent records regarding any participants. Any recordkeeping or note-taking related to a specific individual is used only as a temporary aid to help informally serve participants. These informal records are kept in the sole possession of the office, securely maintained, and destroyed in accordance with IOA standards.

## 2. Impartial

Ombudspersons are neutral and maintain no personal stake in the outcome of any dispute. The Ombuds office promotes a fair non-judgmental process. It does not take sides or advocate for an individual.

## 3. Voluntary

The use of Ombuds services is voluntary. The guiding standard is resolution of difficulties at the least adversarial level. The focus is on alternative ways for resolving problems other than by formal institutional procedures. Ombuds staff do not participate in formal proceedings.

## 4. Independent

Ombudspersons exercise autonomy regarding their responsibilities. The Ombudsperson for Faculty reports to the Provost, or designee, for administrative and budgetary purposes only.

## 5. Protection from Retaliation

Retaliation against a faculty member for raising an issue or participating in Ombuds services is prohibited in accordance with *University Administrative Policy Manual Policy 2200* "Reporting Suspected Misconduct and Whistleblower Protection from Retaliation"

## 6. Scope of Services

The ombudsperson does not:

- handle legal issues or formal grievances or provide legal advice;
- accept legal notice for UNM, should you wish to go "on record" about an issue or put UNM on notice; or
- address disputes between faculty and persons or organizations not affiliated with UNM.

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## APPLICABILITY

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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.

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## DEFINITIONS

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**Ombudsperson.** One who assists individuals and groups in resolution of conflicts or concerns. The Ombuds for Faculty is a designated neutral position appointed by UNM to facilitate informal resolution of faculty concerns and to bring systemic concerns to the attention of the organization for resolution.

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## WHO SHOULD READ THIS POLICY

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- Faculty members
- Faculty administrators

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## RELATED DOCUMENTS

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### *Faculty Handbook*

- Policy [C07](#) "Faculty Misconduct and Progressive Discipline Policy"
- Policy [C09](#) "Respectful Campus"

### *University Administrative Policy Manual*

- Policy [2200](#) "Reporting Suspected Misconduct and Whistleblower Protection from Retaliation"
- Policy [2720](#) "Prohibited Discrimination and Equal Opportunity"
- Policy [2740](#) "Sexual Misconduct"

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## CONTACTS

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Direct any questions about this policy to Ombuds/Dispute Resolution Services for Faculty.

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## PROCEDURES

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These services are voluntary and are available to faculty at all levels and to faculty administrators. When pertinent and with permission of the individual, the Ombuds/Dispute Resolution Services for Faculty coordinates services with Ombuds Services for Staff, Ombuds Dispute Resolution for Graduate Students, and with the Dean of Students office.

Initiation of requests for appointments for individual consults or joint meetings/mediations begins with the individual faculty member. In the mediation process, the mediators provide a private safe setting and facilitate the individuals' conversations. The mediators do not tell the individuals what to do. The individuals decide if and how they will resolve their difficulties, and they can create mutually satisfactory agreements for moving forward.

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## HISTORY

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**Effective:** New Policy

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## DRAFT HISTORY

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March 7, 2019 – Revise for minor changes made by Operations  
December 17, 2018 – Revise draft to include Policy Committee changes.  
November 27, 2018 – Revise draft to include changes requested by the Ombuds for Faculty.  
November 13, 2018—Revise draft to include recommendations from Ombuds for Faculty.  
October 24, 2018 – Draft new policy

## D170: Student Attendance

Approved By: Faculty Senate

Last Updated: **Draft 3/7/19**

Responsible Faculty Committee: Faculty Senate Policy Committee

Office Responsible for Administration: Dean of Students

**Legend: Proposed changes are highlighted in red.**

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 or adversely impact learning. 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 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.

## **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.”

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## APPLICABILITY

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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.

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## DEFINITIONS

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## WHO SHOULD READ THIS POLICY

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

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## RELATED DOCUMENTS

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### 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.”

The Pathfinder—UNM Student Handbook. [“Student Grievance Procedures”](#)

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## CONTACTS

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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.](#)

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## PROCEDURES

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[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 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 more than 15 percent (15%) of required contact hours. ~~longer than five (5) class days.~~ 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.

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## HISTORY

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**Effective:**

Unknown (effective date not listed in current policy.)

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## DRAFT HISTORY

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**March 7, 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.

COMMENTS TO:  
[handbook@unm.edu](mailto:handbook@unm.edu)

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## Memorandum

Date: April 3, 2019

To: Faculty Senate Policy Committee

From: Carol Stephens, Consultant

Re: Revised Draft D170 "Student Attendance" Outstanding Issues

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The enclosed draft includes changes agreed to at the March meeting. After the meeting, I went through the campus comments thoroughly to see how the revised policy would address them. This left me with a few questions:

1. The Committee decided we should delete the following sentences which were added to the first paragraph of the Policy Statement in the proposed revision:

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.

In the comments, there was strong objection to the first 2 sentences, but some support for the next two, except that we not limit the examples of work that can't be made up to "small" labs, but instead to all labs--make-up work in labs were mentioned by a few instructors as problematic for safety reasons. There were a few comments that objected to having to describe the work that can't be made up in the syllabus. But there were also some comments that said it was good to list them.

2. In changing some of the "should" to "musts" the Committee decided to change should to must for #2 Legally or Administratively Compelled Absence(s). On the surface this seemed appropriate but this section also states: This includes mandatory admissions interviews for professional or graduate school, or internships that cannot be rescheduled.

There was a comment that these needed to be limited, especially because they take place in the last critical semester. In the draft that went out these were prefaced with "should" which we're now changing to "must."

3. There were two comments that asked the policy to clarify that late registration does not result in excused absences. Does the Committee want to address this?

D170 Student Attendance: Campus Comments

Name	Make up exam vs drop lowest exam	Class days vs hours	Documentation	Other
R Blankley				In favor of policy
A Brandzel		X		
L Campos	X	X	X	Also, disagrees with reconsideration
M Clark		X		
E Depperman	X			
L Helgeson				Not sure what concern is being voiced
E Hutchison				In favor of policy
M Pleil			X	Misunderstood policy. Wants to be able to ask for documentation which policy allows.
L Whalen	X			Labs limited by capacity for safety reasons
T Enache				Limit excuses for interviews
A Seaxxu				Should vs must, grandfather in existing policies, need resources to implement
J Reed			x	Misunderstood, its optional
N Wendl		X		Can departments have their own standards
B Erciyas	X	X		Must be reasonable
R Tepper	X	X		
J Benavidez	X	X		Doesn't want to differentiate between excused & not excused
L Atkeson		X		
bolli	X			Too vague
K Sorensen-Unruh	X			Who determines what's official, does late registration qualify as excused absence –should clarify this point. Explain what to do with unanticipated absences
J Grey	X			
Y Pihlstrom	X			Instructors can specify conditions for exceptions
L Goldflam	X			
M Rocca				Full support
R Mahto	X	X		Must vs should
D Habri-Rodriguez	X		X	He doesn't think documentation should be optional
K Joseph Ho				lab safety

## Draft 3.18.19 – track changes

# Administrative Policies and Procedures Manual - Policy 2310: ~~Academic~~ Adjustments Reasonable Accommodation for Students with Disabilities

Date Originally Issued: 08-02-2004

Process Owner: Director, ~~Office of Equal Opportunity~~ Accessibility Resource Center

## 1. Policy

### ~~In keeping with~~

~~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 and, 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 is committed to providing equal access~~ must provide reasonable accommodations (as defined in Section 3.3) to educational opportunities for qualified students with disabilities. ~~The University shall provide reasonable academic adjustments as defined in Section 3.3. herein, to 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 ~~an academic adjustment~~ a reasonable accommodation by providing the University's [Accessibility Resource Center \(ARC\)](#) with complete and appropriate current ~~documentation~~ documentation that establishes the disability, and the need for and appropriateness of the requested ~~adjustment~~ accommodation(s). The



University is responsible for all costs of academic adjustments. The following sections provide procedures for students, faculty, and staff on academic adjustment requirements.

## **2. Procedures for Requesting and Determining Academic Adjustments**

- “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, and oral instead of written examinations, where appropriate.

- Using part-time or modified class schedules.
- 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 in, ~~the attending a UNM School of Medicine and its programs and the Colleges of Nursing and Pharmacy~~ Branch Campus at Gallup, Los Alamos, Taos, or Valencia should contact the ~~Health Sciences Center Liaison to the Accessibility Resource Center~~ applicable Branch liaison for information ~~on requesting academic adjustment. Applicants to, or students in, the UNM Law School should notify the Law School Registrar as well as the Accessibility Resource Center.~~ 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 adjustments/accommodations are appropriate and reasonable in accordance with [Section 3.3. herein.](#)

## **24.1. 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 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(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**

~~The Accessibility Resource Center~~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; 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 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 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 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 adjustments in accordance with [Section 3.3. herein](#). ~~The Accessibility Resource Center~~ARC may consult with other University departments, as necessary, in order to make a determination of eligibility and what academic adjustments are appropriate and reasonable. ~~The Accessibility Resource Center~~ARC will send a letter, per the student's request, to faculty, with a copy to cognizant department chairs, informing the faculty members of what adjustment(s) the student is to receive. ~~The Accessibility Resource Center is responsible for costs relating to academic adjustments that are part of instructional courses at the Albuquerque campus. Branch campuses are generally responsible for costs relating to academic adjustments for their students.~~

Once the student has established his or her eligibility for academic adjustments, ~~the Accessibility Resource Center~~ARC will provide appropriate adjustments as expeditiously as possible. Generally, adjustments will be in place within fifteen (15) working days; however, some

adjustments can require a longer period of time to arrange. ~~Therefore, students are encouraged to pre-register with the Accessibility Resource Center before classes begin so that adjustments 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 adjustment becomes known, and Accessibility Resource Center will make every 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 adjustment 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.~~ ARC is responsible for coordinating adjustments that are part of instructional courses at the Albuquerque campus.

## ~~2.2. Faculty Responsibilities~~

~~Faculty members must provide students with the academic adjustments identified in the letter from the Accessibility Resource Center. If the faculty member has questions or concerns, or needs help with making the modifications called for, he or she should contact Accessibility Resource Center. If a student discloses a disability to a faculty member and requests an academic adjustment but the student does not have a letter from the Accessibility Resource Center, the faculty member should direct the student to the Accessibility Resource Center. It is not the faculty member's responsibility to decide whether the student has a disability and what adjustments are appropriate. Faculty can help the University meet its obligations to provide students with academic adjustments 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~~ 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 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 Accessibility Resource Center.

2.3 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**

In most instances, the academic adjustment/accommodation determination made by the Accessibility Resource Center/ARC will be acceptable to the student and faculty. However, if that is not in the rare case of a disputed accommodation, the determination is subject to appeal. When faculty disagree with a determination by ARC, the accommodation must be implemented while faculty and ARC 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.

In addition, the student can appeal a determination by an academic unit that an adjustment/accommodation would result in undue hardship or a fundamental alteration of a course or program. The. In the case of student appeal, the Provost/HSC Dean/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/HSC Dean/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.

### **3. Criteria for Determining Academic Adjustments**

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").

## **5**

The University shall make academic adjustments for the known physical or mental limitations of a qualified student with a disability, unless the University can show that providing an adjustment would result in:

- a fundamental alteration of the service, course, program, or activity;
- an undue financial, administrative, or academic burden, and/or;
- a direct threat to the health or safety of the student or others.

### **3.1. Individual with a Disability**

An individual with a disability is a person who has, or has had a record of, or is regarded as having a physical or mental impairment that substantially limits a major life activity such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, or working.

### **3.2. Qualified Student with a Disability**

A 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 of the University of New Mexico.

### **3.3. Academic Adjustment**

An academic adjustment is a 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. Determining reasonable academic adjustments must be done on a case-by-case basis and in consultation with the student. The University is not required to provide the specific adjustment requested, but the adjustment must be effective to enable a qualified student with a disability to enjoy equal opportunity and access. All offers of adjustments are subject to applicable University policies.

#### **3.3.1. Course or Program Modifications**

~~The University shall provide such modifications to 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 adjustments may include, but are not limited to, extended time on an examination or paper, and oral instead of written examinations, where appropriate.

#### **3.3.2. Auxiliary Aids and Services**

~~Reasonable academic adjustments in the form of auxiliary aids and services may include, but are not limited to: note-takers, readers, Braille or large print materials, and sign language interpreters. However, the University is not required to provide devices or services of a personal nature such as personal attendants or personal devices utilized in activities of daily living.~~

## **4. 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.

## **5. Attachments**

## **6. References**

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

[UAP 2295 \(“Service and Assistance Animals”\)](#)

[UAP 2720 \(“Prohibited Discrimination and Equal Opportunity”\)](#)

[UAP 5320 \(“Universal Design”\)](#)

### **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: ~~Academic Adjustments~~ Reasonable Accommodation for Students with Disabilities: Appeal Rights Procedures

Pursuant to Section 2.3. of UAP 2310 ("Academic AdjustmentsReasonable 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/~~HSC Dean~~[Chancellor for Health Sciences](#), or designee, shall promptly review the appeal and decide within five (5) workingbusiness 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/~~HSC Dean~~[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/~~HSC Dean~~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/~~HSC Dean~~Chancellor for Health Sciences, or designee, will decide the challenge. The Provost/~~HSC Dean~~Chancellor for Health Sciences, or designee, will ~~promptly~~ 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 ~~promptly~~ 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 ~~hearing~~ 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 ~~them~~ 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/~~HSC Dean's~~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/~~HSC Dean~~Chancellor for Health Sciences, or designee.

4.2. The committee will ~~decide the appeal~~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/~~HSC Dean~~Chancellor for Health Sciences, or designee.

4.3. After reviewing the committee's decision, the Provost/~~HSC Dean~~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/~~HSC Dean~~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/~~HSC Dean~~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.

## Draft of 3.18.19 – track changes

# Administrative Policies and Procedures Manual - Policy 2710: Education Abroad Health and Safety

Date Originally Issued: 10-01-2011

Revised: 11-25-2014

Process Owners: Provost/Executive Vice President for Academic Affairs and Chancellor for Health Sciences

## 1. General

The University recognizes the need to promote global awareness in today's interdependent world. To that end, it encourages students and faculty to participate in educational activities abroad. To promote the health and safety of people traveling abroad on University-sponsored or -organized trips, the University's [Global Education Office \(GEO\)](#) and its Health and Safety Advisory Committee provide helpful support services before and after departure.

This policy applies to student education abroad activities sponsored or organized by any department or organization at UNM, including group travel organized by UNM departments and units (see Section 5), programs organized by UNM's chartered student organizations (see Section 6), and individual student travel (see Section 7).

## 2. Definitions

For the purposes of this policy:

"Program" means any group or individual trip or activity abroad involving one or more UNM students.

"Program Leader" means a person designated by a UNM department or chartered student organization to lead an education abroad group.

"Participant" means any person going abroad on a Program, including UNM students, faculty, staff, and others who accompany an education abroad group.

"Accompanying Individuals" means persons not affiliated with UNM, such as family or community members. Accompanying Individuals are subject to this policy.



"Elevated Travel Advisory" means a US Department of State Level 3 or 4 travel advisory or Center for Disease Control Warning Level 3.

### 3. Health and Safety Advisory Committee

The Health and Safety Advisory Committee ("Committee") consists of a Chair or Co-Chair(s) appointed by the ~~President of the Faculty Senate~~ Provost or designee, generally to include one faculty member and one administrator; one undergraduate student; one graduate student; two or more faculty members appointed by the Chair; a ~~Student Health and Counseling representative~~; ~~a~~ Health Sciences Center faculty member with training and expertise in travel health; the HSC Executive Director of Health Policy and International Health or designee; the Director of GEO or designee; the Director of the Latin American and Iberian Institute or designee; the Director of Safety and Risk Services or designee; an Industrial Security Department representative; the University Counsel or designee as legal advisor; a Student Health and Counseling representative as an advisor; and such additional members with relevant experience or expertise as the Chair may see fit to appoint.

The Committee is responsible for:

- advising the Provost/Executive Vice President for Academic Affairs ~~or~~ Chancellor for Health Sciences, or their designee, as appropriate, concerning modifications to or cancellations of Programs before or after departure when warranted by emergencies, crises, or health and safety concerns raised by U.S. Department of State Travel Advisories, Centers for Disease Control and Prevention (CDC) Travel Health Warnings (Tier 3), an Elevated Travel Advisory, or other extraordinary conditions that pose serious risks to health or safety ~~(such as significant Department of State Travel Alerts)~~;
- evaluating Elevated Travel Advisories and requests for exemptions pursuant to Section 4 in order to advise the Provost or Chancellor;
- ~~organizing and overseeing training to Program Leaders, in collaboration~~ collaborating, as needed, with ~~the personnel of the named entities represented~~ GEO on the ~~Committee~~; creation and modification of Program Leader training materials;
- providing such advice as may be requested to help UNM manage emergencies and crises abroad that affect Program Leaders and Participants; and
- creating and updating protocol and procedures for the Committee's implementation and application of this policy.

### 4. Serious Risks to Health and Safety; Exemptions

Programs whose dates and destinations are or become subject to ~~a U.S. Department of State~~ an Elevated Travel Advisory, ~~a CDC Travel Health Warning (Tier 3)~~, or other extraordinary conditions that pose serious risks to health or safety, shall be modified or cancelled, unless special circumstances justify an exemption ~~or a Program is already in progress~~. The Provost or

Chancellor will decide whether to grant an exemption, including a conditional exemption, based on the Committee's recommendation, if any, and the following factors as deemed appropriate:

- nature of the Elevated Travel Advisory, ~~Travel Health Warning~~, or extraordinary conditions, including the locations most affected;
- feasibility of postponing the Program until the Elevated Travel Advisory ~~or Warning~~ is lifted or the extraordinary conditions resolve;
- feasibility of moving the Program to an alternate destination;
- experience and training of Program organizers and any local support staff;
- importance and academic relevance of student involvement;
- whether the Program can minimize risk to Participants;
- safety and security orientation sessions provided by UNM;
- Participants' informed consent on the "Acknowledgement of Risk" and "Conditions of Participation" ~~form~~ forms and any appendix to the form that describes ~~program~~ Program-specific risks or conditions; and
- such other information, if any, that the Provost, Chancellor, or the Committee reasonably deem relevant.

To request an exemption: (1) submit a written request to ~~the Director of Education Abroad~~ GEO that addresses all of the factors listed above in detail, (2) provide any additional information requested by the Committee to inform its deliberations, and (3) meet with the Committee as needed to discuss the request.

The Provost or Chancellor will decide whether a Program is modified, cancelled, ~~or exempted~~, or conditionally exempted based on the Committee's recommendation. The Provost or Chancellor's decision may be appealed to the University President within ten (10) calendar days of the date of the denial notice.

~~The fourth bullet in Section 7 below describes the separate procedure for graduate researchers whose travel destinations during the relevant travel dates are, or become, subject to a Travel Advisory or Travel Health Warning.~~

## 4.1. Modified or Cancelled Programs

If a ~~U.S. Department of State~~ Elevated Travel Advisory ~~or CDC Travel Health Warning (Tier 3)~~ covering Program dates and destinations is issued ~~for the Program locations~~:

- after departure, the Program Leader shall provide the Elevated Travel Advisory ~~Warning~~ promptly to all Participants and give them an opportunity to withdraw, unless the University otherwise mandates the withdraw of all Participants.
- before departure, and no exemption is granted, the Program shall be modified or cancelled. If the Program is modified ~~or~~ and exempted, all Participants shall be notified and given an opportunity to withdraw.

If a Program in progress is cancelled or a Participant withdraws at any time because of an [Elevated Travel Advisory](#), ~~Warning~~, modification, or an exemption, the dean or department chair will arrange for affected Participants to complete their coursework to the extent possible. Applicable refunds will be determined on a Program-specific basis when funds can be recovered from the vendors and service providers.

## 5. Group Travel Programs Sponsored by UNM

Group travel sponsored by UNM departments or units includes the following activities abroad:

- Programs led by one or more UNM faculty members or others who are officially appointed by UNM;
- Health Sciences Center group activities; and
- Other [UNM](#) education-related group activities ~~funded by UNM or for UNM academic credit~~.

Each sponsoring department or unit shall designate one or more Program Leaders, who have the responsibilities listed in Section 5.1 below. Program Participants have the responsibilities listed in Section 5.2 below.

### 5.1. Responsibilities of Program Leaders

Program Leaders must:

- obtain approval for their Program from the chartered student organization's faculty advisor or, for academic units, from the department chair, director, or dean;
- ~~after approval~~, register their Program on the GEO website, [studyabroad.unm.edu](http://studyabroad.unm.edu);
- obtain UNM-prescribed health and accident [insurance](#) (including medical evacuation and repatriation of remains) or equivalent that covers all Program dates, including travel days from and back to the U.S. Exceptions may be granted by GEO on a case-by-case basis.
- complete GEO training annually, to stay current on changing health and safety issues and best practices in Program management;
- to the extent possible, stay current on any pertinent U.S. Department of State Travel Alerts, Travel Advisories, and CDC Travel Health Warnings before and during the Program, and share pertinent updates with Participants on a timely basis;
- fill out the Program Leader ["Program Proposal"](#) and ["Conditions of Participation"](#) forms available on the GEO website;
- review the ["Acknowledgement of Risk"](#) and ["Conditions of Participation"](#) ~~form~~ forms for Participants and add an appendix, as needed, that describes any Program-specific risks or conditions;
- organize and provide, with assistance as needed from [GEO](#), one or more orientation sessions that provide health and safety information and address other issues and concerns of Participants;

- protect the confidentiality of any health information disclosed by a Participant;
- comply with the requirements and consider best practices for Program Leaders as detailed in GEO's "Guide for Program Leaders."

## 5.2. Participants

Participants must:

- attend all mandatory Program orientation sessions required by the Program Leader;
- [register](#) their participation in the Program on the GEO website and pay the applicable GEO fee;
- complete ~~at the~~ ["Acknowledgment of Risk" and "Conditions of Participation" form-forms](#) as part of GEO registration. All Participants are encouraged (and may be required by their Program Leaders) to make an appointment with the [UNM Travel Clinic](#) or their health care provider before departure for a travel health evaluation and consideration of required and recommended immunizations;
- obtain UNM-prescribed health and accident [insurance](#) (including medical evacuation and repatriation of remains) or equivalent that covers all Program dates, including travel days from and back to the U.S. Exceptions may be granted by GEO on a case-by-case basis. If a Program is approved and registered as described in the first and second bullets of Section 5.1 above, UNM funds may be used to reimburse Participants for the cost of this insurance, including the Accompanying Individuals who have a UNM business purpose for traveling, as provided in Section 6 of [UAP 4030 \("Travel"\)](#);
- comply with any additional requirements set by the Program Leader. Non-compliance may result in failure of the course, expulsion from UNM, or immediate return home at the Participant's expense and at the discretion of the Program Leader.

### 5.2.1. Smart Traveler Enrollment Program

UNM strongly recommends that all Participants who are U.S. citizens register with the U.S. Department of State (DOS) "[Smart Traveler Enrollment Program](#)" (STEP) before departure. STEP is a free service for U.S. citizens that enables the DOS to provide travel updates and information and to assist in an emergency.

## 5.3. Group Travel Sponsored by UNM Continuing Education

Group travel sponsored by UNM Continuing Education (UNMCE) is excluded from the requirement of registering its program through the GEO website because UNMCE maintains an internal registration process and database. UNMCE shall adhere to all other ~~policy~~ guidelines [in this Policy](#) and best practices ~~for group travel abroad, as described on the Global Education Office website.~~

## 6. Travel Sponsored by UNM-Chartered Student Organizations

UNM-chartered student organizations shall designate one or more individuals as a Program Leader and register their Program on the GEO website when planning begins. Program Leaders and Participants, respectively, have the responsibilities listed above in Sections 5.1 and 5.2.

## 7. Individual Student Travel

UNM recognizes and values the academic freedom of its students engaging in individual research, service learning, and other activities abroad that fulfill educational requirements or are organized by a UNM chartered student organization. For purposes of this policy and individual student travel, GEO will be considered the individual student's Program Leader. In order to protect their health and safety while abroad, individual students must:

- register their travel on the GEO website and pay the applicable GEO fee;
- obtain UNM-prescribed health and accident insurance (including medical evacuation and repatriation of remains) or equivalent that covers all travel dates. Exceptions may be granted by GEO on a case-by-case basis (such as travel to a student's home country);
- to the extent possible, stay current on any pertinent U.S. Department of State Travel Alerts, Travel Advisories, and CDC Travel Health Warnings/Elevated Travel Advisory before and during travel. The Global Education Office will contact students whose travel dates and destinations are covered by an Advisory;
- if an Elevated Travel Advisory is in effect for travel dates and destinations:
  - ~~Graduate researchers and other graduate students~~Undergraduate students must follow the steps in Section 4 to request an exemption.
  - Graduate researchers and other graduate students must follow the steps set forth in Section 4 if the country or location of travel is under a "Do Not Travel" Advisory (or its equivalent successor advisory term) from the US Department of State. If the graduate student is not granted an exemption, the graduate student may still choose study abroad without the University's approval. To do so, the graduate student must read, sign, and submit to GEO the "Travel Advisory Acknowledgement" form in order to travel without seeking the exemption under Section 4 above.
  - ~~Undergraduate researchers and other undergraduate students traveling under the auspices of a chartered student organization must follow the steps in Section 4 to request an exemption.~~

### -7.1. Smart Traveler Enrollment Program

Individual student travelers who are U.S. citizens are strongly encouraged to register with the U.S. Department of State (DOS) "Smart Traveler Enrollment Program" (STEP) before departure. STEP is a free service for U.S. citizens that enables the DOS to provide travel updates and information and to assist in an emergency.

## -8. Extended Travel Before or After Program Dates

UNM strongly recommends that Program Leaders and Participants who travel independently before or after Program dates (1) purchase supplemental health and accident [insurance](#) coverage at their own expense, including medical evacuation and repatriation of remains, to cover the full duration of their independent travel given the unpredictable, random, and potentially catastrophic cost of illness and accidents weighed against the relatively minor costs and major benefits of such insurance, and (2) register their independent travel in the "[Smart Traveler Enrollment Program](#)."

## 9. Export Control

The ~~Office of Export Control~~ UNM's [Export Control](#) can determine whether any items, biological agents, or technical data that travelers plan to take abroad are subject to export-control restrictions under federal law. The office can help to acquire an export license for controlled items. License cost and processing time vary by destination and often take several months. For non-controlled items the office can issue an official letter on behalf of UNM (generally within one or two business days) certifying that export control restrictions are not applicable. Criminal penalties for violating export control laws may include lengthy incarceration and substantial monetary fines. For assistance call 505-277-2968 or e-mail [export@unm.edu](mailto:export@unm.edu).

## 10. Sexual ~~Violence~~ Misconduct and Other Crimes

### 10.1. Incidents of Sexual Violence

Participants who experience sexual ~~violence and sexual harassment~~ [misconduct](#) while abroad may report the ~~incidents~~ [incident\(s\)](#) to their Program Leader, GEO, or the Office of Equal Opportunity (OEO). Individuals may refer to [UAP 2740](#) ("[Sexual Misconduct](#)") and the OEO [website](#) for assistance and guidance.

Program Leaders must take appropriate measures to prevent further incidents and promptly report the incidents to the [University's Title IX Coordinator](#), and to the GEO Associate Director for Education Abroad.

### 10.2. Required Clery Act Reporting

~~Any space outside the United States that UNM owns or controls for Programs is considered part of UNM's "Clery geography" under federal law. If UNM does not own the location, but instead rents space for a Program in a hotel or other facility, UNM controls that space for the time that it is used for Program purposes as provided in the lease, rental agreement, or other written agreement.~~

Certain crimes that occur within UNM's Clery geography must be disclosed in the University's Annual ~~Security and Fire Safety Report~~ [Clery Report](#), as described in [UAP 2745](#) ("[Clery Act Compliance](#)"). These crimes include murder, sex offenses, aggravated assault, burglary, robbery, motor vehicle theft, arson, dating violence, domestic violence, stalking, alcohol, drug, and weapons law violations, and hate crimes.

~~Program~~

If UNM sponsors short-stay "away" trips of more than one night for its students, all locations used by students during the trip, controlled by UNM during the trip, and used to support educational purposes should be treated as non-campus property for Clery Act reporting purposes. Non-campus property is considered part of UNM's "Clery geography" under federal law.

More specifically, if UNM has entered into a written agreement with a third-party contractor to arrange housing and/or classroom space for a school-sponsored trip or study away program (either domestic or foreign), it is assumed that the contractor is operating on behalf of UNM as the school's agent, putting UNM in control of this space.

When UNM sends students to study away from UNM at a location or facility (either domestically or foreign) that UNM does not own or control, UNM does not have to include statistics for crimes that occur in those facilities. Host family situations do not normally qualify as non-campus locations unless a written agreement with the family gives UNM some significant control over space in the family home.

Leaders of Programs that occur within UNM's Clery geography are considered Campus Security Authorities (CSAs) under the Clery Act. As Campus Security Authorities/CSAs, these Program Leaders must report crimes that occur in their programs abroad to the Clery Coordinator in the Campus Police Department/Compliance Officer so they can be included with the crime statistics in the Annual Security and Fire Safety/Clery Report. To report, log on at <https://police.unm.edu/default.aspx/MenuitemID/222/MenuGroup/Public+Home.htm>~~https://police.unm.edu/default.aspx/MenuitemID/222/MenuGroup/Public+Home.htm~~.

## **11. Exceptions**

Any exceptions to this policy must be approved by the Provost or Chancellor (as applicable) in advance and in writing. Violations of this policy may lead to cancellation of a Program.

## **12. References**

[UAP 2740 \("Sexual Misconduct"\)](#)

[UAP 2745 \("Clery Act Compliance"\)](#)

[UAP 4030 \("Travel"\)](#)

[Global Education Office](#)