

**The University of New Mexico Faculty Senate
Meeting Minutes
September 24, 2019
3:00 P.M.
Scholes Hall Roberts Room**

(Awaiting approval at the October 22, 2019 Faculty Senate meeting)

Faculty Senate President Finnie Coleman called the meeting to order at 3:06 p.m.

1. Approval of the Agenda

The agenda was approved as amended to add a report from University President Garnett Stokes.

2. Approval of the August 27, 2019 Minutes

The minutes were approved.

3. Faculty Senate President's Report

Faculty Senate President Finnie Coleman presented the following.

- a. Posthumous Degree for Jackson Weller was approved by the Faculty Senate.
- b. The summary of the Faculty Governance Retreat Part 2 was discussed. President Coleman will send priorities that came out of the retreat. Not all priorities can be addressed.
- c. President Coleman stated that people are asking if the Senate will take a position on unionization. Individuals have their own opinions. The Senate does not have a position but will provide as much process information as possible. Committee on Governance is working on getting the word out.
- d. IPRA discussions continue regarding research and personal notes. There is not clear guidance from University Counsel (UC). The current interpretation is that 'everything' is IPRA-able. Ops will continue to work with UC so faculty know their obligations.
- e. The visit to the Gallup campus was successful. An emphasis of the retreat was to work closer with the branch campuses. The Senate will actively strengthen the relationships with the branches. President Coleman encouraged senators to visit their colleagues at the branch campuses. There is a remarkable amount of work that the branch faculty are asked to do. They have a 5/5 teaching load; limited access to research support; etc. President Coleman discussed the current situation with Provost Holloway. A lot of faculty at the branches are junior faculty and are going through their tenure process. The Operations Committee (Ops) will review the issues and bring to the Senate for suggestions on ways to proceed.
- f. Admissions are down. Retention is up however. Five-year graduation rates are up, now about 53%. Provost Holloway will present details in his report.
- g. The Honors College will have some great opportunities to join the conversation on the direction of Honors. A task force is being formed by the Provost.
- h. The Faculty Senate will make a budget request to the Provost to support the special emphasis of assisting junior faculty.

- i. The feedback for starting a Mountain West Conference faculty senate presidents' group has been positive.
- j. A budget request will be put in for a standing faculty senate budget.

4. University President's Report

University Garnett Stokes presented the following report.

- a. President Stokes welcomed all to the Fall semester.
- b. President Stokes stated that she has been working closely with the state legislature and state government. The University is working out its legislative priorities.
- c. She met with the Council of University Presidents the previous week. Their priorities are an increase in funding via the formula and a compensation package.
- d. Campus security remains a priority for the University. The issue of building a fence was asked at a recent meeting President Stokes attended. Whatever is brought to the table will be up for campus discussion.

5. Provost's Report (See appendix A)

Provost James Holloway presented the following report and attached presentation.

- a. The foci of the Provost's Office are:
 - i. Faculty success
 - ii. Student success
 - iii. Enrolment
 - iv. Staff development
 - v. Branch Campus integration
- b. There are four deans searches currently: College of Fine Arts, College of Education, School of Architecture and Planning, and the Anderson School of Management. The dean search committees have been formed and are posted on the Provost's website. A search firm has been hired to assist in the searches.
- c. Provost Holloway is having lunch with faculty; some faculty present might be invited. He will conduct monthly with the goal of getting to know faculty and their issues.
- d. The faculty hiring process has been streamlined, faster and more efficient.

6. Approval of Faculty Handbook D175 (See appendix B)

Faculty Handbook Policy D175 was approved.

7. Approval of Faculty Handbook D176 (See appendix C)

Faculty Handbook Policy D176 was approved.

8. Form C from the FS Curricula Committee

The following Forms C were approved.

C2418	MS Architecture	Revision Degree
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C2285	MA Language, Literacy & Sociocultural Studies concentration: TESOL	Revision Concentration
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9. **Unionization Information** (See appendix D.)
Faculty Senate President Finnie Coleman presented unionization information.

10. **Faculty Handbook D170 out for campus comment (see appendix E)** Faculty Handbook policy D170 will be posted for the 30-day comment period.

11. **Use of Student Evaluations (see appendix F)**
Operations Committee Member Nancy Lopez presented the use of student evaluations.

12. **Public Comment**
None

13. **Senator Comment**
None

14. **Adjourn**
The meeting adjourned at 4:50 p.m.

Appendix A

Provost's Report

FY20 Projected Budget Shortfall and Funds Pullback Models

**Faculty Senate
September 24, 2019**

FY20 Projected Budget Shortfall

- Projected central pooled tuition shortfall \$3.5M
 - Does not include differential tuition or other I&G revenues
- Projected mandatory student fee (MSF) shortfall \$700K
 - Currently, MSF has a budgeted \$200K contingency, which could be applied to offset the projected shortfall
 - Does not include course fees or other student fees
- The projected FY20 budget shortfall is associated with less I&G revenues due to enrollment decline, therefore recommendation options focus on I&G budgets and I&G available reserve balances
- Reserve balances considered for pullback will exclude amounts categorized as committed. Only dedicated and discretionary reserve balances are considered in the total reserve amounts for pullback

Principles for Distributing this Shortfall

- In academic affairs units there are \$14.8M in reserves, of which \$8.31M are dedicated.
- In administration there are about \$8.5M in reserves of which \$7.7M are dedicated.
- Need to distribute pullbacks across units at
 - Level 2: president, academic affairs, student affairs, finance & administration
 - Level 3 within each of these, e.g. in AA: schools & colleges, provost units, enrollment management, etc.
- We are developing an activity based model for pullbacks
- Need feedback on the factors that should enter into this.
- Want this pullback to incentivize delivery on the mission and good fiscal management, and disincentivize poor fiscal practices

Model 1- Reserve Thresholds

Approach- Each school/college/division (level 3) holds a reserve balance based on a percentage of the unit's I&G budget, and centralize remaining reserve balances to be applied to budget shortfalls

Example: Pullback reserve balances that exceed 2/12 (16.7% or 2 months of cash) of the current year I&G budget

Example: Pullback reserve balances that exceed 10% of the current year I&G budget

- Encourages units not to hold reserves above a threshold, but to spend operating budgets on the academic mission.
- Units with no reserves do not contribute.

Model 2- Tax on Reserves

Approach- Levy a tax on the school/college/division's (level 3) dedicated and discretionary reserve balances to be applied to budget shortfalls

Example: Assess a flat percentage tax on total combined dedicated and discretionary reserves

- Allows units with large relative reserves to maintain that relative position

Example: Assess a different percent of tax on dedicated reserves and discretionary reserves

- Encourages units to dedicate reserves to specific mission needs.
- Units with no reserves still do not contribute

Model 3- I&G Proportional Pullback

Approach- Each school/college/division (level 3) receives a budget reduction and pullback based on current year I&G allocation (which will come from reserves or operating funds)

Example: Pullback proportional reduction to cover tuition shortfall (\$3.5M in analysis)

- All units contribute, even those with no reserves

Example: Pullback proportional reduction to cover both tuition and mandatory student fee shortfalls (\$4M in analysis)

- Protects units that use student fees to provide services directly to our students

Blended Approaches

Tax on Reserves and Proportional Pullback

Example –

- Tax reserves with two tax rates to cover \$2M and;
- Pull back proportional to I&G to cover \$1.75M and;
- Pull back about \$250k from student fee units.

Example –

- Tax reserves above a threshold at 50% to cover \$3.7M
- Pull back proportional to I&G to cover \$2M
- No pull back from student fee units.
- *Note: can tweak to hit targets*

Distribution across Level 3 units

Use one of the methodologies to determine pullback from:

- President's Office, Academic Affairs, Student Affairs, Finance & Administration
- Within academic affairs pullback from units based on a combination of models like the above and also include factors such as:
 - SCH taught in AY 2018-2019
 - Privilege units doing lots of teaching
 - Graduation numbers in AY 2018-2019
 - Privilege units helping lots of students to complete
 - SCH increases/decreases across recent past
 - Privilege units that are growing
 - Graduation increase/decreases across recent past
 - Privilege units that are growing numbers of graduates

Considerations

- Reactions to the options – which options best incentivize units' strategic planning and delivery of the mission?
- Other proposed ideas/thoughts?
- Thoughts about FY20 targeted I&G amount to pullback
 - Only the tuition shortfall: \$3.5M
 - Both the tuition and MSF shortfall: \$4M
 - Tuition shortfall with some support for MSF: e.g. \$3.75M?
 - Pullback more to leverage additional shortfalls in Spring 2020 or future years

Appendix B

Faculty Handbook D175

D175: Undergraduate Student Conduct and Grievance Policy

Approved By: Faculty Senate and UNM President

Last Updated: **Draft 9/9/19**

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.

POLICY RATIONALE

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

POLICY STATEMENT

Whenever possible, it is important to take a supportive problem-solving approach to resolving academic disputes. However, UNM may take disciplinary action against 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 undergraduate 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.”

APPLICABILITY

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

Revisions to the remaining sections of this document may be amended with the approval of the Faculty Senate Policy and Operations Committees after consultation with the ASUNM President and the Dean of Students.

DEFINITIONS

[Academic Dishonesty](#) includes, but is not limited to, [plagiarism \(including self-plagiarism\), dishonesty in quizzes, tests, or assignments; claiming credit for work not done or done by others; hindering the academic work of other students; misrepresenting academic or professional qualifications within or outside 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 UNM Human Resources as five (5) work days Monday through Friday ending at 5:00 PM. Working days do not include official UNM holidays listed in UAP Policy 3405 "Holidays."

WHO SHOULD READ THIS POLICY

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

RELATED DOCUMENTS

Regents Policy Manual

RPM 1.5 "Appeals to the Board of Regents"

RPM 4.2 "Student Code of Conduct"

RPM 4.3 "Student Grievances"

RPM 4.4 "Student Records"

RPM 4.8 "Academic Dishonesty"

Faculty Handbook

D75 "Classroom Conduct"

D100 "Dishonesty in Academic Matters"

D176 “Graduate and Professional Student Conduct and Grievance Policy”

University Administrative Policies Manual

2200 “Reporting Suspected Misconduct and Whistleblower Protection from Retaliation”

2720 “Prohibited Discrimination and Equal Opportunity”

2740 “Sexual Misconduct”

3405 “Holidays”

The *Pathfinder*—UNM Student Handbook.

Office of Equal Opportunity **Discrimination Claims Procedures**

CONTACTS

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

PROCEDURES

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

2.4.2. Appeal to the Board of Regents

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

3.2.1. When a violation of the academic dishonesty rules appears to have occurred within the academic process, the faculty member shall discuss the apparent violation with the undergraduate student as soon as possible and give the undergraduate student an opportunity to explain. ~~After this discussion, T~~ The faculty member may impose an appropriate consequence ~~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 consequence 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 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 consequence ~~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 the 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 **5.5** herein.

Article 4. Allegations of Discrimination and/or Sexual Harassment

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

UNM recognizes that an individual who has experienced sexual misconduct may want to speak with someone on campus before deciding whether to report the incident to the police or OEO for investigation. UNM and community partners have developed a victim-centered and victim-controlled process. The following centers are designated advocacy and support sites for those

students who have experienced all types of crimes or violence including sexual misconduct. Students who utilize these centers may talk with anonymity to individuals employed at these centers. However, these centers will report the nature, date of report, and general location of the incident to the Clery Act Compliance Officer. 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 other than an HSC undergraduate student and is found to have violated policy, OEO will refer the matter to the Dean of Students Office to determine the sanction to be imposed, as defined through Regent Policy 4.2 “Student Code of Conduct.” If the respondent is an HSC undergraduate student, OEO will refer the matter to the applicable HSC dean to determine the sanction. Before determining sanctions for sexual discrimination, the applicable HSC dean should consult with the Dean of Students to ensure consistency of sanctions pertaining to OEO findings. Sanctions should be designed to eliminate the misconduct, prevent its recurrence, and remedy its effects, while supporting UNM’s educational mission and obligations under UNM policy and state and federal law, including but not limited to Title IX of the Education Amendments of 1972, the Civil Rights Act of 1964, and the New Mexico Human rights Act.

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

4.3. Appeals

4.3.1. Appeal OEO Findings to the UNM President

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

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

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

Appeals of sanctions issued for violations of the University's prohibition against discrimination, including sex discrimination, sexual harassment, sexual misconduct, or sexual violence, are only permissible if the grounds for such appeal are that: 1) there was significant procedural error of a nature sufficient to have materially affected the outcome; 2) the decision was not in accordance with the evidence presented; 3) there is significant new evidence of which the appellant was not previously aware, that the appellant could not have possibly discovered through the exercise of reasonable diligence, and the absence of which was sufficient to have materially affected the outcome ; and/or 4) the severity of the sanction is grossly disproportionate to the violation(s) committed.

4.3.3. Appeal of Sanctions Issued by the Applicable HSC Dean

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

Appeals of sanctions issued for violations of UNM's prohibition against discrimination, including sex discrimination, sexual harassment, sexual misconduct, or sexual violence, are only permissible if the grounds for such appeal are that: 1) there was significant procedural error of

a nature sufficient to have materially affected the outcome; 2) the decision was not in accordance with the evidence presented; 3) there is significant new evidence of which the appellant was not previously aware, that the appellant could not have possibly discovered through the exercise of reasonable diligence, and the absence of which was sufficient to have materially affected the outcome ; and/or 4) the severity of the sanction is grossly disproportionate to the violation(s) committed.

4.3.3.1. Discretionary Appeal to the UNM President

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

4.3.1. 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.

4.3.4. Appeal to the Board of Regents

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

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

The standard of proof utilized to resolve misconduct violating the Student Code of Conduct ~~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. Charges will be resolved in accordance with the Dean of Students Procedures. 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. Decisions of the Dean of Students pertaining to undergraduate students are subject to appeal in accordance with Section **5.5** herein.

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.

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

Allegations of misconduct by an HSC undergraduate student in violation of the Student Code of Conduct, HSC Student Conduct policies, or other UNM policy must be in writing and submitted to the applicable HSC dean. Complaints of alleged misconduct should be submitted as soon as possible after the event takes place, preferably within sixty (60) calendar days. Absent just cause, complaints must be submitted within one (1) year following discovery of the suspected misconduct.

The standard of proof utilized to resolve misconduct charges shall be that of preponderance of the evidence, meaning that the evidence, considered in its entirety, indicates that, more likely than not, the accused undergraduate HSC student violated UNM or HSC policies. The applicable HSC dean will render a decision within sixty (60) calendar days of the filing of a complaint. This date can be modified at the discretion of the dean if deemed necessary such as to conduct a hearing that protects the rights of all parties.

An HSC 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 HSC undergraduate student at the same time the HSC 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 HSC undergraduate student-defendant.

5.4. Emergency Suspension and Banning from Campus

The Dean of Students may immediately suspend an undergraduate student (or chartered student organization) and/or ban an undergraduate student ~~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.~~

5.5. Appeals, Records, and Rights

5.5.1. Appeal of Sanctions by Issued by Dean of Students ~~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. The grounds for appeal to the Vice President are that: 1) there was significant procedural error of a nature sufficient to have materially affected the outcome; 2) the decision was not in accordance with the evidence presented; 3) there is significant new evidence of which the appellant was not previously aware, that the appellant could not have possibly discovered through the exercise of reasonable diligence, and the absence of which was sufficient to have materially affected the outcome ; and/or 4) the severity of the sanction is grossly disproportionate to the violation(s) committed. ~~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 seven (7) ~~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.

5.5.2. Appeal of Sanctions Issued by the Applicable HSC Dean

Decisions regarding HSC undergraduate students receiving a sanction of suspension, expulsion or banning from campus or which results in a significant interruption toward degree completion imposed by the applicable HSC dean for violations of UNM or HSC policies may be appealed to the HSC Chancellor. The undergraduate HSC student must submit a written request for appeal to the Office of the HSC Chancellor within seven (7) ~~ten (10)~~ working days of the date of the written decision from the applicable HSC dean. The grounds for appeal to the HSC Chancellor are that: 1) there was significant procedural error of a nature sufficient to have materially affected the outcome; 2) the decision was not in accordance with the evidence presented; 3) there is significant new evidence of which the appellant was not previously aware, that the appellant could not have possibly discovered through the exercise of reasonable diligence, and the absence of which was sufficient to have materially affected the outcome ; and/or 4) the severity of the sanction is grossly disproportionate to the violation(s) committed.

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

5.5.2.1. Discretionary Appeal to the UNM President

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

5.5.3. Appeal to the Board of Regents

In accordance with Regent Policy 1.5 "Appeals to the Board of Regents," students may appeal the decision to the Board of Regents. The Board has discretion to determine whether the appeal will be considered." A request for a review by the Board of Regents shall be made in writing, and must include the alleged facts, what happened in the proceedings to date, and the reasons justifying extraordinary review. Such requests must be filed in the President's Office within ~~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. The advisor, including an attorney advisor, cannot act as a representative of the advisee, cannot have a voice in meetings or hearing and therefore is not permitted to present arguments or evidence or otherwise participate directly in meetings or hearing.”

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

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

6.2.9. Both parties have the right to be free from retaliation for having made an allegation of misconduct or having participated in a grievance under this procedure. See UAP Policy **2200** “Reporting Suspected Misconduct and Whistleblower Protection from Retaliation.”

6.3. Variances

6.3.1. Introduction

This Policy, ~~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 5.5 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. f 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 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.~~

~~10.5. Conflict with Other Procedures~~

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

HISTORY

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

DRAFT HISTORY

September 9, 2019—Draft revision updated to address campus comments.

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.

Appendix C

Faculty Handbook D176

D176: Graduate and Professional Student Conduct and Grievance Policy

Approved By: Faculty Senate and UNM President

Last Updated: **Draft 9/9/19**

Responsible Faculty Committee: Faculty Senate Graduate and Professional Committee

Office Responsible for Administration: Graduate Studies and Dean of Students

Legend: Proposed text shown in red; 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. Graduate Studies or the Dean of Students may create additional processes and procedures that are in accordance with this Policy to aid in administration of this Policy.

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

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

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

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

1.5. Allegations of Discrimination and/or Sexual Harassment

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

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

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

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. Other kinds of alleged misconduct, except for allegations of an act of discrimination or sexual harassment, may be addressed as described in the School of Law Administrative Due Process Policy and Procedure (found in the Bulletin). Allegations that a student in the School of Law has engaged in any discriminatory or sexual harassment as provided in **Article 5** herein, shall be referred to the UNM OEO Office.

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

Discretionary review by the Board of Regents, as provided for in Procedures Sections 5.3 and 6.8 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 Procedures Sections 5.3 and 6.8 herein, is accorded to graduate and professional students in academic programs in the HSC.

3. Matters Not Covered Under This Policy

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

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

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

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

APPLICABILITY

All academic UNM units, including the Health Sciences Center.

Revisions to the remaining sections of this document may be amended with the approval of the Faculty Senate Policy and Operations Committees after consultation with the GPSA President, Graduate Studies, and the Dean of Students.

DEFINITIONS

Academic Dishonesty includes, but is not limited to, plagiarism (including self-plagiarism), dishonesty in quizzes, tests, or assignments; claiming credit for work not done or done by others; hindering the academic work of other students; misrepresenting academic or professional qualifications within or outside UNM; and nondisclosure or misrepresentation in filling out applications or other University records.

Complaint refers to:

- request for informal resolution of academic matters in Procedures Section 3.3. herein;
- allegations of prohibited discrimination as defined herein filed with UNM's Office of Equal Opportunity; or
- allegations of misconduct referred to the Dean of Students per Procedures Section 6.2. herein.

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

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

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

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

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

WHO SHOULD READ THIS POLICY

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

RELATED DOCUMENTS

Regents Policy Manual

RPM 1.5 “Appeals to the Board of Regents”

RPM 4.2 “Student Code of Conduct”

RPM 4.3 “Student Grievances”

RPM 4.4 “Student Records”

RPM 4.8 “Academic Dishonesty”

Faculty Handbook

D75 “Classroom Conduct”

D100 “Dishonesty in Academic Matters”

D175 “Undergraduate Student Conduct and Grievance Policy”

University Administrative Policies Manual

2200 “Reporting Suspected Misconduct and Whistleblower Protection from Retaliation”

2720 “Prohibited Discrimination and Equal Opportunity”

2740 “Sexual Misconduct”

3405 “Holidays”

Pathfinder “Student Code of Conduct”

Office of Equal Opportunity **Discrimination Claims Procedures**

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

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

HSC School of Medicine, College of Pharmacy, College of Nursing, and College of Population Health Handbooks

CONTACTS

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

PROCEDURES

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

UNM School of Law Students

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

Health Sciences Center Students (HSC)

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

Article 1. Petition to Modify Academic Requirements

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

1.1. Scope

Graduate students may petition the Dean of Graduate Studies for an exception to any of the University-wide policies or regulations specified in the *UNM 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 the school or college dean ~~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 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 Provost/Chancellor and Board of Regents in accordance with Section 3.4 herein.

Article 2. Academic Record Disputes

2.1. Scope

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

2.2. Petitions

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

1. Include a statement of the nature of the request including why the student feels it should be granted.

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

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

2.3. Committee Decision and Appeals Process

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

Article 3. Academic Disputes

3.1. Scope

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

3.4.3. Appeal to the Board of Regents

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

Article 4. Academic Dishonesty

4.1. Scope

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

4.2. Academic Dishonesty within Courses: Faculty-Imposed Consequences 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 academic consequence 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 consequence 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 dishonest, the Dean of Students Office may initiate sanction(s) in accordance with this Policy.

4.2.3. The student may challenge an academic consequence 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 6.8 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 4.4 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 6.8.1 herein.

Article 5. Allegations of Discrimination or Sexual Harassment

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

UNM recognizes that an individual who has experienced sexual misconduct may want to speak with someone on campus before deciding whether to report the incident to the police or OEO for investigation. UNM and community partners have developed a victim-centered and victim-controlled process. The following centers are designated advocacy and support sites for those students who have experienced all types of crimes or violence including sexual misconduct. Students who utilize these centers may talk with anonymity to individuals employed at these centers. However, these centers will report the nature, date of report, and general location of the incident to the Clery Act Compliance Officer. ~~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 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 graduate or professional student has engaged in an act of discrimination or sexual harassment will be referred to UNM’s Office of Equal Opportunity (OEO) for investigation pursuant to OEO’s Discrimination Claims Procedure.

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

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

5.3. Appeals

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 OEO Findings to the UNM President

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

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.

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

5.3.2.1. Appeal to the UNM President

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

Appeals of sanctions issued for violations of UNM's prohibition against discrimination, including sex discrimination, sexual harassment, sexual misconduct, or sexual violence, are only permissible if the grounds for such appeal are that: 1) there was significant procedural error of a nature sufficient to have materially affected the outcome; 2) the decision was not in accordance with the evidence presented; 3) there is significant new evidence of which the appellant was not previously aware, that the appellant could not have possibly discovered through the exercise of reasonable diligence, and the absence of which was sufficient to have materially affected the outcome; and/or 4) the severity of the sanction is grossly disproportionate to the violation(s) committed.

5.3.2.2. Appeal to the Board of Regents

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

5.3.3. Appeal of Sanctions Issued by an HSC Dean

5.3.3.1. Appeal to the Chancellor

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

Appeals of sanctions issued for violations of the University's prohibition against discrimination, including sex discrimination, sexual harassment, sexual misconduct, or sexual violence, are only permissible if the grounds for such appeal are that: 1) there was significant procedural error of a nature sufficient to have materially affected the outcome; 2) the decision was not in accordance with the evidence presented; 3) there is significant new evidence of which the appellant was not previously aware, that the appellant could not have possibly discovered through the exercise of reasonable diligence, and the absence of which was sufficient to have materially affected the outcome ; and/or 4) the severity of the sanction is grossly disproportionate to the violation(s) committed.

5.3.3.2. Discretionary Appeal to the UNM President

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

5.3.3.3. Appeal to the Board of Regents

In accordance with Regent **Policy 1.5** "Appeals to the Board of Regents," students affected by a decision of the administration, faculty, student government, or hearing board may appeal the decision to the Board of Regents. The Board has discretion to determine whether the appeal

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

5.3.2. 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.~~

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

Upon written request, the Dean of Students 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 violence as described in Procedures **Article 5** herein, the respondent and inquiring parties have the right to be notified in writing of the final determination and any sanctions imposed to the extent permitted by the federal Family Educational Rights and Privacy Act (FERPA).

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

6.1. Scope

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

6.2. Referral of Misconduct to Dean of Students Office (Not Law or HSC Students)

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

The standard of proof utilized to resolve misconduct violating the Student Code of Conduct charges shall be that of preponderance of the evidence, meaning that the evidence, considered

in its entirety, indicates that, more likely than not, the accused student (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. Referral of Misconduct to the Law School Dean

Allegations of misconduct by a Law student in violation of the Student Code of Conduct or other UNM or Law School policies must be in writing and submitted to the Dean of the Law School. Complaints of alleged misconduct should be submitted as soon as possible after the event takes place, preferably within sixty (60) calendar-days. Absent just cause, complaints must be submitted within one (1) year following discovery of the suspected misconduct.

The standard of proof utilized to resolve misconduct shall be that of preponderance of the evidence, meaning that the evidence, considered in its entirety, indicates that, more likely than not, the accused student violated UNM or Law School policy. A decision, in most cases, will be rendered within sixty (60) calendar days of the filing of a complaint. This date can be modified at the discretion of the Dean if deemed necessary such as to conduct a hearing that protects the rights of all parties.

6.4. Referral of Misconduct to the Applicable HSC Dean

Allegations of misconduct by an HSC student in violation of the Student Code of Conduct or other UNM or HSC policies must be in writing and submitted to the applicable HSC dean. Complaints of alleged misconduct should be submitted as soon as possible after the event takes place, preferably within sixty (60) calendar-days. Absent just cause, complaints must be submitted within one (1) year following discovery of the suspected misconduct.

The standard of proof utilized to resolve misconduct shall be that of preponderance of the evidence, meaning that the evidence, considered in its entirety, indicates that, more likely than not, the accused student violated UNM policy or HSC policy. A decision, in most cases, will be rendered within sixty (60) calendar days of the filing of a complaint. This date can be modified at the discretion of the dean if deemed necessary such as to conduct a hearing that protects the rights of all parties.

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

6.6. Unless otherwise specified in the decision, sanctions issued by the Dean of the Law School, applicable HSC dean ~~HSC Chancellor~~, or Dean of Students Office (not including an Emergency Suspension as outlined in in Procedures section 6.7 herein) shall not be implemented until the appeal process as set forth under Procedures section 6.8 herein is completed.

6.7. Emergency Suspension and Banning from Campus

The Dean of Students may immediately suspend a student ~~(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 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.

6.8. 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.

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

6.8.1.1 Appeal to Vice President for Student Affairs

The decision on sanctions pertaining to graduate or professional students, other than Law or HSC 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 grounds for appeal to the Vice President for Student Affairs are that: 1) there was significant procedural error of a nature sufficient to have materially affected the outcome; 2) the decision was not in accordance with the evidence presented; 3) there is significant new evidence of which the appellant was not previously aware, that the appellant could not have possibly discovered through the exercise of reasonable diligence, and the absence of which was sufficient to have materially affected the outcome ; and/or 4) the severity of the sanction is grossly disproportionate to the violation(s) committed.

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

6.8.1.2. Appeal to the Board of Regents

In accordance with Regent Policy 1.5 "Appeals to the Board of Regents," students may appeal the decision to the Board of Regents. The Board has discretion to determine whether the

appeal will be considered. A request for a review by the Board of Regents shall be made in writing, and must include the alleged facts, what happened in the proceedings to date, and the reasons justifying extraordinary review. Such requests must be filed in the President's Office within seven (7) ~~ten (10)~~ working days of the date of the written decision from the last reviewer.

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

6.8.2.1. Appeal to the President

Decisions regarding Law students receiving a sanction of suspension, expulsion or banning from campus or which results in a significant interruption toward degree completion imposed by the Dean of the Law School for violations of UNM or Law School policies may be appealed to the President. The student must submit a written request for appeal to the Office of the President within seven (7) ~~ten (10)~~ working days of the date of the written decision from the Dean of the Law School. The grounds for appeal to the President are that: 1) there was significant procedural error of a nature sufficient to have materially affected the outcome; 2) the decision was not in accordance with the evidence presented; 3) there is significant new evidence of which the appellant was not previously aware, that the appellant could not have possibly discovered through the exercise of reasonable diligence, and the absence of which was sufficient to have materially affected the outcome ; and/or 4) the severity of the sanction is grossly disproportionate to the violation(s) committed.

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

6.8.2.2. Appeal to the Board of Regents

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

6.8.3. Appeal of Sanctions Issued by an HSC Dean

6.8.3.1. Appeal to the HSC Chancellor

Decisions regarding HSC graduate or professional students receiving a sanction of suspension, expulsion or banning from campus or which results in a significant interruption toward degree completion imposed by the applicable HSC dean for violations of UNM or HSC policies may be appealed to the HSC Chancellor. The HSC student must submit a written request for appeal to the Office of the HSC Chancellor within ten (10) working days of the date of the written decision from the applicable HSC dean. The grounds for appeal to the HSC Chancellor are that: 1) there was significant procedural error of a nature sufficient to have materially affected the outcome; 2) the decision was not in accordance with the evidence presented; 3) there is significant new evidence of which the appellant was not previously aware, that the appellant could not have possibly discovered through the exercise of reasonable diligence, and the absence of which was

sufficient to have materially affected the outcome ; and/or 4) the severity of the sanction is grossly disproportionate to the violation(s) committed.

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

6.8.3.2. Appeal to the President

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

6.8.3.3. Appeal to the Board of Regents

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

Article 7. General Provisions

7.1. Student Conduct Records

Records regarding student conduct shall be kept in the Dean of Students Office 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. The advisor, including an attorney advisor, cannot act as a representative of the advisee, cannot have a voice in meetings or hearing and therefore is not permitted to present arguments or evidence or otherwise participate directly in meetings or hearing."

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

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

7.2.9. Both parties have the right to be free from retaliation for having made an allegation of misconduct or having participated in a grievance under this procedure. Allegations of retaliation should be submitted to the Dean of Students Office. See UAP Policy 2200 "Reporting Suspected Misconduct and Whistleblower Protection from Retaliation."

7.3. Former Students

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

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

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

HISTORY

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

DRAFT HISTORY

[September 9, 2019 – Draft revised to address campus comments.](#)

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.

COMMENTS TO:
handbook@unm.edu

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Appendix D

Unionization Information

UNM Unionization Voting Process

Voting Times and Locations

Voting will take place Wednesday Oct 16 and Thursday Oct 17, 2019.
from 8:00 AM to 10:00 PM on Oct 16 and 17:

- UNM Main Campus - Student Union Building, Lobo A and B
- UNM-Gallup - Library Conference Room
- UNM-Los - Alamos Building 6, Room 631
- UNM-Taos - Padre Martinez Student Services Center, Room D
- UNM-Valencia - Student Center

Election Information

The American Arbitration Association will administer the vote. AAA is an independent entity with significant experience in conducting union elections.

The UNM Labor Management Relations Board will oversee the election.

Faculty will vote in one of two “secret ballot” elections.

The two elections are separate and independent but being carried out at the same time.

The lists of eligible voters will be posted on or before Oct 2, 2019. If your name does not appear on one of these lists, you should contact the Union or the

The Union and UNM are currently examining a preliminary list of eligible voters.

HSC Faculty members are NOT allowed to vote on unionization. HSC is not part of one of the two bargaining units and will not be bound by the outcome of this vote.

To request an Absentee Ballot, faculty members must email unmlaborboard@comcast.net no later than October 1, 2019.

Bargaining Units

There are two separate bargaining units – (1) Continuing Faculty and (2) Adjunct Faculty

Continuing Faculty Bargaining Unit:

- Professor
- Associate Professor
- Assistant Professor
- Professor of Practice
- Research Professor
- Research Associate Professor
- Research Assistant Professor
- Research Lecturer
- Lecturer I, II and III
- Senior Lecturer I, II and III
- Principal Lecturer I, II and III
- Research Lecturer I, II and III
- Senior Instructor
- Instructor

Adjunct Faculty Bargaining Unit: Adjunct Faculty, including term teaching faculty

Not Included in Either Unit: Managerial, Supervisory, and Confidential Faculty

- Provost
- Senior Vice Provost
- Associate Provost
- Deputy Provost
- Dean
- Associate Dean
- Assistant Dean
- Department/Division Chairs
- Academic Directors
- Visiting Faculty
- Working Retirees
- All faculty positions at the Health Sciences Center

Voting Procedures

- Voters MUST show photo ID and sign against their name on the list of eligible voters
- UNM will allow sufficient time away from duties to cast ballots
- Electioneering prohibited within 50 feet of any entrance to a polling place
- The University and the Union can each have one observer at the polling places to ensure a proper voting process.
- There are processes for challenging voters before they cast a ballot and processes for casting provisional ballots.
- The American Arbitration Association will manage the polling places.

Vote Count and Certification

The Labor Management Relations Board Agent will:

- Receive Completed Ballots
- Certify and Count Votes
- Officially Certify the election on Friday, October 18th

Vote Certification Numbers

Continuing Faculty Unit:

- Comprised of Approximately 1000 individuals
- Approximately 400 must vote to constitute a valid election

Adjunct Faculty Unit:

- Comprised of Approximately 450 individuals
- Approximately 180 must vote to constitute a valid election

Vote Certification Conditions

- At least 40% of the eligible voters in each proposed bargaining unit must vote
- If the 40% threshold is met: majority rules
- A majority is defined as 50% plus one of those who voted
- A tie vote is a vote for no collective bargaining representation

"Yes" or "No" Vote

"Yes" Union Vote:

If the Labor Management Relations Board certifies the vote as "Yes Union Representation" the Union will become the bargaining unit's exclusive representative. There is no specific timeline for the parties to start collective bargaining negotiations to develop an initial contract.

Contract discussions will start when either party gives appropriate notice to the other requesting that negotiating commence. Discussions will continue until UNM and the Union reach a tentative contract.

Union membership will ratify or reject the tentative contract.

"Yes" or "No" Vote

"No" Union Vote:

If the Labor Management Relations Board certifies the vote as "No Union Representation" in either of the proposed bargaining units, that bargaining unit will not form.

The Union may opt to repeat the entire process of seeking a vote by collecting new showing of interest cards, filing a petition, and other required.

There is a 12-month waiting period before the Union may call for a new election.

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Appendix E

Faculty Handbook D170

D170: Student Attendance

Approved By: Faculty Senate

Last Updated: **Draft 9/9/19**

Responsible Faculty Committee: Faculty Senate Policy Committee

Office Responsible for Administration: Dean of Students

Legend: Proposed changes are highlighted in red. Recent changes to address campus comments are shaded in gray.

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, or fundamentally threaten the integrity of the class. An excused absence does not relieve the student of responsibility for missed assignments, exams, etc. The student is to take the initiative in arranging with the his/her instructor to make up missed work, and it is expected that the instructor 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. UNM Official Absence(s) will be determined by a college dean or the Provost, or designee.

2. Legally or Administratively Compelled Absence(s)

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

3. Military Obligations

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

4. Illness, Accident, or Death in the Family

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

5. Disability

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

5.1. Attendance Accommodation for Students with Disabilities

Attendance during scheduled class times is a necessary part of the learning process. The Accessibility Resource Center (ARC) may recommend flexibility in attendance for some students. This accommodation should be provided unless the accommodation threatens

the integrity of the course as offered. The following six factors should be used in considering if attendance is an essential element of the course and the flexibility in attendance recommended is not considered a reasonable accommodation:

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

If an instructor disagrees with the determination by ARC, the instructor should follow the procedures listed in University Administrative Policy 2310 "Academic Adjustments for Students with Disabilities."

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 or longer~~, 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.~~

3. 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 department chair, program/course director, or equivalent position or designee. ~~college/school dean~~. Given the need for timeliness of the issue, the student's request for reconsideration should be addressed as expeditiously as possible. This does not preclude the student from addressing the matter further in accordance with Policies D175

“Undergraduate Student Conduct and Grievance Policy” or D176 “Graduate and Professional Student Conduct and Grievance Policy.”

APPLICABILITY

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

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

DEFINITIONS

WHO SHOULD READ THIS POLICY

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

RELATED DOCUMENTS

Faculty Handbook

Policy C220 “Holidays”

Policy C260 “Religious Accommodations”

D175 “Undergraduate Student Conduct and Grievance Policy”

D176 “Graduate and Professional Student Conduct and Grievance Policy.”

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

CONTACTS

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

PROCEDURES

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

Absences due to the situations described in the Policy Statement above ~~illness or to attend~~ authorized University activities such as field trips, athletic trips, etc. are to be reported by the student to

his/her instructor 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, the student should leave a message at the instructor's department.

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 instructor to work out absences that are less than fifteen percent (15%) of required contact hours ~~six (6) class days.~~ When requested by an instructor, the Dean of Students Office may assist with verification of absences that are less than or equal to 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) ~~5-Six (6) days or longer.~~

The Dean of Students Office, as a service to instructors and students, will send absence notifications to the respective instructor should an absence be more than fifteen 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 instructor 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 an instructor 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% of required contact hours five class days a week or more, the Dean of Students Office will be notified.

HISTORY

Effective:

Unknown (effective date not listed in current policy.)

DRAFT HISTORY

September 9, 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.

Appendix F

Use of Student Evaluations



Statement on Student Evaluations of Teaching

American Sociological Association

September 2019

Most faculty in North America are evaluated, in part, on their teaching effectiveness. This is typically measured with student evaluations of teaching (SETs), instruments that ask students to rate instructors on a series of mostly closed-ended items. Because these instruments are cheap, easy to implement, and provide a simple way to gather information, they are the most common method used to evaluate faculty teaching for hiring, tenure, promotion, contract renewal, and merit raises.

Despite the ubiquity of SETs, a growing body of evidence suggests that their use in personnel decisions is problematic. SETs are weakly related to other measures of teaching effectiveness and student learning (Boring, Ottoboni, and Stark 2016; Uttl, White, and Gonzalez 2017); they are used in statistically problematic ways (e.g., categorical measures are treated as interval, response rates are ignored, small differences are given undue weight, and distributions are not reported) (Boysen 2015; Stark and Freishtat 2014); and they can be influenced by course characteristics like time of day, subject, class size, and whether the course is required, all of which are unrelated to teaching effectiveness.

In addition, in both observational studies and experiments, SETs have been found to be biased against women and people of color (for recent reviews of the literature, see Basow and Martin 2012 and Spooren, Brockx, and Mortelmans 2015). For example, students rate women instructors lower than they rate men, even when they exhibit the same teaching behaviors (Boring, Ottoboni, and Stark 2016; MacNell, Driscoll, and Hunt 2015), and students use stereotypically gendered language in how they evaluate their instructors (Mitchell and Martin 2018). The instrument design can also affect gender bias in evaluations; in an article in *American Sociological Review*, Rivera and Tilcsik (2019) find that the range of the rating scale

(e.g., a 6-point scale versus a 10-point scale) can affect how women are evaluated relative to men in male-dominated fields. Further, Black and Asian faculty members are evaluated less positively than White faculty (Bavishi, Madera, and Hebl 2010; Reid 2010; Smith and Hawkins 2011), especially by students who are White men. Faculty ethnicity and gender also mediate how students rate instructor characteristics like leniency and warmth (Anderson and Smith 2005).

A scholarly consensus has emerged that using SETs as the primary measure of teaching effectiveness in faculty review processes can systematically disadvantage faculty from marginalized groups. This can be especially consequential for contingent faculty for whom a small difference in average scores can mean the difference between contract renewal and dismissal.

Given these limitations, the American Sociological Association, in collaboration with the scholarly societies listed below, encourages institutions to use evidence-based best practices for collecting and using student feedback about teaching (Barre 2015; Dennin et al. 2017; Linse 2017; Stark and Freishtat 2014). These include:

1. Questions on SETs should focus on student experiences, and the instruments should be framed as an opportunity for student feedback, rather than an opportunity for formal ratings of teaching effectiveness. For example, two universities – Augsburg University and University of North Carolina Asheville – recently revised and renamed their instruments to the “University Course Survey” and the “Student Feedback on Instruction Form,” respectively, to emphasize that student feedback, while important, is not an evaluation of teaching effectiveness.

2. SETs should not be used as the only evidence of teaching effectiveness. Rather, when they are used, they should be part of a holistic assessment that includes peer observations, reviews of teaching materials, and instructor self-reflections. This holistic approach has been in wide use at teaching-focused institutions for many years and is becoming more common at research institutions as well. For example:

- University of Oregon has undertaken a multi-year process to develop a holistic framework for assessing teaching effectiveness, including peer review, self-reflection, and student feedback. Extensive research and resources are available on the Office of the Provost [website](#), including guidance on how to interpret SETs
- University of Southern California has instituted peer review of teaching for faculty evaluation. Their [Center for Excellence in Teaching](#) provides resources for how to use peer review effectively and addresses common concerns.
- University of California Irvine requires faculty to submit two types of evidence to document teaching effectiveness. In addition to SETs, faculty can submit a reflective teaching statement, peer evaluations of teaching, and other evidence like a [Teaching Practices Inventory](#), developed by physicist Carl Weiman.
- University of Nebraska Lincoln has articulated [best practices for faculty evaluation](#) that state, in part, “it is recommended that student evaluation scores should not be given undue weight in faculty evaluations, since these scores are easily manipulated and reflect many attitudes that extend beyond the successful accomplishment of the faculty member’s teaching duties.”
- The University of Michigan’s Center for Research on Teaching and Learning recommends that student ratings should

never be used in isolation and should be part of a broader assessment of teaching effectiveness. They have developed [resources](#) that include a summary of research findings on SETs, a handout for students on how to make their feedback most helpful to instructors, and best practices for using SETs in personnel decisions.

- Ryerson University has gone even further and is no longer using SETs for tenure or promotion decisions (Farr 2018). Instead, Ryerson asks faculty to compile a teaching dossier that includes a statement of teaching philosophy, evidence of curricular engagement, and self-reflections.
3. SETs should not be used to compare individual faculty members to each other or to a department average. As part of a holistic assessment, they can appropriately be used to document patterns in an instructor’s feedback over time.
 4. If quantitative scores are reported, they should include distributions, sample sizes, and response rates for each question on the instrument (Stark and Freishtat 2014). This provides an interpretative context for the scores (e.g., items with low response rates should be given little weight).
 5. Evaluators (e.g., chairs, deans, hiring committees, tenure and promotion committees) should be trained in how to interpret and use SETs as part of a holistic assessment of teaching effectiveness (see Linse 2017 for specific guidance).

Gathering student feedback on their experiences in the classroom is an important part of student-centered teaching. This feedback can help instructors to refine their pedagogies and improve student learning in their courses. However, student feedback should not be used alone as a measure of teaching quality. If it is used in faculty evaluation processes, it should be considered as part of a holistic assessment of teaching effectiveness.

Endorsements

American Anthropological Association
American Dialect Society
American Folklore Society
American Historical Association
American Political Science Association
Association for Slavic, East European, and Eurasian Studies
Dance Studies Association
International Center of Medieval Art
Latin American Studies Association
Middle East Studies Association
National Communication Association
National Council on Public History
Rhetoric Society of America
Society for Cinema and Media Studies
Society for Personality and Social Psychology
Society of Architectural Historians
Sociologists for Women in Society

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