

Faculty Handbook



D175: Undergraduate Student Conduct and Grievance Procedures

Approved by: Faculty Senate and UNM President

Effective: August 14, 2020 **Revised Draft 12/2/21**

Responsible Committee: Faculty Senate Policy Committee Office Responsible for Administration: Dean of Students

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

Policy Rationale

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

Policy Statement

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

1. Matters Covered Under this Policy

The following types of disputes or disciplinary matters are covered by this Policy and handled in accordance with the procedures described in the Procedures Section of this document. Any questions about these procedures should be directed to the Office of the Dean of Students. The Dean of Students may create additional processes and procedures that are in accordance with this Policy to aid 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, whereby an undergraduate student believes that academic progress has been evaluated in an unfair or improper manner by a faculty member or academic program/department in connection with the academic process. For example, it applies to disputes over assignment of grades, decisions about program or degree requirements or eligibility, or claims that course requirements are unfair.

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

1.4. Allegations of Discrimination and/or Sexual Harassment

UNM urges any individual who has experienced discrimination, sexual harassment, sexual misconduct and/or sexual violence, or has knowledge about such an incident, to report the incident to the Title IX Coordinator at [the Office of Compliance, Ethics, and Equal Opportunity \(CEEO\)](#) ~~(OEO)~~ within 24 hours, or as soon as reasonably practicable, by calling (505) 277-5251 or by email at oeounm@unm.edu. Confidential and/or anonymous reports can be made (refer to Procedures **Article 4** herein for reporting options); **however, confidential and/or anonymous reports cannot be made by responsible employees, as defined in UAP Policies 2720 and 2740.** Complaints can also be made to the UNM Ethicspoint Hotline 1-888-899-6092. The UNM [CEEO](#) ~~OEO~~ is tasked with investigating allegations of discrimination **based on protected status**, sexual harassment, **and** sexual misconduct ~~and/or sexual violence~~. If UNM, as represented by the designated Hearing Officer, determines that an undergraduate student has violated UNM's anti-discrimination or sexual harassment policies, 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 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 Executive Vice President (EVP) for Health Sciences. Appeals should be filed in writing within ten (10) working days of the decision.

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

Applicability

All UNM academic faculty, staff, and administrators.

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

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 [Compliance, Ethics, and Equal Opportunity \(CEEEO\)](#); 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](#) and [#2740](#). 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 [Compliance, Ethics, and Equal Opportunity \(CEEO\)](#) (~~OEO~~) is the UNM office that processes allegations of discrimination [based on protected status](#), 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.~~ **CEEO** ~~OEO~~ does not [make policy violation determinations, nor does it](#) issue sanctions for violations of policy.

Undergraduate Students include 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 [Compliance, Ethics, and Equal Opportunity \(CEEO\)](#)
- 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 [Compliance, Ethics, and Equal Opportunity](#) [Discrimination Grievance Procedures](#)

Contacts

Direct any questions about this Policy to Dean of Students Office [or applicable HSC Dean](#).

Procedures

Reasonable deviations from these procedures by UNM will not invalidate a decision or proceeding unless significant prejudice results. At branch community colleges, the role of Dean of Students will be performed by the applicable position designated at each branch community college.

Article 1. Academic Record Disputes

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

1.2. Petitions

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

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

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

1.3. Appeal

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

student may request reconsideration from the Committee. The Committee's decision upon reconsideration is final for UNM.

Article 2. Academic Disputes

2.1. Scope

This article sets forth the procedures which should be followed by an undergraduate student who believes that academic progress has been evaluated in an unfair or improper manner by a faculty member or academic program/department. For example, it applies to disputes over assignment of grades, decisions about program or degree requirements or eligibility, or claims that course requirements are unfair.

2.2. Informal Resolution

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

2.2.2. In these informal discussions, the chairperson, supervisor, or dean is encouraged to mediate the dispute actively. In particular, the chairperson, supervisor, or dean should talk to both the undergraduate student and the faculty member, separately or together, and should examine any relevant evidence, including any written statements the parties wish to submit.

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

2.3. Formal Resolution of Academic Matters

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

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

2.3.2. The complaint shall describe the grievance, including a statement of what happened, and the undergraduate student's reasons for challenging the action or decision. The complaint shall also describe the undergraduate student's attempts to resolve the grievance informally. The undergraduate student may attach copies of any relevant documents. The undergraduate student shall send a copy of the complaint to the faculty member and the faculty member's chairperson. The faculty member shall

have five (5) working days from the receipt of the complaint to respond in writing to the dean. A copy of the faculty member's response shall be provided to the undergraduate student, consistent with the federal Family Educational Rights and Privacy Act (FERPA).

2.3.3. In making a determination on the formal complaint, the dean shall receive and review any written evidence or statements submitted by the parties, and shall provide both parties the opportunity to review and respond to all evidence. The dean shall interview each party and may interview other persons with relevant information. At the dean's discretion, the dean may decide to hold an informal hearing involving both parties and any witnesses. Where the dispute primarily concerns factual questions, rather than matters of academic judgment, the dean should normally hold such a hearing. If a hearing is to be held, the dean will give the parties no less than five (5) working days notice. The undergraduate student and/or faculty member shall be allowed to bring an advisor to the hearing, but legal counsel shall not be permitted. Cross-examination of witnesses shall be permitted, but the dean may require that questions be directed through the dean.

2.3.4. At the dean's discretion, the dean may convene an advisory committee to hold a hearing or otherwise help the dean evaluate the dispute. For this purpose, the dean may utilize a standing committee appointed within the dean's college.

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

2.4. Appeal of Formal Decision

During the appeal process, the Provost, [EVP for Health Sciences](#), President, and/or Board of Regents cannot overrule a faculty member's academic judgment.

2.4.1. Appeal to Provost or EVP for Health Sciences

Either party may appeal in writing the dean's decision to the Provost or EVP for Health Sciences within ten (10) working days of receipt of the decision. The Provost or EVP for Health Sciences or designee shall resolve the grievance utilizing any procedures available to the dean set out above. At the Provost's or EVP for Health Sciences' discretion, the Provost or EVP for Health Sciences 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 Board of Regents

In accordance with Regent [Policy 1.5](#), 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) working days of the date of the written decision from the last reviewer.

Article 3. Academic Dishonesty

3.1. Scope

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

3.2. Academic Dishonesty within Courses: Faculty-Imposed Consequences

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

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

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

3.3. Academic Dishonesty in Other Settings

When academic dishonesty occurs other than in connection with a course, the person who observes or discovers the apparent violation may transmit a statement describing the occurrence in writing to the appropriate faculty member or 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. 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 the Office of **Compliance, Ethics, and** Equal Opportunity (CEEO) 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; however, confidential and/or anonymous reports cannot be made by responsible employees, as defined in UAP Policies 2720 and 2740.

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 (CEEO) ~~(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 UNM's Clery Act Compliance Officer.

- LoboRESPECT Advocacy Center – Phone Number: (505)277-2911

Website: <https://loborespect.unm.edu/>

- LGBTQ Resource Center – Phone Number: (505)277-5428 Website: <https://lgbtqrc.unm.edu>

Vassar House – Phone Number (505) 277-0191 vassarhouse@salud.unm.edu

- Women's Resource Center – Phone Number (505)277-3716 Website: <https://women.unm.edu>

4.1. Scope

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

4.2. Reporting to/and Investigation by the Office of Compliance, Ethics, and Equal Opportunity (CEEO) ~~(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 Compliance, Ethics, and Equal Opportunity (CEEO) ~~(OEO)~~ for investigation pursuant to CEEO's ~~OEO's~~ Discrimination Grievance Procedure. A duly appointed UNM Hearing Officer will determine, in accordance with approved procedures, whether UNM's antidiscrimination or sexual harassment policies have been violated.

4.2.2. Neither CEEO ~~OEO~~ nor the Hearing Officer has sanctioning authority. If the respondent is an undergraduate student other than an HSC undergraduate student and is found to have violated policy, the Dean of Students Office will 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, the applicable HSC dean will determine the sanction. Before determining sanctions for sexual discrimination, the applicable HSC dean or the Dean of Students must consult with the Title IX Coordinator to ensure compliance with Title IX and ~~should consult with the Dean of Students~~ to ensure consistency of sanctions pertaining to the Hearing Officer’s determination 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 (including 2020 Regulations), the Civil Rights Act of 1964, and the New Mexico Human rights Act. A policy violation finding ~~of~~ by the hearing officer and the sanction imposed will be considered issued at the same time, if the two are provided to the student within five (5) business days of each other. ~~The student~~ Either party can choose to appeal either or both the finding of policy violation and the sanction as described herein.

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

4.3. Appeals

4.3.1. Appeal to the UNM President ~~Non-HSC Students Appeal OEO of Hearing Officer’s Determination and/or Sanctions Issued by the Office of the Dean of Students to the UNM President~~

The student may appeal the Hearing Officer’s finding and, if applicable the Dean of Students’ or HSC Dean’s sanction. If a student wishes to appeal both the Hearing Officer’s determination and the imposed sanction, the appeals must be filed at the same time; separate appeals will not be permitted.

The appeal must be in writing and contain a statement specifying what action(s) is/are being appealed and the grounds for appeal. The request for appeal must be received at the Office of the President within seven (7) working days of the date of the written decision from either the Hearing Officer or the Office of the Dean of Students or HSC Dean whichever is later.

Appeals of the Hearing Officer’s determination of or sanctions issued for violations of the University’s prohibition against discrimination, including sex discrimination, sexual harassment, sexual misconduct, or sexual violence are only permissible in accordance with Refer to the CEEO OEO Discrimination Grievance Procedures which list allowable grounds and procedures for appeal. ~~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.~~

Either the sanctioned student or Complainant may appeal the Hearing Officer’s determination or a sanctioning decision in cases involving discrimination, sexual harassment, sexual misconduct, or sexual violence.

~~The Hearing Officer’s determination and/or the sanctioning decision in cases involving discrimination that are not related to sexual harassment, sexual misconduct, or sexual violence. may be appealed only by the sanctioned~~

student. However, the Hearing Officer's determination and/or a sanctioning decision in cases involving sexual discrimination, sexual harassment, sexual misconduct, or sexual violence. may be appealed by either the sanctioned student or complainant.

4.3.1. Appeal to the Board of Regents

In accordance with [Regent Policy 1.5](#), 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) working days of the date of the written decision from the last reviewer.

4.3.2. HSC Students Appeal of Hearing Officer's Determination and/or Sanctions Issued by the Applicable HSC Dean to the EVP for Health Sciences (EVPHS)

HSC undergraduate students may appeal the Hearing Officer's finding and, if applicable the sanction imposed by the applicable HSC dean. If a student wishes to appeal both the Hearing Officer's determination and the imposed sanction, the appeals must be filed at the same time; separate appeals will not be permitted.

The appeal must be in writing and contain a statement specifying what action(s) is/are being appealed and the grounds for appeal. The request for appeal must be received at the Office of the EVP for Health Sciences within seven (7) working days of the date of the written decision from the applicable HSC dean.

Refer to the OEO Discrimination Grievance Procedures for allowable grounds and procedures for appeal of the Hearing Officer's determination. 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.

The Hearing Officer's determination and/or the sanctioning decision in cases involving discrimination that are not related to sexual harassment, sexual misconduct, or sexual violence. may be appealed only by the sanctioned student. However, the Hearing Officer's determination and/or a sanctioning decision in cases involving sexual discrimination, sexual harassment, sexual misconduct, or sexual violence may be appealed by either the sanctioned student or complainant.

4.3.2.1. Discretionary Appeal to the UNM President

The President has the discretionary authority to review the decision of the EVP for Health Sciences. 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) 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

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

~~disciplinary proceedings conducted by UNM issued to the student who is the alleged perpetrator of the offense(s) alleged.~~ If the individual who is alleged to have been subjected to the crime of violence or 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, **complainant**, and inquiring parties have the right to be notified in writing of the final determination and any sanctions imposed to the extent permitted by the federal Family Educational Rights and Privacy Act (FERPA).

Article 5. Allegations of Student Misconduct NOT Involving Discrimination or Sexual Harassment.

5.1. Scope

This article sets forth the procedures which should be followed when there are allegations that an undergraduate student violated Regent Policy 4.2 "Student Code of Conduct" or other UNM policy not involving discrimination or sexual harassment, which are addressed in Article 4 herein.

5.2. Referral of Misconduct to Dean of Students Office for Non-HSC Students

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

The standard of proof utilized to resolve misconduct violating the Student Code of Conduct charges shall be that of preponderance of the evidence, meaning that the evidence, considered in its entirety, indicates that, more likely than not, the accused undergraduate student (or chartered student organization) violated UNM policy or the Code of Conduct. Charges will be resolved in accordance with the Dean of Students Procedures. A decision, in most cases, will be rendered within sixty (60) calendar days of the filing of a complaint. This date can be modified at the discretion of the Dean of Students if deemed necessary such as to conduct a hearing that protects the rights of all parties. Decisions of the Dean of Students pertaining to undergraduate students are subject to appeal in accordance with Section 5.5 herein.

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.

5.3. 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 if the Dean concludes that the person's continued presence on the campus may endanger persons or property or may threaten disruption of the academic process or other campus functions. When a person has been immediately suspended or banned by the Dean of Students, the person may request to meet with the Dean to consider whether the emergency suspension should be continued. For undergraduate students and chartered student organizations, an emergency suspension or banning does not end the disciplinary process. Resolution of the charges will proceed as set forth herein.

5.5. Appeals, Records, and Rights

5.5.1. Appeal of Sanctions by Issued by Dean of Students

The decision on sanctions pertaining to undergraduate students made by the Dean of Students may be appealed to the Vice President for Student Affairs if the sanction imposed 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 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.

The Vice President for Student Affairs will send written notification of the decision to the appealing party within seven (7) of receiving the request for appeal. A copy of the decision shall be sent to the Dean of Students.

5.5.2. Appeal of Sanctions Issued by the Applicable HSC Dean

Decisions regarding HSC undergraduate students receiving a sanction of suspension, expulsion or banning from campus or 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 EVP for Health Sciences. The undergraduate HSC student must submit a written request for appeal to the Office of the EVP for Health Sciences within seven (7) working days of the date of the written decision from the applicable HSC dean. The grounds for appeal to the EVP for Health Sciences 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 EVP for Health Sciences will notify the appealing party of the EVP for Health Sciences' 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 EVP for Health Sciences. 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) 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, 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) working days of the date of the written decision from the last reviewer.

Article 6. General Provisions

6.1. Undergraduate Student Conduct Records

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

6.2. Rights of the Parties Participating in Grievances

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

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

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

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

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

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

6.2.6. Subject to the limits set forth in this Policy, both parties have the right to be accompanied by an advisor at a hearing. The advisor may be an attorney retained by a party at their own expense. The advisor, including an attorney advisor, cannot act as a representative of the advisee, cannot have a voice in meetings or hearings and therefore is not permitted to present arguments or evidence or otherwise participate directly in meetings or hearings.”

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

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

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

6.3. Variances

6.3.1. Introduction

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

6.3.2. Health Sciences Center

Undergraduate students in academic programs in the Health Sciences Center (HSC) have adopted student codes of conduct (including standards of professionalism) with which undergraduate students in those academic programs must comply, in addition to the UNM Student Code of Conduct and other UNM policies. Except for allegations of discrimination or sexual harassment, which shall be referred to the UNM [CEEO](#) ~~CEO~~ 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 EVP for Health Sciences, or designee, under procedures adopted by the EVP for Health Sciences' 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.

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.

History

August 14, 2020 – Revised to address Title IX Rule Changes
April 15, 2020 – Revisions approved by the President
September 24, 2019 – Revisions approved by the Faculty Senate
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