



**Faculty Handbook**

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

Approved By: Faculty Senate and UNM President

Effective Date: **Draft 1/9/22**

Responsible Faculty Committee: Faculty Senate Graduate and Professional Committee

Office Responsible for Administration: Graduate Studies and Dean of Students

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

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## POLICY RATIONALE

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

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## POLICY STATEMENT

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

**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 [Compliance, Ethics, and Equal Opportunity \(CEEO\)](#) (~~OEEO~~) within 24 hours, or as soon as reasonably practicable, by calling (505) 277-5251 or by email at [oeounm@unm.edu](mailto:oeounm@unm.edu). Confidential and/or anonymous reports can be made (refer to Procedures **Article 5** herein for reporting options). Complaints can also be made to the UNM Ethicspoint Hotline 1-888-899-6092. The UNM [CEEO](#) (~~OEEO~~) 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 a graduate student has violated UNM anti-discrimination or sexual harassment policies, 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 [CEEO](#) (~~OEEO~~) 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 [CEEO](#) ~~OEEO~~, it is recognized that HSC academic programs may have adopted policies and procedures that govern the adjudication of student conduct and student grievance matters. Such 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 [University President](#) ~~EVP for Health Sciences, or designee~~, under procedures adopted by the [Office of the President](#). ~~EVP for Health Sciences'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 EVP for Health Sciences. 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*.

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## APPLICABILITY

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All academic UNM units, including the Health Sciences Center.

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

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## DEFINITIONS

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**Academic Dishonesty** includes, but is not limited to, plagiarism (including self-plagiarism), dishonesty in quizzes, tests, or assignments; claiming credit for work not done or done by others; hindering the academic work of other students; misrepresenting academic or professional qualifications within or 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 Office of [Compliance, Ethics, and Equal Opportunity \(CEEO\)](#); 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 Policies [#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 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 Students** include 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 [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.

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

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## WHO SHOULD READ THIS POLICY

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- Graduate and Professional Students
- Faculty members
- Staff in the Office of the Dean of Students
- Staff in the Office of [Compliance, Ethics, and Equal Opportunity \(CEEEO\)](#)
- Staff at Student Health and Counseling (SHAC)
- Administrative staff responsible for student events

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## RELATED DOCUMENTS

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### *Regents Policy Manual*

[RPM 1.5](#) "Appeals to the Board of Regents"

[RPM 4.2](#) "Student Code of Conduct"

[RPM 4.3](#) "Student Grievances"

[RPM 4.4](#) "Student Records"

[RPM 4.8](#) "Academic Dishonesty"

### *Faculty Handbook*

[C290](#) "[Ombuds/Dispute Resolution Services for Faculty.](#)"

[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"

### [The Pathfinder](#) "Student Code of Conduct"

Office of [Compliance, Ethics, and Equal Opportunity](#) [Discrimination Grievance 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

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## CONTACTS

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

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## PROCEDURES

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

## **UNM School of Law Students**

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

## **Health Sciences Center Students (HSC)**

Graduate and professional students in academic programs in the HSC must comply with applicable HSC student codes of conduct in addition to this Policy (see section **2.2** in Policy Statement above for more information). To the extent these Procedures differ from HSC student codes of conduct, the HSC student codes of conduct supersede these Procedures. Pertaining to HSC graduate and professional students, the EVP for Health Sciences, 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 clearly state the specific nature of the exception or special consideration being requested and provide a complete but concise justification. If the request involves the extension of a deadline, a proposed new deadline date should be indicated. Petitions must be submitted in the sequence listed below:

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

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

**1.2.3.** The petition should then be forwarded to the school or college dean. The student may choose to submit the petition to school or college dean even if it was not supported by the student's academic unit. The school or college dean or designee may ask the Faculty Senate Graduate and Professional Committee, serving in an advisory capacity, to review the petition and offer its recommendation for approval or disapproval.

A written response to a petition will usually be sent to the student within ten (10) working days from its receipt by the school or college dean, and a copy sent to the academic unit. (This period may be extended to allow for UNM holidays or other periods when UNM is not in session.) The original petition will be retained in the student's file. Petitions that are lacking required documentation will be returned to the student and will not be considered until all documentation has been received.

**1.2.4.** The student may appeal the dean's decision to the Provost/EVP for Health Sciences 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 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 [Compliance, Ethics, and Equal Opportunity \(CEEEO\)](#) ~~(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 [when appropriate and equitable](#).

**3.2.1.** A student with a complaint related to academic matters is encouraged to consult with Graduate Studies to discuss the concerns, seek to clarify pertinent rules and regulations governing graduate study, and explore constructive ways to resolve the problem directly with the faculty member or administrator involved [when appropriate and equitable](#). This should occur as soon as reasonably possible after the student has become aware of the problem.

**3.2.2.** The student should [either directly or with the assistance of the graduate student Ombuds member of the UNM Ombuds/Dispute Resolution Services for Graduate Students](#) ~~should then arrange a meeting~~ meet with the faculty or administrator involved in the complaint to address the problem and to explore the possibility of a jointly achieved resolution. [The graduate student Ombuds works closely with the Office of Ombuds/Dispute Resolutions Services for Faculty.](#)

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

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

If the matter cannot be resolved at the departmental level, the student may bring the problem to the attention of the school or college dean. The school or college dean will determine whether to adjudicate the dispute or to refer the student to the Dean of Graduate Studies for a resolution. If the school or college dean has a conflict of interest pertaining to the dispute, the dispute shall be referred to the Dean of Graduate Studies for a resolution and the Dean of Graduate Studies will perform the duties assigned to the school or college dean in this section. If the dispute is with a faculty member in a school or college different from the student's, the appropriate dean would be the one in the unit in which the faculty member resides, or in which the course in which the dispute arose was offered. In the resolution of grievances at the level of a school or college dean or the Dean of Graduate Studies, the following procedures will apply.

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

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

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

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

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

During the appeal process, the Chairperson, Dean, Provost, EVP for Health Sciences, and/or Board of Regents cannot overrule a faculty member's academic judgement.

#### **3.4.1. Appeal to Provost or EVP for Health Sciences**

Either party may appeal in writing the school or college 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 school or college dean set out above. 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.

#### **3.4.2. 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 4. Academic Dishonesty**

### **4.1. Scope**

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

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

**4.2.1.** When a violation of the academic dishonesty rules appears to have occurred within the academic process, the faculty member shall discuss the apparent violation with the student as soon as possible and give the student an opportunity to explain. The faculty member should consult with Graduate Studies to discuss possible courses of action. The faculty member may impose an appropriate academic consequence within the scope of the academic activity, such

as grade reduction and/or involuntary withdrawal from the course. The faculty member shall notify the student of the academic consequence.

**4.2.2.** The faculty member may report the matter to the Dean of Students, by submitting written documentation describing the events and indicating if the faculty member wishes the Dean of Students Office to pursue any additional disciplinary action against the student. The faculty member may use the Dean of Students Office's faculty adjudication form in submitting the written documentation. The Dean of Students Office will notify the student of the report, and the student may request a copy of the report from Dean of Students Office. In cases where the student has multiple 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 imposed by a faculty member using the process defined in Procedures section **3.4.** herein. The student may challenge a sanction imposed by the Dean of Students for a code of conduct issue using the process defined in Procedures section **6.8.1** herein.

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

When academic dishonesty occurs other than in connection with a course, the person who observes or discovers the apparent violation may transmit in writing to the appropriate faculty member or Dean of Students a statement describing the occurrence. The faculty member or Dean of Students will send a copy to the student and will address the situation in accordance with Procedures sections **4.2.1** and **4.4** 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 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 [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](mailto: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 – (505) 277-0191 [vassarhouse@salud.unm.edu](mailto:vassarhouse@salud.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 Compliance, Ethics, and Equal Opportunity (CEEEO) ~~(OEO)~~

**5.2.1.** Allegation(s) that a graduate or professional student has engaged in an act of discrimination or sexual harassment will be referred to UNM's Office of Compliance, Ethics, and Equal Opportunity (CEEEO) ~~(OEO)~~ for investigation pursuant to CEEEO'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.

**5.2.2.** Neither CEEEO ~~OEO~~ nor the Hearing Officer has sanctioning authority. If the respondent is a student and is found to have violated policy, the determination of the sanction to be imposed will be made by applicable HSC dean 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 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 (including 2020 Regulations), 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 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. 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 appeal either or both the finding of policy violation and/or 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."

### 5.3. Appeals

#### ~~5.3.1. Non-HSC Professional and Graduate Students Appeal of Hearing Officer's Determination and/or Sanctions~~

##### ~~5.3.1.1. Appeal to the UNM President~~

Students may appeal the Hearing Officer's finding and, if applicable the sanction imposed by the Office of the Dean of Students or the [applicable academic dean](#) ~~Dean of the Law School~~ to the UNM President. 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 the [applicable academic dean](#) ~~Dean of the Law School~~, 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 [CEEØ](#) ~~ØØ~~ [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.~~

##### ~~5.3.1.2. 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.

### **5.3.2. HSC Professional and Graduate Students Appeal of Hearing Officer's Determination and/or Sanctions**

#### **5.3.2.1. Appeal to the EVP for Health Sciences**

HSC students may appeal Hearing Officer's finding and, if applicable the sanction imposed by the applicable HSC dean to the EVP for Health Sciences. 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 applicable 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 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.

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.

#### **5.3.2.2. 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.

#### **5.3.2.3. 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.

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

### **6.1. Scope**

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

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

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

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

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

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

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

### **6.8.1.1 Appeal to Vice President for Student Affairs**

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

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

In accordance with Regent [Policy 1.5](#), 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.

## **6.8.2. Appeal of Sanctions Issued by the Dean of the Law School [or Applicable HSC Dean](#)**

### **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. 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 [President](#) EVP for Health Sciences. The student must submit a written request for appeal to the Office of the President within seven (7) working days of the date of the written decision from the [applicable 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 [applicable dean](#) of the Law School.

### **6.8.2.2. 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.

### **~~6.8.3. Appeal of Sanctions Issued by an HSC Dean~~**

#### **~~6.8.3.1. Appeal to the EVP for Health Sciences~~**

~~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 EVP for Health Sciences. The HSC student must submit a written request for appeal to the Office of the EVP for Health Sciences within ten (10) 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'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 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.~~

#### **~~6.8.3.3. 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 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 hearings and therefore is not permitted to present arguments or evidence or otherwise participate directly in meetings or hearings.”

**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.

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## HISTORY

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August 14, 2020 – Revised to address Title IX Rule Changes

April 14, 2020 – Approved by University President

September 24, 2019 – Approved by Faculty Senate

March 6, 1997 – Approved by Faculty Senate Graduate Committee

October 20, 1994 -- Approved by Faculty Senate Graduate Committee