

Faculty Senate Policy Committee
Meeting Agenda, Scholes Hall Room 101, February 8, 2017 10 am – 2 pm

Updates

1. Spring Approval Cycle
2. E90 “Human Beings as Subjects in Research”
3. A61.7 “Curricula”
4. Section F policies

Agenda Topics

Consent Agenda Topics: None

Action Items

1. D175 “Undergraduate Student Conduct and Grievance Policy”
2. D170 “Student Attendance”
3. C09 “Respectful Campus”
4. E40 “Research Misconduct”
5. C20 “Employment of UNM Graduates”
6. C50 “Faculty Contracts” and C205 “Annual Leave”

Future Business

D175: Undergraduate Student Conduct and Grievance Policy

Approved By: Faculty Senate, ASUNM Senate, UNM President, and Board of Regents

Last Updated: **Draft 1/6/17**

Responsible Faculty 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.

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, and allegations of student misconduct, as well as procedures for handling student disciplinary matters. Reasonable deviations from these procedures by UNM will not invalidate a decision or proceeding unless significant prejudice results.

POLICY STATEMENT

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 interfere with the educational process or the orderly operation of UNM, or endanger the health, safety or welfare of the UNM community or any individual student or employee. UNM may take disciplinary action for a violation of the Visitor Code of Conduct when the offense occurs on UNM premises, as part of a UNM-sponsored event or in connection with University activities. "Visitor" means a person who is not a student, a University employee or a member of the Board of Regents.

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.

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

1.2. Academic disputes arising within the academic process, whereby a student believes that [there](#) has been unfair or improper treatment by a faculty member or academic program/department in connection with the academic process. For example, it applies to disputes over assignment of grades, decisions about program or degree requirements or eligibility, or claims that course requirements are unfair.

1.3. Allegations of Academic Dishonesty

1.4. Allegations of Discrimination or [Sexual Harassment](#)

[Discrimination is defined as 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. 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 Procedure, discrimination and sexual harassment also include 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. Grievances alleging discrimination or sexual harassment as defined herein](#) should be directed to the UNM Office of Equal Opportunity, [which is tasked with investigating allegations of discrimination and sexual harassment and determining whether anti-discrimination policy has been violated. If OEO determines that a student has violated UNM anti-discrimination policy, disciplinary proceedings shall be handled under the Procedures set forth in Article 4.](#)

[1.5. Allegations of Student Misconduct NOT Involving Discrimination or Sexual Harassment](#)

[2. Matters that may also be Covered under other UNM Policy](#)

[2.1. Visitors to the UNM campus](#)

Visitors to the UNM campus are subject to the Visitor Code of Conduct. Visitors may be banned from the entire campus, or a portion of the campus, on an emergency basis under [section 5.3.](#) herein. Visitors will normally be given the opportunity to meet with the Dean of Students to discuss alleged violations of the Visitor Code of Conduct prior to a decision concerning the visitor's final status on campus. Decisions of the Dean of Students regarding visitors to campus are final for UNM.

[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. Disputes involving matters occurring in the residence halls shall follow the procedures set forth in the Residence Hall Handbook in addition to this procedure.

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

3.5. Resolution of disputes of an academic nature initiated by graduate students shall follow the [Faculty Handbook Policy D176 Graduate Student Grievance Procedures](#). Disputes arising from a graduate student's status as a graduate assistant shall follow procedures in the *Faculty Handbook*.

APPLICABILITY

[All academic UNM units, including the Health Sciences Center and branch campuses.](#)

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

DEFINITIONS

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

[Accused student](#) refers to the individual accused by the complainant of having violated University policy prohibiting discrimination as defined herein.

[Complainant](#) refers to the individual alleging that they have experienced discrimination as defined herein.

[Complaint](#) refers to allegations of prohibited discrimination as defined herein filed with UNM's Office of Equal Opportunity.

[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](#). For purposes of this Procedure, "discrimination" also includes [retaliation for having made allegations of discrimination or sexual harassment, having](#)

participated in an investigation into allegations of discrimination, or otherwise having engaged in opposition to unlawful discrimination or sexual harassment. Retaliation is explicitly prohibited under University Administrative Policies #2200, 2720, 2730, and 2740.

Misconduct is any activity performed by a UNM student or any other member of the UNM community that violates state and/or federal laws or regulations, local ordinances, or UNM policy.

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

No Probable Cause means that the evidence submitted during the OEO investigation does not support a finding that it is more likely than not that the acts alleged are in violation of University policy prohibiting discrimination or sexual harassment.

Probable Cause means that the evidence submitted during the OEO investigation supports a finding that it is more likely than not that the acts alleged are in violation of University policy prohibiting discrimination or sexual harassment.

Sexual harassment is a form of gender discrimination and is defined in UAP Policy 2730 "Sexual Harassment." Sexual harassment includes sexual violence, which is considered a severe form of sexual harassment. Sexual Violence is defined in UAP Policy 2740 "Sexual Violence and Sexual Misconduct. For purposes of this Policy, sexual harassment also includes retaliation for having made allegations of sexual harassment, having participated in an investigation into allegations of sexual harassment, or otherwise having engaged in opposition to unlawful sexual harassment. Retaliation is explicitly prohibited under University Administrative Policies #2200, 2720, 2730, and 2740.

Undergraduate Student includes both full-time and part-time students pursuing undergraduate studies, degree and non degree. Student status continues for the entire period of enrollment, including University holidays, class breaks and summer session, if the student is enrolled for the preceding spring and following fall academic terms.

WHO SHOULD READ THIS POLICY

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

RELATED DOCUMENTS

Regents Policy Manual

[RPM 4.2 “Student Code of Conduct”](#)

[RPM 4.3 “Student Grievances”](#)

[RPM 4.4 “Student Records”](#)

[RPM 4.8 “Academic Dishonesty”](#)

[Faculty Handbook](#)

[C09 “Respectful Campus”](#)

[D100 “Dishonesty in Academic Matters”](#)

[D176 “Graduate Student Grievance Procedures”](#)

[University Administrative Policies Manual](#)

[2200 “Whistleblower Protection and Reporting Suspected Misconduct and Retaliation”](#)

[2240 “Respectful Campus”](#)

[2720 “Equal Opportunity, Non-Discrimination, and Affirmative Action”](#)

[2730 “Sexual Harassment”](#)

[2740 “Sexual Violence and Sexual Misconduct”](#)

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

CONTACTS

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

PROCEDURES

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

Article 1. Academic Record Disputes

1.1. 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).

1.2. Petitions

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

1. Include a statement of the nature of the request including why the student feels it should be granted.
2. Specify the semester involved and the subject/department code, course and section numbers.
3. Specify the student's name, UNM I.D. number, mailing address, email address and telephone number.

4. Include documentation of extenuating circumstances, such as medical, family, or employment needs.
5. Be typed and signed.
6. Optionally, include supporting statements from involved faculty and academic units.

1.2.2. Upon receipt of the petition, the Registrar's Office shall forward a copy to the instructor of the course. The instructor shall make any response within three weeks of receipt. If the instructor has not responded within three weeks, 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 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 2. Academic Disputes

2.1. Scope

This article sets forth the procedures which should be followed by a student who believes that [there](#) has been unfair or improper treatment [ment](#) 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.

2.2. Informal Resolution

2.2.1. The student should first try to resolve the grievance informally by discussing the grievance with the faculty member as soon as reasonably possible after the student becomes or should become aware of the matter. If the student and faculty member cannot reach agreement, the student should discuss the grievance with the chairperson or supervisor of the department or division. If the grievance is still not resolved, the 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 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 four weeks after the student

becomes or should become aware of the matter.

2.3. Formal [Resolution](#) of Academic Matters

If the informal discussions do not resolve the grievance, the student may bring a formal [complaint](#) using the procedures set forth in the following articles. [During the formal resolution process](#), the chairperson and/or dean [can](#)not overrule a faculty member's academic judgment. This formal [complaint](#) process shall begin within two weeks following the informal discussions.

2.3.1. The student shall make a written complaint to the appropriate dean. ~~as defined in Article 1.2.A.~~ The complaint shall describe the grievance, including a statement of what happened, and the student's reasons for challenging the action or decision. The complaint shall also describe the student's attempts to resolve the grievance informally. The student may attach copies of any relevant documents. The student shall send a copy of the complaint to the faculty member and his or her chairperson. The faculty member shall have two weeks from the receipt of the complaint to respond in writing to the dean. A copy of the faculty member's response shall be provided to the student, consistent with the federal Family Educational Rights and Privacy Act (FERPA).

2.3.2. 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 his or her discretion, the dean may decide to hold an informal hearing involving both parties and any witnesses. Where the dispute primarily concerns factual questions, rather than matters of academic judgment, the dean should normally hold such a hearing. If a hearing is to be held, the dean will give the parties no less than five [working](#) days notice. The 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.

2.3.3. The dean at his or her discretion may convene an advisory committee to hold a hearing or otherwise help him or her evaluate the dispute. For this purpose the dean may utilize a standing committee appointed within the dean's college.

2.3.4. The dean shall issue a written decision explaining his or her findings, conclusions, and reasons for the decision. The decision shall be sent to each party, and to the faculty member's chair. The decision shall be made within three weeks after the complaint is filed, unless an informal hearing is held, in which case the decision shall be made within four weeks.

[2.4. Appeal of Formal Decision](#)

[During the appeal process](#), the Provost, [President, and/or Board of Regents](#) [can](#)not overrule a faculty member's academic judgment.

2.4.1. Appeal to Provost

Either party may appeal the dean's decision within two weeks of receipt of the decision to the Provost. The Provost or his or her designee shall resolve the grievance utilizing any procedures available to the dean set out above. The Provost at his or her discretion may refer the matter to the Faculty Ethics and Advisory Committee for consideration of disciplinary action against the faculty member involved, if such action appears warranted.

2.4.2. Appeal to the President and the Board of Regents

The President has the discretionary authority to review all decisions by the senior administrators, and the Board of Regents has the discretionary authority to review all decisions of the President. A request a review by the President or 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 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. These procedures are not exclusive; various University departments and programs may have additional policies and procedures on academic dishonesty. Academic dishonesty is defined in Definitions Section of this Policy.

3.2. Academic Dishonesty within Courses: Faculty-Imposed Sanctions

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

3.2.3. The faculty member should report the matter to the Dean of Students Office, by submitting written documentation describing the events and indicate if [the faculty member](#) wishes the Dean of Students Office to pursue any additional disciplinary action against the student. A copy of such report shall be sent by the Dean of Students Office to the student.

3.2.4. The student may challenge a faculty-imposed sanction [using the process defined in section 2.4. herein.](#)

3.3. Academic Dishonesty in Other Settings

When academic dishonesty occurs other than in connection with a course, the person who observes or discovers the apparent violation shall transmit in writing to the Dean of Students a statement describing the occurrence. A copy shall be sent to the student. The Dean of Students shall determine the sanction following the procedures set forth in [section Article 3.4. herein.](#)

3.4. Sanctions Imposed by the Dean of Students

Upon receiving a report of academic dishonesty from a faculty member pursuant to [section 3.2.3 herein](#), or from other University staff pursuant to [section 3.3 herein](#), the Dean of Students may, after considering the recommendation of the faculty member, if any, initiate additional disciplinary action in accordance with this [Policy](#).

3.5 Appeals

The student may challenge a sanction [using the process defined in section 2.4. herein](#).

Article 4. Allegations of Discrimination or Sexual Harassment

4.1. Scope

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

4.2. Reporting to/and Investigation by the Office of Equal Opportunity (OEO)

[4.2.1. Allegation\(s\) that a student has engaged in an act of discrimination or sexual harassment](#) will be referred to UNM's Office of Equal Opportunity (OEO) for investigation pursuant to OEO's Discrimination Claims Procedure. [If it accepts the matter for investigation](#), OEO will issue a Final Letter of Determination [at the conclusion of that investigation finding](#) either No Probable Cause or Probable Cause that the accused student has committed an act [in violation of](#) UNM's prohibitions against [discrimination or sexual harassment as defined herein](#). The accused student and complainant have the right to appeal OEO's Final Letter of Determination as provided for in OEO's Discrimination Claims Procedure, [which describes the sole method of appealing a determination made by OEO](#).

[4.2.2.](#) If OEO finds No Probable Cause that a student committed an act, [in violation of UNM's prohibition against discrimination or sexual harassment](#), OEO will refer the matter to the Dean of Students Office for review to determine whether charges under any other provisions of the UNM Student Code of Conduct [or UNM policy](#) are warranted or other action should be taken.

[4.2.3.](#) If Probable Cause is found that a student committed an act of [discrimination or sexual harassment in violation of UNM policy](#), OEO will refer the matter to the Dean of Students Office to determine the sanction to be imposed. Sanctions should be designed to eliminate the misconduct, prevent its recurrence, and remedy its effects, while supporting [UNM's educational mission and obligations under UNM policy and state and federal law, including but not limited to Title IX of the Education Amendments of 1972, the Civil Rights Act of 1964, and the New Mexico Human rights Act](#). Ordinarily the Student Conduct Officer [will set up an administrative hearing in accordance with section 5.2.2.4. herein, to](#) allow the accused student to present evidence to the Student Conduct Officer for consideration and suggest witnesses that the Student Conduct Officer may consider interviewing before a decision is rendered. [If the student fails to attend the meeting, the Student Conduct Officer may decide the charges based](#)

[upon the information available](#). The Student Conduct Officer may contact other individuals who have knowledge about the incident giving rise to the charges. Within three weeks of the completion of all witness interviews, the Student Conduct Officer will send the [student](#) charged a letter which indicates any disciplinary sanction imposed.

[4.3. Appeals](#)

[4.3.1. Appeal to the Vice President for Student Affairs](#)

The decision on sanctions made by the Student Conduct Officer may be appealed [to the Vice President for Student Affairs](#). [The student must submit a](#) written request for appeal to the Vice President for Student Affairs within seven working days of the date of the written decision from the Dean of Students. The Vice President for Student Affairs will send written notification of the decision to the appealing party within two weeks of receiving the request for appeal. A copy of the decision shall be sent to the Dean of Students.

4.3.2. Appeal to the President and the Board of Regents

The President has the discretionary authority to review all decisions by the senior administrators, and the Board of Regents has the discretionary authority to review all decisions of the President. A request [for](#) a review by the President or 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 working days of the date of the written decision from the last reviewer.

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

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

[Additionally, in cases of sexual harassment as described in section 5.7., the respondent and inquiring parties have the right to be notified in writing of the final determination and any sanctions imposed to the extent permitted by the federal Family Educational Rights and Privacy Act \(FERPA\).](#)

Article 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 a student violated the Student Code of Conduct or other UNM policy not involving discrimination or sexual harassment, which are addressed in Article 4. herein.](#)

NOTE: Prohibited Conduct paragraph moved to Policy Section of Document

5.2. Referral of Misconduct to Dean of Students Office

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

5.2.2. Upon referral, or upon his or her own initiative, the Student Conduct Officer may review relevant evidence and consult with the person referring the allegation, the student accused, and any witnesses. The Student Conduct Officer will send written notification to the accused student indicating the nature of the activity in which the student was allegedly involved, and what UNM rules were allegedly violated. The student will be given the opportunity to meet with the Student Conduct Officer to review the options for resolving the charges. If the student fails to attend the meeting, the Student Conduct Officer may decide the charges based upon the information available and/or place a hold on the student's registration. The accused student will also be offered one or more of the following options to resolve the charges; however, the Student Conduct Officer is authorized to refer the charges for a formal hearing before the Student Conduct Committee even if the student does not elect a formal hearing. If a student fails to select a hearing process, the Student Conduct Officer will decide which hearing process will be followed. The options for resolving the charges are:

5.2.2.1. Mediation: This option is reserved for situations where all relevant parties in an incident agree to have a conflict resolved through mediation and sign an agreement to mediate. If all parties agree to this process and mediation is successful, a formal finding will not be issued with regard to [misconduct](#) charges. However, failure to fulfill the terms of a final mediation agreement could lead to reactivation of these charges and additional disciplinary action

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

5.2.2.3. Administrative Hearing with the Student Conduct Officer: This option allows the accused student to present evidence to the Student Conduct Officer for consideration and suggest witnesses that the Student Conduct Officer may consider interviewing before a decision is rendered. The Student Conduct Officer may contact other individuals who have knowledge about the incident giving rise to the charges. The party waives the right to question such

individuals or otherwise participate in an evidentiary hearing. Administrative Hearings are not tape recorded. Within three weeks of the completion of all witness interviews, the Student Conduct Officer will send the party charged a letter which indicates the finding in the case and any disciplinary sanction imposed. The Student Conduct Officer may find the party charged not responsible for [misconduct](#), or may find the party responsible and impose a disciplinary sanction in accordance with Article 4 of the Student Code of Conduct.

5.2.2.1. Formal Hearing with the Student Conduct Committee: This option allows the accused student to respond to the charges, present witnesses on his or her own behalf and question witnesses. Formal hearings are tape-recorded. Within three weeks of the conclusion of the hearing, the Student Conduct Committee will send the party charged a letter which indicates the finding in the case and any disciplinary sanction imposed. The Student Conduct Committee may find the party charged not responsible for [misconduct](#), or may find the party responsible and impose a disciplinary sanction in accordance with Article 4 of the Student Code of Conduct. A formal hearing with the Student Conduct Committee is conducted in accordance with the procedures outlined in [section 5.4.4. herein](#).

5.2.3. When a case involves [misconduct](#), charges against more than one party, the Student Conduct Officer will determine whether to hold one hearing to resolve charges against all parties or hold separate hearings for each accused student.

5.2.4. 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.

5.2.5. Unless otherwise specified in the decision, sanctions issued by the Student Conduct Officer (not including an Emergency Suspension as outlined [in section 5.3. herein](#) Article 4.3) or by the Student Conduct Committee shall not be implemented until the appeal process as set forth under [section 5.5. herein](#) is completed.

5.2.6. 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 student (or chartered student organization or visitor) violated [UNM policy](#).

5.2.7. The party who is charged with [misconduct](#) is responsible for presenting his or her case; advisors are therefore not permitted to speak or to participate directly in any conference or hearing.

5.2.8. Decisions by the Student Conduct Officer or Student Conduct Committee will, in most cases, will be rendered within sixty (60) days of the filing of a complaint. This date can be modified at the discretion of the Student Conduct Officer if deemed necessary [such as](#) to conduct a hearing that protects the rights of all parties.

5.3. Emergency Suspension and Banning from Campus

5.3.1. The Dean of Students may immediately suspend a student (or chartered student organization) and/or ban a student or visitor if the Dean concludes that the person's continued presence on the campus may endanger persons or property or may threaten disruption of the academic process or other campus functions.

5.3.2. When a person has been immediately suspended or banned by the Dean of Students, the person may request to meet with the Dean to consider whether the emergency suspension should be continued. The meeting shall be held as soon as possible (no later than one week) after the request. The Dean of Students shall give the person an opportunity to explain his or her position and shall receive evidence or hear from witnesses with pertinent information if requested by the person. In the case of a chartered student organization, the Dean will meet, if requested, with the organization's president or other designated officer.

5.3.3. After the meeting, if the Dean finds that the person's continued presence may endanger persons or property or threaten disruption of the academic process or other campus functions, the Dean shall continue the suspension and/or ban. Otherwise, the emergency suspension and/or ban shall be revoked or modified.

5.3.4. For students and chartered student organizations, an emergency suspension or banning does not end the disciplinary process. Resolution of the charges will proceed as set forth in [section 5.2.2.](#) herein. For visitors, the Dean of Students will decide whether to maintain an emergency ban and make it permanent, or modify or end the emergency ban, ordinarily after giving the visitor an opportunity to meet. The decision of the Dean of Students concerning a visitor is final.

5.4. Student Conduct Committee

5.4.1. Jurisdiction

The Student Conduct Committee will hold a hearing when a party chooses the option of a formal hearing before the Committee or when the Student Conduct Officer refers the matter to the Committee. [Allegations of discrimination or sexual harassment do not go to the Student Conduct Committee.](#)

5.4.2. Composition

5.4.2.1. The Student Conduct Committee will consist of three members, ordinarily including one student, one faculty member and one staff member, with the Dean of Students serving as an additional, nonvoting member and Chair of the Student Conduct Committee. The student, faculty and staff members of a Student Conduct Committee are drawn from a standing pool consisting of faculty members designated by the Faculty Senate President; staff members designated by the Staff Council President and student members designated by the Presidents of ASUNM and GPSA.

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

5.4.2.3. A party charged may be found responsible for misconduct by a majority vote of the Student Conduct Committee.

5.4.3. Investigation Report

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

5.4.4. Hearing Procedures

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

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

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

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

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

5.4.4.5. The accused student has the right, within reasonable limits set by the Dean of Students to question all witnesses who testify. The Dean of Students may also permit the complainant to question the witnesses, within reasonable limits.

5.4.4.6. The accused student and the complainant will not be permitted to directly question each other in hearings to determine the sanction to be imposed on a student for whom UNM's OEO Office has issued a Probable Cause determination under Article 4. herein. Questions for the accused student and the complainant from the other party may be suggested by each of them to the Student Conduct Committee who will decide whether to pose them. In such cases, additional limitations on questioning may be imposed that are consistent with the complainant's rights as stated in section 5.7 herein.

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

5.4.4.8. The accused student and the complainant may each submit pertinent documentary evidence for consideration by the Student Conduct Committee at least five business days before the hearing. As with witnesses, the Dean of Students may, for the reasons cited in section 5.4.4.7. herein, decline to accept a party's evidence. Both parties will be provided access to all documentary evidence accepted, consistent with the federal Family Educational Rights and Privacy Act (FERPA).

5.4.4.9. In its discretion, but consistent with the other provisions of this Policy, the Student Conduct Committee may proceed independently to secure evidence for the hearing. Both parties will have an opportunity to review any such evidence at least three business days before the hearing, consistent with the federal Family Educational Rights and Privacy Act (FERPA).

5.4.4.10. The hearing will be recorded in an appropriate format as determined by the Dean of Students, and the Dean of Students Office will keep the recordings. The recording is the property of UNM. No typed record will be made.

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

5.4.4.12. Within three weeks of the conclusion of the hearing, the Student Conduct Committee will send the accused student a decision letter which includes the Committee's findings and any disciplinary sanction imposed. The Student Conduct Committee may find the party charged not responsible for misconduct, or may find the party responsible and impose a disciplinary sanction

[5.4.4.13](#). The Student Conduct Committee may seek advice from the Office of University Counsel throughout the adjudication process on questions of law or procedure; however, factual determinations are the exclusive domain of the Committee.

[5.4.4.14](#). [Decisions of the Student Conduct Committee are subject to appeal per section 5.5. herein.](#)

[5.5. Appeals, Records, and Rights](#)

[5.5.1. Appeal to Dean of Students](#)

[5.5.1.1](#). A student receiving a sanction [of suspension, expulsion, or banning from campus](#) from the Student Conduct Officer may appeal the decision to the Dean of Students. A Dean of Students Office appeal form must be completed and received by the Dean of Students Office within seven working days of the date of the written decision from the Student Conduct Officer. A complainant may appeal a decision of the Student Conduct Officer. The following will be considered the only grounds for an appeal:

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

On appeal the Dean of Students shall review the decision of the Student Conduct Officer and may schedule an appointment with the party appealing to discuss the reasons for the appeal.

[5.5.1.2](#). After reviewing the case, the Dean of Students may:

1. Affirm or overturn the findings of the Student Conduct Officer.
2. Affirm or alter the sanction imposed by the Student Conduct Officer.
3. Remand the case to the Student Conduct Officer. A remand will generally occur where new evidence is to be reviewed or as otherwise determined by the Dean of Students. Where a case is remanded, the decision of the Student Conduct Officer may be appealed to the Vice-President for Student Affairs.
4. The Dean of Students will send written notification of the decision to the appealing party within two weeks of meeting with the appealing party, with a copy sent to the Student Conduct Officer.

[5.5.2. Appeal to Vice President for Student Affairs](#)

The decision on sanctions made by the Student Conduct Officer, Student Conduct Committee, or the Dean of Students may be appealed to the Vice President for Student Affairs. The student must submit a written request for appeal to the Vice President for Student Affairs within seven working days of the date of the written decision from the Dean of Students. The Vice President for Student Affairs will send written notification of the decision to the appealing party within two weeks of receiving the request for appeal. A copy of the decision shall be sent to the Dean of Students.

5.5.3. Appeal to the President and the Board of Regents

The President has the discretionary authority to review all decisions by the senior administrators, and the Board of Regents has the discretionary authority to review all decisions of the President. A request a review by the President or 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 working days of the date of the written decision from the last reviewer.

5.6. Student and Visitor Conduct Records

5.6.1. Records regarding student conduct shall be kept in the Dean of Students Office for a period of ten years after final disposition, except for records of expulsions which shall be permanently maintained. Records regarding action taken against visitors to UNM may be permanently maintained. Recordings of Student Conduct Committee hearings will be maintained in the Dean of Students Office for the same time period as the written records pertaining to the case.

5.6.2. Copies of the final decision shall, in an academic dishonesty case, be sent to the faculty member.

5.7. Rights of the Parties Participating in Student Code of Conduct Grievances

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

5.7.1. 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.

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

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

5.7.4. Both parties have the right to present evidence in his or her own behalf.

5.7.5. 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.

5.7.6. Subject to the limits set forth in [section 5.4.4.3.](#), [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 his or her own expense.

5.7.7. [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.](#)

5.7.8. [The party alleging that the accused student engaged in misconduct has the right to have past irrelevant behavior excluded from the discipline process.](#)

5.7.9. [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.](#)

5.8. Variances

5.8.1. Introduction

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

5.8.2. Health Sciences Center

[Undergraduate students in](#) academic programs in the [Health Sciences Center](#) 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 policy](#). Except for allegations of [discrimination or sexual harassment](#), to the extent that Health Sciences Center academic programs have adopted policies and procedures that govern the adjudication of student conduct and student grievance matters, those policies and procedures supersede [this Policy](#). A decision by the respective Dean of the College of Pharmacy or College of Nursing may be appealed to the Health Sciences Center Chancellor, or his or her designee, under procedures adopted by the Chancellor's Office. Decisions by the Dean of the School of Medicine are final for the Health Sciences Center when the positions of Dean and Chancellor are held by the same official.

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 School of Medicine, College of Pharmacy and College of Nursing.

Academic programs in the School of Medicine, College of Pharmacy and College of Nursing may, at their discretion, refer cases of alleged student misconduct to the UNM Dean of Students for review and possible action under the UNM Student Code of Conduct, except that allegations that a student in a Health Sciences Center academic program has engaged in [discrimination or sexual harassment](#) [act as provided in Article 4. herein](#), shall be referred to the UNM OEO Office.

5.9. General Provisions

5.9.1. Time Limits and Extensions

5.9.1.1. Unless stated otherwise or extended in writing, the time limit for a decision maker to issue a decision is three weeks if no hearing is held and four weeks if a hearing is held.

5.9.1.2. Unless stated otherwise in these rules or extended in writing under [section 5.5](#), the time limit to file an appeal is two weeks after the decision appealed. If the decision is given in person, the two-week period shall begin at that time. If the decision is mailed, the two-week period shall begin on receipt, which shall be presumed to be three days after mailing.

5.9.1.3. In any procedure governed by these rules, time limits shall be suspended in the following circumstances: **1.** For good cause, the decision maker can extend any time limit set forth in these rules. Good cause includes, but is not limited to, the fact that a deadline falls during finals week or during a period such as vacations, holidays, intercessions, or summer session. **2.** If the procedure involves the Student Conduct Committee, and the Dean of Students determines that the Committee members cannot convene and decide the case during finals weeks, summer session, intersession, vacation or holidays, the Dean will so advise the parties and will schedule a hearing as soon thereafter as possible. **3.** If a faculty or staff member is absent from UNM, the decision maker, may permit the faculty or staff member to participate in a hearing or interview by conference call, Skype or other electronic means.

5.9.2. 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 University academic, student conduct and other applicable requirements and policies.

5.9.3. Designees of Deans, Vice Presidents or Senior Level Administrators

Whenever these regulations specify submission of a dispute or decision to a Dean, Vice President or 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

5.9.4. Conflict with Other Procedures

Except as otherwise stated herein, in the event this Student Grievance Procedure conflicts with previously adopted policies and procedures, these procedures shall take precedence. See also Regents' Policy Manual Policy [4.2](#) "Student Code of Conduct."

HISTORY

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

DRAFT HISTORY

[January 6, 2017 – Draft revisions based on D175 1/4/2017 Taskforce meeting recommendation.](#)
January 2, 2017—Draft revisions based on D175 Taskforce recommendations.
September 20, 2016—Draft revision developed to address inconsistencies between the Pathfinder and Faculty Handbook.

COMMENTS TO:
handbook@unm.edu

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D175: Undergraduate Student Conduct and Grievance Policy

Approved By: Faculty Senate, ASUNM Senate, UNM President, and Board of Regents

Last Updated: **Draft 1/6/17**

Responsible Faculty 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.

POLICY RATIONALE

The University of New Mexico (UNM) is committed to academic excellence and student success. The UNM Student Grievance Procedure is intended to provide This Policy provides procedures for resolution of disputes of an academic nature between undergraduate students and UNM faculty, allegations of discrimination or sexual harassment, and allegations of student misconduct, as well as procedures for handling student disciplinary matters. Reasonable deviations from these procedures by UNM will not invalidate a decision or proceeding unless significant prejudice results.

POLICY STATEMENT

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 interfere with the educational process or the orderly operation of UNM, or endanger the health, safety or welfare of the UNM community or any individual student or employee. UNM may take disciplinary action for a violation of the Visitor Code of Conduct when the offense occurs on UNM premises, as part of a UNM-sponsored event or in connection with University activities. "Visitor" means a person who is not a student, a University employee or a member of the Board of Regents.

1. Matters Covered under this Policy

The following categories types of disputes or disciplinary matters are covered by this Policy and handled in accordance with the procedures described in the Procedures Section of this document. provided for in the articles indicated. Any questions about these procedures should be directed to the Office of the Dean of Students.

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

1.2. Academic disputes arising within the academic process, whereby a student believes that there he or she has been unfairly or improperly treatment ed 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. ~~shall follow the procedures set forth in Article 8.~~

1.3. Allegations of Academic Dishonesty. ~~shall follow the procedures set forth in Article 2, unless they involve shall follow the procedures set forth in Article 2, unless they involve which are handled under Article 3.~~

1.4. Allegations of Discrimination and/or Sexual Harassment

Grievances alleging Discrimination is defined as 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. Sexual harassment is a form of gender discrimination that includes sexual misconduct sexual violence, which is considered a severe form of sexual harassment.

For purposes of this Procedure, discrimination and sexual harassment 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. Grievances alleging discrimination or sexual harassment as defined herein should be directed to the UNM Office of Equal Opportunity, which is tasked with investigating allegations of discrimination and sexual harassment and determining whether anti-discrimination policy has been violated. If OEO determines that a student has violated UNM anti-discrimination policy, disciplinary proceedings shall be handled under the Procedures set forth in Article 4.4.

1.5. Allegations of Student Misconduct NOT Involving Discrimination or Sexual Harassment

~~**1.2. Disciplinary matters proceedings brought against students.** other than allegations of academic dishonesty, shall be handled under the procedures set forth in Articles 4, 5, 6 and 7.~~

~~**1.4. Law School and Health Science Center disputes involving students of the School of Law or any of the academic programs in the Health Sciences Center.** shall be handled as described in Article 9.~~

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

2.1 Branch Colleges

Student grievances or disciplinary matters arising on the branch campuses shall be handled under the Student Grievance Procedures and Student Disciplinary Procedures in effect on those

campuses. Branch campuses may elect to follow this Student Grievance Procedure, as modified to identify the decision-makers at the branch campus. **NOTE: What about allegations involving discrimination and/or sexual harassment. Seems they should follow this policy.**

~~2.2 Chartered Student Organizations~~

~~As provided for in UNM's Chartered Student Organization Policy, allegations that a Chartered Student Organization has, through its members and/or officers, violated the Student Code of Conduct or otherwise failed to meet its responsibilities as a Chartered Student Organization will be addressed by the Dean of Students Office under this Student Grievance Procedure.~~

2.2. 1-11. Visitors to the UNM campus

Visitors to the UNM campus are subject to the Visitor Code of Conduct. Visitors may be banned from the entire campus, or a portion of the campus, on an emergency basis under [section 5.3](#). ~~Article 4.3~~ herein. Visitors will normally be given the opportunity to meet with the Dean of Students to discuss alleged violations of the Visitor Code of Conduct prior to a decision concerning the visitor's final status on campus. Decisions of the Dean of Students regarding visitors to campus are final for UNM.

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. Disputes involving matters occurring in the residence halls shall follow the procedures set forth in the Residence Hall Handbook in addition to this procedure.

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

3.5. Resolution of disputes of an academic nature initiated by graduate students shall follow the [Faculty Handbook Policy](#) D176 Graduate Student Grievance Procedures. Disputes arising from a graduate student's status as a graduate assistant shall follow procedures in the *Faculty Handbook*.

~~**3.6.** Disputes transferred, referred, or appealed to the Student Conduct Committee pursuant to other official UNM procedures shall be heard by the Committee under the applicable articles of this procedure.~~

APPLICABILITY

All academic UNM units, including the Health Sciences Center. Branch Campuses may follow the procedures in effect on those campuses. Branch campuses may elect to follow this Student Grievance Procedure, as modified to identify the decision-makers at the branch campus.

NOTE: Same questions as above pertaining to discrimination and/or sexual harassment allegations.

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

DEFINITIONS

Academic Dishonesty includes, but is not limited to, dishonesty in quizzes, tests, or assignments; claiming credit for work not done or done by others; hindering the academic work of other students; misrepresenting academic or professional qualifications within or without UNM; and nondisclosure or misrepresentation in filling out applications or other University records. NOTE: (Source: RPM 4.8 “Academic Dishonesty”)

iv. **Accused student** refers to the individual accused by the complainant of having violated University policy prohibiting discrimination as defined herein.

iii. **Complainant** refers to the individual alleging that they have experienced discrimination as defined herein.

ii. **Complaint** refers to allegations of prohibited discrimination as defined herein filed with UNM's Office of Equal Opportunity.

i. **Discrimination** includes all forms of unlawful discrimination based on an individual's or group's protected class(es), including 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; acts of sexual harassment as described in University Administrative Policy #2740. For purposes of this Procedure, "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, 2730, and 2740.

Misconduct is any activity performed by a UNM student or any other member of the UNM community that violates state and/or federal laws or regulations, local ordinances, or UNM policy.

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

vii. No Probable Cause means that the evidence submitted during the OEO investigation does not support a finding that it is more likely than not that the acts alleged are in violation of University policy prohibiting discrimination or sexual harassment.

vi. Probable Cause means that the evidence submitted during the OEO investigation supports a finding that it is more likely than not that the acts alleged are in violation of University policy prohibiting discrimination or sexual harassment.

viii. Sexual harassment is a form of gender discrimination and is defined in UAP Policy 2730 "Sexual Harassment." Sexual harassment includes sexual violence, which is considered a severe form of sexual harassment. Sexual Violence is defined in UAP Policy 2740 "Sexual Violence and Sexual Misconduct. For purposes of this Policy, sexual harassment also includes retaliation for having made allegations of sexual harassment, having participated in an investigation into allegations of sexual harassment, or otherwise having engaged in opposition to unlawful sexual harassment. Retaliation is explicitly prohibited under University Administrative Policies #2200, 2720, 2730, and 2740.

Undergraduate Student includes both full-time and part-time students pursuing undergraduate ~~graduate or professional~~ studies, degree and non degree. Student status continues for the entire period of enrollment, including University holidays, class breaks and summer session, if the student is enrolled for the preceding spring and following fall academic terms.

WHO SHOULD READ THIS POLICY

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

RELATED DOCUMENTS

Regents Policy Manual

RPM 4.2 "Student Code of Conduct"

RPM 4.3 "Student Grievances"

RPM 4.4 "Student Records"

RPM 4.8 "Academic Dishonesty"

Faculty Handbook

D100 "Dishonesty in Academic Matters"

D176 "Graduate Student Grievance Procedures"

University Administrative Policies Manual

- [2200 “Whistleblower Protection and Reporting Suspected Misconduct and Retaliation”](#)
- [2720 “Equal Opportunity, Non-Discrimination, and Affirmative Action”](#)
- [2730 “Sexual Harassment”](#)
- [2740 “Sexual Violence and Sexual Misconduct”](#)

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

CONTACTS

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

PROCEDURES

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

Article 1. Academic Record Disputes

1.1. 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).

1.2. Petitions

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

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

1.2.2. Upon receipt of the petition, the Registrar’s Office shall forward a copy to the instructor of the course. The instructor shall make any response within three weeks of receipt. If the instructor has not responded within three weeks, 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 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 ~~goes to the reasons set forth in 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 2. Academic Disputes

~~These procedures provide for resolution of disputes of an academic nature between students and UNM faculty, as well as procedures for handling student disciplinary matters.~~

2.1. Scope

This article sets forth the procedures which should be followed by a student who believes that there he or she has been unfairly or improperly treatment ~~ed~~ 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.

2.2. Informal Resolution

2.2.1. The student should first try to resolve the grievance informally by discussing the grievance with the faculty member as soon as reasonably possible after the student becomes or should become aware of the matter. If the student and faculty member cannot reach agreement, the student should discuss the grievance with the chairperson or supervisor of the department or division. If the grievance is still not resolved, the 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. **NOTE: This last sentence seems to overlap with the formal process described in 1.3 below. It seems odd to try to informally work with the dean, but if you don’t agree then appeal formally to the dean.**

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 ~~he or she~~ should talk to both the 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 four weeks after the student becomes or should become aware of the matter.

2.3. Formal [Resolution Appeals](#) of Academic Matters

If the informal discussions do not resolve the grievance, the student may bring a formal [complaint appeal](#) using the procedures set forth in the following articles. [During the formal resolution process](#), the chairperson and/or dean shall [can](#) not overrule a faculty member's academic judgment. This formal [complaint appeal](#) process shall begin within two weeks following the informal discussions.

2.3.1. The student shall make a written complaint to the appropriate dean, as defined in Article 1.2.A.

2.3.2. The complaint shall describe the grievance, including a statement of what happened, and the student's reasons for challenging the action or decision. The complaint shall also describe the student's attempts to resolve the grievance informally. The student may attach copies of any relevant documents. The student shall send a copy of the complaint to the faculty member and his or her chairperson. The faculty member shall have two weeks from the receipt of the complaint to respond in writing to the dean. A copy of the faculty member's response shall be provided to the student, consistent with the federal Family Educational Rights and Privacy Act (FERPA).

2.3.3. In [making a determination on the formal complaint deciding the appeal](#), 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 his or her discretion, the dean may decide to hold an informal hearing involving both parties and any witnesses. Where the dispute primarily concerns factual questions, rather than matters of academic judgment, the dean should normally hold such a hearing. If a hearing is to be held, the dean will give the parties no less than five [working](#) days notice. The 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. The dean at his or her discretion may convene an advisory committee to hold a hearing or otherwise help him or her evaluate the dispute. For this purpose the dean may utilize a standing committee appointed within the dean's college.

2.3.5. The dean shall issue a written decision explaining his or her findings, conclusions, and reasons for the decision. The decision shall be sent to each party, and to the faculty member's chair. The decision shall be made within three weeks after the complaint is filed, unless an informal hearing is held, in which case the decision shall be made within four weeks.

[2.4. Appeal of Formal Decision](#)

[During the appeal process](#), the Provost, [President, and/or Board of Regents](#) shall [can](#) not overrule a faculty member's academic judgment.

2.4.1. Appeal to Provost

Either party may appeal the dean's decision within two weeks of receipt of the decision to the Provost. The Provost or his or her designee shall resolve the grievance utilizing any procedures available to the dean set out above. The Provost at his or her discretion may refer the matter to the Faculty Ethics and Advisory Committee for consideration of disciplinary action against the faculty member involved, if such action appears warranted.

2.4.2. Appeal to the President and the Board of Regents

The President has the discretionary authority to review all decisions by the senior administrators, and the Board of Regents has the discretionary authority to review all decisions of the President. A request a review by the President or 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 working days of the date of the written decision from the last reviewer.

2.5. Academic Freedom

Article 3. Academic Dishonesty

3.1. Scope

This article sets forth procedures which shall be followed in cases of suspected academic dishonesty. These procedures are not exclusive; various University departments and programs may have additional policies and procedures on academic dishonesty. Academic dishonesty is defined in Definitions Section of this Policy ~~on Academic Dishonesty, as published in the student handbook, The Pathfinder.~~

3.2. Academic Dishonesty within Courses: Faculty-Imposed Sanctions

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

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

3.2.3. The faculty member should report the matter ~~in writing~~ to the Dean of Students Office, by ~~using the faculty adjudication form provided by that office or~~ submitting written documentation describing the events and indicate if ~~the faculty member~~ ~~he/she~~ wishes the Dean of Students Office to pursue any additional disciplinary action against the student. A copy of such report shall be sent by the Dean of Students Office to the student.

3.2.4. The student may challenge a faculty-imposed sanction [using the process defined in section 2.4. herein.](#) ~~through the formal academic appeals process, set forth in Article 2. The student may appeal the decision of the Dean of the College to the Provost, as provided in Article 2.3.F.~~

3.3. Academic Dishonesty in Other Settings

When academic dishonesty occurs other than in connection with a course, the person who observes or discovers the apparent violation shall transmit in writing to the Dean of Students a statement describing the occurrence. A copy shall be sent to the student. The Dean of Students shall determine the sanction following the procedures set forth in [section Article 3.4. below.](#)

3.4. Sanctions Imposed by the Dean of Students

Upon receiving a report of academic dishonesty from a faculty member pursuant to Article 3.2.B, or from other University staff pursuant to Article 3.3, the Dean of Students may, after considering the recommendation of the faculty member, if any, initiate additional disciplinary action in accordance with this [Policy](#) ~~Student Grievance Procedure.~~ ~~A decision of either the Student Conduct Committee or the Student Conduct Officer shall, however, be appealable to the Provost,~~

3.5 Appeals

The student may challenge a ~~faculty-imposed~~ sanction [using the process defined in section 2.4. above.](#) ~~through the formal academic appeals process, set forth in Article 2. The student may appeal the decision of the Dean of the College to the Provost, as provided in Article 2.3.F.~~

Article 4. Allegations of Discrimination and/or Sexual Harassment

4.1. Scope

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

4.2. Reporting to/and Investigation by the Office of Equal Opportunity (OEO)

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

~~which describes the sole method of appealing a determination made by OEO, Nothing in this Grievance Procedure provides an avenue to appeal OEO's final determination of an alleged policy violation.~~

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

4.2.3. If Probable Cause is found that a student committed an act of discrimination or sexual harassment ~~sexual violence or sexual harassment~~ in violation of UNM policy, OEO will refer the matter to the Dean of Students Office to determine the sanction to be imposed. Sanctions should be designed to eliminate the misconduct, prevent its recurrence, and remedy its effects, while supporting UNM's educational mission and obligations under UNM policy and state and federal law, including but not limited to Title IX of the Education Amendments of 1972, the Civil Rights Act of 1964, and the New Mexico Human rights Act. Ordinarily, ~~after consulting with the accused student,~~ the Student Conduct Officer will set up an administrative hearing in accordance with section 5.2.2.4. herein, to allow the accused student to present evidence to the Student Conduct Officer for consideration and suggest witnesses that the Student Conduct Officer may consider interviewing before a decision is rendered. If the student fails to attend the meeting, the Student Conduct Officer may decide the charges based upon the information available. The Student Conduct Officer may contact other individuals who have knowledge about the incident giving rise to the charges. ~~The party waives the right to question such individuals or otherwise participate in an evidentiary hearing. Administrative Hearings are not tape recorded.~~ Within three weeks of the completion of all witness interviews, the Student Conduct Officer will send the student party charged a letter which indicates the finding in the case and any disciplinary sanction imposed.

~~decide which of the options set forth in Section 4.2(B) (iii) and (iv) herein will be utilized to determine the sanction. The options of an administrative hearing with the Student Conduct Officer and the formal hearing with the Student Conduct Committee will be modified as appropriate so as to focus solely on determining what sanction(s) to impose. The options of mediation and informal disposition described in Article 4.2(B) (i) and (ii) respectively are not available when the accused student has been found to have engaged in prohibited discrimination or sexual harassment in violation of UNM policy.~~

4.3. Appeals

4.3.1. Appeal to the Vice President for Student Affairs

The decision on sanctions made by the Student Conduct Officer ~~or Student Conduct Committee~~ may be appealed to the Vice President for Student Affairs. The student must submit a written request for appeal to the Vice President for Student Affairs within seven working days of the date of the written decision from the Dean of Students. The Vice President for Student Affairs will send written notification of the decision to the appealing party within two weeks of receiving the request for appeal. ~~meeting with the appealing party.~~ A copy of the decision shall be sent to the Dean of Students.

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

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

~~i. Affirm or overturn the findings of the Dean of Students or the Student Conduct Committee;~~

~~ii. Affirm or alter the sanction imposed by the Dean of Students or the Student Conduct Committee; or~~

~~iii. Remand the case to the original tribunal (Student Conduct Committee or Student Conduct Officer) for further proceedings. A remand will generally occur where new evidence is to be reviewed or as otherwise determined by the Vice President for Student Affairs. Where a case is remanded, the decision of the Student Conduct Committee or Student Conduct Officer may be appealed after rehearing to the Vice President for Student Affairs.~~

4.3.2. Appeal to the President and the Board of Regents

The President has the discretionary authority to review all decisions by the senior administrators, and the Board of Regents has the discretionary authority to review all decisions of the President. A request a review by the President or 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 working days of the date of the written decision from the last reviewer.

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

Upon written request, UNM, 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 Harassment Violence as described in section 5.7. Article 7.7(C), the respondent and inquiring parties have the right to be notified in writing of the final determination and any sanctions imposed to the extent permitted by the federal Family Educational Rights and Privacy Act (FERPA).

Article 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 a student violated the Student Code of Conduct or other UNM policy not involving discrimination or Sexual Harassment which are addressed in Article 4. herein.

NOTE: Prohibited Conduct paragraph moved to Policy Section of Document

5.2. Referral of Misconduct to Dean of Students Office

~~5.2.1. Except as provided in Article 4.2(B) below,~~ 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. ~~Allegations of sexual violence and sexual harassment are addressed under Article 4.4.~~ Complaints of alleged misconduct should be submitted as soon as possible after the event takes place, preferably within sixty (60) days. Absent just cause, complaints must be submitted within one year following discovery of the suspected misconduct.

~~5.2.2. B. As set forth in Article 4, disciplinary matters involving allegations of discrimination or sexual harassment as defined in that Article and Article 4.4 herein, including but not limited to sex discrimination/harassment/misconduct/violence, are addressed under Article 4.4.~~ Upon referral, or upon his or her own initiative, the Student Conduct Officer may review relevant evidence and consult with the person referring the allegation, the student accused, and any witnesses. The Student Conduct Officer will send written notification to the accused student indicating the nature of the activity in which the student was allegedly involved, and what UNM rules were allegedly violated. The student will be given the opportunity to meet with the Student Conduct Officer to review the options for resolving the charges. If the student fails to attend the meeting, the Student Conduct Officer may decide the charges based upon the information available and/or place a hold on the student's registration. The accused student will also be offered one or more of the following options to resolve the charges; however, the Student Conduct Officer is authorized to refer the charges for a formal hearing before the Student Conduct Committee even if the student does not elect a formal hearing. If a student fails to select a hearing process, the Student Conduct Officer will decide which hearing process will be followed. The options for resolving the charges are:

~~5.2.2.1. i.~~ Mediation: This option is reserved for situations where all relevant parties in an incident agree to have a conflict resolved through mediation and sign an agreement to mediate. If all parties agree to this process and mediation is successful, a formal finding will not be issued with regard to misconduct ~~the Student Code of Conduct~~ charges. However, failure to fulfill the terms of a final mediation agreement could lead to reactivation of these charges and additional disciplinary action. ~~Mediation will not be used to resolve complaints alleging sexual violence.~~

~~5.2.2.2. ii.~~ Informal Disposition Conference: The accused student and Student Conduct Officer will meet informally to discuss the alleged violation(s). If the substantive facts and sanction can be agreed upon, a disciplinary action agreement will be prepared by the Student Conduct Officer and signed by the accused student. A signed disciplinary action agreement will constitute a waiver by the student of the right to an administrative hearing or formal hearing as

well as any appeal, and an acceptance of the findings and sanction.

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

5.2.2.1. iv. ~~Formal Hearing with the Student Conduct Committee:~~ This option allows the accused student to respond to the charges, present witnesses on his or her own behalf and question witnesses. Formal hearings are tape-recorded. Within three weeks of the conclusion of the hearing, the Student Conduct Committee will send the party charged a letter which indicates the finding in the case and any disciplinary sanction imposed. The Student Conduct Committee may find the party charged not responsible for **misconduct violating the Student Code of Conduct**, or may find the party responsible and impose a disciplinary sanction in accordance with Article 4 of the Student Code of Conduct. A formal hearing with the Student Conduct Committee is conducted in accordance with the procedures outlined in [section 5.4.4. herein](#) ~~Articles 5 and 6.~~

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

5.2.4. B. ~~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 University 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.

5.2.5. C. ~~Unless otherwise specified in the decision, sanctions issued by the Student Conduct Officer (not including an Emergency Suspension as outlined in~~ [in section 5.3. herein](#) ~~Article 4.3))~~ or by the Student Conduct Committee shall not be implemented until the appeal process as set forth under [section 5.5. herein](#) ~~Article 7~~ is completed.

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

~~5.2.7. E.~~ The party who is charged with [misconduct](#) ~~violating the Code of Conduct~~ is responsible for presenting his or her case; advisors are therefore not permitted to speak or to participate directly in any conference or hearing.

~~5.2.8. F.~~ Decisions by the Student Conduct Officer or Student Conduct Committee will, in most cases, will be rendered within sixty (60) days of the filing of a complaint. This date can be modified at the discretion of the Student Conduct Officer if deemed necessary [such as](#) to conduct a hearing that protects the rights of all parties.

~~“Sexual violence” as that term is used in the Student Grievance Procedure means physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent due to the victim’s use of drugs or alcohol, or due to an intellectual or other disability. Examples of sexual violence include, but are not limited to, rape, sexual assault, sexual battery and sexual coercion.~~

5.3. Emergency Suspension and Banning from Campus

~~5.3.1. A.~~ The Dean of Students may immediately suspend a student (or chartered student organization) and/or ban a student or visitor if the Dean concludes that the person's continued presence on the campus may endanger persons or property or may threaten disruption of the academic process or other campus functions.

~~5.3.2. B.~~ When a person has been immediately suspended or banned by the Dean of Students ~~under this article~~, the person may request to meet with the Dean to consider whether the emergency suspension should be continued. The meeting shall be held as soon as possible (no later than one week) after the request. The Dean of Students shall give the person an opportunity to explain his or her position and shall receive evidence or hear from witnesses with pertinent information, if requested by the person. In the case of a chartered student organization, the Dean will meet, if requested, with the organization’s president or other designated officer.

~~5.3.3. C.~~ After the meeting, if the Dean finds that the person's continued presence may endanger persons or property or threaten disruption of the academic process or other campus functions, the Dean shall continue the suspension and/or ban. Otherwise, the emergency suspension and/or ban shall be revoked or modified.

~~5.3.4. D.~~ For students and chartered student organizations, an emergency suspension or banning does not end the disciplinary process. Resolution of the charges will proceed as set forth in [section 5.2.2.](#) ~~Article 4.2(B)~~ herein. For visitors, the Dean of Students will decide whether to maintain an emergency ban and make it permanent, or modify or end the emergency ban, ordinarily after giving the visitor an opportunity to meet. The decision of the Dean of Students concerning a visitor is final. ~~for the University.~~

~~Article 6.~~ **5.4. Student Conduct Committee**

~~6.~~ **5.4.1. Jurisdiction**

The Student Conduct Committee will hold a hearing when a party chooses the hearing option of a formal hearing before the Committee or when the Student Conduct Officer refers the matter to the Committee. [Allegations of discrimination or sexual harassment do not go to the Student Conduct Committee.](#)

6-5.4.2. Composition

5.4.2.1. A. The Student Conduct Committee will consist of three members, ordinarily including one student, one faculty member and one staff member, with the Dean of Students serving as an additional, nonvoting member and Chair of the Student Conduct Committee. The student, faculty and staff members of a Student Conduct Committee are drawn from a standing pool consisting of faculty members designated by the Faculty Senate President; staff members designated by the Staff Council President and student members designated by the Presidents of ASUNM and GPSA.

~~B. Students may not serve on hearing panels in cases involving allegations of sexual harassment, sexual violence, or sexual assault as described in University Administrative Policy #2740. In such cases, the Student Conduct Committee will be comprised of a mixed gender three-person committee, all of whom have received appropriate Title IX training.~~

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

5.4.2.3. C. A party charged may be found responsible for [misconduct](#) ~~the Code of Conduct~~ by a majority vote of the Student Conduct Committee.

6- 5.4.3. Investigation Report

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

~~In cases involving allegations of discrimination or sexual harassment as defined in Article 4.4 herein, the Final Letter of Determination issued by OEO will substitute for the Student Conduct Officer's Investigation Report. In such cases, the Student Conduct Committee may not consider the propriety of OEO's determination; rather, the Committee will be limited to determining what, if any, sanction will be imposed for the violation of policy as determined by OEO in the Final Letter of Determination. The Committee is limited to making its sanctioning determination based on the circumstances and the evidence presented to it by the parties and witnesses at the hearing.~~

~~Article 7.~~ **5.4.4. Hearing Procedures**

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

~~7.~~ **5.4.4.1.** The hearing shall be closed, unless the Dean of Students decides to let others attend if ~~he or she~~ [the Dean](#) deems that their presence may be helpful to the review and determination of the charges, or if there are other compelling reasons for their presence.

~~7.~~ **5.4.4.2.** The accused student, the complainant and their advisors, if any, shall be allowed to attend the entire portion of the hearing at which information is received (excluding deliberations).

~~7.~~ **5.4.4.3.** The accused student and the complainant may each have an advisor (including an attorney) attend the hearing. The role of the advisor is to provide his or her advisee with support and counsel regarding the process. The advisor (including an attorney advisor) cannot act as a representative of his or her advisee, cannot have a voice in the hearing and therefore is not permitted to present arguments or evidence or otherwise participate directly in the hearing.

~~7.~~ **5.4.4.4.** Student Conduct Committee members may question the accused student, the complainant and any witnesses.

~~7.~~ **5.4.4.5.** The accused student has the right, within reasonable limits set by the Dean of Students to question all witnesses who testify. The Dean of Students may also permit the complainant to question the witnesses, within reasonable limits. ~~However,~~

~~7.~~ **5.4.4.6.** The accused student and the complainant will not be permitted to directly question each other in hearings to determine the sanction to be imposed on a student for whom UNM's OEO Office has issued a Probable Cause determination under Article 4.4 herein. Questions for the accused student and the complainant from the other party may be suggested by each of them to the Student Conduct Committee who will decide whether to pose them. In such cases, additional limitations on questioning may be imposed that are consistent with the complainant's rights as stated in section 5.7. ~~Article 7.7~~ herein.

~~7.~~ **5.4.4.7.** The accused student and the complainant may each request the presence of witnesses at the hearing by informing the Dean of Students of their names and expected testimony at least five business days before the hearing. Based upon the Investigation Report, the Student Conduct Committee may call witnesses not identified by either the accused student or the [complainant](#) ~~complaint~~. The Dean of Students may refuse to call a requested witness if ~~he~~ ~~or she~~ [the Dean](#) determines that the expected testimony is not sufficiently relevant to the charges, would be duplicative of other testimony, or would otherwise not be significantly helpful to the review and determination of the charges. The Dean of Students will try to arrange the attendance of witnesses who are members of the UNM community (students, staff and faculty). The accused student and complainant are responsible for arranging the attendance of persons from outside of UNM. The Student Conduct Committee has no subpoena authority. The accused student and complainant will each receive a list of witnesses called to testify at least three business days before the hearing.

~~7.~~ **5.4.4.8.** The accused student and the complainant may each submit pertinent documentary evidence for consideration by the Student Conduct Committee at least five business days before the hearing. As with witnesses, the Dean of Students may, for the reasons cited in [5.4.4.7. herein](#), ~~Article 6.6,~~ decline to accept a party's evidence. Both parties will be provided access to all documentary evidence accepted, consistent with the federal Family Educational Rights and Privacy Act (FERPA).

~~7.~~ **5.4.4.9.** In its discretion, but consistent with the other provisions of this Policy Grievance Procedure, the Student Conduct Committee may proceed independently to secure evidence for the hearing. Both parties will have an opportunity to review any such evidence at least three business days before the hearing, consistent with the federal Family Educational Rights and Privacy Act (FERPA).

~~7.~~ **5.4.4.10.** The hearing will be ~~tape~~-recorded in an appropriate format as determined by the Dean of Students, and the Dean of Students Office will keep the recordings ~~tape(s)~~. The tape recording is the property of UNM. No typed record will be made.

~~7.~~ **5.4.4.11.** The rules of evidence used in civil or criminal trials are not applicable to formal hearings conducted by the Student Conduct Committee.

~~7.~~ **5.4.4.12.** Within three weeks of the conclusion of the hearing, the Student Conduct Committee will send the accused student a decision letter which includes the Committee's findings and any disciplinary sanction imposed. The Student Conduct Committee may find the party charged not responsible for misconduct ~~violating the Code of Conduct,~~ or may find the party responsible and impose a disciplinary sanction. ~~As set forth in Article 7.6.7.7 (C), in a case of alleged or sexual harassment sexual violence, the complainant will also be notified of the Student Conduct Committee's decision, to the extent permitted by the federal Family Educational Rights and Privacy Act (FERPA).~~

~~7.~~ **5.4.4.13.** The Student Conduct Committee may seek advice from the Office of University Counsel throughout the adjudication process on questions of law or procedure; however, factual determinations are the exclusive domain of the Committee.

~~7.~~ **5.4.4.14.** Decisions of the Student Conduct Committee are subject to appeal section 5.5 herein.

~~Article 7.~~ **5.5. Appeals, Records, and Rights**

~~Decisions of the Student Conduct Committee or the Student Conduct Officer are final, unless a sanction of suspension, expulsion or banning from campus is imposed. Appeals in cases involving sanctions issued for violations of the University's prohibitions against discrimination or sexual harassment as provided in Article 4.4 herein may be taken by the sanctioned student and/or the complainant, but such appeals must proceed pursuant to Article 7.3(A) herein.~~

~~7.~~ **5.5.1. Appeal to Dean of Students**

5.5.1.1. A. A student receiving ~~such~~ a sanction of suspension, expulsion, or banning from campus from the Student Conduct Officer may appeal the decision to the Dean of Students. A

Dean of Students Office appeal form must be completed and received by the Dean of Students Office within seven working days of the date of the written decision from the Student Conduct Officer. A complainant may appeal a decision of the Student Conduct Officer. ~~or the Student Conduct Committee only in cases involving sexual violence. Except as provided in Article 4.4(D) and 7.3(A) of the Grievance Procedures.~~ The following will be considered the only grounds for an appeal:

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

On appeal the Dean of Students shall review the decision of the Student Conduct Officer and may schedule an appointment with the party appealing to discuss the reasons for the appeal.

5.5.1.2. ~~B.~~ After reviewing the case, the Dean of Students may:

- i. Affirm or overturn the findings of the Student Conduct Officer.
- ii. Affirm or alter the sanction imposed by the Student Conduct Officer.
- iii. Remand the case to the Student Conduct Officer. A remand will generally occur where new evidence is to be reviewed or as otherwise determined by the Dean of Students. Where a case is remanded, the decision of the Student Conduct Officer may be appealed to the Vice-President for Student Affairs.
- iv. The Dean of Students will send written notification of the decision to the appealing party within two weeks of meeting with the appealing party, with a copy sent to the Student Conduct Officer.

~~7.2.~~ **5.5.2. Appeal to Vice President for Student Affairs**

The decision on sanctions made by the Student Conduct Officer Student Conduct Committee, or the Dean of Students may be appealed to the Vice President for Student Affairs. The student must submit a written request for appeal to the Vice President for Student Affairs within seven working days of the date of the written decision from the Dean of Students. The Vice President for Student Affairs will send written notification of the decision to the appealing party within two weeks of receiving the request for appeal. A copy of the decision shall be sent to the Dean of Students.

~~A. Appeals to the Vice President for Student Affairs may be made from a decision of the Dean of Students to uphold a student's suspension, expulsion or banning from campus; or from a decision of the Student Conduct Committee imposing such a sanction.~~

~~B. An appeal form must be completed and submitted to the Vice President for Student Affairs within seven~~

working days of the date of the written decision from the Dean of Students or the Student Conduct Committee. ~~A complainant may appeal to the Vice President only in cases involving alleged sexual violence.~~ The grounds for appeal to the Vice President are the same as for an appeal to the Dean of Students (see Article 7.1(A)). On appeal the Vice President for Student Affairs shall review the decisions of the Student Conduct Officer, Student Conduct Committee and/or the Dean of Students. The Vice President for Student Affairs may meet with the party appealing to discuss the reasons for the appeal.

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

- i. Affirm or overturn the findings of the Dean of Students or the Student Conduct Committee;
- ii. Affirm or alter the sanction imposed by the Dean of Students or the Student Conduct Committee; or
- iii. Remand the case to the original tribunal (Student Conduct Committee or Student Conduct Officer) for further proceedings. A remand will generally occur where new evidence is to be reviewed or as otherwise determined by the Vice President for Student Affairs. Where a case is remanded, the decision of the Student Conduct Committee or Student Conduct Officer may be appealed after rehearing to the Vice President for Student Affairs.
- iv. The Vice President for Student Affairs will send written notification of the decision to the appealing party within two weeks of meeting with the appealing party. A copy of the decision shall be sent to the Dean of Students.

7.5.5.3. Appeal to the President and the Board of Regents

The President has the discretionary authority to review all decisions by the senior administrators, and the Board of Regents has the discretionary authority to review all decisions of the President. A request a review by the President or 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 working days of the date of the written decision from the last reviewer.

~~A. Appeals of sanctions issued for violations of University policy prohibiting discrimination or sexual harassment as provided in Article 4.4 of this Grievance Procedure.~~

~~i. Decisions of the Student Conduct Committee or the Student Conduct Officer regarding sanctions imposed for violations of the University's prohibition against discrimination or sexual harassment as provided in Article 4.4 herein are final, unless a sanction of suspension, expulsion or banning from campus is imposed. A student receiving such a sanction may appeal the decision to the Office of the President. The appeal must be in writing, contain a statement of the sanction (s) being appealed and the grounds therefore, and must be received at the Office of the President within seven working days of the date of the written decision from the Student Conduct Committee or Student Conduct Officer. Either the sanctioned student or complainant may appeal a sanctioning decision of the Student Conduct Officer or the Student Conduct Committee in cases involving sexual harassment, sexual misconduct, or sexual violence. Only the sanctioned student may appeal a sanctioning decision of the Student Conduct Officer or Student Conduct Committee in cases involving discrimination that is not related to sexual harassment, sexual misconduct, or sexual violence.~~

~~ii. As provided in Article 4.4(D) herein, appeals of sanctions issued for violations of the University's prohibition against discrimination or sexual harassment, including sex discrimination, sexual harassment, sexual misconduct, or sexual violence, are only permissible if~~

the grounds for such appeal are that there was significant procedural error during the sanctioning process of a nature sufficient to have materially affected the outcome of the sanction decision and/ or the severity of the sanction is grossly disproportionate to the violation (s) of University policy that OEO found to have been committed.

Nothing in this Procedure provides a means to appeal any decision issued by OEO that may provide the basis for a sanctioning decision. **NOTE: Seems to violate RPM 4.3 (Regents policy)**

iii. The President's consideration of whether the sanctioning decision(s) on appeal was procedurally erroneous or grossly disproportionate to the violations(s) of University policy as found by OEO will be limited to a review of the evidence submitted to the Student Conduct Committee and/or Student Conduct Officer relevant to the level of sanction(s) to be imposed; the evidentiary findings made by Student Conduct Committee and/or Student Conduct Officer; and/or the conclusions made by the Student Conduct Committee and/or Student Conduct Officer in determining the level of sanction(s) imposed. The President will not consider any evidence not submitted to the Student Conduct Committee or Student Conduct Officer for consideration of the sanction(s) at issue unless such evidence is newly discovered or was otherwise not reasonably available to the appealing party or parties at the time the sanctioning process was initiated.

iv. After reviewing the case, the President may:

a) Affirm the sanction (s) issued in its/their entirety;

b) Affirm the sanction (s) issued in part and remand the remainder to the Student Conduct Committee and/or Student Conduct Officer for further proceedings; or

c) Remand the decision issuing the sanction(s) on appeal in its/their entirety to the Student Conduct Committee and/or Student Conduct Officer for further proceedings.

A remand will generally occur only where new evidence, as provided in Article 7.3(A) (iii) herein, is to be reviewed or as otherwise determined by the President. Where a case is remanded, the subsequent decision of the Student Conduct Committee or Student Conduct Officer may be appealed after rehearing to the President as provided in Article 7.3 herein.

v. Appeals to the Board of Regents may be petitioned for from a decision of the President to uphold the sanctioning decision (s) issued by the Student Conduct Committee and/or Student Conduct Officer regarding a student found by OEO to have violated the University's prohibitions against discrimination or sexual harassment, including sex discrimination, sexual harassment, sexual misconduct, and sexual violence. Such an appeal must be submitted to the Board of Regents in writing, stating the sanction (s) appealed and the grounds upon which the appeal is based, within seven working days of the President's decision being issued. Appeals to the Board of Regents that are accepted will be handled pursuant to the policies of the Regents concerning discretionary reviews.

B. Appeals of sanctions issued for misconduct other than discrimination or sexual harassment, misconduct, or violence

~~As provided in Article 10.4(B) herein, the President has the discretionary authority to review all decisions by the senior administrators below, and the Board of Regents has the discretionary authority to review all decisions of the President. The President and Regents will normally accept review only in extraordinary cases, such as those where proper procedures have apparently not been followed, where the decision appears to be unsupported by the facts, or where the decision appears to violate University policy. Except as provided in Article 7.3(A) herein, any appeal will be handled pursuant to the policies of the President and Regents concerning discretionary reviews.~~

~~7.3.~~ **5.6. Student and Visitor Conduct Records**

~~5.6.1.~~ A. Records regarding student conduct shall be kept in the Dean of Students Office for a period of ten years after final disposition, except for records of expulsions which shall be permanently maintained. Records regarding action taken against visitors to UNM may be permanently maintained. ~~Tap~~ Recordings of Student Conduct Committee hearings will be maintained in the Dean of Students Office for the same time period as the written records pertaining to the case.

~~B.~~ **5.6.2.** Copies of the final decision shall, in an academic dishonesty case, be sent to the faculty member.

~~7.4.~~ ~~7.5.~~ **5.7. Rights of the Parties Participating in Student Those Charged with Violations of the Code of Conduct Grievances**

~~Those charged with violations of the Student Code of Conduct have rights which are protected throughout the hearing process. The rights of these the parties participating in grievances as provided herein include:~~

~~A.~~ **5.7.1.** ~~The party charged with an alleged violation has~~ the right to written notice ~~be notified in writing~~ of the charges at issue in the proceeding that contains ~~against him or her with~~ sufficient detail and time to prepare for a hearing.

~~B.~~ **5.7.2.** The party charged with an alleged violation has the right to a timely hearing before an appropriate official or committee.

~~C.~~ **5.7.3.** The party charged with an alleged violation has the right to know the nature and source of the evidence used in a hearing process.

~~D.~~ **5.7.4.** Both parties have the right to present evidence in his or her own behalf.

~~E.~~ **5.7.5.** Both parties have the right to choose not to testify and/or not to answer questions; in such which cases, the decision maker will decide the charges based upon all of the evidence presented.

~~F.~~ **5.7.6.** Subject to the limits set forth in section 5.4.4.3. ~~Article 6.3,~~ both parties have the right to be accompanied by an advisor at a hearing. The advisor may be an attorney retained by a party ~~the accused student~~ at his or her own expense.

~~G. 5.7.7. The party alleging that the accused student engaged in [misconduct](#) ~~conduct in violation of the Student Code of Conduct~~ has the right to submit a victim impact statement to the hearing officer or committee during the sanctioning portion of the discipline process.~~

~~H. 5.7.8. The party alleging that the accused student engaged in [misconduct](#) ~~conduct in violation of the Student Code of Conduct~~ has the right to have past irrelevant behavior excluded from the discipline process.~~

~~I. 5.7.9. Both parties have the right to be free from retaliation for having made an allegation of misconduct or having participated in a grievance under this procedure. Allegations of retaliation should be submitted to the Dean of Students Office.~~

7.5. Rights of Complainants

The complainant in a student discipline case has rights which are protected throughout the hearing process. The rights of include:

~~A. Subject to the limits set forth in Article 6.3, the right to have an advisor accompany them throughout their participation in the discipline process. The advisor may be an attorney retained by the complainant at his or her own expense.~~

~~B. The right to submit a victim impact statement to the hearing officer or committee during the sanctioning portion of the discipline process.~~

~~C. The right to have past irrelevant behavior excluded from the discipline process.~~

~~D. The right to be free from retaliation for having made an allegation of misconduct. Allegations of retaliation should be submitted to the Dean of Students Office.~~

~~7.6. Additional Rights of the Parties Participating in Complainants Alleging [Sexual Harassment](#), [Sexual Misconduct](#), or [Sexual Violence](#)~~

~~Because of the serious nature of the [acts](#) alleged, [action](#), in addition to the rights listed in Article 7.5, [parties participating in grievances containing allegations of complainants alleging sexual harassment, sexual misconduct or sexual violence](#) also have these additional rights [described in University Administrative Policy #2740](#).~~

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

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

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

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

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

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

~~or security escort service on campus.~~

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

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

Article 9. 5.8. Variances

9.1. 5.8.1. Introduction

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

9.2. 5.8.2. School of Law NOTE: Does this section belong in D176 Graduate Student Grievance?

Students attending the UNM School of Law must comply with the Law School Student Code of Conduct, in addition to the UNM Student Code of Conduct. Allegations of academic misconduct, as enumerated in the Law School Student Code of Conduct, are addressed by the processes defined in that Code. Others kinds of alleged misconduct, except for allegations of ~~discrimination or sexual harassment sexual violence~~, may be addressed as described in the School of Law Administrative Due Process Policy and Procedure. Allegations that a student in the School of Law has engaged in any ~~discriminatory or sexual harassment as provided in Article 4.4 herein, including act of sex discrimination, sexual harassment, sexual misconduct, or sexual violence~~ shall be referred to the UNM OEO Office.

The School of Law Bulletin and Handbook of Policies (Bulletin) governs students enrolled in the Law School and to the extent this Student Grievance Procedure differs from the policies and procedures in the Bulletin, the Bulletin supersedes this Grievance Procedure.

Discretionary review by the UNM President and Board of Regents, as provided for in ~~section 5.5~~, Article 10.4 herein, is accorded to students in the School of Law.

The School of Law may, at its discretion, refer cases of alleged student misconduct to the UNM Dean of Students for review and possible action under the UNM Student Code of Conduct, except that allegations that a Law School student has engaged in any act of ~~discrimination or sexual harassment sexual violence~~ shall be referred to the UNM OEO Office.

9.3. 5.8.2. Health Sciences Center

Undergraduate students in academic programs in the Health Sciences Center School of Medicine, College of Pharmacy and College of Nursing 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 policy. Except for allegations of discrimination or sexual harassment, to the extent that Health Sciences Center academic programs have adopted policies and procedures that govern the adjudication of student conduct and student grievance matters, those policies and procedures supersede this Policy Student Grievance Procedure. A decision by the respective Dean of the College of Pharmacy or College of Nursing may be appealed to the Health Sciences Center Chancellor, or his or her designee, under procedures adopted by the Chancellor's Office. Decisions by the Dean of the School of Medicine are final for the Health Sciences Center when the positions of Dean and

Chancellor are held by the same official.

Discretionary review by the UNM President and Board of Regents, as provided for in [section 5.5](#); ~~Article 10.4~~ herein, is accorded to [undergraduate](#) students in academic programs in the School of Medicine, College of Pharmacy and College of Nursing.

Academic programs in the School of Medicine, College of Pharmacy and College of Nursing may, at their discretion, refer cases of alleged student misconduct to the UNM Dean of Students for review and possible action under the UNM Student Code of Conduct, except that allegations that a student in a Health Sciences Center academic program has engaged in [discrimination or sexual harassment act as provided in Article 4. herein](#), shall be referred to the UNM OEO Office.

~~Article 10.~~ **5.9. General Provisions**

~~10.1.~~ **5.9.1. Time Limits and Extensions**

~~A.~~ **5.9.1.1.** Unless stated otherwise or extended in writing, the time limit for a decision maker to issue a decision is three weeks if no hearing is held and four weeks if a hearing is held.

~~B.~~ **5.9.1.2.** Unless stated otherwise in these rules or extended in writing under [section 5.5](#). ~~10.1.C.~~ the time limit to file an appeal is two weeks after the decision appealed. If the decision is given in person, the two-week period shall begin at that time. If the decision is mailed, the two-week period shall begin on receipt, which shall be presumed to be three days after mailing.

~~C.~~ **5.9.1.3.** In any procedure governed by these rules, time limits shall be suspended in the following circumstances:

1. ~~i.~~ For good cause, the decision maker can extend any time limit set forth in these rules. Good cause includes, but is not limited to, the fact that a deadline falls during finals week or during a period such as vacations, holidays, intercessions, or summer session.
2. ~~ii.~~ If the procedure involves the Student Conduct Committee, and the Dean of Students determines that the Committee members cannot convene and decide the case during finals weeks, summer session, intersession, vacation or holidays, the Dean will so advise the parties and will schedule a hearing as soon thereafter as possible.
3. ~~iii.~~ If a faculty or staff member is absent from UNM, the decision maker, may permit the faculty or staff member to participate in a hearing or interview by conference call, Skype or other electronic means.

~~10.2.~~ **5.9.2. 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 University academic, student conduct and other applicable requirements and policies.

~~10.3.~~ **5.9.3. Designees of Deans, Vice Presidents or Senior Level Administrators**

Whenever these regulations specify submission of a dispute or decision to a Dean, Vice President or 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

~~10.4.~~ **5.9.4. Review by the President and the Board of Regents**

~~A. 5.9.4.1.~~ The parties' right to appeal decisions under these procedures terminates where indicated herein. However, the President has the discretionary authority to review all decisions by the senior administrators below, and the Board of Regents has the discretionary authority to review all decisions of the President. The President and the Board of Regents normally review appeals of student grievance or disciplinary decisions only in extraordinary cases, such as where proper procedures have apparently not been followed, where the decision appears to be unsupported by the facts, or where the decision appears to violate University policy.

~~B. 5.9.4.2.~~ Requests for review made to the President or the Board of Regents normally will be considered only after the avenues of appeal established herein have been exhausted. Requests 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 working days of the date of the written decision from the last reviewer.

~~C. 5.9.4.3.~~ If review is granted, appropriate procedures shall be set by the President or the Board of Regents. The procedures shall be communicated to the parties in advance, and shall provide each party the opportunity to explain his or her position orally and/or in writing. New evidence (such as additional documents or testimony of witness) will not normally be taken by the President or Regents.

~~10.5.~~ **5.9.4. Conflict with Other Procedures**

Except as otherwise stated herein, in the event this Student Grievance Procedure conflicts with previously adopted policies and procedures, these procedures shall take precedence. See also Regents' Policy Manual Policy [4.2](#) "Student Code of Conduct."

HISTORY

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

DRAFT HISTORY

[January 2, 2017—Draft revisions based on D175 Taskforce recommendations.](#)

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

COMMENTS TO:
handbook@unm.edu

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D170: Student Attendance

Approved By: Faculty Senate

Last Updated: **Draft 9/29/16**

Responsible Faculty Committee: Faculty Senate Policy Committee

Office Responsible for Administration: Dean of Students

Outstanding Issues:

1. Procedures for Military Withdrawal are not addressed in the current Policy but are addressed in the *Pathfinder*. The *Pathfinder* language has been added to this proposed draft, so they are easily available to faculty.
2. Procedures for religious accommodation, which are being added to C220 “Holidays,” should be referenced in this Policy
3. There is a discrepancy between Faculty Handbook Policy D170 and Dean of Students Procedures shown in the Pathfinder webpage which discusses Class Absences and Student Attendance. <https://pathfinder.unm.edu/common/policies/class-absences-student-attendance.html>. Changes are proposed in this draft, highlighted in red, to align this information.
4. The procedures listed in the current and this proposed version of D170 do not appear to provide specific information concerning students at the Health Sciences Center.
5. Does this Policy apply to HSC Question, Law School, Branch Campuses, etc: If so, do they work as for these areas as written?
6. Use of the word “days.” Recently the Policy Committee has decided to use calendar days in all policies. However, when referring to a student’s absence in days, does it make sense to include weekends? If not what descriptor should be used?

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

POLICY RATIONALE

Class attendance is critical for the overall success of the students at the University of New Mexico (UNM). However, authorized absences may occur and the policies and procedures listed in this Policy describe authorized absences and provide the required procedures for reporting such absences and completing missed assignments and exams.

POLICY STATEMENT

Students are expected to fulfill all course requirements including attendance if specified, attend all meetings of the classes in which they are enrolled. No extensions of the vacation periods are given to any students, regardless of the location of their homes. Course instructors are responsible for setting attendance policies for their individual courses except where academic units, required by

special circumstances such as accreditation standards, establish unit-wide policies through normal faculty governance procedures. Instructors should inform students of their expectations for attendance and participation on the first day of class and are encouraged to include this Policy in the course syllabus. Instructors may also require students to notify them of anticipated absences at the beginning of the semester and may require reasonable verification of the reason for an excused absence such as a doctor's note, hospital billing, military orders, or death notices.

Instructors may drop students with excessive absences with a grade of W. They may also assign a failing grade at the end of the semester for excess unexcused absences, but should inform students if they will be dropped or penalized for unexcused absences. A student with excessive absences may be dropped from a course by the instructor with a grade of W/P or W/F. The instructor may also assign a failing grade of "F" at the end of the semester. Academic units may also reserve the right to cancel a course reservation for a student who does not attend the first class meeting of the semester, although notification should be made before the student is dropped and reasonable accommodations should be made for excused absences. Instructor drop request forms are available at all academic department offices.

Students should not assume that nonattendance results in being dropped from class. It is the student's responsibility to initiate drops or complete withdrawals within published deadlines utilizing the appropriate process.

Excused Absences

While students should be expected to attend all course meetings there are situations in which absences are normally excused. Situations that normally qualify as excused absences are listed below. Absences due to ~~these situations~~ ~~illness or to attend~~ ~~authorized University activities such as field trips, athletic trips, etc.~~ are to be reported by the student to his/her instructor(s) and to the Dean of Students Office in accordance with the procedures listed herein. If the student is unable to contact his/her instructor(s), the student should leave a message at the instructor's department. The reporting of absences does not relieve the student of responsibility for missed assignments, exams, etc. The student is to take the initiative in arranging with his/her instructor(s) to make up missed work, and it is expected that the faculty member will cooperate with the student in reasonable arrangements in this regard. When excused, students should be given the opportunity to make up work or be granted other reasonable accommodations for absences.

University Sponsored Activities

Students involved in UNM-sponsored activities, including intercollegiate athletics, should be excused from class activities where reasonable. The instructor may require notification from the students in advance. ~~Students should be expected to make up missed work.~~ **NOTE: Leslie, I suggest deleting the previous line because it's stated above for all excused absences. Placing it here and not in the other excused absence sections may send a conflicting message.**

Serious Illness, Accident, or Death in the Family

Reasonable accommodations should be made for students who notify the instructor of unexpected absences due to personal or family illness, accident, or death in the family. Instructors may require students who are ill for six days or longer to obtain official notification from the Dean of Students office through LOBORespect.

Disability

Instructors should excuse absences due to disabilities where reasonable, although instructors may require students to provide confirmation from the Accessibility Resource Center.

Religious Observances

In recognition of UNM's diverse student population, instructors are encouraged to schedule important class events to minimize conflict with major religious observances. Student who request that an absence be excused for religious reasons should be granted reasonable accommodations. Instructors should be sensitive to the difficulty some students may have anticipating all religious obligations. ~~Absences due to religious accommodations should be requested in accordance with Policy C220 "Holidays." the faculty member will cooperate with the student in reasonable arrangements in this regard.~~

Pregnancy

In accordance with Title IX of the Educational Amendments of 1972, instructors should treat pregnancy related absences as excused as long as deemed medically necessary by the student's medical advisor. If the length of absence is more than six days, the student may be required to obtain official notification from the dean of Students Office through LOBORespect.

Military Withdrawal

Students actively serving in the military or National Guard of the United States should be excused from class where reasonable to meet their military obligations. ~~In recognition of the service of deployed military personnel, UNM has established simplified procedures for withdrawal and re-enrollment of military personnel. Under faculty regulations,~~ A student who formally withdraws from UNM before the end of the twelfth week of the semester due to military obligations is entitled to a grade of WP in each course in which he or she is enrolled. Military orders or evidence of enlistment must be made available to the Dean of Students Office. A student who withdraws due to military obligations after completing twelve weeks of instruction will receive full credit for each course in which he or she is enrolled, provided the instructor certifies a grade of C or better for the course at the date of formal withdrawal. He or she will receive a grade of WP if the instructor certifies a grade of less than C. Students must opt for either a tuition refund or for a grade assignment after the twelfth week. A final semester senior who has satisfactorily completed at least half of the work in courses for which he or she is enrolled that semester, provided these would complete his or her degree requirements, may be certified for graduation by the faculty of his or her college. Procedures for military withdrawal are provided by the Dean of Students Office or HSC Vice Chancellor for Academic Affairs.

APPLICABILITY

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

See questions/issues in blue at top of policy document

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

DEFINITIONS

No definitions specific to this Policy.

WHO SHOULD READ THIS POLICY

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

RELATED DOCUMENTS

Faculty Handbook Policy C220 “Holidays”

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

CONTACTS

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

PROCEDURES

Verification of Absence

Verification (such as doctor’s note, hospital billing, military orders, death notices, etc.) of a student's report of absence will be provided by the student if requested on request by the instructor or the Dean of Students Office. and in accordance with the following general procedures:

Short-Term Absence (1- 5 4 days). When notified in advance of an absence of 1–4 days, the Dean of Students Office will prepare an absence notice which the student may pick up and personally deliver to his/her instructor(s). On absences of 1-4 days reported to the Dean of Students Office after the fact, an absence notice may be picked up by the student after consultation with a dean, if such consultation provides a basis for issuing a notice. The Dean of Students Office will encourage the student to speak directly with the faculty member to work out absences that are less than six days. When requested by a faculty member, the Dean of Students Office may assist in verifying absences that are less than six days on a case-by-case basis.

Extended Absence (~~5~~ Six days or longer). The Dean of Students Office, as a service to faculty and students, will send absence notifications to the respective faculty member should an absence be longer than five (5) days. This service will only be utilized when an absence is for a family/student medical issue, death of a family member, military leave, or a UNN sponsored activity. The absence notification process is only meant as a notification and not meant to excuse the absence. Excusing an absence is entirely up to the respective faculty member of the COURSE. ~~notices to instructor(s) on absences of 5 days or longer when notification of the absence is received prior to or at the onset of the absence. If notified after the absence, the absence notice will be prepared, but the student must hand carry the notice to his/her instructor(s).~~ Verification of extended absences is recommended (such as a doctor's note, hospital billing, etc.)

Exceptions. On request, members of the Dean of Students staff will review specific absence situations to determine if exceptions to the established absence procedures are warranted.

It should be noted that written medical excuses for class absence will not be issued routinely by Student Health and Counseling (SHAC) ~~the Student Health Center~~ except in the case of physical education classes, where participation would be detrimental to the student's condition. Where confirmation of a student's attendance at SHAC ~~the Health Center~~ is required by a faculty member of the teaching staff, this will be furnished on direct inquiry, without revealing the medical details necessitating such attendance. If it appears that a student will be absent for more than five days a week or more, the Dean of Students Office will be notified.

HISTORY

Effective:

Need to identify effective date of original policy.

DRAFT HISTORY

September 29, 2016 – Draft revised to incorporate input from FSPC member L. Oakes.

January 2, 2016—Draft developed to address COF task force recommendations.

July 19, 2015 Draft developed for Information Items taskforce review.

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Attendance Policies at Mountain West Conference Institutions

Boise State University

Boise State University Policy #3120

Purpose:

To establish policy concerning student absences for official university-recognized activities.

Policy

I. Policy Statement

A student is permitted to be absent from class because she or he is participating in an official university-recognized activity. "Official absence" is defined as absence(s) from class because the student is representing Boise State University at an official, university-recognized event. Such events include those scheduled by athletics, band, forensics, Maneline Dancers, music, theatre, and other events designated as official by an authority as determined by the Faculty Senate and/or university administration.

II. Responsibility and Procedures.

A. Student: Official absence excuses the student only from attending class or other formal instruction during the absence. Students have both the right and the responsibility: to make up any work missed during their official absence; to make up examinations given during their official absence; and, to have the same privileges as other students in the class.

Students shall make sure the instructor is notified of the official absence in writing by the sponsoring organization at least 10 days in advance of the absence. Otherwise, official absence status can be jeopardized.

B. Faculty have the responsibility:

to excuse a student from attending class or other formal instruction during the official absence; to not penalize a student for such absence; to allow a student to make up any work missed during his or her official absence; and, to preserve the same privileges as other students have in the class.

Times for make-up examinations and similar work are to be determined at the time the official notice of absence is provided, or as soon thereafter as the examination is scheduled. Make-up work or examinations will be scheduled at times mutually convenient for the student and the instructor.

C. Activity Sponsor: Activity sponsors (athletics, band, dance, etc.) have the responsibility: to notify instructors, in writing, of official absences or anticipated absences by students at least 10 days in advance of the absence; to deliver the notice to the instructor via the student on official university stationery with dates and approximate departure and return times for official absence. Note that the activity sponsor and the student are jointly responsible for timely delivery of the notice. Failure to deliver the notice at least 10 days in advance can jeopardize the student's official absence request.

D. Department Heads and Deans: Academic department heads and deans are responsible for ensuring that the faculty are apprised of this policy. Non-adherence to this policy will be reflected in the performance evaluation of administrative personnel responsible for promulgating this policy, or faculty responsible for implementing it, as appropriate.

San Diego State

STUDENT ABSENCES AND ACCOMMODATIONS: Within the first two weeks of class, a student who expects to be part of an official university event or activity (such as athletics, performances, forensics, etc.) shall notify the instructors of affected courses and provide them a schedule indicating any class days that will be missed. When possible, the instructor shall reasonably accommodate the student's required absence from class. It is the responsibility of the student to notify the faculty member of any changes in the schedule immediately. The Policy File also states that instructors must accommodate students who notify them in advance of planned absence for religious observances. Even if a student fails to provide notification, however, instructors should be aware that Section 89320 of the California Education Code requires that students be permitted to take a test or examination at a time when it does not violate the student's religious creed. (See Policy File, Academics: Absence from Class, Student.)

University of Wyoming

UW REGULATION 6-713 Student Absence Policy

- I. **PURPOSE** To outline the student absence policy.
- II. **FACULTY ACTION**
Class Attendance: Each student shall attend the course-related sessions (for instance, lectures, laboratories, and discussion sections) and participate in field work deemed necessary to fulfill adequately the academic requirements of each class. Each instructor, at the beginning of every semester, shall stipulate the attendance policy necessary for satisfactory completion of the course.
Authorized Absences: For participation in a University-sponsored activity or for unusual circumstances, such as a personal hardship, an authorized absence may be issued to the student by the Dean of Student's or the Dean's authorized representative. If a student has been hospitalized, or if the student has been directed by his or her physician to stay at the student's place of residence because of illness, the student's physician may issue a statement to the student giving the dates of the student's confinement.
- III. **Recognition of Authorized Absences:** All instructors shall permit students who have official authorized absences to make up work without penalty in the classes missed. An authorized absence, however, merely gives the individual who missed the class an opportunity to make up the work; the decision to excuse the student from the work required lies with the instructor.
- IV. **ADMINISTRATIVE PROVISIONS.**
A. Statements from authorized medical sources which verify absences due to illness should be shown directly to instructors concerned. The decision to excuse such

absences lies with the instructor, and the Dean of Students will not verify such statements.

B. The University Student Health Service has a policy to not provide medical excuses for missed classes. Student Health Service recommend students promptly contact their professors and instructors when they anticipate time out of class due to

C. a medical concern. Source: University Regulation 713, Revision 1; adopted 7/17/08 Board of Trustees meeting Revisions adopted 6/16/15 Board of Trustees meeting

Colorado State University

I.14.4 Class Attendance Regulations (last revised May 3, 2011)

Instructors and departments are responsible for establishing attendance policies for classes and examinations. These policies must accommodate student participation in University-sanctioned extracurricular/co-curricular activities. Students must inform their instructors prior to the anticipated absence and take the initiative to make up missed work in a timely fashion. Instructors must make reasonable efforts to enable students to make up work which must be accomplished under the instructor's supervision (e.g., examinations, laboratories). In the event of a conflict in regard to this policy, individuals may appeal using established University procedures.

For the purposes of this regulation, University-sanctioned activities include competitions, events and professional meetings in which students are officially representing the institution.

Appropriate sanctioned activities include:

- a. Intercollegiate athletics;
- b. Collegiate club sports and competitions;
- c. Conferences and workshops recognized by the University not related to academics;
- d. Commitments on behalf of the University (ASCSU, band, etc.); and
- e. Professional activities recognized by the University related to academics.

Department heads or their designated representatives must approve sanctioned professional and departmental activities. Other sanctioned activities must be approved by the appropriate program director on record with the Division of Student Affairs or the Department of Athletics.

University of Nevada-Reno

3,020: Class Absence Policy

Revised: May 2015

It is the personal responsibility of the student to consult with the instructor regarding absence from class. Students are responsible for material covered in class, and it is the student's responsibility to arrange for the completion of all missed classroom work. As indicated in UAM 6,501, it is the instructor's responsibility to state course-specific policies regarding late work and make-up exams in the course syllabus.

Absence due to university approved extracurricular activity

University-approved extracurricular activities are defined as those sanctioned by a college dean and/or the provost, and may include, but are not limited to, intercollegiate athletics, band, drama, forensics, and recruitment. Students who represent the University at such events shall be provided with alternate, timely make up exams, quizzes, or other coursework missed as a result of their participation. The make-up coursework should in no way penalize or disadvantage the student.

It is the responsibility of the student to arrange for written notice from the appropriate college dean or the Office of the Provost to their instructor of their participation in official University activities in advance and as soon as the student is aware of the potential need to miss class.

Appeal

Any student who is denied a make-up assignment after appropriately notifying the instructor of a class absence, as described in the policies above, shall have the right to appeal that decision through the Academic Complaint System.

New Mexico State

6.16 Authorized Absences

Students making satisfactory progress in their classes will be excused from classes when they are representing the university at a university sponsored event (e.g., ASNMSU president represents the university at legislative session, student-athletes competing in university scheduled athletic events, or educational field trips, and conferences). Authorized absences do not relieve the student of class responsibilities. Prior written notice of the authorized absence will be provided to the instructor by the sponsoring department.

Examples of Attendance Issues

These are some of the attendance issues that have been brought to my attention in my role as Faculty Athletics Representative at UNM during 2016. This list is not exhaustive. The students and I have been able to resolve some situations but not others.

- Dance team member who will travel to Hawaii for the football game had difficulty scheduling online make-up exam for ENVS 101.
- Two ski team members who will miss CHEM124L practical exams at the end of November for a competition in Colorado may not be able make them up.
- Volleyball student-athlete had to drop her ENGL course this fall because of excessive absences. Professor notified her of department policy and she worked with her academic advisor to find a 2nd 8 week class to replace the ENGL.
- Football student-athlete was dropped from MATH 129 because he exceeded three-absence limit due to travel to games with team.
- Football student-athlete was dropped from MATH 101 and 102 because of more than two unexcused absences (which included absences after surgery and football games).
- Football student-athlete missed an exam in CHEM, professor said that exam would count as his "lowest grade" exam that automatically gets dropped.
- Men's soccer student-athlete missing a CHEM lab. There are no labs available on Friday (when he's back in town) to make up the lab he is missing while traveling, so he will not get to make up this grade.
- Ski team member told me that instructor for ENGL 110 said that official Athletics travel letter is not "sufficient evidence that I had to travel for school games." He was not allowed to make up in-class assignments that he missed during ski competitions.



C09: Respectful Campus

Approved By: Faculty Senate

Effective: February 4, 2014 **Draft Revision 10/8/16**

Responsible Faculty Committee: Policy Committee

Office Responsible for Administration: Office of the Provost and Office of the HSC Chancellor

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

POLICY RATIONALE

The University of New Mexico (UNM) is committed to freedom of academic inquiry and encourages an environment of spirited and open debate. UNM does not attempt to shield people from ideas they may find unwelcome, disagreeable, or even offensive. At the same time, UNM ~~promotes~~ is committed to providing a respectful campus ~~free from bullying in all of its forms, that includes~~ a working, learning, and social environment where all members of the UNM community including, but not limited to, regents, administrators, faculty, staff, students, and volunteers work together in a mutually respectful, psychologically-healthy manner. UNM strives to foster such an environment ~~that reflects courtesy, civility, and respectful communication because such an environment promotes learning, research, and productivity through relationships.~~ because a respectful campus is a necessary condition for success in teaching and learning, in research and scholarship, in patient care and public service, and in all other aspects of UNM's mission and values.

POLICY STATEMENT

Everyone at UNM has a right to be treated with respect and a responsibility to treat others with respect. When these rights and responsibilities are honored and practiced, the UNM campus is a respectful one. This Policy describes the values, behaviors, and cornerstones, that characterize ~~delineate~~ a respectful campus and to which ~~applies to~~ all members of the UNM community ~~including but not limited to students, faculty and staff~~ should aspire. Actions that are destructive to a respectful campus will not be tolerated. All members of the UNM community who have witnessed or been a target of destructive actions are encouraged to raise concerns in accordance with this Policy.

1. Values and Behaviors

A respectful campus exhibits and promotes the following values and behaviors:

- 1.1.** Displaying personal integrity and ~~professionalism~~ professional ethics (Faculty Handbook, Section B, Appendix V).

- 1.2. Practicing fairness. ~~and understanding.~~
- 1.3. Exhibiting respect for individual rights and differences.
- ~~1.4. Demonstrating harmony in the working and educational environment.~~
- 1.4. ~~Respecting~~ Demonstrating respect for diversity and difference.
- 1.5. Being responsible and accountable for one's actions.
- 1.6. Emphasizing communication and collaborative resolution of problems and conflicts.
- 1.7. Developing and maintaining confidentiality and trust.
- ~~•—achieving accountability at all levels.~~

2. Cornerstones of a Respectful Campus

The commitment to a respectful campus calls for promotion of an environment where the following are upheld:

- ~~2.1. All individuals have important contributions to make toward the overall success of UNM's mission, 2.2. UNM's mission is best carried out in~~ UNM strives for an atmosphere where individuals at all levels and in all units value each other's contributions and treat each other with respect.
- 2.2. Individuals in positions of authority serve as role models in the promotion of a respectful campus. Promoting courtesy, civility, and respectful communication is consistent with the responsibility of leadership.
- 2.3. Individuals at all levels are allowed to discuss issues of concern in an open and honest manner, without fear of reprisal or retaliation. ~~from individuals above or below them in UNM's hierarchy.~~
- 2.4. ~~At the same time,~~ The right to address issues of concern does not grant individuals license to make untrue allegations, unduly inflammatory statements or unduly personal attacks, or to harass others, to violate confidentiality requirements, or engage in other conduct that violates the law or UNM policy.

~~Bullying is unacceptable in all working, learning, and service interactions.~~

3. Destructive Actions

Actions that are destructive to a respectful campus will not be tolerated. Credible reports of destructive actions will be addressed in accordance with applicable UNM policy; and substantiated findings that an individual has engaged in destructive actions will lead to appropriate consequences.

3.1. Destructive Actions Covered by This Policy

This Policy covers the destructive behavior described in sections 3.1.1 through 3.1.2. Credible reports of such actions will be addressed in accordance with the Procedures Section of this Policy.

3.1.1. 4. Definition of Bullying Behavior

~~Bullying can occur when one individual or a group of individuals exhibits bullying behavior toward one or more individuals.~~ Bullying is defined by UNM as repeated mistreatment of one individual or a group of individuals. This mistreatment can include, but is not limited to the following behaviors:

~~by verbal abuse, threatening, intimidating, humiliating conduct or sabotage that creates or promotes an adverse and counterproductive environment, so as to interfere with or undermine legitimate University learning, teaching, and/or operations. Bullying is not about occasional differences of opinion, conflicts and problems in workplace relationships as these may be part of working life. Bullying can adversely affect dignity, health, and productivity and may be grounds for corrective disciplinary action, up to and including dismissal. The University Counseling, Assistance, and Referral Services (CARS) Department and the University Ombuds/Dispute Resolution Services for Faculty and Staff can provide guidance for determining whether behavior meets the definition of bullying. Examples of behaviors that meet the definition of bullying above include, but are not limited to:~~

4.1. Physical Bullying

~~Physical bullying is pushing, shoving, kicking, poking, and/or tripping; assault or threat of physical assault; damage to a person's work area or property; damage to or destruction of a person's work product.~~

3.1.1.1. 4.2. Verbal Bullying

Verbal bullying, which can be oral, written, or electronic, includes repeated slandering, ridiculing, or maligning of a person or persons; addressing abusive and offensive remarks to a person or persons in a sustained or repeated manner; shouting at others in public and/or in private where such conduct is so severe or pervasive as to cause or create a hostile educational or working environment ~~that~~ or unreasonably interferes with a person's work or school performance or participation.

3.1.1.2. 4.3. Nonverbal Bullying

Nonverbal bullying includes, but is not limited to, directing threatening gestures toward a person or persons or invading personal space after being asked to move or step away.

3.1.1.3. 4.5. Threatening Behavior toward a Person's Job or Well-Being

Making threats, either explicit or implicit, to the security of a person's job, position, or personal well-being can be bullying. It is not bullying behavior for a supervisor to ~~note~~ address an employee's poor job performance and discuss potential consequences within the framework of UNM policies and procedures, or for a professor or academic program director to advise a student of

unsatisfactory academic work and the potential for course failure or dismissal from the program if uncorrected.

3.1.1.4. 4.4. Anonymous Bullying

Anonymous bullying ~~can consist of~~includes withholding or disguising one's identity while treating a person in a malicious manner, sending insulting or threatening anonymous messages, placing objectionable objects among a person's belongings, or leaving degrading written or pictorial material about a person where others can see.

Differences of opinion, conflicts, or problems in workplace relationships may occasionally occur as a normal part of working life and should not be considered bullying.

3.1.2. Single Incident of Destructive Behavior

Bullying is defined as a repetitive pattern of behavior; however, a single incident of the bullying behavior defined above may be so severe or egregious that it creates a hostile environment and may be reported according to the provisions of this Policy.

3.2. Destructive Actions Covered by Other UNM Policies

Credible reports of the destructive actions described below will be addressed in accordance with the applicable policy listed. Destructive actions covered by UNM Policy include, but are not limited to:

3.2.1. Violent Behavior—refer to UAP 2210 “Campus Violence.”

3.2.2. Sexual harassment--refer to UAP 2730 ~~3780~~ "Sexual Harassment Policy."

3.2.3. Other forms of harassment—refer to UAP 2720 “Equal Opportunity, Affirmative Action, and Non-Discrimination.”

3.2.4. Retaliation-- refer to UAP 2200 "Whistleblower Protection and Reporting Suspected Misconduct and Retaliation Policy."

3.2.5. Conduct which can adversely affect UNM’s educational function, disrupt community living on campus, or interfere with the right of others to pursue their education or to conduct their UNM duties and responsibilities--refer to UNM *Faculty Handbook*, Section C05, "Rights and Responsibilities at the University of New Mexico." "Visitor Code of Conduct," "Student Code of Conduct," and UAP 2220 "Freedom of Expression and Dissent."

3.2.6. Unethical conduct--refer to UNM *Faculty Handbook*, Section B, Appendix V, "Statement of Professional Ethics." ~~"Harassment and Professional Ethics Policy" and bullying behavior which is defined in Section 4 below.~~

4. Supervisor Responsibilities

Supervisors, at all levels, are responsible for addressing indications of destructive actions and resolving them in an appropriate, fair, and prompt manner in accordance with applicable UNM policy.

5.1 Students

~~An individual who believes a student has engaged in bullying behavior should report the behavior to the Dean of Students Office. Students in the School of Medicine who believe that a faculty member has engaged in bullying behavior towards them should follow the procedures in the UNM School of Medicine "Teacher Conduct and Learner Complaints." All other students who believe that a staff or faculty member has engaged in bullying behavior towards them may follow the procedures listed in Sections 5.2. and 5.3. below. Students may also report bullying behavior by:~~

- ~~• contacting the Dean of Students Office,~~
- ~~• calling the UNM Hotline 1-888-899-6092 (call may be anonymous, but doing so may limit the University's ability to conduct a full investigation), or~~
- ~~• contacting the University Internal Audit Department.~~

~~If the bullying of students is based on race, color, religion, national origin, physical or mental disability, age, sex, sexual preference, gender identity, ancestry, medical condition, or spousal affiliation, it should be reported to the University Office of Equal Opportunity.~~

5.2 Staff

~~An individual who believes a staff member has engaged in bullying behavior may report the behavior using any of the options listed in UAP 2000, Section 4 of "Whistleblower Protection and Reporting Suspected Misconduct and Retaliation." The individual should select the reporting method he or she is most comfortable with and is most appropriate to the situation. Although bullying behavior may not meet the definition of misconduct in Policy 2200, suspected bullying behavior will be reported and investigated in the same manner as misconduct.~~

5.3. Faculty

~~An individual who believes a faculty member has engaged in bullying behavior should follow the procedures listed in the Procedures Section below. These procedures were approved by the Faculty Senate and all subsequent changes must be approved in accordance with processes defined by the Faculty Senate.~~

6. Monitoring

~~An annual survey will be undertaken by the Faculty Senate Policy Committee in collaboration with the Staff Council and the Division of Human Resources to measure the effectiveness of the Respectful Campus Policy. The survey should provide ongoing monitoring of faculty and staff attitudes concerning the campus climate and culture. The survey results will be distributed to the Faculty Senate, Staff Council, President of the University, and executive vice presidents.~~

APPLICABILITY

This Policy is applicable to all UNM faculty and academic administrators, including the Health Sciences Center and Branch Campuses. The reporting and investigatory procedures listed in this policy document are applicable whenever a UNM faculty member or academic administrator is accused of actions destructive to a respectful campus. However, when a resident, fellow, or faculty member in the School of Medicine is accused by a student of violations of this Policy, the reporting and investigatory procedures described in the UNM School of Medicine "Teacher Conduct and Learner Complaints" should be followed.

Whenever other members of the UNM Community are accused of actions destructive to a respectful campus, refer to the following policies for reporting and investigatory procedures:

- Staff member accused: Report the destructive behavior in accordance with **UAP 2200** “Whistleblower Protection and Reporting Suspected Misconduct and Retaliation” and **UAP 2240** “Respectful Campus.”
- Student accused: Report the destructive behavior to the Dean of Students Office.
- Unknown Identity of Alleged Wrongdoer: In incidents of anonymous destructive behavior when the wrongdoer is unknown, a staff or faculty member should report the destructive behavior to his or her supervisor, and a student should report the destructive behavior to Dean of Students Office or any of the resources listed in **UAP 2200** “Whistleblower Protection and Reporting Suspected Misconduct and Retaliation.”

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

DEFINITIONS

Bullying. Refer to Section 3.1.1 above for detailed definition.

WHO SHOULD READ THIS POLICY

- Board of Regents
- Faculty
- Academic staff
- Academic deans and other executives, department chairs, directors, and managers

RELATED DOCUMENTS

University Administrative Policies and Procedures Manual:

Policy 2200 “Whistleblower Protection and Reporting Suspected Misconduct and Retaliation”

Policy 2210 “Campus Violence”

Policy 2220 “Freedom of Expression and Dissent”

Policy 2240 “Respectful Campus”

Policy 2720 “Equal Opportunity, Non-Discrimination, and Affirmative Action”

Policy 2730 “Sexual Harassment”

Policy 3320 “Ombuds/Dispute Resolution Services for Staff”

Policy 3750 “Counseling, Assistance, and Referral Services”

Faculty Handbook:

Policy C05 “Rights and Responsibility at the University of New Mexico”

Policy C07 “Faculty Disciplinary Policy”

Policy C70 “Confidentiality of Faculty Records”

Section B, Section 5.5. “Suspension” and “Appendix V”

[UNM Pathfinder:](#)

[Student Code of Conduct](#)

[Visitor Code of Conduct](#)

[UNM School of Medicine "Teacher Conduct and Learner Complaints."](#)

CONTACTS

Direct any questions about this Policy to the Office of the Provost or the Office of the HSC Chancellor.

PROCEDURES

~~Below are the procedures for reporting and investigating complaints of faculty bullying~~

1. Initial Complaint

~~Behaviors reasonably believed to constitute actions destructive to a respectful campus as described in this Policy should be reported in accordance with the procedures listed herein. Bullying behavior should be reported. These procedures are designed to encourage use of informal and/or formal processes for reporting and resolving destructive behavior. Individuals impacted by the negative behavior may use any of the procedures listed below. Taking informal action does not preclude individuals from taking formal action.~~

~~Extreme incidents that result in a fear for one's safety should ~~may~~ be reported directly to UNM Police in accordance with **UAP 2210** "Campus Violence."~~

1. Informal Processes

~~When the destructive actions described in this Policy occur, it is in the best interest of UNM and all parties involved that the actions be stopped as soon as reasonably possible. When possible and practical under the circumstances, all efforts should be made to address and resolve complaints informally.~~

~~In many cases resolution can be achieved by bringing the negative behavior to the attention of the impacted individual's supervisor or the alleged wrongdoer's supervisor. If the impacted individual is not comfortable reporting the destructive actions to a supervisor, the individual may report the actions in accordance with the provisions described in this document.~~

~~UNM processes and resources can help individuals with informal resolution. These resources which include Counseling, Assistance, and Referral Services (CARS) for faculty and staff, HSC Office of Professionalism, Ombuds Dispute Resolution Services for Faculty, Ombuds Dispute Resolution Services for Staff, Ombuds Dispute Resolution Services for Graduate Students, and the Dean of Students office for undergraduate students, and are described in Section 8 below.~~

2. ~~Initial~~ Formal Processes and Written Complaints

2.1. A initial formal written complaint pursuant to this Policy should be brought to the attention of the person who has direct supervisory responsibility over the individual(s) whose actions are in question (e.g., chairperson, supervisor, director, dean, Provost, Chancellor for Health Sciences), or who is the supervisor of the unit in which the alleged destructive behavior occurred. A initial formal complaint may also be made by using the procedures specified in **UAP 2200** “Whistle Blower Protection and Reporting Suspected Misconduct and Retaliation,” which includes a UNM Hotline phone number.
~~namely:~~

~~2.1.1. Calling the UNM Hotline 1-888-899-6092. The call may be anonymous, but doing so may limit an individual’s protection from retaliation and UNM’s ability to conduct a full investigation.~~

~~2.1.2. Reporting the conduct—orally or in writing—to the Internal Audit Department.~~

2.2. A complainant should report suspected destructive behavior ~~misconduct~~ as soon as reasonably possible, preferably within 60 calendar days from the time the complainant becomes aware of the suspected destructive behavior ~~misconduct~~. The complaint should only include those events that occurred no earlier than one year before the date of the complaint. The complaint should include as much of the following as possible:

2.2.1. Clear specific allegations against the named person or persons.

2.2.2. Dates, times, locations, and witnesses to incidents, when possible.

2.2.3. Factual description of events with direct quotes where possible.

2.2.4. Indication of how each incident made the complainant feel.

2.2.5. Documentary evidence.

2.2.6. Description of any action the complainant or others have already taken.

2.3. A report of destructive behavior that is made under this Policy may or may not identify a specific individual as the alleged wrongdoer. A report of anonymous destructive behavior can be made under this Policy, even though the alleged wrongdoer is unknown. Regardless of the identification of an alleged wrongdoer, the procedures delineated below will be followed, including an investigation if warranted.

2.4. Regardless of the mechanism chosen for the initial formal complaint, a written complaint must be prepared and signed by the complainant or – if the complainant chooses to remain anonymous – by the preparer. All written complaints must be brought to the attention of the cognizant supervisor. ~~respondent’s direct supervisor.~~ If an alleged wrongdoer is named in the report, the report will be shared with the person accused ~~a copy of the written complaint must be provided to the respondent,~~ of the behavior so that he or she is made aware that the behavior described may have been perceived as destructive to a respectful campus. The alleged wrongdoer may provide a written response within 14 calendar days from receipt of the written complaint. ~~the time frame specified.~~ The written response from the alleged wrongdoer ~~respondent~~ will be provided to the complainant.

2.5. Upon receipt of a formal written complaint, the responsible supervisor should interview the complainant, unless the complaint has been anonymous. If an alleged wrongdoer is named, the supervisor should interview both the complainant and the alleged wrongdoer. Based on the written complaint, the interview(s), and written responses, the responsible

supervisor may make an initial effort to effect an informal resolution of the matter, but only if an informal approach has not already been tried prior to the receipt of the formal complaint. The supervisor may suggest any of the processes specified in this document or other informal processes as appropriate. In most cases, the alleged wrongdoer may be given a reasonable opportunity to correct or otherwise cease the behavior before any formal action is taken.

If informal processes are not pursued or are not successful in resolving the matter, the supervisor will make a determination whether the allegation, if substantiated, would constitute a violation of this Policy. If so, the supervisor will initiate an investigation as specified below. If the supervisor determines that the alleged destructive behavior would not be a violation of C09, but might be a violation of another UNM policy, the supervisor will refer the matter for review and action as appropriate. If the supervisor determines that the alleged destructive behavior would not be a violation of UNM policy, but that the situation would benefit from some positive intervention, the supervisor should intervene as appropriate. If the supervisor determines that no further action is needed, the supervisor will submit a written report that includes a copy of the initial complaint, a description of the findings, and the reasons for not conducting an investigation in accordance with Section 3 of these Procedures. The report will be submitted to the supervisor's supervisor with a copy to the complainant and the alleged wrongdoer. If the complainant is not satisfied with the determination, he or she may appeal the decision in accordance with Section 4 of these Procedures.

2.6. Faculty may also consult with the Academic Freedom and Tenure Committee (AF&T) if there are allegations of possible violations that are within the jurisdiction of the AF&T Committee. If the AF&T Committee decides that the complaint is within their jurisdiction, they will follow the procedures in Section B of the Faculty Handbook.

3. Investigation

The procedures specified below apply to cases in which both the complainant and the alleged wrongdoer are named. In cases in which the complaint is anonymous or the alleged wrongdoer is not named, or both, the Office of University Counsel (OUC) will advise the responsible supervisor on how to modify the specified procedures.

The responsible supervisor is charged with initiating the investigation within ~~10 UNM business~~ 14 calendar days of receiving the written complaint, or following the conclusion of informal processes if they have been unsuccessful. It is of paramount importance that the investigation ~~should~~ be conducted by an unbiased investigator. Prior to initiating the investigation, the responsible supervisor must confer with the OUC for guidance in interpreting this Policy and in formulating the specific steps to be followed in conducting an unbiased investigation and in preparing the final investigatory report. The OUC will inform the supervisor of the responsible supervisor that it has counseled the responsible supervisor on the specific matter. Following the advice of OUC, the supervisor who receives the complaint ~~may~~ will appoint an independent investigator with no connection to either the complainant or the alleged wrongdoer ~~respondent~~; the investigator may in turn decide to appoint a three to five person ad hoc investigatory

committee of independent, unbiased individuals whose UNM status is similar to that of the complainant and that of the [alleged wrongdoer respondent](#).

As soon as it has been determined who will conduct the investigation and how [it the investigation](#) will be conducted, the investigator will notify the complainant, the [alleged wrongdoer respondent](#), and the supervisor of the [alleged wrongdoer respondent](#), that an investigation has been initiated. If either the complainant or the [alleged wrongdoer respondent](#) wishes to request that a different investigator be appointed, a written request, including a detailed justification, must be provided to the supervisor of the [alleged wrongdoer respondent](#) within ~~five UNM business~~ [seven calendar](#) days. The supervisor will take the request into consideration and will either confirm the appointment of the original investigator or will appoint a different investigator. The parties will be notified of the supervisor's decision no later than ~~five UNM business~~ [seven calendar](#) days after receipt of the request. If the investigator decides to appoint an ad hoc committee to assist with the investigation, the [alleged wrongdoer respondent](#) and the complainant will be notified in writing and given ~~10 UNM business~~ [14 calendar](#) days to submit a written objection to the membership of the ad hoc committee. The investigator will take the objections into consideration before finalizing the appointments. The membership of the investigatory committee must be finalized no later than ~~20 UNM business~~ [28 calendar](#) days after the [alleged wrongdoer respondent](#) and complainant have been provided with the initial notification referenced above.

The investigation should normally include interviews with all parties to the complaint, as well as any others who the complainant or [alleged wrongdoer respondent](#) believes will be able to provide material information relevant to the complaint. ~~recognizing that an investigation will often exclude redundant or immaterial information or information that is not readily available.~~ [Additional information may be provided by any of the parties at any point during the investigation.](#) The investigation should normally be completed no later than ~~30 UNM business~~ [42 calendar](#) days after the ~~initial formal written~~ complaint has been brought to the supervisor of the [alleged wrongdoer respondent](#), or after the membership of the ad hoc committee has been finalized, whichever is later. If the investigation cannot be completed within this time frame, a written notification of the delay, and the reasons for delay, should be provided to the complainant, the [alleged wrongdoer respondent](#), and the supervisor of the [alleged wrongdoer respondent](#). When the investigation has been completed, a confidential report of the investigation will be sent for appropriate action to the supervisor of the [alleged wrongdoer respondent](#), with a written copy provided to the [alleged wrongdoer respondent](#) and the complainant, unless the complainant is anonymous. The confidential report will include, at a minimum, the following information:

- Identity of investigator and others involved in conducting the investigation
- Allegations [and responses](#)
- Investigative process, including the number of witnesses interviewed, but excluding the identities of the witnesses
- Summary of facts
- Final determination of whether this Policy was violated

The investigator may also choose to include recommendations in the report. Information or recommendations pertaining to disciplinary action will not be included in any documents provided to the complainant.

The investigator will make reasonable efforts to maintain confidentiality. The identities of the [alleged wrongdoer respondent](#) and the complainant should be treated with sensitivity. It is recommended, but not required, that the investigator ask everyone involved in the investigation, including witnesses, to sign confidentiality agreements.

The investigator is responsible for thoroughly documenting the investigation and creating an investigatory file. Except as noted in Section 7 below, this file will be maintained in the [alleged wrongdoer's respondent's](#) personnel file. ~~in the respondent's college or school.~~ The file is confidential and shall be secured in accordance with [Policy C70](#) "Confidentiality of Faculty Records." The file should include the following:

- ~~Initial~~ [Formal written](#) complaint [and responses](#)
- Evidence collected from all sources, including interviews
- If applicable, documentation associated with the selection of ad hoc committee members, including any objections made by the [alleged wrongdoer respondent and complainant](#)
- If applicable, signed confidentiality agreements
- If applicable, ad hoc committee meeting minutes
- Copy of investigation report

~~3. Alternative Procedures~~

~~The procedures set forth in this policy document are not exclusive. Although complainants are encouraged to utilize the procedures set forth above, the complaint may also be taken to the Ombuds Dispute Resolution Services for Faculty and Staff, or to the Academic Freedom and Tenure Committee (AF&T), if the complainant is a faculty member and the complaint involves allegations of violations that are within the jurisdiction of the AF&T Committee. If the Ombuds Dispute Resolution office or the AF&T Committee is presented with the complaint, and if they decide that it is within their jurisdiction, they will follow the procedures stated in the Faculty Handbook Policies (Policy C345 and Section B, respectively). If AF&T determines that it has jurisdiction and accepts the complaint, its proceedings would supplant the procedures set forth under this Policy.~~

4. Appeals of Investigatory Findings

If the responsible supervisor does not resolve the issue to the satisfaction of the parties to the complaint or within the required time frame, the parties will have ~~10 UNM business~~ [14 calendar](#) days from the date on which they received written notification of the results of the investigation to appeal the decision to the next higher level person in the supervisory chain, who will review the record and determine whether the investigation was reasonably conducted and the findings supported by the evidence. The reviewing official will usually obtain the advice of OUC on how to conduct the review. The reviewing official may uphold, reverse, or modify the findings or may remand the matter for further investigation. A written copy of the reviewing official's decision, concerning whether a violation of this policy occurred, will be provided to the supervisor of the [alleged wrongdoer respondent](#) and the initial investigator; a summary statement will be provided to the [alleged wrongdoer respondent](#) and the complainant. If the reviewing official's determination is not satisfactory to the complainant or the [alleged wrongdoer respondent](#), a final appeal can be made to the Provost or Chancellor for Health Sciences, who in his or her discretion may review the record. Absent discretionary review by the Provost or Chancellor for Health Sciences, the decision of the reviewing official, concerning

whether a violation of this policy occurred, shall be final. If the Provost or Chancellor for Health Sciences reviews the matter, his or her decision shall be final.

5. Actions Following Investigation

If the final determination is that ~~the respondent~~ [an individual](#) has violated this Policy, UNM shall take appropriate action, which may include disciplinary sanctions up to and including dismissal from UNM in accordance with [Policy C07](#) "Faculty Disciplinary Policy."

Whether or not ~~the respondent~~ [an individual](#) is found to have violated this Policy, reasonable efforts will be undertaken to ensure that complainants who make allegations of [destructive actions](#) ~~bullying~~ in good faith and others who cooperate in good faith with inquiries and investigations of such allegations are not retaliated against for initiating or participating in the investigation. [Refer to UAP Policy 2200 for information on retaliation.](#)

6. False Information

An employee who knowingly gives false information or knowingly makes a false report of alleged violation of this Policy or who knowingly provides false answers or information in response to an ongoing investigation will be subject to disciplinary action, up to and including dismissal, by UNM.

7. False or Inaccurate Accusations

It is important to protect individuals from false, unsubstantiated, or inaccurate accusations. Therefore, when an allegation of violation of this Policy is not substantiated, the file containing all documents relating to the report, review, or investigation will be sealed and delivered to University Counsel's office. The file will be stored for six years after the date the file is sealed, after which time it may be destroyed.

8. UNM Processes and Resources That Can Assist Individuals Impacted by Destructive Actions

The following UNM processes and resources are available to assist individuals impacted by destruction actions. Participation is voluntary. With the agreement of the individuals involved, these services may be utilized in a stand-alone fashion or before, during, or after the investigatory procedure.

8.1. The UNM Counseling, Assistance, and Referral Services (CARS) is an important resource available to all benefits-eligible UNM faculty and staff. CARS can help faculty or staff members to better understand their experience, facilitate resilience, identify options and take action in a constructive manner. Refer to UAP [Policy 3750](#) "Counseling, Assistance, and Referral Services."

8.2. The HSC Office of Professionalism provides services to the members of the HSC, including faculty, learners, and staff. Services include advice regarding university policies and available resources, remedial and growth-oriented coaching, and group/team-based interventions.

[8.3. Ombuds Dispute Resolution Services for Faculty is a confidential, impartial, informal and independent resource for addressing concerns about respectful campus interactions and for exploring the possibility of resolving difficulties at the least adversarial level. Services include confidential respectful consultations about experiences and concerns, discussion of options, information about policies and relevant UNM resources, collaborative problem-solving, and mediation. In the mediation process, the individuals decide if and how they will resolve their difficulties and they can write agreements for moving forward. These services are voluntary and are available to faculty at all levels and to faculty administrators. This office coordinates services with Ombuds Dispute Resolution for Staff, Ombuds Dispute Resolution for Graduate Students, and with the Dean of Students office as needs arise.](#)

[8.4. Ombuds Dispute Resolution Services for Staff provides constructive conflict management support for staff and faculty who supervise staff as described in UAP Policy 3220 “Ombuds/Dispute Resolution Services for Staff.” This is an informal, confidential, impartial, and independent resource.](#)

[8.5. Ombuds dispute resolution services are available for graduate students at the Office of Graduate Studies. With the graduate student’s permission, the Ombuds for Graduate Students coordinates with the Ombuds for Faculty or the Ombuds for Staff for any continued services.](#)

[8.6. The Dean of Students Office is available to undergraduate students for addressing concerns about respectful campus interactions.](#)

DRAFT HISTORY

October 8, 2016—FS Policy Committee reviews task force’s recommended revision and makes recommended changes. Draft approved for campus comment.

May 18, 2016— Task force submits final proposed revision to FS Policy Committee for review
January 6, 2016--Task force appointed by FS Policy Committee to review C09 for implementation issues and free speech concerns.

HISTORY

February 4, 2014 – Amended procedures approved by Faculty Senate Operations Committee

January 29, 2014– Amended procedures approved by Faculty Senate Policy Committee

June 16, 2011—Approved by UNM President

March 22, 2011—Approved by Faculty Senate

COMMENTS TO:
handbook@unm.edu

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E40: Research Misconduct

Approved By: Faculty Senate, Board of Regents

Last Updated: **Draft 2/7/17 showing recent RPC recommendations**

Responsible Faculty Committee: Research Policy Committee

Office Responsible for Administration: Vice President for Research and HSC Vice Chancellor for Research

Legend of highlights: Text from current policy shown in **black**.

Changes proposed by Dr. Larson and approved by the Policy Committee shown in red, underlined or ~~red-strikeout~~.

Text recommended by the RPC and Michelle Huff shown in green, underlined or green strikeout. Text shown in ~~italicized, green-strikeout~~ is text Dr. Larson wanted in, but the RPC is proposing deleting.

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

POLICY RATIONALE

Integrity, trust, and respect are important elements in an academic research environment. Investigators typically conduct research and explain findings and theories with painstaking diligence, precision, and responsibility. However, research misconduct threatens both to erode the public trust and to cast doubt on the credibility of all researchers. This policy and these procedures regarding research misconduct are intended to protect the integrity of the University of New Mexico's (UNM) research enterprise and not hinder the search for truth or interfere with the expansion of knowledge.

POLICY STATEMENT

Because UNM as well as the general public and government are affected by ~~this issue~~ research misconduct, UNM faculty and administration have created a process to ensure the credibility and objectivity of research activities and deal with research misconduct if it arises. ~~deal with research misconduct if it arises and to ensure the credibility and objectivity of research activities.~~ In broad terms this process is designed to:

- Ensure that ethical standards for research at UNM are clearly stated and applied.
- Promptly inquire into allegations of misconduct promptly and, where appropriate, initiate formal investigations and advise sponsors of action taken.
- Ensure that each investigation is properly documented to support findings and carefully conducted to protect any person whose reputation may be placed at risk during the process.

- Respect the principles of academic freedom.

The policy and procedures regarding research misconduct are intended to protect the integrity of UNM's research enterprise and not hinder the search for truth or interfere with the expansion of knowledge.

This policy applies to all individuals who may be involved with a research project, including, but not limited to, faculty, graduate/undergraduate students, staff, employees, contractors, visiting scholars, and any other member of the University's academic community.

This policy is intended to carry out UNM's responsibilities under the PHS Policies ~~regulations~~ on Research Misconduct, 42 CFR Part 93, and other applicable regulations governing research misconduct. UNM extends this policy to PHS- and non-PHS-supported research.

Scope. This policy It applies to allegations of research misconduct (as defined below under DEFINITIONS), or in the reporting of research results involving:

- any individual who, at the time of the alleged research misconduct, was employed by, was an agent of, or was affiliated by contract or agreement with this institution UNM; including, but not limited to, faculty, graduate/undergraduate students, staff, employees, contractors, visiting scholars, and any other member of UNM's academic community. and
- in case of research subject to PHS regulations and policies, one or more of the following also applies:
 - (1) Public Health Service PHS supported or non-PHS supported biomedical or behavioral research, or research training or activities related to that research or research training, such as the operation of tissue and data banks and the dissemination of research information; (2) applications or proposals for PHS-supported or non-PHS-supported biomedical or behavioral research; or research training or activities related to that research or research training; or (3) plagiarism or research records produced in the course of research, or research training or activities related to that research or research training.

This includes any research proposed, performed, reviewed, or reported, or any research record generated from that research, regardless of whether an application or proposal resulted in a grant, contract, cooperative agreement, or any other form of support.

These policies and procedures do not apply to authorship or collaboration disputes and apply only to ~~allegations of~~ research misconduct that occurred within six years of the date the institution or HHS received the allegation, subject to the subsequent use, health or safety of the public, and grandfather exceptions in 42 CFR 93.105(b) and other applicable regulations governing research misconduct.

General Principles

1. Research misconduct cannot be tolerated and will be firmly dealt with when found to exist.

2. For purposes of resolving allegations of research misconduct, the process established by this policy shall apply to allegations of fabrication, falsification or plagiarism. All other allegations of research misconduct shall be resolved utilizing other applicable University policies and procedures.

3. All applicable persons (as described in Applicability section below) will report observed, suspected, or apparent research misconduct in accordance with Section 4.1 of this policy. Allegations may be made in writing or orally, and in either case may be . Allegation may be made anonymously, and In all cases; the allegations must be sufficiently credible and specific. If an individual is unsure whether a suspected incident falls within the definition of research misconduct, he or she may meet with or contact the Vice President for Research, Vice Chancellor for Research, or the appropriate HSC Research Integrity Office (RIO) to discuss the suspected research misconduct informally, which may include discussing it anonymously and/or hypothetically. A copy of this policy shall be made available to the complainant.

NOTE: RPC proposes to NOT delete the 1st and 3rd of the following sentences (DR Larson had proposed deleting them). Charges of research misconduct shall be promptly reviewed and a copy of this policy shall be made available to the complainant. ~~Allegations must be made in writing, and signed and dated by the complainant.~~ If health or safety is involved, prompt remedial action shall be taken.

4. Every effort shall be made to protect the rights and the reputations of everyone involved, including the individual who in good faith alleges perceived misconduct as well as the alleged violator(s). A good faith allegation is made with the honest belief that research misconduct may have occurred. Persons making a good faith allegation shall be protected against retaliation. However, persons making allegations in bad faith will be subject to disciplinary action, up to and including termination or expulsion. An allegation is made in bad faith if the complainant knows that it is false or makes the allegation with reckless disregard for or willful ignorance of facts that would disprove it.

5. All members of the University community are expected to cooperate with committees conducting inquiries or investigations.

6. Confidentiality. Care will be exercised at all times to ensure confidentiality to the maximum extent possible and to protect the privacy of persons involved in the research under inquiry or investigation. The privacy of those who report misconduct in good faith will also be protected to the maximum extent possible. Files involved in an inquiry or investigation shall be kept secure and applicable state and federal law shall be followed regarding confidentiality of personnel records.

7. Conflict of Interest. If the Provost, ~~the Vice-Chancellor for Health Sciences~~, Vice ~~President Provost~~ for Research or Vice ~~Chancellor for Research~~ ~~President for Health Sciences~~, as appropriate, has any actual or potential conflict of interest, the persons shall recuse themselves from the case. The President of the University shall appoint designates to act instead.

When a case continues to the Inquiry and Investigation stages (Sections 5.3 and 6.3), if the President of the Faculty Senate has any actual or potential conflict of interest, the person shall

recuse him/herself from the case and the Senate President-Elect shall appoint a designate to act instead.

If any member of the Faculty Senate Operations Committee or the Chair of the Research Policy Committee has any actual or potential conflict of interest, the persons shall recuse themselves from the case. The Faculty Senate President, or designate as appropriate, shall appoint faculty members to act instead.

8. UNM will respond to each research misconduct allegation in a thorough, competent, objective, and fair manner.

9. UNM will ensure its deans, directors, chairs, and graduate advisors are reminded annually of the UNM's policies and procedures on Research Misconduct. UNM will also inform all faculty, students, and staff of:

(1) the need and importance of research integrity and

(2) the importance of compliance with applicable policies and procedures.

APPLICABILITY

All academic and research UNM units, including the Health Sciences Center and Branch Campuses.

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

DEFINITIONS

Complainant means a person who makes an allegation of research misconduct. There can be more than one complainant in any inquiry or investigation.

NOTE: RPC did not include the following two definitions in their version.

Deciding Official will make the final determination whether to accept the investigation report, its findings, and the recommended institutional actions. The Provost is the deciding official for cases where the respondent is not a HSC employee. The Chancellor for Health Sciences is the deciding official for cases where the respondent is a HSC employee.

Conflict of Interest. All officials or officially appointed participants in an investigation, appeal, or decision must be able to participate in a completely disinterested frame of mind. A conflict of interest exists if an individual who would participate as an institutional representative or appointee in an investigatory process, an appellate process, or a decision-making process also has a relationship with a complainant or respondent that could be seen as a source of bias. Potential relationships and/or circumstances that could create a conflict of interest include:

- Being or having been in a teacher-learner, mentor-mentee, or similar relationship with either complainant or respondent;
- Working or having worked in the research labs of either the complainant or the respondent;
- Being a current co-investigator with either the complainant or the respondent on any research project or grant;
- Being a current co-author with either the complainant or the respondent on any publication or on any manuscripts that may be awaiting publication;
- Having any unresolved personal, professional, or financial conflicts with either the complainant or the respondent;
- Any other circumstance that could interfere with an individual's ability to participate with objectivity and without bias.

Fabrication is making up data or results and recording or reporting them.

Falsification is manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record.

NSF means the National Science Foundation. The NSF has adopted rules establishing standards for institutional responses to allegations of research misconduct.

OIG means the Office of the Inspector General, an office within a U.S. federal agency (other than PHS) that is charged with oversight and implementation of federal agency's policies and procedure on research misconduct.

ORI means the Office of Research Integrity, an office within the U.S. Department of Health and Human Services that is responsible for overseeing the implementation of PHS policies and procedures on research misconduct.

PHS means the Public Health Service, a component of the U.S. Department of Health and Human Services. The PHS has adopted rules establishing standards for institutional responses to allegations of research misconduct.

Plagiarism is the appropriation of another person's ideas, processes, results or words without giving appropriate credit.

Recklessly means that a person acts in such a manner that the individual consciously disregards a substantial and unjustifiable risk or grossly deviates from the standard of conduct that a reasonable individual would observe.

Research misconduct is defined as fabrication, falsification or plagiarism in proposing, conducting, reporting or reviewing sponsored or unsponsored research. The misconduct must have been committed intentionally, knowingly or recklessly. Research misconduct is further defined to include gross carelessness in conducting research amounting to wanton disregard of truth or objectivity, or failure to comply or at least attempt to comply with material and relevant aspects of valid statutory or regulatory requirements governing the research in

question. Research misconduct is more than a simple instance of an error in judgment, a misinterpretation of experimental results, an oversight in attribution, a disagreement with recognized authorities, a failure in either inductive or deductive reasoning, an error in planning or carrying out experiments, or a calculation mistake.

Respondent means the person against whom an allegation of research misconduct is directed or the person who is the subject of the inquiry or investigation. There can be more than one respondent in any inquiry or investigation.

WHO SHOULD READ THIS POLICY

- Faculty, staff, students, [contractors, visiting scholars, and any other member of UNM's academic community involved in the conduct or research or the reporting of research results.](#)
- Members of the Faculty Senate and the Research Policy Committee
- Academic deans or other executives, department chairs, directors, and managers
- Administrative staff responsible for sponsored research management.
- [Any person who brings forth any allegation of research misconduct.](#)
- [Any person against whom an allegation of research misconduct is directed or the person who is the subject of a research misconduct inquiry or investigation.](#)

RELATED DOCUMENTS

UNM Regents' Policy Manual

[Policy 5.10](#) "Conflicts of Interest in Research"

[Policy 5.13](#) "Research Fraud"

[Policy 5.14](#) "Human Beings as Subjects in Research"

[Policy 5.15](#) "Use of Animals in Education and Research"

Faculty Handbook

[E90](#) "Human Beings as Subjects in Research"

[E100](#) "Policy Concerning Use of Animals"

[E110](#) "Conflicts of Interest in Research"

CONTACTS

Direct any questions about this policy to Office of the Vice President for Research or the HSC Office of Research.

PROCEDURES

1. Preliminary Assessment of Allegations

1.1 Any *initial report of alleged ~~allegation of~~* research misconduct shall be treated in a confidential manner and brought to the attention of the faculty member or other person (e.g.,

chairperson, supervisor, director, principal investigator) responsible for the researcher(s) whose actions are in question, or to the dean of the researcher's college, or to the Vice President Provost for Research (for allegations concerning a main campus researcher) or Vice Chancellor for Research President for Health Sciences (for allegations concerning a HSC researcher). The person receiving the initial allegation report shall, in turn, make an immediate confidential report of the allegations to the Vice President Provost for Research or Vice Chancellor for Research President for Health Sciences, as appropriate.

1.2 An initial report allegation of research misconduct might arise as part of an administrative review. Such an allegation report will be acted upon in accordance with this policy. The allegation report should be brought confidentially to the Vice President Provost for Research or Vice Chancellor for Research President for Health Sciences, as appropriate.

1.3 Upon receiving an allegation of research misconduct, the Vice President for Research or the Vice Chancellor for Research, or designee, shall conduct a preliminary assessment within seven (7) working days. The purpose of the preliminary assessment is to determine whether the allegation:

(1) is sufficiently credible and specific so that potential evidence of research misconduct may be identified,

(2) whether the allegation falls within the definition of research misconduct and

(3) whether it is within the jurisdictional criteria of this policy. An inquiry must be conducted if these criteria are met. In conducting the preliminary assessment, the complainant, respondent, or other witnesses need not be interviewed and data need not be gathered beyond any that may have been submitted with the allegation, except as necessary to determine whether the allegation is sufficiently credible and specific so that potential evidence of research misconduct may be identified.

~~Upon receipt of an initial report of alleged research misconduct, the Vice Provost for Research or Vice President for Health Sciences, or designee, shall conduct a preliminary assessment within seven (7) working days. The purpose of the preliminary assessment is to determine whether the allegation falls within the definition of research misconduct and whether there is sufficient evidence to warrant an inquiry. If both conditions are met the inquiry process shall be initiated. If the allegation is vague, an effort should be made to obtain more information before deciding whether there is sufficient evidence to warrant an inquiry. If the preliminary assessment finds insufficient information to allow specific follow-up or the allegation falls outside the definition of research misconduct, the matter will not proceed to an inquiry, and the Vice Provost for Research or Vice President for Health Sciences shall so inform the respondent and complainant in writing. The allegation may be referred for review under another University policy, as appropriate.~~

2. Inquiry

2.1 Purpose and Initiation

If the preliminary assessment reveals that the allegation falls within the definition of research misconduct and there is sufficient information to allow specific follow-up, the inquiry process shall be initiated by the Vice President Provost for Research or Vice Chancellor for Research President for Health Sciences, as appropriate. The initiating official will clearly identify the original

allegation and any related issues that should be evaluated in the inquiry. The purpose of the inquiry is to make a preliminary evaluation of the available evidence to determine whether there is sufficient credible evidence of possible research misconduct to warrant conducting an investigation. The purpose of the inquiry is not to reach a final conclusion about whether misconduct occurred. The findings of the inquiry shall be set forth in an inquiry report.

2.2 Securing Research Records

Prompt securing of the research records is in the best interest of both the respondent and UNM. Either before or when the institution notifies the respondent of the allegation, inquiry, or investigation, the ~~After determining that an inquiry will occur,~~ the Vice President for Research or the Vice Chancellor for Research will ~~direct a process~~ take all reasonable and practical steps to obtain custody of all the research records and evidence needed to conduct the research misconduct proceeding, inventory the records and evidence and sequester them in a secure manner, except that where the research records or evidence encompass scientific instruments shared by a number of users, custody may be limited to copies of the data or evidence on such instruments, so long as those copies are substantially equivalent to the evidentiary value of the instruments. ~~Sequestration of research records must occur on or before the date on which the respondent is notified if the allegation.~~ Immediately upon ensuring that the research records are secure, the respondent shall be notified that an inquiry is being initiated and an inventory of the secured records shall be provided him/her. ~~As soon as practicable, a copy of each sequestered record will be provided to the respondent, or to the individual from whom the record is taken if not the respondent, if requested. When appropriate, the respondent will be provided with copies of, or supervised access to, the relevant research records, if requested.~~ The respondent shall be notified of the charges and the procedures to be followed. The steps required to obtain custody, inventory, and sequester any additional research records and evidence will be followed throughout the inquiry process in the course of securing records. UNM will take reasonable measures to minimize the impact of record collection on the ongoing research, so long as such measures do not conflict with UNM's obligations to sequester, in addition, if research records are located in laboratories or other facilities where chemical, biological, and hazards exist, UNM will take steps to ensure that the collection of such records does not jeopardize the health and safety of any individuals.

~~After determining that an inquiry will occur, the Vice Provost for Research or Vice President for Health Sciences, as appropriate, will direct the process whereby all original research records (or copies if originals cannot be located) and materials which may be relevant to the allegation are immediately secured. Prompt securing of records is in the best interests of both the respondent and UNM.~~

2.3 Inquiry Committee

The inquiry shall be carried out by a committee of three persons appointed by the Vice ~~President Provost~~ for Research or Vice ~~Chancellor for Research~~ ~~President for Health Sciences~~, as appropriate, in consultation with the President of the Faculty Senate, or his/her designate. At least two Inquiry Committee members shall be tenured faculty. One of the tenured faculty members shall chair the committee. Committee members should be selected on the basis of relevant research background and experience. Faculty members from other universities may be named to the Inquiry Committee if a sufficient number of qualified UNM faculty members are not available. Members of the committee shall have no actual or potential conflicts of interest

in the case, shall be unbiased, and shall, together, possess sufficient expertise to enable the committee to conduct the inquiry.

The respondent and the complainant shall be notified of the proposed committee membership and may object in writing to any of the proposed appointees on the grounds that the person, or the committee as a whole, does not meet the criteria stated above. The Vice ~~President Provost~~ for Research or Vice ~~Chancellor for Research~~ ~~President for Health Sciences~~, as appropriate, in consultation with the President of the Faculty Senate, or his/her designate, will consider the objection and if it has merit, shall make appropriate substitution(s). In the case of disagreement regarding appointments, the Vice ~~President Provost~~ for Research or Vice ~~Chancellor for Research~~ ~~President for Health Sciences~~, as appropriate, shall decide the challenge. That decision shall be final.

If the committee so requests, the Vice ~~President Provost~~ for Research or Vice ~~Chancellor for Research~~ ~~President for Health Sciences~~, as appropriate, shall designate an official to assist the committee in conducting the inquiry. The committee shall receive a written charge from the Vice ~~President Provost~~ for Research or Vice ~~Chancellor for Research~~ ~~President for Health Sciences~~, as appropriate, defining the subject matter of its inquiry prior to beginning its work.

2.4 Inquiry Process

The respondent and complainant shall be given an opportunity to interview with the Inquiry Committee. The committee may interview others and examine relevant research records, as necessary, to determine whether there is sufficient credible evidence of possible research misconduct to warrant conducting an investigation. University legal counsel shall be available to the committee for consultation.

The length of the inquiry shall not exceed sixty (60) days unless prior written approval for a longer period is obtained from the Vice ~~President Provost~~ for Research or Vice ~~Chancellor for Research~~ ~~President for Health Sciences~~ as appropriate. If the period is extended, the record of the inquiry shall include documentation of the reasons for exceeding the sixty-day period.

2.5 Inquiry Report

The Inquiry Committee shall prepare a report that includes:

- (1) the names and titles of the committee members, and experts consulted, if any;
- (2) the allegations;
- (3) the PHS support, if any;
- (4) a summary of the inquiry process;
- (5) a summary of the evidence reviewed;
- (6) a summary of any interviews;
- (7) the conclusions of the inquiry as to whether an investigation is recommended; and
- (8) whether any other action should be taken if an investigation is not recommended.

The respondent shall be given fourteen (14) days to review the report and to add his or her comments, which will become part of the final inquiry report and record. Based upon the respondent's comments, the Inquiry Committee may revise its report.

2.6 Inquiry Determination

The Inquiry Committee final report will be sent to the Vice ~~President Provost~~ for Research or Vice ~~Chancellor for Research~~ ~~President for Health Sciences~~, as appropriate, who will determine whether the results of the inquiry provide sufficient evidence of possible research misconduct to warrant conducting an investigation or whether the matter will not be pursued further. The respondent and complainant shall be notified in writing of the decision.

3. Investigation

3.1 Purpose and Initiation

The purpose of the investigation is to explore the allegations in detail, examine the evidence in depth, and determine specifically whether research misconduct has been committed, by whom, and to what extent. If instances of possible misconduct involving a different respondent are uncovered, the matter should be sent to the Vice ~~President Provost~~ for Research or Vice ~~Chancellor for Research~~ ~~President for Health Sciences~~, as appropriate, to initiate a preliminary assessment.

The Investigation Committee will be appointed and the process initiated within thirty (30) days after the conclusion of the inquiry. If required by sponsoring agency regulations, the office of the Vice ~~President Provost~~ for Research or Vice ~~Chancellor for Research~~ ~~President for Health Sciences~~, as appropriate, shall notify the agency of its decision to commence an investigation on or before the date the investigation begins.

3.2 Securing Research Records

Any additional pertinent research records that were not previously sequestered during the inquiry will be immediately sequestered when the decision is made to conduct an investigation. The Vice ~~President Provost~~ for Research or Vice ~~Chancellor for Research~~ ~~President for Health Sciences~~, as appropriate, will direct this process. This sequestration should occur before or at the time the respondent is notified that an investigation will begin. The need for additional sequestration of records may occur for any number of reasons, including a decision to investigate additional allegations not considered during the inquiry stage or the identification of records during the inquiry process that had not been previously secured. As soon as practicable, a copy of each sequestered record will be provided to the respondent, or to the individual from whom the record is taken if not the respondent, if requested.

3.3 Investigation Committee

The investigation shall be conducted by a committee of five persons appointed by the Faculty Senate Operations Committee, in consultation with the Chair of the Research Policy Committee or his/her designate. Committee members should be selected on the basis of relevant research background and experience. All persons appointed from UNM shall be tenured faculty. Tenured faculty members from other universities or senior researchers from research institutions may be named to the Investigation Committee if a sufficient number of qualified UNM faculty members are not available. Members of the committee shall have no actual or potential conflicts of interest in the case, shall be unbiased, and shall, together, possess sufficient

expertise to enable the committee to conduct the investigation. No more than two members of the Inquiry Committee may be appointed to serve on the Investigation Committee.

The respondent and the complainant shall be notified of the proposed committee membership and may object in writing to any of the proposed appointees on the grounds that the person, or the committee as a whole, does not meet the criteria stated above. The Faculty Senate Operations Committee will consider the objection and if it has merit, shall make appropriate substitution(s), in consultation with the Chair of the Research Policy Committee or his/her designate. In the case of disagreement regarding appointments made by the Faculty Senate Operations Committee, the Vice ~~President Provost~~ for Research or Vice ~~Chancellor for Research~~ President for Health Sciences, as appropriate, shall decide the challenge. That decision shall be final.

If the committee so requests, the Vice ~~President Provost~~ for Research or Vice ~~Chancellor for Research~~ President for Health Sciences shall designate an official to assist the committee in conducting the investigation. The committee shall receive a written charge from the Vice ~~President Provost~~ for Research or Vice ~~Chancellor for Research~~ President for Health Sciences, as appropriate, defining the subject matter of its investigation prior to beginning its work.

3.4 Investigation Process

~~The investigation will normally involve examination of all relevant documentation. The Investigation Committee will pursue diligently all significant issues and leads discovered that are determined relevant to the investigation, including any evidence or additional instances of possible research misconduct, and continue the investigation to completion. The committee shall make diligent efforts to interview the complainant, the respondent, and other individuals who might have information regarding aspects of the allegations. The interviews will be recorded on a recording device provided by the office of the Vice President Provost for Research or Vice Chancellor for Research President for Health Sciences as appropriate. A verbatim written record shall be made of all interviews. A transcript of his/her interview shall be provided to each witness for review and correction of errors, which shall be returned and become part of the investigatory file. University legal counsel shall be available to the committee for consultation.~~

3.5 Investigation Report

The Investigation Committee shall prepare a draft of the final report that includes:

- (1) the names and titles of the committee members, and experts consulted, if any;
- (2) the allegations;
- (3) the PHS support, if any;
- (4) a summary of the inquiry process;
- (5) a summary of the evidence reviewed;
- (6) a summary of any interviews;
- (7) findings and basis for each finding;
- (8) conclusion(s) as to whether research misconduct occurred; and
- (9) recommendations for institutional action.

Copies of all significant documentary evidence that is referenced in the report should be appended to the report.

A finding of research misconduct requires that four conditions be met:

- (1) the conduct at issue falls within this policy's definition of research misconduct;
- (2) the misconduct ~~be~~ was committed intentionally, or knowingly, or recklessly;
- (3) there ~~be~~ is a significant departure from accepted practices of the relevant research community; and
- (4) the allegation has been ~~be~~ proven by a preponderance of the evidence. This means that the evidence shows that it is more likely than not that the respondent committed research misconduct.

The respondent shall be given a copy of the draft investigation report for comment and, concurrently, a copy of, or supervised access to the evidence on which the report is based. The respondent will be allowed thirty (30) days from the date he/she received the draft report to submit comments. The respondent's comments must be included and considered in the final report. The complainant may be provided with those portions of the draft investigation report that address the complainant's role and opinions in the investigation, and the complainant will have thirty (30) days to submit any comments to the investigation committee. The report may be modified, as appropriate, based on the complainant's comments.

~~The respondent will be provided with a copy of the draft investigation report for review and comment. The respondent will be allowed fourteen (14) days for review and any comments will be attached to the final report. The findings of the final report should take into account the respondent's comments in addition to all of the other evidence. The complainant may be provided with those portions of the draft investigation report that address the complainant's role and opinions in the investigation, and the complainant will have fourteen (14) days to review and submit any comments to the Investigation Committee. The report may be modified, as appropriate, based on the complainant's comments.~~

If the Investigation Committee puts forward a final report with a finding of research misconduct, the respondent has fourteen (14) days to request ~~elect~~ a hearing before the Provost or Chancellor ~~Vice President for Research or Vice Chancellor for Research~~ Provost or Vice President for Health Sciences, as appropriate. The hearing will allow for argument, rebuttal, cross-examinations and a written record of the proceedings.

3.6 Institutional Review and Determination

The Investigation Committee final report will be forwarded to the Vice President ~~Provost~~ for Research or Vice Chancellor for Research ~~President for Health Sciences~~, as appropriate. The Vice President ~~Provost~~ for Research will transmit the report to the Provost who is the University deciding official for cases where the respondent is not a Health Sciences Center employee. The Chancellor ~~Vice President for Health Sciences~~ is the deciding official for cases where the respondent is a Health Sciences Center employee. The deciding official will make the final determination whether to accept the investigation report, its findings, and the recommended institutional actions.

If the respondent has requested ~~elected~~ a hearing, the deciding official will conduct the hearing following the University model hearing procedure, available from the University Counsel's office. The Investigation Committee presents the case consistent with its report. The respondent presents the rebuttal. The respondent may have an advisor present.

The deciding official's decision should be consistent with the definition of research misconduct, the University's policies, and the evidence reviewed and analyzed by the Investigation Committee. The deciding official may also return the report to the Investigation Committee with a request for further fact-finding or analysis. The deciding official's final determination will be sent to the respondent and complainant. If the deciding official's decision varies from that of the Investigation Committee, the basis for rendering a different decision will be explained in the report to ORI and other agencies as appropriate.

Respondents may appeal the final determination to the University President. An appeal is limited to:

- (1) a claim of procedural error; and/or
- (2) a claim that the sanction imposed as a result of a finding of research misconduct is inappropriate.

Except as to PHS and Department of Energy (DOE) funded research, the investigation shall be completed within one hundred eighty (180) days of the first meeting of the Investigation Committee. However, if for PHS or DOE sponsored the research, unless an extension has been granted, UNM must submit the following to ORI or DOE OIG, the institution must submit the required documentation to ORI or DOE OIG ~~the investigation shall be completed, with the final investigation report and final determination submitted to ORI,~~ within one hundred twenty (120) days of the first meeting of the Investigation Committee.

The following documents are required by PHS:

- (1) a copy of the final investigation report with all attachments;
- (2) a statement of whether UNM accepts the findings of the investigation report;
- (3) a statement of whether UNM found misconduct and, if so, who committed the misconduct; and
- (4) a description of any pending or completed administrative actions against the respondent. ; unless ORI grants an extension.

Documentation requirements, adjudication timelines, and the associated mandates are sponsor-specific and must be deciphered for each sponsor involved in the research at issue.

4. Actions Following Investigation

4.1 Finding of Research Misconduct

If the final determination is that research misconduct occurred, UNM shall take appropriate action, which may include but is not limited to:

- (1) ~~notifying~~ notification of the sponsoring agency;
- (2) withdrawal or correction of all pending or published abstracts and papers emanating from

the research;

(3) removal of the responsible person from the particular project, letter of reprimand, special monitoring of future work, probation, suspension, salary reduction, rank reduction or termination of employment in accordance with UNM policies and procedures. In cases involving faculty, implementation must be consistent with the Policy on Academic Freedom and Tenure;

(4) ~~determining~~ determination of whether law enforcement agencies, professional societies, professional licensing boards, collaborators of the respondent, or other relevant parties should be notified; and

(5) any other steps deemed appropriate to accomplish justice and preserve the integrity of UNM and the credibility of the sponsor's program.

4.2 Restoration of Respondent's Reputation

If the final determination is that no research misconduct occurred, efforts shall be undertaken to the extent possible and appropriate to fully protect, restore, or maintain the credibility of the research project, research results, and the reputation of the respondent, the sponsor and others who were involved in the investigation or deleteriously affected thereby. Depending on the circumstances, consideration should be given to notifying those individuals aware of or involved in the investigation of the final outcome, publicizing the final outcome in forums in which the allegation of research misconduct was previously publicized, expunging all reference to the research misconduct allegation from the respondent's personnel files, or reviewing negative decisions related to tenure or advancement to candidacy that occurred during the investigation. Any institutional actions to restore the respondent's reputation must first be approved by the Vice President Provost for Research or Vice Chancellor for Research ~~President for Health Sciences~~, as appropriate.

4.3 Protection of the Complainant and Others

Regardless of whether UNM determines that research misconduct occurred, reasonable efforts will be undertaken to protect complainants who made allegations of scientific misconduct in good faith and others who cooperate in good faith with inquiries and investigations of such allegations. The Vice President Provost for Research or Vice Chancellor for Research ~~President for Health Sciences~~, or designee, will also take appropriate steps during the inquiry and investigation to prevent retaliation against the complainant. If a complainant believes that retaliation was threatened, attempted or occurred, he or she may file a complaint with the UNM Internal Audit Department.

4.4 Allegations Made in Bad Faith

If relevant, the Vice President Provost for Research or Vice Chancellor for Research ~~President for Health Sciences~~ will determine whether the complainant's allegation of research misconduct was made in good faith. If an allegation was made in bad faith, appropriate disciplinary action will be taken in accordance with UNM policies and procedures. If the complainant is not associated with UNM, appropriate organizations or authorities may be notified and administrative or legal action considered.

5. Other Considerations

5.1 Requirements for Reporting to ORI When Funding from PHS Is Involved

5.1.1 The decision to initiate an investigation must be reported in writing to the Director of the, ORI, on or before the date the investigation begins. The notification must include at a minimum the name of the person(s) against whom the allegations have been made, the general nature of the allegation, and the PHS application or grant number(s) involved.

5.1.2 If UNM plans to terminate an inquiry or investigation without completing all relevant requirements of the PHS regulation, a report of such planned termination shall be made to ORI, including a description of the reasons for the proposed termination.

5.1.3 If UNM determines that it will not be able to complete the investigation within one hundred twenty (120) days, a written request for an extension shall be submitted to ORI that explains the delay, reports on the progress to date, estimates the date of completion and describes other necessary steps to be taken. If the request is granted, UNM must file periodic progress reports as requested by ORI.

5.1.4 UNM will keep ORI apprised of any developments during the course of an investigation that may affect current or potential Department of Health and Human Services funding for the individual(s) under investigation or that the PHS needs to know to ensure appropriate use of federal funds and otherwise protect the public interest.

5.1.5 ORI shall be notified immediately, at any time during a research misconduct proceeding, if there is any reason to believe that any of the following conditions exist:

(1) Health or safety of the public is a risk, including an immediate need to protect human or animal subjects;

(2) HHS resources or interests are threatened

(3) Research activities should be suspended;

(4) There is a reasonable indication of possible violations of civil or criminal law;

(5) Federal action is required to protect the interests of those involved in the research misconduct proceeding;

(6) The research misconduct proceeding may be made public prematurely and HHS action may be necessary to safeguard evidence and protect the rights of those involved; or

(7) The research community or public should be informed.

~~ORI shall be notified at any stage of the inquiry or investigation if any of the following conditions exist:~~

~~(1) there is an immediate health hazard involved;~~

~~(2) there is an immediate need to protect federal funds or equipment;~~

~~(3) there is an immediate need to protect the interests of the person(s) making the allegations or of the individual(s)~~

~~who is the subject of the allegations as well as his/her co-investigators and associates, if any;~~
~~(4) it is probable that the alleged incident is going to be reported publicly;~~
~~(5) the allegation involves a public health sensitive issue (e.g. a clinical trial); or~~
~~(6) there is reasonable indication of possible criminal violation in which case UNM must inform ORI within 24 hours of obtaining that information.~~

5.2. Funding Agency Requirements for Reporting ~~When NSF Funding Is Involved~~

~~5.2.1~~ The decision to initiate an investigation must be reported immediately in writing to NSF.

~~5.2.2~~ NSF shall be notified at any stage of the inquiry or investigation if any of the following conditions exist:

- ~~(1) public health or safety is at risk;~~
- ~~(2) NSF's resources, reputation, or other interests need protecting;~~
- ~~(3) there is reasonable indication of possible violations of civil or criminal law;~~
- ~~(4) research activities should be suspended;~~
- ~~(5) federal action may be needed to protect the interests of a subject of the investigation or of others potentially affected; or~~
- ~~(6) the scientific community or the public should be informed.~~

~~5.2.3~~ NSF shall be provided with a copy of the final investigation report.

~~5.2.4~~ The inquiry shall be completed within 90 days and the investigation completed within 180 days of its initiation. If completion of an inquiry or investigation will be delayed, NSF shall be notified and may require submission of periodic status reports.

When support from other funding agencies is implicated in research subject to the allegation of potential misconduct, the funding agency policies must be researched and followed.

5.3 ~~Interim~~ Administrative Action NOTE: RPC leaves interim in the section title and below

UNM officials will take ~~interim~~ administrative actions, as appropriate, to protect federal funds and ensure ~~insure~~ that the purposes of the federal financial assistance are carried out. UNM officials shall ensure that administrative actions taken by the institution and ORI are enforced and shall take appropriate action to notify other involved parties such as sponsors, law enforcement agencies, professional societies, and licensing boards, of those actions.

5.4 Termination of UNM Employment

The termination of the respondent's UNM employment, by resignation or otherwise, before or after an allegation of possible research misconduct has been reported, will not preclude or terminate the misconduct procedures. If the respondent refuses to participate in the process after termination of employment, the committee will use its best efforts to reach a conclusion concerning the allegations, noting in its report the respondent's failure to cooperate and its effect on the committee's review of all the evidence.

5.5 Record Retention

Records of the research misconduct proceeding will be maintained in a secure manner for seven (7) years after completion of any proceeding by UNM involving research misconduct

allegation, or the completion of any ORI proceeding involving the allegation of research misconduct, whichever is later, unless custody of the records has been transferred to ORI or ORI has advised that the records no longer need to be retained. When it is determine that an investigation is not warranted, detailed documentation of the inquiry must be retained for at least seven (7) years after termination of the inquiry, so that ORI may assess the reasons why UNM decided not to conduct an investigation.

~~All documentation of an inquiry that does not lead to an investigation shall be maintained in University Counsel Office files for at least three (3) years after the conclusion of the inquiry. All documentation of an investigation shall be maintained in University Counsel Office files for five (5) years after the end of the investigation. Documentation shall be provided to the sponsoring agency and ORI upon request or if required by the agency's regulations. Documentation shall be treated as confidential personnel information to the extent provided for by law.~~

5.6 Reimbursement

If requested, the UNM Board of Regents in the pursuit of justice and fairness may, in its sole discretion, fully or partially reimburse the respondent and/or the complainant for legal fees in cases of unusual hardship.

5.7 Federal Regulatory Changes

If PHS, ORI, NSF or any other federal agency amends its requirements on research misconduct, those amendments shall govern where applicable and shall be incorporated into this policy by reference herein. Such changes in federal requirements shall supersede all relevant portions of this policy.

5.8 Revision

The Faculty Senate is authorized to make minor technical and implementing modifications to the detailed Research Misconduct Policy subject to approval of the President of the University.

HISTORY

Effective:

Research Misconduct Policy (amended) Approved by UNM Board of Regents April 13, 2004
Research Misconduct Policy (amended) Approved by Faculty Senate February 24, 2004
Research Misconduct Policy (amended) Approved by Faculty Senate April 22, 2003
Research Misconduct Policy (amended) Approved by UNM Board of Regents May 10, 2002
Research Misconduct Policy (amended) Approved by Faculty Senate April 23, 2002
Research Fraud Policy Approved by UNM Board of Regents October 10, 1996
Research Fraud Policy Approved by Faculty Senate September 10, 1996

DRAFT HISTORY

February 7, 2017 – Proposed revised draft highlighted to include recent RPC recommendations.

September 9, 2015—Proposed revised draft placed in new policy format for review by Vice Chancellor for Research, Richard Larson and the Faculty Senate Policy Committee

July 1, 2015 Supplemental Policy with proposed changes to E40 prepared by HSC

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C20: Employment of UNM Graduates

Policy

Approved by Faculty on March 12, 1951

As a general policy, no person who has received a degree from the University of New Mexico shall hereafter be employed as a regular member of the faculty in a position which may lead to permanent tenure unless subsequent to the last degree at the University of New Mexico, he or she has taken at least one academic year of advanced work at another reputable institution or has established himself or herself professionally elsewhere. Such work or professional experience must be in his or her teaching field.

At the discretion of the Provost/Vice President for Academic Affairs or the Vice President for Health Sciences for Health Sciences faculty, an exception may be made to this general policy in the case of a person who has taken a master's degree, its equivalent, or pursued other substantial graduate work at another reputable institution before receiving a more advanced degree at the University of New Mexico.

In case of the above or any other exceptions to the general policy, it is recommended that the Provost/Vice President for Academic Affairs consult with the Academic Freedom and Tenure Committee before taking action.

For further information refer to "Employment of UNM Graduates" Section **5.3**

(<http://policy.unm.edu/regents-policies/section-5/5-3.html>), *Regents' Policy Manual*.

C50: Faculty Contracts

Approved By: Faculty Senate

Effective Date: **Draft 2/6/16**

Responsible Faculty Committee: Policy Committee

Office Responsible for Administration: Office of Faculty Affairs and Services or Vice Chancellor for Academic Affairs.

Legend for highlights: Text from current policy shown in **black**; text suggested to comply with new format shown in red, underlined; text recommended by Carol Parker shown in blue, underlined.

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

POLICY RATIONALE

Faculty are hired at the University of New Mexico (UNM) on a contract basis. Provisions for faculty appointments and contracts are covered by Faculty Handbook Section B "Policy on Academic Freedom and Tenure."

POLICY STATEMENT

Contract terms are defined by an Initial Appointment Letter, governed by Faculty Handbook policies concerning faculty workload, performance reviews, promotions, and other changes in rank or status that may affect expectations and compensation increases.

Initial Faculty Contract

An employment contract is created when an offer of employment (Offer Letter) is accepted by a candidate and counter-signed by the Provost (offers are conditional subject to final approval by the Provost). A copy of the counter-signed letter is then provided to the new faculty member and it becomes an official employment contract and is legally binding upon UNM and the new faculty member.

Renewal of Faculty Contracts

Faculty members with continuing appointments hold employment contracts which automatically renew subject to satisfactory performance in accordance with Faculty Handbook Section FHB B3.1. Continuing contracts can only be discontinued in accordance with Faculty Handbook Section B4-B6 procedures.

Non-continuing contracts (temporary contracts) may be either Renewable or Non-Renewable. Renewable indicates the appointment will automatically cease at the end of its stated term

[unless hiring officer exercises his/her discretion to request renewal \(no presumption of renewal\). Non-Renewable indicates the appointment will automatically cease at the end of its stated term with no option of renewal, e.g., Visitorships.](#)

[Amendment of Faculty Contracts](#)

[Amendments to the terms of an appointment must be memorialized in writing and are subject to approval by the appropriate university officials.](#)

[Compensation Adjustments](#)

[Faculty with continuing appointments receive a “base” salary associated with their appointment in exchange for delivery of an appropriate academic workload which typically encompasses some combination of teaching, research and service. Faculty are eligible for increases to their base salary for meritorious service and/or promotions in rank, as documented through various means \(most commonly through the annual, retention, promotion, or tenure review processes\).](#)

APPLICABILITY

[All UNM faculty.](#)

DEFINITIONS

[No specific definitions are required for the Policy Statement.](#)

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.

WHO SHOULD READ THIS POLICY

- [Faculty](#)
- [Department Chairs, academic deans and other academic administrators and executives.](#)

RELATED DOCUMENTS

[UNM Regents Policy Manual Policy 5.4 “Leaves of Absence”](#)

[Faculty Handbook](#)

[Policy A53.1 “Policies Applicable to Faculty”](#)

[Section B “Academic Freedom and Tenure](#)

[Policy C205 “Annual Leave”](#)

CONTACTS

[Direct any questions about this policy to the Office of Faculty Affairs and Services or Vice Chancellor for Academic Affairs.](#)

PROCEDURES

Verification of Current Appointment and Compensation Data of Record

[A portal under the Employee Tab in LoboWeb \(https://my.unm.edu\)](https://my.unm.edu), entitled “Faculty Base Contract Salary” allows faculty members to verify their current appointment and compensation data as shown in Banner. Tenure clock information is included for probationary faculty. Faculty members in need of a hard copy record of their current appointment and compensation data of record can print one on demand by using the portal’s ‘print’ feature. Academic units have the ability to query Banner data by using the MyReports tool to verify all current appointment and compensation data for their faculty members.

[Assistance provided by Office of Faculty Affairs and Services or Vice Chancellor for Academic Affairs \(VCAA\).](#)

[Offer letter templates](#) are available to assist hiring officers with drafting offer letter/contracts. A brief guide to types of appointments can be found at the Office of Faculty Affairs and Services (OFAS) website under “Academic Appointments and Titles.”

[Base compensation changes can be initiated through the “Salary Planner” process which occurs in the Spring of each year.](#)

[Appointment status, and base compensation changes that occur off-cycle, must be initiated by \[request forms\].](#)

Nine-Month Faculty

Contracts are usually issued during May or June for the following year. For most faculty members, contracts call for nine months of service (see Dates of Campus Duty).

Payments in every case are made in monthly installments, on the last working day of each month. Faculty members who are employed on a nine-month basis have the option of choosing payment of their salaries in ten or twelve installments. For example: for a given year, the first check is paid at the end of August; faculty members may decide whether they wish to receive their contracted salaries in twelve equal installments ending on July 31 or in ten equal installments ending on May 31.

The following procedure has been established for computing the salary of a faculty member whose period of employment (1) does not begin with the start of the academic year, or (2) ends before Commencement.

Count the number of weeks of service and relate that number to 39 weeks in the nine-month academic year. Example A: A faculty member starts work in February on a date which is 14 weeks before Commencement; salary amount will be 14/39 of a nine-month base salary. Example B: A faculty member who starts work one week before classes begin, as is customary,

Commented [UNM1]: Link to: new page entitled Offer Letter/Contract Templates

Commented [UNM2]: Link to <http://ofas.unm.edu/docs/appointments-chart.pdf>

Commented [UNM3]: Link to new forms

finishes work at the end of the first semester; salary amount will be 50% of a nine-month base salary, and contract dates for one semester will include 19.5 weeks.

Twelve-Month Faculty

The contract of a person employed for the fiscal year (administrators and certain faculty) is written to indicate a 12-month period of employment, [and the individual is eligible for annual leave in accordance with Policy C205 “Annual Leave.”](#)

Conversion of Status

When a nine-month faculty salary is converted to a twelve-month salary, the nine-month salary is multiplied by 11/9. A twelve-month salary figure is converted to a nine-month salary by multiplying the twelve-month figure by 9/11. This procedure recognizes the different leave policies required by the contracts and compares nine months' work with eleven months' work, with no annual leave accruals for those on nine-month contracts and one month's annual leave within the twelve month contract.

For a person on a 12-month contract whose period of employment does not coincide with the start and end of the fiscal year (July 1-June 30), salary is computed as follows: Divide the annual base salary by 12 and multiply the quotient by the remaining number of months in the budget year; i.e., a person employed on December 1 on an annual base salary of \$36,000 would receive a contract for \$21,000-\$3,000 per month for the 7 months remaining in the fiscal year.

NOTE: Language pertaining to Annual Leave moved to C205 “Annual Leave.”

DRAFT HISTORY

February 6, 2017—Added Carol Parker’s recommendations and placed policy in new format. Move language pertaining to Annual Leave to C205 “Annual Leave.”

HISTORY

unknown

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C205: Annual Leave

Approved By: Faculty Senate

Effective Date: **Draft 2/6/17**

Responsible Faculty Committee: [Policy Committee](#)

Office Responsible for Administration: [Office of Faculty Affairs and Services and _____](#) for HSC

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

POLICY RATIONALE

Most faculty members at the University of New Mexico (UNM) are hired on nine-month contracts and do not accrue annual leave. However, faculty administrators, School of Medicine (SOM) full-time faculty, and certain other faculty who have duties that require them to work beyond the academic year are hired on twelve-month contracts. UNM recognizes the need to provide these individuals with annual leave to provide the opportunity to take time off to relax and return to the job with renewed interest and vitality.

POLICY STATEMENT

Faculty administrators, SOM full-time faculty, and certain other faculty that are hired on twelve-month contracts accrue ~~vacation~~ annual leave at a rate of 1.75 days per month for a total of 21 days per year for full-time faculty. Annual leave for part-time faculty on twelve-month contracts and SOM faculty who are paid by both UNM and the Veterans Affairs Medical Center (VAMC) is prorated. Faculty members on twelve-month contracts do not accrue annual leave while on sabbatical leave.

APPLICABILITY

Faculty administrators, SOM full-time faculty, and certain other faculty that are hired on twelve-month contracts.

DEFINITIONS

No specific definitions are required for the Policy Statement.

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.

WHO SHOULD READ THIS POLICY

- Faculty and academic staff
- Academic deans and other executives
- Department chairs, directors, and managers

RELATED DOCUMENTS

[UNM Regents Policy Manual Policy 5.4 “Leaves of Absence”](#)

[Faculty Handbook](#)

[Policy A53.1 “Policies Applicable to Faculty”](#)

[Policy C50 “Faculty Contracts”](#)

[Policy C200 “Sabbatical Leave”](#)

[Policy C210 “Sick Leave”](#)

[Policy C215 “Parental Leave”](#)

[Policy C220 “Holidays”](#)

[Policy C225 “Professional Leave.”](#)

CONTACTS

Direct any questions about this policy to your department chair or dean or the [Office of Faculty Affairs and Services](#).

PROCEDURES

a) Annual Leave Accrual. One month [of annual leave for twelve-month faculty](#) is construed as 21 working days, and a paid holiday(s) in a ~~vacation~~ [annual leave](#) period is counted as a holiday(s) and not as a day of ~~vacation~~ [annual leave](#). To accrue annual leave for a given month, faculty must receive pay for at least 12 days during that month; faculty may accrue up to a total of 31.5 days of annual leave.

Question: There seems to be a dual meaning for accrue in this policy—in the Policy Statement section above we say “accrue annual leave at a rate of 1.75 days per month for a total of 21 days per year.” In a) above we say :faculty may accrue up to a total of 31.5 days of annual leave.” I think we may be wanting to say they earn 1.75 days per month for a total of 21 days, but can only accrue a maximum of 31.5 days of annual leave (if they don’t use annual leave, they won’t earn additional days)

Part-time faculty. For part-time faculty members on twelve-month contracts for at least 1/2-time but less than 3/4-time work, ~~vacation~~ [annual leave](#) is accrued at a rate of seven hours per month for a total of 84 hours per year with maximum allowable accrual of 126 hours. For such persons working at least 3/4-time but less than full-time, the accrual rate is 11 hours per month, or 132 hours per year with a maximum allowable accrual of 189 hours. To earn vacation for a given month, 1/2-time employees must work a minimum of 48 hours in that month, and 3/4-time employees must work a minimum of 64 hours in that month.

Question: Does a faculty member accrue annual leave while on sabbatical? Whatever the answer this should be clarified in this policy.

b) Use of Annual Leave. While ~~vacation~~ annual leave will be granted whenever possible to satisfy individual requests, continuity of operations must be maintained. Consequently, ~~vacation~~ annual leave must be scheduled with the approval of the dean or director concerned.

Question? How is annual leave reported in days or hours? Does this differ between full-time and part faculty? Annual Leave is described for full-time faculty in days, but for part-time faculty in hours—is this the way it should stay?

c) Annual leave payout at termination. Employees on twelve-month contracts who are terminating their employment are expected to take all accrued annual leave within the contract period. If, however, accrued annual leave extends beyond the contract period, and if the employee has given adequate notice of termination, the employee’s supervisor may request that an additional contract be issued to include payment of accrued annual leave (not to exceed 21 days for full-time faculty, 15.75 days for 3/4 time faculty, and 10.5 days for 1/2 time faculty.) Employees terminating employment for retirement purposes (under The New Mexico Educational Retirement Act) would be paid for the full unused annual leave credits not to exceed the maximum allowed accrual.

DRAFT HISTORY

February 6, 2017—Revised draft based on revision draft of Policy C50 “Faculty Contracts.”

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HISTORY

unknown

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