

**Faculty Senate Policy Committee**  
**DRAFT Meeting Agenda, Scholes Hall Room 101, October 3, 2018**

**Agenda Topics**

**Updates**

1. D170 “Student Attendance”
2. Medical Staff Disruptive Practitioner Policy revised **pg. 1**

**Action Items**

1. D175 “Undergraduate Student Conduct and Grievance Policy” **pg. 8**
2. D176 “Graduate and Professional Student Conduct and Grievance Policy” **pg. 27**
3. Work Status Report



Applies To: UNMH

Title: <b>Medical Staff Disruptive Practitioner</b>					
<b>Policy</b>		<b>Policy</b>			
<b>Patient Age Group:</b>	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> All Ages	<input type="checkbox"/> Newborns	<input type="checkbox"/> Pediatric	<input type="checkbox"/> Adult

**POLICY STATEMENT**

The UNMHSC Code of Ethics, the UNMHSC Professionalism Statement, and the UNM Faculty Handbook, among other documents, establish the basic expected standards of professionalism and behavior for physicians and practitioners within the HSC, require that all faculty, learners, staff, and employees adhere to these behavioral and professional standards, hold each other accountable to these standards and expectations, and model these behaviors and standards in all that we do in our official capacities as UNMHSC members and members of the UNM Hospitals Medical Staff.

At UNM Hospitals, hospital safety and protection of patients, employees, physicians, learners, and others in the hospital environment, and the orderly operation of UNM Hospitals are paramount concerns. This policy's goal is to assure that patient care will not adversely be affected by any practitioner's behavior. Thus, it is the policy of UNM Hospitals and Medical Staff that all individuals working within UNM Hospitals clinical environments treat others with respect, courtesy, and dignity and to conduct themselves in a professional and cooperative manner in accordance with UNMHSC and UNM expectations.

**APPLICABILITY**

This policy applies to all practitioners granted clinical privileges at UNMH Hospitals through the credentialing and privileging process set forth in the UNM Hospitals Bylaws of the Medical Staff. Practitioners who are also UNM Faculty are entitled to all of the rights listed in the UNM Faculty Handbook and the UNM Board of Regents Policy Manual.

Parallel and separate investigatory and corrective actions (if warranted) may also be applicable according to other existing UNM, UNMH, UNMHSC, SRMC, UNM Medical Group, OEO, policies, or other regulatory or legal entities, and nothing about this policy precludes simultaneous or sequential use of those other pathways.

Disruptive conduct determined to be, or suspected to be primarily resulting from an acute physical impairment or substance abuse will be managed according to the UNM Hospitals

Medical Staff Policy on Impaired Medical Staff and UNM Hospitals Bylaws as outlined under section 12.014 (Summary Suspension or Restriction) and/or section 8.014 (Medical Staff Professionalism Committee).

## **POLICY AUTHORITY**

Associate Dean for Clinical Affairs

## **REFERENCES**

1. CMS Conditions of Participation <https://www.cms.gov/Regulations-and-Guidance/Legislation/.../Hospitals.html>
2. The Joint Commission Standards LD.03.01.01, EP 1-10: "A culture of safety throughout the hospital is created and maintained. Leaders use reliable and valid tools to evaluate the culture of safety on a regular basis. Leaders encourage transparency, teamwork and collaboration, a code of conduct, and processes to manage disruptive and inappropriate behavior"
3. The Joint Commission Sentinel Event Alert #40: irrefutable evidence that disruptive behaviors cause increased costs, complications, rework, liability, staff turnover, loss of confidence, medical errors and deaths, and breakdowns in communication and teamwork which is the leading cause of sentinel events.
4. Title VII of the Civil Rights Act of 1964 as amended in 1991: "treating an individual in a demeaning, disrespectful manner may support a claim of discrimination".  
<https://www.eeoc.gov/laws/statutes/cra-1991.cfm>
5. EEOC /Title IX <https://www.justice.gov/.../overview-title-ix-education-amendments-1972-20-usc-168>
6. UNM faculty handbook policies C05, C07, C09
7. UNM Hospitals Amended and Restated Medical Staff Bylaws revision 4/28/2017
8. UNMHSC Code of Ethics
9. UNMHSC Professionalism Statement
10. Institute of Medicine. *Crossing the Quality Chasm: A New Health System for the 21<sup>st</sup> Century*. Washington DC. National Academy Press. 2001.
11. ABIM Foundation. American Board of Internal Medicine. Medical Professionalism in the new millennium: a physician charter. *Ann Intern Med*. 2002; 136: 243-6.
12. Arnold L. Assessing professional behavior: Yesterday, today and tomorrow. *Acad Med*. 2002; 77:502-15

## DEFINITIONS

Disruptive conduct or behavior is defined as that which adversely affects or impacts the hospital or clinical operations, the hospital clinical learning environment, or the ability of others to perform their jobs competently, or interferes or tends to interfere with the provision of safe quality care at the hospital or its clinics.

For purposes of this policy, examples of “disruptive conduct” include, but are not limited to:

1. Rude or abusive behavior or comments to hospital personnel, patients, families, visitors, or other practitioners or learners
2. **Condescending, demeaning, offensive, or degrading** <sup>*negative*</sup> comments to patients about other practitioners, nurses, other hospital personnel or medical staff members, or about their care and treatment in the hospital.
3. Verbal attacks which are of a personal, irrelevant nature, or go beyond fair and professional conduct, and that are directed to hospital personnel, medical staff, learners, patients, or others
4. Criticism that is addressed to a recipient in such a manner as to intimidate, undermine confidence, belittle or imply stupidity or incompetence or some other type of public humiliation
5. Irrelevant or inappropriate comments, drawings, or illustrations made in a patient’s medical record or other hospital business records, impugning the quality of care in the hospital or its clinics, or attacking particular practitioners, staff, learners, or others, or hospital policies or procedures.
6. Disruption of hospital operations, hospital or medical staff committees, or departmental or divisional affairs.
7. Lying, cheating, knowingly making false accusations, altering, or falsifying any patient’s medical records or hospital documents.
8. Harassment, including words, gestures and actions, verbal or physical that interfere with a person’s ability to competently perform his or her job.
9. Verbal or physical maltreatment of another individual, including physical or sexual assault
10. Sexual harassment including conduct or behavior that includes unwelcome sexual advances, requests for sexual favors, and all other verbal or physical conduct of a sexual or otherwise offensive nature, particularly if:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of employment or providing ongoing educational assistance/teaching
- b. Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment or educational career
- c. Such conduct has the purpose or effect of creating an intimidating, hostile, or offensive work environment or clinical learning environment. Behaviors that engender a hostile or offensive work environment may include without limitation, offensive comments, jokes, innuendos and other sexually oriented statements, printed material, material distributed through electronic media, or items posted on walls or bulletin boards.
- d. Sexual harassment can also include making or threatening reprisal following a negative response to the verbal or physical sexual conduct or behavior, and any other such behavior or conducts as defined by state and federal law and regulations.

11. Conduct or behavior that creates a hostile or offensive work environment or clinical learning environment may include, without limitation, offensive comments, jokes, innuendos, sexually-oriented statements, printed material, material distributed through electronic media or items posted on walls or bulletin boards. A hostile work environment or clinical learning environment may also be created by conduct or behavior that is directed at a specific person or persons that causes substantial emotional distress.

12. Conduct of a criminal nature, including but not limited to assault and battery, rape, or theft shall be handled through local law enforcement officials in accordance with hospital policy, local, state, and federal laws.

### **Appropriate behavior**

Appropriate behavior will not be subject to discipline under this policy. Appropriate behavior includes any reasonable conduct to advocate for patients, to recommend improvements in patient care, and appropriate behavior is not subject to discipline under this policy. Merely expressing contrary opinions is not disruptive behavior, nor is expressing constructive criticism, if it is done in good faith with the aim of improving the environment of care rather than personally attacking any individual.

## IMPLEMENTATION PROCEDURES

As a general rule, disruptive practitioner conduct should be managed utilizing the following steps:

1. Incident reporting
  - a. Any hospital employee, medical staff member, learner, or others who observe or are subjected to disruptive conduct by a medical staff practitioner shall notify their supervisor or departmental director (following the usual chain of command) regarding the incident. It is possible to notify someone above the supervisor if the offending party is the supervisor.
    - a. No complaint will be accepted for investigation without a written statement in email or otherwise.
  - b. A written statement (in any format including email) describing the incident should include all relevant information including date, time, location of the incident, a factual description of the questionable behavior or conduct, names of patients or family members who may have witnessed the incident, and names of other witnesses, perceived negative consequences of the behavior or conduct as it relates to patient care, personnel, or hospital or clinic operations, any systems issues identified, and any actions taken to intervene in, or remedy the situation.
  - c. The written statement shall then be forwarded to the appropriate medical staff medical director and Division Chief and Department Chair. Department leadership will then facilitate notification to the Associate Dean for Clinical Affairs.
  - d. Privacy of the complainant shall be maintained to the extent possible and reasonable under each individual circumstance.
  - e. Medical staff members are prohibited from retaliatory behavior or conduct against any complainant or witnesses or other member of the hospital staff, learners, or medical staff who may participate in subsequent investigation or actions regarding the medical staff members conduct.
2. The Departmental Chair/Clinical Service Chief, Medical Director or designee, or the Associate Dean for Clinical Affairs or designee will commence an investigation in a timely manner any formally reported incidents of unprofessional or disruptive behavior or conduct that occur in a clinical environment at the UNM Hospital or its clinics.
  - a. Fact finding should consist of timely and appropriate interviews of witnesses and the involved practitioner and review of any other available evidence or documents. Appearance for a fact-finding interview is mandatory for the involved practitioner.

3. A determination of the facts will then be made by the Departmental Chair and/or Associate Dean for Clinical Affairs according to the following classification:
  - a. **Not significant:** This classification will include all incidents in which the claim is false or results from a misinterpretation of events or is unsubstantiated by investigation.
  - b. **Significant (minor):** This classification will include single substantiated incidents that do not represent an immediate, clear, or substantial threat to patient, employee, or learner safety.
  - c. **Significant (major):** This classification will include the following categories of incidents: (a) a single incident that represent an immediate threat to the safety of a patient, employee, or learner or the safety of the hospital operations or environment, or (b) the third in a series of significant (minor) incidents within a two year reappointment cycle that represents a pattern of disruptive behavior or conduct.
  
4. Once investigation is complete and the event has been classified as above, the following performance management/corrective actions will be taken by the medical staff member's Departmental Chair or Division Chief:
  - a. **Not significant:** The medical staff member shall be notified of this finding and the report of investigation shall be retained in a quality file by the medical staff member's departmental chair or division chief for future reference should additional similar complaints arise involving the same practitioner.
  - b. **Significant (minor):** The medical staff member shall be notified of this finding, and informal corrective action shall be conducted by the medical staff member's departmental chair. Informal corrective actions may include informal collegial discussion, verbal reprimand, written reprimand, and/or other informal corrective action plan as determined by the medical staff member's departmental chair/division chief. The report of investigation and any informal actions taken shall be documented and placed in a sealed file by the medical staff members departmental chair or division chief and retained in the medical staff member's departmental quality file, and will be included as part of the next OPPE report for that medical staff member.

- c. **Significant (major):** The medical staff member shall be notified of this finding, as well as the Associate Dean for Clinical Affairs, the credentials committee, and the Medical Executive Committee, and formal professional review shall be initiated under the Professional Review and Corrective Action provisions under Section 12 of the Medical Staff Bylaws if determined appropriate by the Medical Executive Committee or any other appropriate medical staff officer as described in the Medical Staff Bylaws.

## SUMMARY OF CHANGES

New

## RESOURCES/TRAINING

Resource/Dept	Internet/Link
Associate Dean for Clinical Affairs	

## DOCUMENT APPROVAL & TRACKING

Item	Contact	Date	Approval
<b>Owner</b>	Jennifer K. Phillips, MD, Chief of Staff	February 21, 2018	
<b>Consultant(s)</b>	David Pitcher, MD, Senior Associate Dean, Clinical Affairs Alison Webster, Director, Clinical Affairs UNMH Bylaws Committee		
<b>Committee(s)</b>	Medical Executive Committee		Y
<b>Nursing Officer</b>			N/A
<b>Medical Director/Officer</b>			N/A
<b>Human Resources</b>			N/A
<b>Finance Officer</b>			N/A
<b>Legal (Required)</b>			N/A
<b>Official Approver</b>	Chief of Staff:		Y
<b>Official Signature</b>		Date:	
<b>2<sup>nd</sup> Approver (Optional)</b>	N/A		
<b>Signature</b>		Date:	
<b>Effective Date</b>		2/21/2018	
<b>Origination Date</b>		2/21/2018	
<b>Issue Date</b>	Clinical Operations Policy Coordinator		

## ATTACHMENTS



Date: September 28, 2018

To: Faculty Senate Policy Committee

From: Carol Stephens, Office of the University Secretary, Consultant

Re: Proposed Revisions to D175 “Undergraduate Student Conduct and Grievance Policy”  
and D176 “Graduate and Professional Student Conduct and Grievance Policy”

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The attached policy drafts incorporate the latest changes discussed at the 9/5/18 Policy Committee meeting. They also contains changes recommended since the meeting by John Trotter, and changes I’ve identified to align both policies to reflect the latest Committee decisions. FYI, the highlighting color legend at the beginning assigns the changes to the requestor. As you review these drafts, please keep in mind that the Student Grievance Procedures in the Pathfinder will be revised to align with the approved versions of D175 and D176.

Many of the recent changes pertain to the concern that HSC and the Law School have different processes and procedures for their graduate and professional students due to specific code of conducts.

I’ve proposed time changes in section 2.3.2 through 2.3.5 designed to make the time frames equal the final time requirements. Please review these time requirements to ensure they are adequate.

In addition to carefully reviewing these drafts, there are two outstanding questions in D176 –see page 6—Article 1 and page 9 section 3.3.1 that will need Committee discussion.

Below is some history of the policy revision process for new Committee members.

In 2015 and 2016, changes were made to the Student Grievance Procedures to align them with the UNM Administrative Policies 2730 “Sexual Harassment” and 2740 “Sexual Violence and Sexual Misconduct.” These changes resulted in discrepancies between Policy D175 in the *Faculty Handbook* and the Student Grievance Procedures posted in the *Pathfinder*. The Department of Justice requested that both documents be reviewed and brought into alignment.

The Faculty Senate Policy Committee appointed a task force consisting of faculty representatives from Main Campus and the Health Sciences Center, a ASUNM representative, and the Dean of Students to review and recommend changes to D175 and D176. A summary of recommended changes includes:

1. Policy D175 was restructured to apply only undergraduate students, because Policy D176 addresses graduate student grievances. D176 was expanded to include items applicable to graduate and professional students, that were contained in D175, D176 also to addresses differences required for graduate and professional students.

2. Definitions were added to both policies to address sexual harassment and discrimination complaints and OEO procedures. Plagiarism was added to the definition of Academic Dishonesty.
3. The section on Academic Dishonesty was revised to clarify that faculty are responsible for determining sanctions unless a student engages in multiply violations, in which case the Dean of Students may determine additional sanctions.
4. The revised Policies clarify appeal rights to the President and Board of Regents.
5. When the revision to D175 is approved, the Student Grievance Procedures posted by the Office of Dean of Students will be aligned with policies D175 and D176.

# D175: Undergraduate Student Conduct and Grievance Policy

Approved By: Faculty Senate and UNM President

Last Updated: **Draft 9/28/18**

Responsible Faculty Committee: Faculty Senate Policy Committee

Office Responsible for Administration: Dean of Students

Legend: **green**: changes from Kathern (OUC) and last FSPC meeting; **purple**: changes requested by Policy Office; **blue**: changes proposed by John Trotter; **orange**: other recent changes suggested for clarify; **red** all other changes.

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

## POLICY RATIONALE

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

## POLICY STATEMENT

Whenever possible, it is important to take a supportive problem-solving approach to resolving academic disputes. However, UNM may take disciplinary action against an undergraduate student for a violation of the Student Code of Conduct or other UNM policy when the offense occurs on UNM premises or at a UNM-sponsored event, or when the violation occurs off campus and failure to take disciplinary action is likely to **threaten disruption of the academic process or other campus functions**, ~~interfere with the educational process or the orderly operation of UNM,~~ or endanger the health, safety or welfare of the UNM community or any individual student or employee. ~~UNM may take disciplinary action for a violation of the Visitor Code of Conduct when the offense occurs on UNM premises, as part of a UNM-sponsored event or in connection with University activities.~~

### 1. Matters Covered Under this Policy

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

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

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

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

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

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

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

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

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

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

### **2.2. Visitors to the UNM campus**

Visitors to the UNM campus are subject to the [Visitor Code of Conduct](#).

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

**3.1.** Disputes involving access to or information in an undergraduate student's educational records shall follow procedures set forth in the [UNM Student Records Policy](#), published in the student handbook, the *Pathfinder*.

**3.2.** Grievances arising out of an undergraduate student's status as a UNM employee hired through the Student Employment Office shall follow procedures set forth in the [UNM Student Employee Grievance Procedure](#), published in the student handbook, the *Pathfinder*.

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

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

**3.5.** Resolution of disputes of an academic nature initiated by graduate or professional students shall follow the *Faculty Handbook* **Policy D176** "Graduate and Professional Student Grievance Policy."

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## APPLICABILITY

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

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

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## DEFINITIONS

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**Academic Dishonesty** includes, but is not limited to, plagiarism, 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:

- request for formal resolution of academic matters per Section 2.3. herein;
- allegations of prohibited discrimination as defined herein filed with UNM's Office of Equal Opportunity; or
- allegations of misconduct referred to the Dean of Students per Section 5.2. herein.

**Discrimination** includes all forms of unlawful discrimination based on an individual's or group's protected class(es), including unlawful discrimination based on age (40 and over), ancestry, color, ethnicity, gender identity, gender/sex, genetic information, medical condition, national

origin, physical or mental disability, pregnancy, race, religion, sexual orientation, spousal affiliation, veteran status and any other protected class as described in University Administrative Policy #2720. Sexual harassment is a form of gender discrimination that includes sexual violence, which is considered a severe form of sexual harassment. For purposes of this [Policy 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.

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

~~**No Policy Violation** 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.~~

~~**Policy Violation** 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."~~

**Undergraduate Student** includes both full-time and part-time students pursuing undergraduate studies, degree and non-degree, [including credit and noncredit courses](#). Student status continues for the entire period of enrollment, including UNM holidays, class breaks and summer session, if the student is enrolled for the preceding spring and following fall academic terms.

~~**Visitor** means a person who is not a student, a University faculty or staff member, or a member of the Board of Regents.~~

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

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## WHO SHOULD READ THIS POLICY

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- Undergraduate students including [branch community college campus](#) students
- Faculty members
- Staff in Office of the Dean of Students

- [Staff in the Office of Equal Opportunity](#)
- Staff at Student Health and Counseling (SHAC)
- Administrative staff responsible for undergraduate student events

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## RELATED DOCUMENTS

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### *Regents Policy Manual*

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

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

[RPM 4.3](#) “Student Grievances”

[RPM 4.4](#) “Student Records”

[RPM 4.8](#) “Academic Dishonesty”

### *Faculty Handbook*

[D75](#) “Classroom Conduct”

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

[D176](#) “Graduate and Professional Student Conduct and Grievance Policy”

### *University Administrative Policies Manual*

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

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

[2740](#) “Sexual Misconduct”

[3405](#) “Holidays”

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

Office of Equal Opportunity [Discrimination Claims Procedure](#)

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## CONTACTS

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

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## PROCEDURES

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

### **Article 1. Academic Record Disputes**

#### **1.1. Scope**

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

## 1.2. Petitions

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

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

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

## 1.3. Appeal

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

## Article 2. Academic Disputes

### 2.1. Scope

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

### 2.2. Informal Resolution

**2.2.1.** The undergraduate student should first try to resolve the grievance informally by discussing the grievance with the faculty member as soon as reasonably possible after the



undergraduate student becomes or should become aware of the matter. If the undergraduate student and faculty member cannot reach agreement, the undergraduate student should discuss the grievance with the chairperson or supervisor of the department or division. If the grievance is still not resolved, the undergraduate student should discuss the grievance with the appropriate dean. When the dispute arises from a particular course, the appropriate dean is the dean of the college offering the course.

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

**2.2.3.** These informal discussions shall be completed within twenty (20) working days after the undergraduate student raised the issue with the faculty member. ~~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 undergraduate 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 cannot overrule a faculty member's academic judgment. This formal complaint process shall begin within ten (10) working days following completion of the informal discussions.

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

**2.3.2.** The complaint shall describe the grievance, including a statement of what happened, and the undergraduate student's reasons for challenging the action or decision. The complaint shall also describe the undergraduate student's attempts to resolve the grievance informally. The undergraduate student may attach copies of any relevant documents. The undergraduate student shall send a copy of the complaint to the faculty member and his or her chairperson. The faculty member shall have five (5) ~~ten (10)~~ working days from the receipt of the complaint to respond in writing to the dean. A copy of the faculty member's response shall be provided to the undergraduate student, consistent with the federal Family Educational Rights and Privacy Act (FERPA).

**2.3.3.** In making a determination on the formal complaint, the dean shall receive and review any written evidence or statements submitted by the parties, and shall provide both parties the opportunity to review and respond to all evidence. The dean shall interview each party and may interview other persons with relevant information. At his or her discretion, the dean may decide to hold an informal hearing involving both parties and any witnesses. Where the dispute primarily concerns factual questions, rather than matters of academic judgment, the dean should normally hold such a hearing. If a hearing is to be held, the dean will give the parties no less than five (5) ~~ten (10)~~ working days' notice. The undergraduate student and/or faculty member shall be allowed to bring an advisor to the hearing, but legal counsel shall not be

permitted. Cross-examination of witnesses shall be permitted, but the dean may require that questions be directed through the dean.

**2.3.4.** 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 ~~twenty (20)~~ ~~fifteen (15)~~ working days after the complaint is filed, unless an informal hearing is held, in which case the decision shall be made within ~~thirty (30)~~ ~~twenty (20)~~ working days. (This period may be extended to allow for UNM holidays or other periods when UNM is not in session.) The chairperson or dean cannot overrule a faculty member's academic judgment.

## **2.4. Appeal of Formal Decision**

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

### **2.4.1. Appeal to Provost**

Either party may appeal the dean's decision within ten (10) working days 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**

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

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

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

## **Article 3. Academic Dishonesty**

### 3.1. Scope

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

### 3.2. Academic Dishonesty within Courses: Faculty-Imposed Sanctions

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

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

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

### 3.3. Academic Dishonesty in Other Settings

When academic dishonesty occurs other than in connection with a course, the person who observes or discovers the apparent violation shall **may** transmit a statement describing the occurrence in writing to the appropriate faculty member or Dean of Students. The Dean of Students Office will notify the undergraduate student of the report, and the undergraduate student may request a copy of the report from Dean of Students Office. ~~A copy of such report shall be sent by the Dean of Students Office to the student.~~ The faculty member or Dean of Students will address the situation in accordance with sections 3.2.1 or 3.4 herein, respectfully.

### 3.4. Sanctions Imposed by the Dean of Students

Upon receiving a report of academic dishonesty pursuant to section 3.3 herein, the Dean of Students may initiate disciplinary action in accordance with this Policy. In some instances, an undergraduate student may be sanctioned for academic dishonesty by a faculty member and the undergraduate student may also be sanctioned by the Dean of Students for violating the

Student Conduct Policy. A decision of the Dean of Students may be appealed in accordance with Section 5.7 herein.

## Article 4. Allegations of Discrimination and/or Sexual Harassment

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

### 4.1. Scope

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

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

**4.2.1.** Allegation(s) that a student has engaged in an act of discrimination or sexual harassment will be referred to UNM's Office of Equal Opportunity (OEO) for investigation pursuant to OEO's Discrimination Claims Procedure. ~~If it accepts the matter for investigation, OEO will issue a Final Letter of Determination at the conclusion of that investigation finding either that there was no Policy Violation or there was a Policy Violation found 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 Policy Violation, 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 Policy Violation is found to have occurred that a student committed an act of discrimination or sexual harassment in violation of UNM policy,~~

**4.2.2.** OEO has no sanctioning authority. If the respondent is a student and is found to have violated policy, OEO will refer the matter to the Dean of Students Office to determine the sanction to be imposed in accordance with Regent Policy 4.2 "Student Code of Conduct." Sanctions should be designed to eliminate the misconduct, prevent its recurrence, and remedy its effects, while supporting UNM's educational mission and obligations under UNM policy and state and federal law, including but not limited to Title IX of the Education Amendments of 1972, the Civil Rights Act of 1964, and the New Mexico Human rights Act.

### 4.3. Appeals

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

The decision on sanctions made by the Dean of Students Office may be appealed to the Vice President for Student Affairs. The undergraduate student must submit a written request for

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

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

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

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

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

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

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

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

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

#### **5.1. Scope**

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

## 5.2. Referral of Misconduct to Dean of Students Office

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

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

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

### 5.2.1. Options for Resolving the Charges

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

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

5.2.1.1. Mediation: This option is reserved for situations where all relevant parties in an incident agree to have a conflict resolved through mediation and sign an agreement to mediate.

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

**5.2.1.3. Administrative Hearing with the Student Conduct Officer:** This option allows the accused undergraduate student to present evidence to the Student Conduct Officer for consideration and suggest witnesses that the Student Conduct Officer may consider interviewing before a decision is rendered. 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.

**5.2.1.4. Formal Hearing with the Student Conduct Committee:** This option allows the accused undergraduate student to respond to the charges, present witnesses on 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.

A formal hearing with the Student Conduct Committee is conducted in accordance with the Dean of Students Hearing Procedures, approved by the UNM President, that ensure all the rights listed in section 6 herein. The Student Conduct Committee will consist of three (3) members, ordinarily including one (1) undergraduate student, one (1) faculty member and one (1) staff member, with the Dean of Students serving as an additional, nonvoting member and Chair of the Student Conduct Committee. The undergraduate student, faculty member, and staff member of a Student Conduct Committee are drawn from a standing pool consisting of faculty members designated by the Faculty Senate President, staff members designated by the Staff Council President, and undergraduate student members designated by the Presidents of ASUNM.

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

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

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

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

## 5.5. Emergency Suspension and Banning from Campus

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

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

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

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

## 5.7. Appeals, Records, and Rights

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

The decision on sanctions pertaining to undergraduate students made by the Dean of Students may be appealed to the Vice President for Student Affairs. The undergraduate student must submit a written request for appeal to the Vice President for Student Affairs within ten (10) working days of the date of the written decision from the Dean of Students. The Vice President for Student Affairs will send written notification of the decision to the appealing party within ten (10) working days of receiving the request for appeal. A copy of the decision shall be sent to the Dean of Students.

### 5.7.2. Appeal to the President

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

### 5.7.3. Appeal to the Board of Regents

In accordance with Regent Policy 1.5 "Appeals to the Board of Regents, "students affected by a decision of the administration, faculty, student government, or hearing board may appeal the decision to the Board of Regents. The Board has discretion to determine whether the appeal will be considered. A request for a review by the Board of Regents shall be made in writing, and



must include the alleged facts, what happened in the proceedings to date, and the reasons justifying extraordinary review. Such requests must be filed in the President's Office within ten (10) working days of the date of the written decision from the last reviewer.

## **Article 6. General Provisions**

~~The following provisions are applicable to all portions of this Policy~~

### **6.1. Undergraduate ~~and Visitor~~ Conduct Records**

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

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

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

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

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

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

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

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

**6.2.6.** Subject to the limits set forth in this Policy, both parties have the right to be accompanied by an advisor at a hearing. The advisor may be an attorney retained by a party at his or her own expense.

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

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

**6.2.9.** Both parties have the right to be free from retaliation for having made an allegation of misconduct or having participated in a grievance under this procedure.

## 6.3. Variances

### 6.3.1. Introduction

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

### 6.3.2. Health Sciences Center

Undergraduate students in academic programs in the Health Sciences Center (HSC) have adopted student codes of conduct (including standards of professionalism) with which undergraduate students in those academic programs must comply, in addition to the UNM Student Code of Conduct and other UNM policies. Except for allegations of discrimination or sexual harassment, which shall be referred to the UNM OEO Office as provided in Article 4 herein, to the extent that HSC academic programs have adopted policies and procedures that govern the adjudication of undergraduate student conduct and undergraduate student grievance matters, those policies and procedures supersede this Policy. A decision by the dean of the School of Medicine, College of Pharmacy, College of Nursing, or College of Population Health may be appealed to the HSC Chancellor, or his or her designee, under procedures adopted by the Chancellor's Office.

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

## 6.4. Former Students

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

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

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

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## HISTORY

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May 13, 2014 – Revisions approved by the President

July 2, 2013 – Revisions approved by the President

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

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## DRAFT HISTORY

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[September 26, 2018 – Draft revision updated to include latest review by Policy Committee](#)

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

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

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

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

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

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

Approved By: Faculty Senate and UNM President

Last Updated: **Draft 9/28/2018**

Responsible Faculty Committee: Faculty Senate Graduate and Professional Committee

Office Responsible for Administration: Graduate Studies and Dean of Students

Legend: green: changes from Kathern (OUC); purple: changes requested by Policy Office; blue: changes proposed by John Trotter; orange: other changes suggested for clarify; red all other changes.

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

### POLICY RATIONALE

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

### POLICY STATEMENT

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

#### 1. Matters Covered under this Policy

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

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

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

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

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

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

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

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

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

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

Students attending the UNM School of Law must comply with the UNM Law School Bulletin and Handbook of Policies (Bulletin) ~~Student Code of Conduct~~, in addition to this Policy. ~~the UNM Student Code of Conduct.~~ Allegations of academic misconduct, as enumerated in the Law School Student Code of Conduct (found in the Bulletin), are addressed by the processes defined in that Code. Others kinds of alleged misconduct, except for allegations of an act of discrimination or sexual harassment, may be addressed as described in the School of Law Administrative Due Process Policy and Procedure (found in the Bulletin). Allegations that a student in the School of Law has engaged in any discriminatory or sexual harassment as provided in Article 5. herein, shall be referred to the UNM OEO Office. ~~Before determining sanctions for sexual harassment, the dean should consult with the Dean of Students.~~ . Moved to 5.2.2.

The Bulletin ~~School of Law Bulletin and Handbook of Policies (Bulletin)~~ governs students enrolled in the Law School and to the extent this Policy Article 6. herein ~~this Student Grievance Procedure~~ differs from the policies and procedures in the Bulletin, the Bulletin supersedes this Policy Article 6. ~~this~~

~~Grievance Procedure.~~ The School of Law may ~~at its discretion,~~ refer cases of alleged student misconduct to the Dean of Students for review and possible action under the UNM Student Code of Conduct.

Discretionary review by the UNM President and Board of Regents, as provided for in [sections 5.7 and 6.7](#) ~~Article 10.4~~ herein, is accorded to students in the School of Law.

## **2.2. Health Sciences Center**

Graduate and professional students in academic programs in the [HSC](#) ~~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 policies. Except for allegations of discrimination or sexual harassment, which shall be referred to the UNM Office of Equal Opportunity, to the extent that HSC 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 [School of Medicine,](#) ~~College of Pharmacy, College of Nursing,~~ or College of Population Health may be appealed to the HSC Chancellor, or his or her designee, under procedures adopted by the HSC 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 [sections 5.7 and 6.7](#) ~~Article 10.4~~ herein, is accorded to graduate and professional students in academic programs in the [HSC.](#) ~~School of Medicine, College of Pharmacy and College of Nursing.~~

~~Before determining sanctions for sexual harassment, the dean should consult with the Dean of Students.~~ Moved to 5.2.2.

~~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 5. herein, shall be referred to the UNM OEO Office.~~

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

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

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

3.3. Any student grievances concerning decisions made by UNM personnel, outside the academic process, for which specific procedures are not established, shall be resolved between the student and the office or department involved. If no resolution is reached, the parties may appeal to the appropriate dean or director and then to the appropriate vice president, Provost, or Chancellor. Appeals should be filed in writing within one (1) week of the decision.

**3.4.** ~~Disputes arising from a student's status as a teaching assistant are addressed in Section B of the *Faculty Handbook*. Disputes arising from a graduate or professional student holding an assistantship status as a graduate assistant shall follow procedures in the *Faculty Handbook*.~~

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## APPLICABILITY

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All academic UNM units, including the Health Sciences Center.

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

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## DEFINITIONS

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Academic Dishonesty includes, but is not limited to, plagiarism, 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.

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

**Complaint** refers to:

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

Discrimination includes all forms of unlawful discrimination based on an individual's or group's protected class(es), including unlawful discrimination based on age (40 and over), ancestry, color, ethnicity, gender identity, gender/sex, genetic information, medical condition, national origin, physical or mental disability, pregnancy, race, religion, sexual orientation, spousal affiliation, veteran status and any other protected class as described in University Administrative Policy #2720. Sexual harassment is a form of gender discrimination that includes sexual violence, which is considered a severe form of sexual harassment. For purposes of this Policy, "discrimination" also includes retaliation for having made allegations of discrimination or sexual harassment, having participated in an investigation into allegations of discrimination or sexual harassment, or otherwise having engaged in opposition to unlawful discrimination or sexual harassment. Retaliation is explicitly prohibited under University Administrative Policies #2200, 2720, ~~2730~~, and 2740.

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

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

Sexual harassment is a form of gender discrimination and is defined in UAP Policy 2730 "Sexual Harassment." Sexual harassment includes sexual misconduct and sexual violence, which is considered a severe form of sexual harassment. Sexual violence and sexual misconduct are defined in UAP Policy 2740 "Sexual Violence and Sexual Misconduct."

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

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## WHO SHOULD READ THIS POLICY

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

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## RELATED DOCUMENTS

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Regents Policy Manual

RPM 1.5 "Appeals to the Board of Regents"

RPM 4.2 "Student Code of Conduct"

RPM 4.3 "Student Grievances"

RPM 4.4 "Student Records"

RPM 4.8 "Academic Dishonesty"

Faculty Handbook

D75 "Classroom Conduct"

D100 "Dishonesty in Academic Matters"

University Administrative Policies Manual

2200 "Reporting Suspected Misconduct and Whistleblower Protection from Retaliation"

2720 "Prohibited Discrimination and Equal Opportunity"



Pathfinder "Student Code of Conduct"

Office of Equal Opportunity **Discrimination Claims Procedure**

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

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

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

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## CONTACTS

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

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## PROCEDURES

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

### UNM School of Law Students

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

### Health Sciences Center Students (HSC)

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

### Article 1. Petition to Modify Academic Requirements

The procedures in this Article apply to graduate students. Professional students wishing to petition to modify academic requirements should contact their school or college dean.

**QUESTION: Does this work for graduate students at the law school or HSC?**

#### 1.1. Scope

Graduate students may petition the Dean of Graduate Studies for an exception to any of the University-wide policies or regulations specified in the *University Catalog*. Petitions are

intended to allow students the opportunity to deal with unusual or extraordinary events, particularly circumstances beyond their control that would penalize them unfairly. It should be kept in mind, however, that a hallmark of fairness is the uniform application of the same standards and deadlines to all students.

## **1.2. Petition**

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

Petitions must be submitted in the sequence listed below:

**1.2.1.** The student must first submit the petition to his/her **the student's** graduate advisor. The advisor should indicate whether he/she **the advisor** endorses the student's request, and why.

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

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

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

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

### **2.1. Scope**

**This article sets forth the procedures which should be followed by a student seeking retroactive withdrawal, enrollment, or disenrollment, or for other academic record changes involving**

exceptions to the rules governing registration and academic records which are set forth in the UNM Catalog. It does not cover disputes involving academic judgment (e.g. grades).

## **2.2. Petitions**

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

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

**2.2.2.** Upon receipt of the petition, Registrar’s Office shall forward a copy to the instructor of the course. The instructor shall make any response within three (3) weeks of receipt. If the instructor has not responded within three (3) weeks, the Faculty Senate Admissions and Registration Committee (“Committee”) shall proceed to consider the petition without the instructor's response.

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

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

## **Article 3. Academic Disputes**

### **3.1. Scope**

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

## **3.2. Informal Resolution**

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

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

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

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

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

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

**3.3.1.** a **The** Student must submit a formal, written statement of his/her **the** grievance. This document should summarize the facts that support the grievance, indicate the desired resolution, and describe the efforts already made at reaching that resolution, as well as their outcome. The faculty or staff member against whom a grievance has been filed will be sent a copy of the written statement, and will have two (2) weeks in which to respond in writing to the school or college dean. **QUESTION (OUC): How long does the student have to file their written statement and at what point does this timeline start?**

**3.3.2.** b **The** school or college dean will review all written materials submitted and provide both parties the opportunity to review and respond to all evidence. The school or college dean will interview each party, as well as any other persons who may have relevant information. The

school or college dean may elect to hold an informal hearing involving both the parties to the grievance and witnesses. If such a hearing is held, the parties will be given five (5) working days' notice. Each party will be allowed to bring an advisor to the hearing, who may or may not be an attorney, but the advisor may not participate in the hearing. ~~but will not be permitted legal representation.~~ Cross examination of witnesses will be permitted, although the school or college dean may require that questions be directed through the school or college dean.~~him/her.~~

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

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

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

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

#### **3.4.1. Appeal to Provost**

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

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

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

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

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

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

## **Article 4. Academic Dishonesty**

### **4.1. Scope**

This article sets forth procedures which shall be followed in cases of suspected academic dishonesty. These procedures are not exclusive; various UNM departments and programs may have additional policies and procedures on academic dishonesty. Academic dishonesty is defined in Definitions Section of this Policy. Students who commit academic dishonesty may be subject to code of conduct sanctions and academic sanctions.

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

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

4.2.2. The faculty member ~~should~~ may report the matter to the Dean of Students, by submitting an adjudication form and any supplemental documentation and indicate if the faculty member wishes the Dean of Students Office to pursue any additional disciplinary action against the student. The Dean of Students Office shall send a copy of the form and attachments to the student. In cases where the student has multiple finding of academic dishonesty, the Dean of Students Office may initiate sanction(s) in accordance with this Policy.

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

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

When academic dishonesty occurs other than in connection with a course, the person who observes or discovers the apparent violation shall transmit in writing to the appropriate faculty member or Dean of Students a statement describing the occurrence. The faculty member or Dean of Students will send a copy to the student, and will address the situation in accordance with Procedures sections 4.2.1. and 4.2.2. herein respectfully. ~~shall determine the sanction following the procedures set forth in section Article 3.4. herein.~~

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

Upon receiving a report of academic dishonesty from a faculty member pursuant to section 4.2.3 herein, or from other University staff pursuant to section 4.3 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.

#### **4.4 Appeals**

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

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

UNM urges any individual who has experienced discrimination, sexual harassment, sexual misconduct and/or sexual violence, or has knowledge about such an incident, to report the incident to the Title IX Coordinator at Office of Equal Opportunity within 24 hours, or as soon as reasonably practicable, by calling (505) 277-5251 or by email at [oeounm@unm.edu](mailto:oeounm@unm.edu).

Anonymous reports can be made. Complaints can also be made to the UNM Ethicspoint Hotline [1-888-899-6092](tel:1-888-899-6092).

#### **5.1. Scope**

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

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

5.2.1. Allegation(s) that 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.

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

[Before determining sanctions for sexual harassment, the Dean of the Law School or the applicable HSC dean should consult with the Dean of Students to ensure consistency of sanctions pertaining to OEO findings.](#)

#### **5.3. Appeals**

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

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

The decision on sanctions made by the Dean of Students Office may be appealed to the Vice President for Student Affairs. The student must submit a written request for appeal to the Vice President for Student Affairs within seven (7) working days of the date of the written decision from the Dean of Students Office. The Vice President for Student Affairs will send written notification of the decision to the appealing party within ten (10) working days of receiving the request for appeal. A copy of the decision shall be sent to the Dean of Students Office.

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

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

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

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

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

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

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

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



## **6.1. Scope**

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

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

Allegations of misconduct in violation of the Student Code of Conduct or other UNM policy must be in writing and submitted to the Dean of Students Office which has primary authority to deal with disciplinary matters pertaining to students. Complaints of alleged misconduct should be submitted as soon as possible after the event takes place, preferably within ~~sixty (60) calendar~~ ~~forty five (45) working~~ days. Absent just cause, complaints must be submitted within one (1) year following discovery of the suspected misconduct.

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

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

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

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

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

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

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

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

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

Graduate and professional students in the law school and the HSC may appeal sanction decisions to the UNM President and the Board of Regents per sections 6.7.1 and 6.7.2 herein.

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

The decision on sanctions pertaining to students made by the Dean of Students Office may be appealed to the Vice President for Student Affairs. The student must submit a written request for appeal to the Vice President for Student Affairs within ten (10) working days of the date of the written decision from the Dean of Students Office. The Vice President for Student Affairs will send written notification of the decision to the appealing party within ten (10) working days of receiving the request for appeal. A copy of the decision shall be sent to the Dean of Students Office.

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

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

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

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

## **Article 7. General Provisions**

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

Records regarding student conduct shall be kept in the Dean of Students Office for a period of ten (10) years after final disposition, except for records of expulsions which shall be

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

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

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

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

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

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

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

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

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

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

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

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

## **7.3. Former Students**

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

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

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

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### HISTORY

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

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### DRAFT HISTORY

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

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

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

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

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

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

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

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

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

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