

ALBUQUERQUE INSTITUTE FOR MATHEMATICS AND SCIENCE AT UNIVERSITY OF NEW MEXICO

STUDENT BEHAVIOR HANDBOOK

This handbook states guidelines for student rights and responsibilities. It does not create any contractual rights, and the school district has the discretion to modify the provisions of this Handbook at any time. Additionally, students must adhere to the students and visitors code of conduct for the University of New Mexico, provided for you at the end of this handbook.

WHEN IS THE HANDBOOK IN FORCE?

The provisions of the Student Behavior Handbook are in force:

- During regular school hours and/or on school property
- During transportation of students
- At times and places where appropriate school administrators and staff have jurisdiction including, but not limited to school-sponsored events, field trips, athletic functions and other school-related activities.
- On the way to or from school or a school-related event.

The **Extra-Curricular Substance Abuse and Tobacco Policy** is in effect twenty-four hours a day, seven days a week, at all times/locations.

Additional sanctions may apply above and beyond the minimum mandatory consequences of this policy for violations which occur when this Handbook is in force (i.e.; on school property, during school time, or at school events).

Additionally, the principal, any public school official or designated chaperone is authorized to take administrative action when a student's misconduct away from school during a school activity may have a detrimental effect on the other students, staff or on the orderly educational process.

The principal has the responsibility to take discretionary action any time the educational process is threatened with disruption. Nothing in the following is intended to prevent a staff member, teacher, principal or other administrator from using his/her best judgment with respect to a particular situation.

This handbook will be reviewed by the Governance Council at the end of each school year, at which time suggested amendments or additions submitted by administrators, teachers, students and/or other interested persons will be considered.

Copies of these policy statements and hearing procedures will be made available to each student at the beginning of each school year. Copies of AIMS administrative directives are available for review by the students and their parents at on the school's web site at www.aims-unm.org.

AIMS@UNM

EXPECTATIONS FOR STUDENTS

ATTENDANCE

Students are expected to attend school regularly and on time. State law requires daily school attendance for those between the ages of 5 and 18, or until graduation from high school. Absences are neither “excused or unexcused”, rather they are lost academic time and missed content. After three absences, students will be required to make up lost instructional time.

ACHIEVEMENT

Students are expected to achieve academically. They are expected to:

- Strive to fulfill their academic potential.
- Actively participate in the educational process.
- Actively participate in community activities.

CITIZENSHIP

Students are expected to be good citizens. Students are expected to:

- Respect authority, property, and the rights of others.
- Avoid confrontation and any activity that has the potential to cause a verbal or physical conflict.
- Maintain standards of integrity and responsibility.
- Maintain a safe school environment.
- Report any/all information/circumstances related to campus safety, problems (fights, weapons, or drugs on campus).

STUDENT RESPONSIBILITIES

Every student is responsible for helping maintain a safe, orderly and educationally efficient learning environment. Students are expected to:

- Attend school every day and be on time for every class.
- Resolve differences with others in a positive, non-violent way.
- Remain drug, alcohol and tobacco free.
- Follow the school dress code.
- Respect school property and the property of others.
- Respect fellow students and all school staff members.
- Comply with the standards of behavior for your classrooms, your school, and our district.

PARENT RESPONSIBILITIES

School officials are partners with parents in the process of educating our children. Every parent, guardian and family member of the school community shares in the responsibility for educating children in a safe and productive environment. You share in this responsibility when you:

- Get your students to school on time every day. Punctuality and good attendance are family responsibilities.
- Provide a suitable time and place for your child to study at home.
- Make learning a priority.
- Maintain regular communication with your children's teachers, school administrators and other school staff members.
- Stay informed of your child's ongoing scholastic achievement and progress, and advocate for your child's learning needs.
- Understand our district rules and the rules at your child's school.
- Support school administrators in enforcing these rules.
- Support the school and the Governance Council as they maintain high standards of behavior for all students.

STUDENT RIGHTS

The following Statement is intended to be consistent with the Statement of Rights and Responsibilities adopted in November of 2000 by the State Board of Education. In the event that any part of it is not consistent with that Statement, the State School Board's Statement prevails.

STUDENTS HAVE A RIGHT TO:

Educational Opportunity

- A free public school education shall be available to every school-aged person, and each student who enrolls has a corresponding responsibility not to deny this right to any other student.
- AIMS@UNM affords all students equal educational opportunities as well as equal opportunities to participate in extracurricular activities.
- Policy prohibits discrimination and harassment on the basis of ethnic identity, religion, race, color, national origin, sex, sexual orientation, mental or physical disability, marital status and pregnancy in any program or activity of or sponsored by the school district.

Student Government

- In each secondary school there will be established an elected student government with membership open to all students.
- The student government will establish reasonable standards for candidates for office.
- All students shall be allowed to vote in elections designed to promote careful consideration of the candidates and issues.
- Elementary school personnel are encouraged to introduce students to principles of student government through school and class activities. The responsibilities of the student government shall be subject to the regulations of the School Board and shall include but not be limited to the following:
 - Involvement in the process of developing policies for revisions and additions to the curriculum, school rules and regulations.

- Involvement in the formulation of guidelines for co-curricular activities.
- Involvement in allocation of student funds, subject to established audit controls and to the approval of the principal.
- Representatives selected by the student government shall meet regularly with the principal or his/her designee to exchange views and to give advise in the formulation of school student policies.

Expression and Association

- Students are protected in the exercise of the constitutional rights of free speech, press and assembly. The exercise of such rights, however, must be conducted in a manner that does not disrupt the educational process, nor violate another's rights. Determination of such is the sole discretion of the Administration and Faculty.

Publications

Students shall be allowed to distribute political leaflets, newspapers and other literature on school premises, at specified times and places as per the direction of the Principal. Student publications are subject to prior restraint and censorship.

Organizations and Clubs

Students may form clubs or organizations for any legal purpose. These organizations must be open to all students on an equal basis and must operate within procedural guidelines established by the student government, acting in concert with the principal.

Student Dress

Students are expected to adhere to the uniform dress policy which has been adopted by AIMS@UNM.

Privacy

Questioning a Student - If police authorities or security personnel of the school system desire to question a student on school premises regarding any alleged act of misconduct by the student, the school authorities shall attempt to contact the parent and shall advise the students of his/her rights.

- School Lockers: Lockers or other student storage facilities may be searched without student consent. Facilities assigned to students will not be opened by school authorities except for general housekeeping purposes and in instances when, at the discretion of the school administrator, the health, safety or general welfare of the student or school requires such action. Neither school nor the district can assume any responsibility for items stored in these facilities.

Search of Person or Vehicle

- Vehicle Searches – Search of a student’s vehicle while parked on school property may be conducted only if a certified school employee, school security officer, campus security aide or school bus driver has *reasonable suspicion* that a crime or breach of the disciplinary code is being committed by the student. *Reasonable suspicion* is at the sole discretion of administration.
- Physical Searches – Search of a student’s person or property may be conducted only where there is *individualized reasonable suspicion* that the student being searched has committed a crime or a breach of the disciplinary code. *Individualized reasonable suspicion* is at the sole discretion of administration.
 - Minimally Intrusive Searches – Searches such as emptying of pockets, searches of student backpacks and purses, removal of hats, socks and shoes may be conducted by any certified school employee, school security officer, campus security aide, or school bus driver.
 - More Intrusive Searches – Searches such as pat downs and frisks may only be conducted by an authorized person of the same sex as the student being searched.

Controversial Issues

- Students shall have the right to encounter diverse points of view.
- Students shall have opportunities to hear speakers and view presentations representing a wide range of views in classes, clubs and assemblies under guidelines established by AIMS@UNM policy.

Dress Code

AIMS@UNM has a dress code in place. Students and their parents/guardians have the responsibility to be aware of AIMS@UNM dress code and to conform to those requirements. The responsibility to interpret and enforce the dress code policy rests solely with the administration of AIMS@UNM.

WHAT TO DO IF YOU BELIEVE THAT YOUR RIGHTS HAVE BEEN VIOLATED

AIMS@UNM does not discriminate on the basis of ethnic identity, religion, race, color, national origin, sex, sexual orientation, mental or physical disability, marital status or pregnancy in any program or activity of, or sponsored by, the school district.

The following persons have been designated to handle inquiries regarding the nondiscrimination policies:

FOR ALL DISCRIMINATION CONCERNS

Director AIMS@UNM
Katharina Sandoval Snider
933 Bradbury SE

Albuquerque, New Mexico 87102

559-4258

REPORTS

Any report will be addressed in accordance with the appropriate procedures as specified in IDEA, Section 504, ADA, Title VI of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, Age Discrimination Act of 1975, First Amendment, XIV Amendment, New Mexico Human Rights Act, or with the State Board of Education Regulation 6 NMAC 1.4 and any amendments made to these regulations, which are incorporated within this policy statement.

VIOLATION OF STUDENT RIGHTS

Students who believe that their rights have been violated should report their concerns to their parents, school administrator, or other appropriate school personnel. If the concern is not resolved by the appropriate school personnel, a report should be made to the Administration of AIMS@UNM.

DENIAL OF RIGHTS

Free public school education is a right guaranteed to a student. The courts have defined the basis on which the denial of that right is justified. That right may be denied in response to behaviors that threaten the safety and security of the school population, are illegal, or have the potential to disrupt the educational process. It is the intent of the Governance Council that every reasonable effort is made on behalf of the student's education, even in the case of suspension or expulsion. However, attendance at AIMS@UNM is a privilege and a choice rather than a right.

- Special education students must have an alternative program provided during any long-term suspension or expulsion.

GRIEVANCE PROCEDURE

□ It is the intent of the Governance Council that students and their parents be informed of the regulations regarding disciplinary and appeal procedures affecting students within the school. Faculty, parents and students shall attempt resolution of problems affecting students and the education process by informal means.

- If any student or parent believes that the conditions of the school or decisions made by its staff are not fair or reasonable, a conference shall be afforded with the principal or designee to discuss the matter.

HEARING PROCEDURE

The Governance Council prescribes a formal hearing procedure for students recommended for long-term suspension or expulsion.

- The student may, at his/her own expense, choose to be represented by an attorney during any due process hearing.
- If a hearing is requested or required, school authorities shall prepare

and serve the parents/legal guardians with a written notice of the hearing.

- The hearing shall be scheduled no sooner than five (5) and no later than ten (10) school days from the date of receipt of notice by the parents.
- Schools will provide copies of evidence that will be used at the hearing to families at least two (2) working days in advance of the hearing.
- The parent/guardian may choose to waive the student's right to a hearing and accept the disciplinary consequences recommended by the school.
- Expulsion hearings cannot be waived.

HEARING AUTHORITY AND TRANSCRIPT

The Hearing Authority is the appointed designee of the AIMS@UNM. A student may waive his or her right to a long term suspension hearing. A transcript of the proceeding shall be recorded and kept in the AIMS@UNM Administration office for a period of one year, after which the recording will be destroyed, except in cases of expulsion where records are kept for longer periods.

BURDEN OF PROOF

The hearing is not a legal proceeding, and formal rules of evidence shall not govern the conduct of the hearing. The student or his/her counsel shall have the right to call witnesses on his/her behalf and to question witnesses against him/her. The school authorities and its counsel shall have the right to call witnesses and to question any witnesses who testify.

DECISION OF HEARING AUTHORITY

- The Hearing Authority shall decide first upon the innocence or guilt of the student with respect to the charges brought and second, upon the disciplinary action, if any, that should be taken. The Hearing Authority may request additional evidence from the parties.
- The student shall have the right to comment upon the evidence orally and/or in writing.
- The Hearing Authority shall serve its written decision on the parties, stating its findings, conclusions and implementations, within five (5) school days after hearing the evidence.
- The Hearing Authority's decision shall take effect immediately upon notification of the parent/guardian and shall continue in force during any subsequent review.

APPEAL TO THE DIRECTOR

The student/parent may appeal the decision of the Hearing Authority to the AIMS@UNM Director or the Directors's Designee by serving a written Notice of Appeal to the Director or Director's Designee within ten (10) school days after the decision has been served.

- The Director or Designee shall, within fifteen (15) working days after receipt of Notice of Appeal, review the record of the hearing and the decision in this case.
- The Director or Designee shall have discretion over whether to permit the aggrieved student and school authorities to submit additional written materials and/or to present their respective views in person at a conference or hearing
- The Director or Designee shall then serve on the parties, within ten (10) working days after the review is concluded, his/her decision affirming, overruling, or modifying the decision of the Hearing Authority.
 - The severity of any sanction may not be increased.

TIME LIMITS

Subject to applicable rules and upon agreement of the parent and hearing authority, the hearing authority shall have the option to extend the time limits after a showing of good cause.

SCHOOL ATTENDANCE

The Federal No Child Left Behind Act requires that states, school districts and schools be held accountable for ensuring that all students meet high academic standards. On time, daily attendance is a critical component of this educational process. New Mexico law dictates that:

- Students between the ages of five (5) and eighteen (18) years of age are mandated to attend public school, private school, home school or a state institution.
- AIMS@UNM reports habitual truants to the Children's Court Liaison office and to the State of New Mexico.

ATTENDANCE POLICY

AIMS@UNM students are allowed no more than 5 absences per semester, and no more than 10 absences per school year.

- The parent/guardian must notify the school each day that the student will be absent, in accordance with the notification procedure established by the school.
- Absences must be for the following reasons, with appropriate documentation:
 - Doctor's appointment
 - Death in the family
 - Religious commitment
 - Illness
 - Family emergency
 - Diagnostic testing
 - School or College visit

In the event that the school has not received notification of absence by a parent for three (3) consecutive days, the school must make an attempt to contact the parent/guardian.

Excessive absences may result in further inquiry from the principal and request for additional documentation. Family vacations are unreasonable absences, and it is expected that parents will schedule vacations during periods of time when school is not in session.

Students who are signed out before the end of the instructional day must have written documentation of the reason or be subject to the same consequences as tardy.

The Administration and faculty of AIMS@UNM may require students to make up time missed outside of regular class time.

MAKE UP WORK

Students are entitled to make up work for ALL absences –work for truancy is not allowed.

- It is the student's responsibility to request make-up assignments.
- Teachers may need 24 hours from the time of the request to compile assignments.
- The student will have the opportunity to complete the work in a period of time equal to the number of days absent, unless other arrangements have been mutually agreed upon by the student and the teacher.

EXCESSIVE ABSENCES

If a student's attendance rate drops to 90-94% in a grading period (i.e. 4.5-9 days for schools on the semester system), the school is responsible for the intervention needed to improve student attendance.

- A student who falls below a 95% attendance rate may be excluded from extra-curricular activities at the school.
- If a student's attendance rate drops below 90% in any grading period, the student and his/her guardian are referred to the Children's Court Liaison, and the student is excluded from extra-curricular activities for the remainder of the grading period.
- High school students who exceed the prescribed number of allowable absences (4.5 per semester) may lose credit for the class in which the absences occurred unless instructional time is made up outside of regular instructional hours..
- School-related absences are not included when evaluating excessive absences.
- State law requires a school to withdraw a student after ten (10) consecutive days of absence, or in the case of excessive truancy, for students who fail to return to school after the school district has exhausted its efforts to keep the student in an educational setting.

TARDY

It is incumbent upon the parents to assure their student arrives at school on time.

Students who are tardy for class receive consequences as designated by the school.

- Consequences for being tardy will involve students spending time in an alternative academic or community service setting (i.e. lunch, recess, after school, Saturday school).
- Secondary students who miss more than ten (10) minutes of the class period are considered absent.
- If students must be picked up on time and are not allowed to remain on campus unattended by adult supervision. It is important to understand that AIMS@UNM staff will not provide this supervision unless a school sponsored event is taking place. Students who are repeatedly left on campus outside of the school day hours may face dismissal from the school.

DISRUPTION OF THE EDUCATIONAL PROCESS

This list is not all-inclusive: acts of misconduct not specified herein shall also be subject to discretionary action by appropriate school personnel. This document does not attempt to set societal standards. The criterion used for defining unacceptable behavior is whether or not it has the potential to disrupt the educational process. These guidelines follow municipal and state guidelines. Definitions of these terms are indexed in the back of this handbook.

- Absences, Excessive (1)
- Arson, I and II (2)
- Assault, Aggravated (4)
- Assault/Bullying (3)
- Battery, Aggravated (5)
- Battery/Fighting (6)
- Bomb Threat/False Alarm (7)
- Bus Disruption (8)
 - Controlled Substance,
 - Presence (35)
 - Use (12)
- Controlled Substance, Robbery (25)
- Controlled Substance, Theft (32)
- Controlled Substance Tobacco Use (34)
- Defiance of School Personnel/ Weapon Possession (38)
- Dress Code Violation (14)
- Extortion (16)
- Firearm, Possession/Use (17)
- Gang-Related Activity (18)
- General Disruptive Conduct (19)
- Harassment, Disability (20)
- Harassment, Sexual (21)
- Language, Profane/Abusive (22)
- Materials, Obscene (23)

- Paraphernalia Possession (9)
- Possession (10)
- Sale or Distribution (11)
- Tardy, Excessive (31)
- Tobacco Possession (33)
- Trespassing/Unauthorized
- Vandalism (37)
- Weapon Use (39)

CONSEQUENCES FOR UNACCEPTABLE BEHAVIOR

The school is a community, and the rules and regulations of a school are the laws of that community. The right to a public education is not absolute; it may be taken away, temporarily or permanently, for violation of school rules.

- Minimum mandatory consequences have been established and must be expected for any violation. Schools must make a good faith effort to notify the parents or legal guardian of the student in any circumstances where the school's disciplinary response will exceed administrator/student contact.
- Administrative response to unacceptable behavior may vary as each principal selects from a spectrum of actions such as those listed here and in each school's discipline handbook.

Administrators may impose consequences beyond those identified as minimum mandatory.

SUSPENSION

A suspension is the removal of a student from a class or classes and all school-related activities for any period of time. Suspension will include a range of responses from in-school suspension alternatives to long-term removals of one year or longer.

- The school administration must provide written notification to each of a student's teachers and to the student's parents/legal guardians within one (1) school day of imposing *any* form of suspension.
- The school administration must keep on file a copy of the notification for any suspension occurring during a school year.
- The Director of the school is responsible for notification, compliance and documentation at the school.
- Copies of suspension notification may be discarded at the beginning of each academic year for prior year actions, except for any long-term suspensions or expulsions still in effect.

SHORT-TERM SUSPENSION

Short-term suspension will be at the discretion of the school administrator and will address behaviors that disrupt the educational process. Administration may

impose consequences beyond minimum mandatory in order to maintain the safety and security of the school population.

- Short-term suspension will be limited to no more than five (5) days, only one (1) of which can be out of school.
- Each school will have its own method for developing alternative educational settings for students who have been short-term suspended.

LONG-TERM SUSPENSION

Long-term suspension is defined as the removal of a student from instruction and all school-related activities for more than ten (10) days and up to the balance of the semester.

- A student receiving a long-term suspension may lose credit for the semester unless placed in an alternative school setting.
- A student must be given the opportunity for a due process hearing prior to the suspension.
- The student may, at his/her own expense, choose to be represented by an attorney at the hearing.
- At the Director's discretion, students may be suspended pending a due process hearing.

Students can be suspended for the following:

WEAPONS

- Possession, use of or threatening with a knife or other instrument with intent to cause bodily harm.
- Sale or furnishing of weapons (gun, sharp object, club, or an object that could inflict serious bodily injury).

ARSON – Category II

- Starting a fire resulting in serious damage to property over \$100.00.
- Starting a fire resulting in injury to a person.

DRUG DEALING OR DISTRIBUTION

- Possession with intent to distribute alcohol or drugs, other illegal substances or look-alikes.
- Repeated use and/or possession of drugs, alcohol, or any intoxicant.

ACTS OF VIOLENCE

- Cause or attempt to cause physical injury to a staff member
- Bomb threats
- Repeated fighting
- Causing physical harm to another person
- Rioting or gang fighting

EXPULSION

Expulsion is the removal of a student from all regular schools in Albuquerque

Public Schools for a period exceeding one (1) semester. In some cases, expulsion may be a permanent removal from this school system. When appropriate, a student who is expelled may be placed in an alternative program.

- A student receiving an expulsion will lose credit for the semester in which the expulsion occurs, unless the student is engaged in an alternative program.
- A student must be given a due process hearing prior to expulsion.
- The student may, at his/her own expense, choose to be represented by an attorney at the hearing.

FIREARMS

- Possession, selling or otherwise furnishing a firearm.
- Possession of any explosive device as defined in the Gun Free Schools Act.

The Gun Free Schools Act provides for a mandatory expulsion of one calendar year for students who are determined to have brought a firearm to school, subject to modification on a case by case basis.

REFERRAL FOR LEGAL ACTION

- Communication of any illegal act or action by a student will be forwarded to the appropriate authority or law enforcement agency.
- New Mexico law requires that, if any school employee has reasonable cause to believe that a child is or has been in possession of a firearm on school premises, the employee shall immediately report the child's actions to a law enforcement agency and the Children, Youth and Families Department.

SUSPENSION OF EXTRA-CURRICULAR PRIVILEGES

Students may be removed, at the discretion of the Director, from any part or all of extra-curricular privileges for time periods up to one (1) full calendar year.

- Participation in extra-curricular activities is a privilege offered to and earned by students.
- Because participants are serving as representatives of their school and community, their conduct is expected to exemplify high standards at all times.
- Participants are expected to adhere to higher standards of academics and conduct than established for the general school population in order to maintain their extra-curricular privileges.

Participation in extra-curricular activities is not a student right, and suspension of such privileges does not require a due process hearing procedure.

EXTRA-CURRICULAR SUBSTANCE ABUSE AND TOBACCO POLICY

Extra-curricular activities are an integral part of the educational process, providing students with opportunities to further develop their unique capabilities, interests and needs beyond the classroom. Participation in extra-curricular activities is a PRIVILEGE offered to and earned by students. Because participants are representatives of their school and community, their conduct is expected to exemplify high standards at all times. The Extra- Curricular Substance Abuse and Tobacco Policy is in effect twenty-four hours a day, seven days a week, at all times/locations from the first day of fall sports practices to the end of the school year. The definition of alcohol and controlled/illegal substance possession is extended to include circumstances where substances covered under the policy are proximal and available (i.e. parties, gatherings, etc.). Criteria for application of sanctions would include, but not be limited to:

- Any Minor in Possession (MIP) or Offense by a Minor Citation
- Written documentation from legitimate law enforcement/school/security reports
- Personal acknowledgment by the student in question and/or their guardian

The following bullets apply to a Suspension of Extra-Curricular Privileges:

- The suspension applies to all NMAA sanctioned athletic and nonathletic activities.
- Students will not be withdrawn from classes co-curricular with activities.
- A student serving a suspension cannot participate in a “try-out” during that suspension.
- Suspensions can carry over from one school year to the next for underclassmen.
- Participation in summer programs for students on suspension will be interpreted in the same way as scholastic eligibility for athletics in the summer (i.e., students may participate in on-campus/intramural activities only).

USE AND/OR POSSESSION OF CONTROLLED/ILLEGAL SUBSTANCES AND TOBACCO PRODUCTS

First Offense – Student’s loss of all extra-curricular privileges and eligibility (including practice and competition) for 45 school days (not including summer school) from the date determined by a site administrator. Students will be required to complete the Parent Involvement Program or other appropriate intervention program approved by the site administrator.

Second Offense – Student is ineligible to participate in extracurricular activities for the remainder of the academic year or longer under special circumstances.

SALE OR DISTRIBUTION OF CONTROLLED/ILLEGAL SUBSTANCE

Student is ineligible to participate in extra-curricular activities for the remainder of the academic year or longer under special circumstances. Senior students who receive consequences under this policy during the last quarter of the school year may receive community service, to be served prior to participation in privileged events such as commencement exercises. Community service will be assigned

by the site administrator. If a student is in violation of this policy at a time in which the handbook is in force (see Section i), other disciplinary consequences may apply. This may include suspension of extra-curricular activities, including but not limited to attendance/participation in school activities such as athletic events, open campus, dances, clubs, and other privileged events (including commencement exercises), as determined by a site administrator.

Participation in extra-curricular activities is not a student right, and suspension of such privilege does not require a due process hearing. A grievance procedure is available under the provisions of this handbook.

SCHOOL ALTERNATIVES FOR HANDLING UNACCEPTABLE BEHAVIOR

At the discretion of the AIMS@UNM administration, alternative methods for handling unacceptable behavior may include but not limited to:

CONTRACTS

- Student commits to more positive behavior in the form of a written contract.
- Student may be assigned school or community service.
- Terms of the contract will be determined by the principal or designee.
- Students may be taken to a long-term suspension hearing for contract violation.

REFERRALS

- Students may be referred to the school counselor, Student Assistance Team, School Health/Mental Health Team, or the School Safety Team.
- Student and school authority may call parent/guardian to discuss problem and solution.
- Student may be referred to peer jury as designed by the school.
- Student may be formally referred for legal action.
- Student may be referred to the Student Support Team (SST) to address concerns regarding threats and to make informed decisions on how to manage threats and ensure safety of all students and staff. Each school's SST may include members of the Health/Mental Health Team, an administrator, and staff member who has information about the student. Situations that may warrant conducting a SST meeting include verbal and/or physical threats to do harm, threats of use or involvement with weapons or explosives, and any other concerns to be determined at the discretion of the administrator.

REMOVAL FROM CLASS

- Student may be removed from class or activity but remains at school pending conference with appropriate school personnel.
- Student may be placed in an alternative educational setting until satisfactory resolution is reached.

- Student may be suspended from school for no more than one (1) day, pending parent conference.
- Student may be transferred from the school of residence to another AIMS@UNM school at the request of the student and parents or through mutual agreement of both schools, parent and student. All transfers from the home school will be made by the appropriate office.
- In the absence of an agreement of all parties, the appropriate designee will review the case and make the final decision.
- The authority of the schools is to supervise and control the conduct of students and includes the authority to impose reasonable periods of detention during the day or outside normal school hours, as disciplinary measures.
- Reasonable periods of detention may be imposed with the procedures for temporary suspension.

DISCIPLINARY CONSIDERATIONS FOR STUDENTS WITH DISABILITIES UNDER *INDIVIDUALS WITH DISABILITIES EDUCATIONAL ACT (IDEA)*

Special education students are not immune from the AIMS disciplinary process once placement procedures are properly followed. Since the exclusion of a student with a disability from his/her education program for more than a total of ten (10) days during a school year may constitute a significant change in placement, the following considerations must be addressed:

- When considering long-term suspension or expulsion, an Individualized Education Program (IEP) Team must first determine whether the behavior of concern is a manifestation of the student's disability
- To determine if the conduct in question is or is not a manifestation of the student's disability, the IEP Team must determine:
 1. If the conduct in question was a direct result of the local educational agency's failure to implement the IEP and,
 2. If the conduct in question was caused by, or had a direct and substantial relationship to the child's disability.
- If the IEP Team determines that the behavior is related to the student's disability then no further disciplinary proceeding shall occur. Recommendations: Review IEP, add services and support, develop/update FBA/BIP, and/or change services if appropriate.
- IF the IEP Team determines that the behavior is not a manifestation of the student's disability, disciplinary actions may be taken in accordance with the procedures in this handbook.
- Should the disciplinary procedures include long-term suspension or expulsion, the district must continue to provide educational services as determined in the IEP
- Any suspension that excludes a student from his/her IEP services must be counted when calculating the total number of suspension days (up to 10 cumulative days or beyond the 10 days may constitute a change of placement).
- The decision to change a student from his/her IEP placement must be made on an individual basis (AES, IAES).

- Procedural safeguards outlined in the New Mexico Department of Education Standards for Excellence in the Compliance Manual, insure that parental due process rights are afforded.
- AIMS@UNM will follow the federal guidelines regarding the provision of educational continuation services for suspended special education students.
- Special education students are entitled to a due process hearing.

DISCIPLINARY CONSIDERATIONS FOR STUDENTS UNDER SECTION 504

Students with 504 accommodations are not immune from the district's disciplinary process once identification and placement procedures are properly followed. Students with 504 accommodations being considered for disciplinary action must receive a manifestation determination review prior to action. The committee must determine if the conduct in question was caused by or had a direct and substantial relationship to the student's disability. If yes, was the conduct in question the direct result of the school's failure to implement the student's 504 plan? If the behavior is a manifestation of the disability, any disciplinary recommendation for a change of placement should be withdrawn. If the behavior is not a manifestation of the disability, the student may be disciplined in the same manner as non-disabled students.

AIMS@UNM

SECTION 504 PROCEDURAL SAFEGUARDS

Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Sec.706(8)) states: "No qualified individual with a disability shall, solely on the basis of his or her disability, be denied participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

1. The parent/guardian shall be notified in writing of all district/school decisions concerning the identification, evaluation, or educational placement of his/her child.
2. The parent/guardian shall be notified that he/she may examine relevant records.
3. The parent/guardian shall be notified before any significant change in placement occurs.
4. The parent/guardian may obtain copies of educational records at a reasonable cost unless the fee would effectively deny him/her access to the records.
5. The parent/guardian may request amendment of his/her child's educational records if there is reasonable cause to believe that they are inaccurate, misleading or otherwise in violation of the privacy rights of his/her child. If the school district refuses this request for amendment, it shall notify the parent within a reasonable time, and advise him/her of the right to a hearing.
6. Parents/Guardians, or the student, if 18 or over, who dispute the District's decision with respect to actions regarding the identification, evaluation, or

educational placement of a student or regarding harassment related to disability under Section 504 requirements shall have the following means of dispute resolution, each of which may be used at any time and in any order:

A. File a written complaint, which specifies the problem and the resolution requested, with the Director of AIMS@UNM, 933 Bradbury SE, 87106. If the concern is resolved informally, the Director will document that resolution and provide copies to the school and parent.

B. Request an impartial Section 504 Due Process Hearing, with the opportunity for participation by the parent/guardian and legal counsel (if desired). The request shall be in writing to the Director, including a description of the specific concern and proposed remedy. The Director shall appoint an unbiased, qualified panel of individuals to hear the case. The hearing shall be convened within ten (10) working days after the written complaint is received, unless both parties agree to a postponement. The hearing shall follow this format:

1. An opening statement by each party;
 2. Testimony and evidence presented by each party with opportunity for cross examination;
 3. Closing statement by each party. Both parties shall be provided a written response within twenty (20) working days of the last day of the hearing.
- C. File a written complaint with the Office for Civil Rights, Department of Education, Region VIII, Federal Office Building, 1244 Speer Blvd., Suite #310, Denver, Colorado 80204-3582.
- D. File a civil suit.
7. The parent/guardian shall be notified of his/her rights of appeal at each step of the process.

Any questions concerning Section 504 should first be addressed to school level administrators, then, if unresolved, to the appropriate Instructional Cluster Assistant.

DISABILITY HARASSMENT/DISCRIMINATION

Numerous situations may constitute disability harassment or discrimination. Mocking, taunting, ridiculing, criticizing or punishing a disabled student because of his/her disability are a few examples of what may constitute disability harassment or discrimination. Examples of circumstances that may constitute disability harassment include:

- Making remarks out loud during class that a student with dyslexia is “retarded” or “deaf and dumb” and does not belong in the class.
- Repeatedly placing classroom furniture or other objects in the path of classmates who use wheelchairs, impeding the student’s mobility.
- Habitually subjecting a student to inappropriate physical restraint because of conduct related to his disability.

- Repeatedly denying a student with a disability access to lunch, field trips, assemblies, and extra-curricular activities as punishment for taking time off from school for required services related to the student's disability.
- Repeatedly belittling and criticizing a student for using accommodations in class.
- Taunting and belittling a student with mental retardation by mocking and intimidation.

School personnel who become aware of disability harassment shall to end the harassment and prevent it from recurring and, where appropriate, remedy the effects on the student who was harassed. Remedial measures will generally include counseling both persons who have been harmed by harassment and person(s) who have been responsible for the harassment of others and implementing monitoring programs to follow up on resolved issues of disability harassment.

TITLE IX OF THE EDUCATION AMENDMENTS OF 1972

GENDER DISCRIMINATION

AIMS@UNM and federal law prohibit discrimination on the basis of gender.

- If students are treated differently based upon their gender, in academia or extracurricular activities, this treatment may be considered gender discrimination.
- Gender discrimination may include: academic programs, discipline, classroom assignment, physical education, grading and/or athletics.

SEXUAL HARASSMENT

Sexual harassment is a form of gender discrimination as defined in Title IX of the Education Amendments of 1972. Sexual harassment:

- Is a violation of federal law, AIMS@UNM Board policy, district procedural directives and school policy.
- Is illegal under state human rights statutes and may be considered a criminal offense under state and local assault and child abuse laws.
- Includes sexual advances, requests for sexual favors, and written or verbal conduct of a sexual nature. If behavior toward another student makes him or her feel intimidated, uncomfortable or if the student feels threatened, it may be considered sexual harassment even if the harasser did not intend for his or her actions to be offensive.

SEXUAL HARASSMENT IS CONSIDERED TO HAVE OCCURRED WHEN:

- Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of the academic status of a student or obtaining an education.
- Submission to or rejection of that conduct or communication by an individual is used as a factor, which affects the academic standing or education of a student.

- That conduct or communication has the purpose or effect of substantially or unreasonably interfering with the education of a student, or creates an intimidating, hostile or offensive educational environment.

SEXUAL MISCONDUCT

Sexual misconduct includes, but is not limited to:

- Physical acts of aggression.
- Force or threat against another student.
- Threatening to force or coerce sexual acts.
- Touching of private/intimate parts of the body
- Coercing, forcing or attempting to coerce or force sexual intercourse.

These acts should be reported to the UNM Police Department or the Albuquerque Police Department.

PREGNANCY

Title IX of the Education Amendments of 1972 (Title IX) prohibits discrimination against pregnant or parenting teens. Title IX views teen pregnancy as a “medical condition”, therefore pregnant teens:

- May voluntarily elect to stay at their home school during their pregnancy.
- May enroll at New Futures School.
- Are to receive a comparable curriculum and academic opportunities as they would at their home school.
- Are allowed to retain their enrollment status at New Futures and participate in extra-curricular activities at their home school.
- Retain their academic standing, which cannot be altered due to their “medical condition”.

INTERNAL COMPLAINT PROCEDURES

Students and parents/legal guardians are encouraged to resolve concerns with the school Director. If the Director is unable to resolve your concern, you are encouraged to seek assistance at the next highest level.

- Report gender harassment and/or discrimination to the principal, either verbally or in writing.
- Students who have knowledge of inappropriate behavior and fail to contact appropriate personnel, you will be subject to disciplinary action.
- Any knowledge of inappropriate behavior must be reported to the principal, assistant principal, teacher, or counselor.
- School personnel who receive reports of harassment and/or discrimination shall immediately inform the principal.
- If the complaint is in regard to the principal, contact the appropriate Assistant Superintendent.

Upon receipt of notification of harassment and/or discrimination, the Director must contact the Office of Equal Opportunity Services within 72 hours, to report the incident. Any school personnel who fail to report incidents of harassment and/or discrimination will be subject to appropriate disciplinary

action.

WHO MAY FILE A COMPLAINT

Any AIMS@UNM student, parent or legal guardian, on behalf of his or her student, who believes he or she has been discriminated against on the basis of sex, gender, race, national origin or disability.

- These procedures do not deny any student or parent/legal guardian the right to pursue other avenues of recourse.

HOW TO FILE

You may contact the Office of Equal Opportunity Services, in any manner, to report inappropriate conduct.

- An internal complaint must be filed within thirty (30) calendar days from the last day of the alleged discrimination, unless the time for filing is extended by the Office of EOS for good cause (to be determined by the Office of EOS).

- All inquiries and internal complaints filed with the Office of EOS are confidential.

- Confidentiality also applies to the inquiry and investigative process of all investigations conducted by the Office of EOS.

RETALIATION

No student will suffer retaliation or intimidation for participating in an inquiry or the internal complaint process.

- Retaliation against any student seeking assistance at their school, filing a complaint, or participating in the investigative process is grounds for a subsequent retaliation complaint.
- AIMS@UNM will respect the privacy of the complainant, the respondent, and the witnesses as much as possible, consistent with our legal obligations to investigate, take appropriate action, and conform with any discovery or disclosure obligations.

WHERE TO FILE

Complaints may be addressed with the following offices:

US Department of Education, Office for Civil Rights
Federal Office Building
1244 Speer Blvd., Suite #310
Denver, Colorado 80204-3582
(303)844-5695

APPEAL PROCESS

When the Office of Equal Opportunity Services (EOS) has completed an internal investigation, the decision may be appealed by either the complainant or respondent. This process is as follows:

- The EOS office informs the Superintendent of the determination.
- The determination will state whether the evidence gathered substantiates probable cause or no cause that the respondent violated AIMS@UNM policy and district procedural directives.
- If the complainant or respondent is not in agreement with the determination of the EOS office, he or she will have ten (10) business days from the date of the determination, to submit a written appeal to the Superintendent.
- The Superintendent will inform the complainant or respondent of the decision of the appeal, in writing, within fifteen (15) business days of the receipt of the appeal.
- Any student who violates AIMS@UNM Board policy, district procedural directives, or school policy by engaging in conduct that is in conflict with said policies or directives, involving any individual, will be subject to disciplinary action.

STUDENT RECORDS

Student records kept by the AIMS@UNM will be open to review by parent/guardians and/or students and will be treated in a confidential manner, as prescribed by local Board policy, New Mexico State Board of Education Regulations and the Family Educational Records and Privacy Act of 1974. This policy is implemented by an Instructional Procedural Directive that is on file in all offices.

AIMS@UNM maintains the following education records directly related to students:

- Academic records.
- Personal information records.
- Disciplinary records.
- Attendance records.
- Health records.
- Progress records.
- Standardized testing records.

Access to education records is limited to:

- Parents of students under 18.
- Parents of students over 18 if such student is a dependent as defined in the Internal Revenue Code.
- Students.
- Officials of this school district who have a legitimate educational interest.
- State and local officials to whom information is required to be reported.
- Certain testing organizations.
- Accrediting organizations.

- Appropriate persons in connection with an emergency.
- Pursuant to subpoena or court order.
- Any person with the written consent of the parent of students under 18 or the student over 18.
- A school or schools in which a student seeks or intends to enroll.

THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

The Family Educational Rights and Privacy Act (FERPA) specifies rights related to educational records. This act gives the parent or guardian the right to:

- Inspect and review his/her child's educational records
- Make copies of these records
- Receive a list of all individuals having access to those records
- Ask for an explanation of any item in the records
- Ask for an amendment to any report on the grounds that it is inaccurate, misleading or violates the child's rights
- A hearing on the issue if the school refuses to make the amendment

THE PROTECTION OF PUPIL RIGHTS AMENDMENT

Protection of Pupil Rights Amendment (PPRA) to the Family Educational Rights and Privacy Act (FERPA). The PPRA:

- requires AIMS@UNM to obtain parental consent to requiring students to participate in certain types of surveys, analyses, or evaluations that require the disclosure of private information;
- allow parents the right to inspect certain survey and curriculum information, and
- provide parents the opportunity to opt their child out of certain activities involving the collection, disclosure, or use of personal information, the administration of certain surveys, and non-emergency, invasive physical examinations or screenings.

AIMS@UNM POLICY REGARDING RECORDS

- Educational records are to be kept to an essential and relevant minimum.
- Records are reviewed at the end of each school year and nonessential or irrelevant material is deleted.
- Access to records is limited to the persons and under the circumstances listed in the Records section.
- Copies are to be made available to persons entitled to copies at the cost of twenty-five (\$1.00) per page.
- Individuals have the right to challenge the contents of the records.
- If records contain information on more than one student, the right to inspect relates only to that portion of the records concerning the particular student in question.

STUDENT DIRECTORY INFORMATION

Student directory information may be released without prior consent unless the parent or student informs the principal within a reasonable period of time that any or all of the information should not be released. Parents may choose to have their high school student's name and directory information removed from any of the following: military recruiter lists, college/university lists, or other requested lists. Disclosure Exemption forms can be picked up at the school site and should be returned to the school upon completion.

- Name.
- Address.
- Telephone listing.
- Date and place of birth.
- Major field of study.
- Participation in officially recognized activities and sports.
- Weight and height, if a member of an athletic team.
- Dates of attendance.
- Degrees and awards received.
- Information from the most recent previous education agency or institution attended by the student.

GLOSSARY OF TERMS

1. Absences, Excessive

Attendance which falls below 95% in a grading period.

2. Arson

Maliciously, willfully and/or neglectfully starting, by any means, a fire or causing an explosion on school property or at any school-related activity.

Category I – Deliberately, or with reckless disregard, starting a fire with resulting expense under \$100.00.

Category II – Deliberately, or with reckless disregard, starting a fire resulting in damage over \$100.00 to property or resulting in injury to a person.

3. Assault/Bullying

Threatening physical harm to another, causing a present fear of imminent danger to the person; included are threats, gestures and verbal assaults.

4. Assault, Aggravated

Intending or performing assault and battery with a weapon, instrument or any means of force likely to produce bodily injury. This category includes sexual assault and/or offenses.

5. Battery, Aggravated

Employing hostile contact with any kind of weapon or causing great bodily harm.

6. Battery/Fighting

Employing hostile contact in which at least one party has contributed to a situation by verbal action and/or bodily harm.

7. Bomb Threat and/or False Alarm

Bomb Threat – Falsely and maliciously stating to another that a bomb or other explosive has been placed in such a position that person/s or property are likely to be injured or destroyed.

False Alarm – Interfering with the proper functioning of a fire alarm system or giving a false alarm, whether by means of a fire alarm or otherwise.

8. Bus Disruption

Deliberately or inadvertently interfering with the safe operation of a school bus which is stopped or moving; behaving in a manner adversely affecting an individual or any property on or near the bus itself, at bus stops or at pick-up areas.

9. *Controlled Substance, Paraphernalia Possession***

Possessing any paraphernalia, such as but not limited to rolling paper, pipes or bongs.

10. *Controlled Substance, Possession***

Possessing any substance capable of producing a change in behavior or altering a state of mind or feeling; having a “look-alike,”***a substance that looks like a controlled substance.

11.*Controlled Substance, Sale or Distribution

Selling or distributing a substance capable of producing a change in behavior or altering a state of mind or feeling; including a “look-alike,”*** or an item sold as a controlled substance.

12.*Controlled Substance, Use

Absorbing a substance capable of producing a change in behavior or altering a state of mind or feeling, including a “look-alike,”*** or an item sold as a controlled substance.

13. Defiance of School Personnel/Authorities

Refusing to comply with any reasonable demand or request by any school official or sponsor at places and times where school personnel have jurisdiction.

14. Dress Code Violation

Non-compliance with specific school dress codes.

15. Expulsion

The removal of a student from all regular schools in AIMS@UNM for a period exceeding one (1) semester. In some cases expulsion may be a permanent removal from this school system.

16. Extortion

Using intimidation or the threat of violence to obtain money, information or anything else of value from another person.

17. Firearm, Possession/Use***

Possession or use of any weapon which will propel a projectile by the action of an explosive.

18. Gang-Related Activity

Gang-related activity can be intimidating to students, faculty and staff and is disruptive to the educational process. Although this list is not all inclusive, examples of inappropriate and unacceptable behaviors are such things as gang graffiti on school property, intimidation of others, gang fights and/or initiation rituals, wearing gang attire or "colors." A "gang" can be any group of students and/or non-students whose group behavior is threatening, delinquent or criminal. Since gang behavior, markers and colors are variable and subject to rapid change, school administrators and staff must exercise judgment and their individual discretion based upon current circumstances in their neighborhood schools when evaluating gang-related activity. Gang-related indicators which will be considered should include:

- The student associating with admitted or known gang members.
- The student wearing attire consistent with gang dress.
- The student displaying gang logos, graffiti and/or symbols on personal possessions.
- The student displaying gang hand signs or signals to others.
- The student talking about gang activities to others.

19. General Disruptive Conduct

Willful conduct which materially and in fact disrupts or interferes with the operation of the public schools and the orderly conduct of any public school activity, including individual classes; or leads an administrative authority reasonably to forecast that such an interruption or interference is likely to occur unless preventive action is taken. For example:

- Failing to provide/surrender school identification to any public school personnel or activity sponsor upon demand.
- Knowingly and deliberately failing to comply with any legal and/or official rule or regulation designed by or provided by a teacher, principal, faculty member or other public school official at any time, whether the rule is designed for the classroom, the campus in general or any other location or facility involving a school-related activity.
- Being dressed in a manner which is disruptive to the educational process.
- Inappropriate display of affection, i.e. a display of affection which has the potential to disrupt the educational process.
- Cheating.
- Gambling.
- Use of pagers and/or cell phones during instructional time or at a time that would be disruptive to the educational process.
- Misuse of cell phones and other forms of technology that could include, but not be limited to the unauthorized taking of pictures, cheating, invading privacy, etc.

20. Harassment, Disability

Conduct including but not limited to the following: mocking, taunting, intimidating, criticizing, or punishing a student with a disability because of his or her disability. (see Section 504 and the Americans with Disabilities Act)

21. Harassment, Sexual

Sexual harassment is a form of gender discrimination as defined in Title IX of the Education Amendments of 1972. Sexual harassment is a violation of federal law. Examples of sexual harassment include but are not limited to the following: sexual assault, unwanted touching, inappropriate comments or conversation, certain non-verbal behaviors and gestures which threaten or belittle others on the basis of gender. Further information regarding sexual harassment is provided in the included section: *Title IX, Students' Rights*.

22. Language, Profane and/or Abusive

Using language which is crude, offensive, insulting or irreverent; use of coarse words to show contempt or disrespect; swearing.

23. Materials, Obscene

Displaying material which is indecent and has the potential of being disruptive.

24. Restitution

Compensation for loss or damage.

25. Robbery

Taking of property of another through means of force or fear.

26. Search, Minimally Intrusive

Emptying of pockets, searches of student backpacks and purses, removal of hats, socks and shoes, conducted by any certified school employee, school security officer, campus security aide, or school bus driver.

27. Search, More Intrusive

Pat downs and/or frisks, conducted by an authorized person of the same sex as the student being searched.

28. Search, Most Intrusive

A strip search shall be conducted only *upon individualized reasonable suspicion* of a serious crime or a safety concern and shall be conducted by a school administrator of the same sex and in the presence of another authorized person of the same sex.

29. Suspension, Long Term

The removal of a student from instruction and all school-related activities for more than ten (10) days and up to the balance of the semester.

30. Suspension, Short Term

A suspension which is at the discretion of the administrator and will address behaviors that disrupt the educational process.

31. Tardy, Excessive

Student is not in the class or assigned activity when it is scheduled to begin.

32. Theft

Unauthorized possession and/or sale of property of another without consent of owner.

33. Tobacco Possession***

Possession of tobacco anywhere on a school campus or at a school related event is prohibited. In addition, students found in possession of tobacco products are subject to the provisions of the Substance Abuse and Tobacco Policy.

34. Tobacco Use

Using any form of tobacco is prohibited. In addition, students using any form of tobacco are subject to the provisions of the Substance Abuse and Tobacco Policy.

35. Trespassing/Unauthorized Presence

Entering or being on school grounds or in a school building without authorization.

36. Truant

A student who has accumulated five unexcused absences within any twenty-day period.

37. Vandalism

Deliberately or maliciously destroying, damaging and/or defacing school property or the property of another individual.

38. Weapon Possession***

Possessing a weapon such as but not limited to: a firearm, any type of gun, knife, club, explosive, spiked wrist band, chains or other item that may cause or is intended to cause injury or death. This specifically includes "look-alike" guns and knives, such as toys.

39. Weapon Use

Use of any weapon to threaten, intimidate, attack, injure or kill any person.

**Any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage or intoxicant or any kind.*

***"Look-alikes" are specifically included whether or not they are capable of producing a change in behavior or altering a state of mind.*

****"Possession," as used herein, includes not only possession on one's physical person, but also custody and control. Thus, a student may be found in possession of any item if the item is in the student's backpack, locker, car or elsewhere, if subject to the student's custody and control.*

RIGHTS AND RESPONSIBILITIES AT THE UNIVERSITY OF NEW MEXICO

Adopted by the UNM Regents Oct. 1965, revised Aug. 1970, Sept. 1975, Nov. 1981, July 1982.

The purpose of this statement is to help clarify relationships between the Regents and the Administration, Faculty, and Students of the University. "Management and control" of the University are vested in the Regents, and they are also charged with the authority and "duty to enact laws, rules, and regulations for the government of the University." Inevitably, the management responsibilities of the Regents must be delegated, and so is much of their authority to govern the affairs of the institution, subject to overall policy which they establish. In this situation, it may be helpful to have a statement of the position of the Regents on certain topics of current interest and concern.

1. The Regents recognize and approve:
 - a. The authority and responsibility of the Administration in all matters relating to the operation of the University;
 - b. The authority and responsibility of the Faculty, in cooperation with the Administration, to set educational policies, to select faculty personnel, and in general, in all matters relating to teaching and research;
 - c. The right and responsibility of the Students of the University to provide their own self-government with authority in the affairs of the student community.
2. There presently exist adequate procedures for determining most matters affecting University operation. In order that the University may function properly under the authority of those in direct charge of its activities, the Regents ordinarily will not interfere with actions of the Administration, the Faculty, or Student Government. The Regents cannot, however, ignore the responsibilities of management and control vested in them by the Constitution and laws of the State of New Mexico. Thus, they reserve unto themselves the right to consider and determine, if in the exercise of sound discretion it is deemed necessary, any matter relating to the University. Appeals of Administration, Faculty, or Student decisions should be addressed in writing to the Regents via the president of the University. The Regents will consider such appeals as a body. In their discretion, the Regents may request written briefs or oral arguments, or both.
3. The Regents recognize and approve the right of free speech and honest expression of opinion on any subject by any member of the University community, whether the subject relates to on- or off-campus issues, but those who speak or act shall not do so in the name of the University or any of its organizations unless there has been specific authorization to do so.
4. Off-campus speakers, if approved in accordance with University regulations, should be allowed free expression of their views. Students with diverse points of view should permit such speakers to be heard without harassment.
5. Any member of the University community--student or member of the faculty or staff--is subject to discipline if he or she acts in such a way as to affect adversely the

University's educational function or to disrupt community living on campus. All authorized University activities are deemed to be part of its educational function. No member of the community has a right to interfere with another in the pursuit of an education or in the conduct of University duties and responsibilities.

The rights and responsibilities of each member of the University community, the same as every other citizen, are measured by the laws of our country. Respect for the law is fundamental and necessary for the preservation of our form of government. The Regents will take action to enforce this principle if it should be necessary.

STUDENT CODE OF CONDUCT

Adopted by the UNM Regents April 14, 1992

Revision approved by the Regents May 12, 1995

It is important for all students to be aware of conduct that will lead to disciplinary action by the University. In order to clarify the types of conduct which shall be considered to affect adversely the University's educational function, to disrupt community living on campus, or to interfere with the rights of others to pursue their education, to conduct their University duties and responsibilities or to participate in University activities, the Board of Regents hereby adopts the following Code of Conduct for students:

1.SCOPE

The University may take disciplinary action for an offense against the Code of Conduct when the offense occurs on University premises or at University-sponsored events, or when an offense which occurs off campus is such that in the judgment of the Dean of Students,¹ failure to take disciplinary action is likely to interfere with the educational process or the orderly operation of the University, or endanger the health, safety or welfare of the University community.

The term "student" includes both full-time and part-time students pursuing undergraduate, graduate or professional studies.

2. MATTERS SUBJECT TO DISCIPLINARY ACTION

Appropriate disciplinary procedures and sanctions shall be applied to any student who commits, or attempts to commit, any of the following acts of misconduct:

2.1. Actions which have great potential for physically harming the person or property of others, including that of the University, or which actually result in physical harm, or which cause reasonable apprehension of physical harm.

2.2. Any type of sexual assault including rape.

2.3 Making false representations to the University, including forgery and unauthorized alteration of documents; unauthorized use of any University document or instrument of identification.

2.4. Academic dishonesty, including, but not limited to, dishonesty in quizzes, tests, or assignments; claiming credit for work not done or done by others; hindering the academic

work of other students; misrepresenting academic or professional qualifications within or without the University; and nondisclosure or misrepresentation in filling out applications or other University records.

2.5. Substantially interfering with the freedom of expression, movement or activity of others.

2.6. Initiating or causing to be initiated any false report, warning or threat of fire, explosion or other emergency. Misusing or damaging fire safety equipment on University premises.

2.7. Theft of property or of services. Possession of property that is known to be stolen.

2.8. Failure to comply with the lawful directions of University officials, including campus police officers and other law enforcement officials, acting in performance of their duties.

2.9. Willfully refusing or failing to leave the property of or any building or other facility owned, operated, or controlled by the University when requested to do so by a lawful custodian of the building, facility or property if the person is committing, threatens to commit or incites others to commit any act which would disrupt, impair, interfere with or obstruct the lawful mission, processes, procedures or functions of the University.

2.10. Unauthorized presence in or use of University premises, facilities or property, in violation of posted signs, when closed, or after normal operating hours.

2.11. Illegal use, possession, or distribution of any controlled substance, illegal drug or alcohol.

2.12. Use or possession of fireworks on University premises or at University-sponsored events, unless expressly authorized in writing by the President.

2.13. Use, possession or storage of any weapon on University premises or at University-sponsored activities, unless expressly authorized in writing by the President. Weapon includes, but is not limited to, firearms, ammunition, bombs, explosives, incendiary devices, or other dangerous weapons, substances or materials.

2.14. Misusing University computing resources by intentionally making or receiving, accessing, altering, using, providing or in any way tampering with files, disks, programs, passwords or hardware belonging to other computer users without their permission.

2.15. Violation of published or posted University regulations or policies, including but not limited to regulations prohibiting discriminatory activity.

2.16. Aid to others in committing or inciting others to commit any act mentioned above.

2.17. Action(s) or conduct which hinders, obstructs or otherwise interferes with the implementation or enforcement of the Code of Conduct including failure to appear before any of the University's disciplinary authorities and to testify as a witness when reasonably notified to do so by an appropriate University officer.

2.18. Any other acts or omissions which affect adversely University functions or University-sponsored activities, disrupt community living on campus, interfere with the rights of others to the pursuit of their education, or otherwise affect adversely the processes of the University.

2.19. Violating the terms of any disciplinary sanction imposed in accordance with this Code.

3. RIGHTS OF STUDENTS IN DISCIPLINARY MATTERS

Students' rights under the state and federal constitutions are specifically acknowledged and affirmed, including the rights of freedom of speech, freedom of association, freedom of religion, and due process. The provisions of this Code of Conduct shall be construed so as not to infringe upon these rights, as those rights are defined by law.

4. SANCTIONS

4.1. Any student who violates any of the rules set forth in Section 3 above, shall be subject to warning (verbal or written), disciplinary probation, suspension, expulsion, dismissal from University employment, or being barred from campus. Student sanctions imposed under this Code of Conduct shall be imposed pursuant to the Student Standards & Grievance Procedure, or its successor.

4.2. As used in this subsection:

4.2.1. "Verbal warning" means an oral reprimand.

4.2.2. "Written warning" means a written reprimand.

4.2.3. "Disciplinary probation" means the establishment of a time period during which further acts of misconduct may or will result in more severe disciplinary sanctions depending on the conditions of the probation. Conditions of probation can include community service, attendance at workshops and/or seminars including but not limited to alcohol, drug or safety workshops and/or seminars, mandatory mental health evaluation and/or counseling or other educational sanctions.

4.2.4. "Suspension" means losing student status for a period of time specified in the terms of the suspension. A suspension may commence immediately upon a finding of a violation or it may be deferred to a later time.

4.2.5. "Expulsion" means losing student status for an indefinite period of time. Readmission may not be sought before the expiration of two years from the date of expulsion, and it is not guaranteed even after that time.

4.2.6. "Dismissal" means termination of student employment, either for a stated time period or indefinitely.

4.2.7. "Barred from campus" means being barred from all or designated portions of the University property or activities.

4.3 The sanction imposed shall be set based upon numerous factors, including the severity of the offense, the amount of harm created, the student's record, and sanctions imposed in recent years for similar offenses. In considering the harm created, there shall be taken into account whether any harm or injury was targeted against a person or group because of that person or group's race, color, religion, national origin, physical or mental handicap, age, sex, sexual preference, ancestry, or medical condition.

5. IMPLEMENTATION

The President of the University may adopt such procedures, rules or regulations as deemed necessary to implement this Code of Conduct.

1. All references to University officers, by title, in this Code shall also include the designee(s) of that officer.

VISITOR CODE OF CONDUCT

Adopted by the UNM Regents April 14, 1992

Revision approved by the Regents May 12, 1995

It is important for all members of the University community to be aware of conduct that will lead to disciplinary action by the University. In order to clarify the types of conduct which shall be considered to affect adversely the University's educational function, to disrupt community living on campus, or to interfere with the rights of others to pursue their education, to conduct their University duties and responsibilities or to participate in University activities, the Board of Regents hereby adopts the following Code of Conduct for visitors.

1. SCOPE

The University may take disciplinary action for an offense against the Visitor Code of Conduct when the offense occurs on University premises, as part of a University-sponsored event or in connection with University activities. "Visitor" means a person who is not a Regent or a student and is not employed by the University.

2. MATTERS SUBJECT TO DISCIPLINARY ACTION

Appropriate disciplinary procedures and sanctions shall be applied to any visitor who commits, or attempts to commit, any of the following acts of misconduct:

2.1 Actions which have great potential for physically harming the person or property of others, including that of the University, or which actually result in physical harm, or which cause reasonable apprehension of physical harm.

2.2 Any type of sexual assault including rape.

2.3 Making false representations to the University, including forgery and unauthorized alteration of documents; unauthorized use of any University document or instrument of identification.

2.4. Substantially interfering with the freedom of expression, movement or activity of others.

2.5. Initiating or causing to be initiated any false report, warning or threat of fire, explosion or other emergency. Misusing or damaging fire safety equipment on University premises.

2.6. Theft of property or of services. Possession of property that is known to be stolen.

2.7. Failure to comply with the lawful directions of University officials, including campus police officers and other law enforcement officials, acting in performance of their duties.

2.8. Willfully refusing or failing to leave the property of or any building or other facility owned, operated, or controlled by the University when requested to do so by a lawful custodian of the building, facility or property if the person is committing, threatens to commit or incites others to commit any act which would disrupt, impair, interfere with or obstruct the lawful mission, processes, procedures or functions of the University.

2.9. Unauthorized presence in or use of University premises, facilities or property, in

violation of posted signs, when closed, or after normal operating hours.

2.10. Illegal use, possession, or distribution of any controlled substance, illegal drug or alcohol.

2.11. Use or possession of fireworks, unless expressly authorized in writing by the President.

2.12. Use, possession or storage of any weapon unless expressly authorized in writing by the President or designee. Weapon includes, but is not limited to, firearms, ammunition, bombs, explosives, incendiary devices, or other dangerous weapons, substances or materials.

2.13. Misusing University computing resources by intentionally making or receiving, accessing, altering, using, providing or in any way tampering with files, disks, programs, passwords or hardware belonging to other computer users without their permission.

2.14. Violation of published or posted University regulations or policies, including but not limited to regulations prohibiting discriminatory activity.

2.15. Aid to others in committing or inciting others to commit any act mentioned above.

2.16. Action(s) or conduct which hinders, obstructs or otherwise interferes with the implementation or enforcement of the Code of Conduct.

2.17. Any other acts or omissions which affect adversely University functions or University-sponsored activities, disrupt community living on campus, interfere with the rights of others to the pursuit of their education, or otherwise affect adversely the processes of the University.

2.18. Violating the terms of any disciplinary sanction imposed in accordance with this Code.

3. RIGHTS OF VISITORS IN DISCIPLINARY MATTERS

Visitors' rights under the state and federal constitutions are specifically acknowledged and affirmed, including the rights of freedom of speech, freedom of association, freedom of religion, and due process. The provisions of this Code of Conduct shall be construed so as not to infringe upon these rights, as those rights are defined by law.

4. SANCTIONS

4.1. Any person who violates any of the rules set forth in Section 3 above, shall be subject to warning (verbal or written), probation, denial of future University employment or admission, removal from campus, arrest, or being barred from campus. Additionally or alternatively, any sanction applicable to a student under the Student Code of Conduct may be provisionally applied to a visitor, to be made effective should the visitor ever enroll or re-enroll at the University.

4.2. As used in this subsection:

4.2.1. "Verbal warning" means an oral reprimand.

4.2.2. "Written warning" means a written reprimand.

4.2.3. "Probation" means the establishment of a time period during which further acts of misconduct may or will result in more severe sanctions depending on the conditions of the probation.

4.2.4. "Removal from campus" means being physically escorted or forcibly removed to a

location off property owned or controlled by UNM, by UNM police officers or other UNM agents.

4.2.5. "Barred from campus" means being barred from all or designated portions of University property or activities.

4.3. The sanctions of denial of admission, readmission, or employment by the University, or barring from campus, will be applied only after notice and an opportunity for an informal hearing before a University officer appointed to review the matter by the President or his/her designee.

4.4 The sanction imposed shall be set based upon numerous factors, including the severity of the offense, the amount of harm created, the visitor's record, and sanctions imposed in recent years for similar offenses. In considering the harm created, there shall be taken into account whether any harm or injury was targeted against a person or group because of that person or group's race, color, religion, national origin, physical or mental handicap, age, sex, sexual preference, ancestry, or medical condition.

5. IMPLEMENTATION

The President of the University may adopt such procedures, rules or regulations as deemed necessary to implement this Code of Conduct.

STATE OF EMERGENCY

1. As used in this Policy:

a) "President" means the President (or acting President) of the University or any person or persons designated to act in his or her behalf for purposes of these rules.

b) "Official" means any person authorized by the President to act on behalf of the University.

c) "Student" means a person who is a student at the University in an undergraduate, graduate, or professional program on campus, whether for credit or no credit, full or part-time.

d) "Visitor" means any person on campus who is not a student or member of the faculty or staff.

e) "Person" means any student, member of the faculty or staff or visitor.

2. The President is authorized to declare a State of Emergency at the University upon a finding by him or her that the orderly processes of the University are seriously threatened. In making such a finding the President shall consider whether disrupting activities are such as to require immediate, extraordinary measures to safeguard persons or property or to maintain the University's educational function. As soon as reasonably possible after the Declaration of Emergency, the President shall inform available Regents of his or her action. When the President determines that the serious threat has passed, he or she shall, after consultation with available Regents, declare the State of Emergency to be at an end.

3. a) During a State of Emergency, the President, in the exercise of reasonable judgment in the circumstances, is authorized to take whatever actions he or she finds necessary in order to safeguard persons or property or to maintain the University's educational function. Such actions shall remain in effect during the State of Emergency unless sooner

canceled by the President. During a State of Emergency, the President may, if in his or her judgment the circumstances warrant it, suspend University activities for a day or a portion thereof.

b) During a State of Emergency, the violation by any person of a presidential order or ruling under 3(a) of this Policy, or the commission during such State of Emergency of any act or acts of misconduct of the kind set forth in 6(a)(i) through 6(a)(xi) of the Regents' Statement on Rights and Responsibilities will be considered an offense of the gravest nature, and sanctions (as listed in Section 6 of the Statement on Rights and Responsibilities) appropriate to the gravity of such offense or offenses shall be imposed.

c) A visitor who, after appropriate hearing, is found to have violated a presidential order authorized by Section 3 of this Policy may be denied admission to and employment by the University.

4. During a State of Emergency, any person who, after being requested to do so by a properly identified official and after being advised by such official of the sanction for failure to identify oneself, fails to identify himself or herself by name and status as a student, member of the faculty or staff, or visitor to such official shall have imposed upon him or her, after appropriate hearing, the sanctions set forth in Section 6 of the Statement on Rights and Responsibilities.

STUDENT GRIEVANCE PROCEDURE

This policy has been approved by the Faculty Senate 3/10/87, ASUNM Senate 4/1/87, GSA Senate 5/2/87 and by the Board of Regents 8/11/87.

Revisions approved by the Faculty Senate in May 1994, by the President in May 1995. Revisions approved by the President March 5, 1999.

Revisions approved by the President June 19, 2001.

ARTICLE 1. INTRODUCTION

1.1. General

The UNM Student Grievance Procedure is intended to provide procedures for the resolution of disputes between students and faculty or staff of the University, as well as procedures for handling student disciplinary matters. The following categories of disputes or disciplinary matters are provided for in the sections indicated. Any question about these procedures should be directed to the Office of the Dean of Students.

1.2. Academic Disputes

Disputes arising within the academic process shall follow the procedures set forth in Article 2, unless they involve allegations of academic dishonesty (handled under Article 3).

1.3. Disciplinary Matters

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

1.4. Academic Record Disputes

Students seeking retroactive withdrawal, enrollment, or disenrollment or for other academic record changes, shall follow the procedures set forth in Article 8.

1.5. Law School and Health Science Center.

Disputes involving students of the Schools of Law or Medicine shall be handled under these procedures as modified in Article 9.

1.6. Branch Colleges

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

1.7. Discrimination Disputes

Grievances alleging discrimination based on race, color, religion, national origin, physical or mental disability, age, sex (including sexual harassment), sexual preference, ancestry or medical condition should be directed to the UNM Office of Equal Opportunity.

1.8. Other Matters Not Included Under These Procedures

1.8.1. 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 Pathfinder.

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

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

1.8.4. Any student grievances concerning decisions made by University 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. Appeals should be filed in writing within one week of the decision.

1.8.5. Resolution of disputes of an academic nature initiated by graduate students shall follow the Graduate Student Grievance Procedures. Disputes arising from a graduate student's status as a graduate assistant shall follow procedures in the Faculty Handbook.

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

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

1.10. This Procedure may also be used to handle violations of the Visitor Code of Conduct by visitors to the campus who are not students, faculty, staff or Regents. For such cases, references to "students" in this Procedure shall be taken to refer to "visitor" and references to "Code of Conduct" or "Student Code of Conduct" shall be taken to refer to the "Visitor Code of Conduct."

ARTICLE 2. ACADEMIC DISPUTES

2.1. Scope

This section sets forth the procedures which should be followed by a student who believes that he or she has been unfairly or improperly treated by a faculty member or by administrative staff in connection with the academic process. For example, it applies to disputes over assignment of grades, decisions about program or degree requirements or eligibility, or claims that course requirements are unfair.

2.2. Informal Resolution

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

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

2.2.3. These informal discussions shall be completed within four weeks after the student becomes or should become aware of the matter.

2.3. Formal Appeals of Academic Matters

If the informal discussions do not resolve the grievance, the student may bring a formal appeal using the procedures set forth in the following sections. This appeal process shall begin within one week following the informal discussions.

2.3.1. The student shall make a written complaint to the appropriate Dean, as defined in Section 2.2.1. The complaint shall describe the grievance, including a statement of what happened, and the student's reasons for challenging the action or decision. The complaint shall also describe the student's attempts to resolve the grievance informally. The student

may attach copies of any relevant documents. The student shall send copies of the complaint to the faculty or staff member and his or her chairperson or supervisor. The faculty or staff member shall have two weeks to respond in writing to the Dean.

2.3.2. In deciding the appeal, the Dean shall receive and review any written evidence or statements submitted by the parties, and shall provide both parties the opportunity to review and respond to all evidence. The Dean shall interview each party and may interview other persons with relevant information. In 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 five days notice. The student and/or faculty member shall be allowed to bring an advisor to the hearing, but legal counsel shall not be permitted. Cross-examination of witnesses shall be permitted, but the Dean may require that questions be directed through the Dean.

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

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

2.3.5. Either party may appeal the Dean's decision within two weeks to the Provost. The Provost or his or her designee shall resolve the grievance utilizing any procedures available to the Dean set out above.

2.3.6. The chairperson, Dean, or Provost shall not overrule a faculty member's academic judgment. However, upon the student's request, the decision in the case shall be included in his or her student folder, on file in the Records Office.

2.3.7. The Provost in 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.

ARTICLE 3. ACADEMIC DISHONESTY

3.1. Scope

This section sets forth procedures which shall be followed in cases of suspected academic dishonesty. These procedures are not exclusive; various University departments and programs may have additional policies and procedures on academic dishonesty. Academic dishonesty is defined in the Policy 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 student as soon as possible and give the student an opportunity to explain. After this discussion, the faculty member may impose an appropriate sanction within the scope of the academic activity, such as grade reduction and/or involuntary withdrawal from the course. The faculty member shall notify the student of the academic sanction. The faculty member should contact the Dean of Students Office to see if there are any prior incidents of academic dishonesty on file for that student. Such information should assist the faculty member in deciding whether to refer the case to the Dean of Students Office for disciplinary action beyond the faculty imposed-sanction.

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

3.2.3. The student may challenge a faculty-imposed sanction through the formal academic appeals process, set forth in Article 2. The student may appeal the decision of the Dean of the College to the Provost, as provided in Section 2.3.5. At the student's request, the Dean of the College and/or Provost shall hold an informal hearing as provided in Section 2.3.2. At such hearing, the student will be given a fair opportunity to explain the matter and, if the student desires, present witnesses with pertinent information or other evidence. The student may have the final decision included in his or her student folder, on file in the Records Office.

3.3. Academic Dishonesty in Other Settings

When academic dishonesty occurs other than in connection with a course, the person who observes or discovers the apparent violation shall transmit in writing to the Dean of Students a statement describing the occurrence. A copy shall be sent to the student. The Dean of Students shall determine the sanction following the procedures set forth in Section 3.4. This subsection does not apply to applicants who have not been admitted to the University.

3.4. Sanctions Imposed by the Dean of Students

3.4.1. Upon receiving a report of academic dishonesty from a faculty member pursuant to Section 3.2.2, or from other University staff pursuant to Section 3.3, the Dean of Students may, after considering the recommendation of the faculty member, if any, initiate additional disciplinary action in accordance with the procedures given in Article 4 and Article 5. A decision of either the Student Conduct Committee or the Judicial Affairs Specialist shall, however, be appealable to the Provost, rather than to the Dean of Students or the Vice President for Student Affairs.

ARTICLE 4. DISCIPLINARY PROCESS

4.1. Prohibited Conduct

The University may take disciplinary action against a student for a violation of the Student Code of Conduct when the offense occurs on University premises or at a University-sponsored event, or when the violation occurs off campus and failure to take disciplinary action is likely to interfere with the educational process or the orderly operation of the University, or endanger the health, safety or welfare of the University community. The term "student" includes both full-time and part-time students pursuing undergraduate, 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.

The University may take disciplinary action for a violation of the Visitor Code of Conduct when the offense occurs on University premises, as part of a University-sponsored event or in connection with University activities. "Visitor" means a person who is not a Regent or a student and is not employed by the University.

4.2. Referral of Misconduct to Dean of Students Office

4.2.1. Allegations of misconduct in violation of the Code of Conduct should be referred to the Dean of Students Office which has primary authority to deal with disciplinary matters.

4.2.2. Upon referral, or upon his or her own initiative, the Judicial Affairs Specialist may review relevant evidence and consult with the person referring the allegation, the student accused, and any witnesses. The Judicial Affairs Specialist will send written notification to the accused student indicating the nature of the activity in which the student was allegedly involved, and what University rules were allegedly violated. The student will be given the opportunity to meet with the Judicial Affairs Specialist to respond. If the student fails to meet with the Judicial Affairs Specialist, the Specialist may decide the charges based upon the information available and/or place a hold on the student's registration. The accused student will also be offered one or more of the following options to resolve the charges (either the third or fourth option will always be offered). If a student fails to select a hearing process, the Judicial Affairs Specialist will conduct an informal hearing under Section 4.2.2.2. The options for resolving the charges are:

4.2.2.1. An agreement to participate in a mediation process. This option is reserved for situations where all relevant parties in an incident agree to have a conflict resolved through mediation and sign an agreement to mediate. If all parties agree to this process and mediation is successful, a formal finding will not be issued with regard to the Code of Conduct charges. However, failure to fulfill the terms of a final mediation agreement could lead to reactivation of these charges and additional disciplinary action.

4.2.2.2. An informal hearing with the Judicial Affairs Specialist. This option allows the party to present evidence to the Judicial Affairs Specialist for consideration and suggest

witnesses that the Judicial Affairs Specialist may consider interviewing before a decision is rendered. The Judicial Affairs Specialist may contact other individuals who have knowledge about the incident giving rise to the charges. The party waives the right to question such individuals or otherwise participate in an evidentiary hearing. Informal hearings are not tape recorded. Within three weeks of this hearing, the Judicial Affairs Specialist will send the party charged a letter which indicates the finding in the case and any disciplinary sanction imposed. The Judicial Affairs Specialist may find the party charged not responsible for violating the Code of Conduct, or may find the party responsible and impose a disciplinary sanction in accordance with Section 4 of the Code of Conduct.

4.2.2.3. *A formal hearing with the Judicial Affairs Specialist. This option allows the party 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 this hearing, the Judicial Affairs Specialist will send the party charged a letter which indicates the finding in the case and any disciplinary sanction imposed. The Judicial Affairs Specialist may find the party charged not responsible for violating the Code of Conduct, or may find the party responsible and impose a disciplinary sanction in accordance with Section 4 of the Code of Conduct.*

4.2.2.4. *A formal hearing with the Student Conduct Committee conducted in accordance with the procedures outlined in Article 5 and 6.*

4.2.3. When a case involves Code of Conduct charges against more than one party, the Judicial Affairs Specialist or the administrator of the Student Conduct Committee, depending upon the forum selected, has the option of holding one hearing to resolve charges against all parties. If, however, an accused student wants a separate hearing, one will be provided.

4.2.4. If a party charged with a violation of the Code of Conduct, regardless of which primary judicial body may hear the matter, wishes to have the hearing postponed because there is pending or possible civil or criminal litigation which he/she feels might be prejudiced by the findings of the hearing, such postponement may be granted at the discretion of the Dean of Students, provided that the student agrees to accept conduct probation or suspension as an interim sanction (visitors must accept being barred from campus).. Such probation, suspension or being barred from campus will be determined and activated by the Dean of Students, and will remain in force until a hearing is held at the request of the student or visitor, except that the Dean of Students may decide that postponement of the hearing is no longer appropriate and may schedule a hearing even if not requested by the student or visitor. The student shall be informed whether he or she would be placed on probation or suspended prior to making a decision to postpone a hearing.

4.2.5. Any person charged with a violation of University rules shall have, when needed, the aid of the University administration in the reasonable attainment of the information necessary to answer the charges made against him or her or requesting the attendance of

witnesses at the hearing. The University cannot compel testimony from persons outside UNM. If a charged party wants a non-UNM person to testify, it is the party's responsibility to obtain that person's participation. When a witness is unable to attend a scheduled hearing, the witness may make a written and signed statement which may be introduced at the hearing.

4.2.6. Sanctions issued by the Judicial Affairs Specialist (not including an Emergency Suspension as outlined in Section 4.3) or by the Student Conduct Committee shall not be implemented until the right to appeal terminates as set forth under Article 7 herein.

4.2.7. The standard of proof utilized in all hearings and appeals to resolve Code of Conduct charges shall be that of preponderance of the evidence. The burden of proof is on the person or entity proposing the sanction.

4.2.8. The party who is charged with violating the Code of Conduct is responsible for presenting his or her case; advisors are therefore not permitted to speak or to participate directly in any hearing.

4.3. Emergency Suspension and Banning from Campus

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

4.3.2. When a person has been immediately suspended or banned by the Dean of Students under this section the person may request that the Dean hold an informal hearing to consider whether the emergency suspension should be continued. The hearing shall be held as soon as possible (no later than one week) after the request. The Dean of Students shall give the person an opportunity to explain his or her position and shall receive evidence or hear from witnesses with pertinent information, if requested by the person.

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

4.3.4. An emergency hearing under this subsection is not intended to be a substitute for or to preclude the normal disciplinary sanctions and appeals process set out in this Article and in Article 5.

ARTICLE 5. STUDENT CONDUCT COMMITTEE

5.1. Jurisdiction

The Student Conduct Committee has jurisdiction over the following matters:

5.1.1. Disciplinary proceedings--when a party chooses the hearing option of a formal hearing before the Committee under Article 4 or when the Judicial Affairs Specialist refers the matter to the Committee under Article 4.

5.1.2. Appeals from the Student Court or other campus boards or committees, where appeal to the Student Conduct Committee is provided for in their rules or bylaws and that section of the rules or bylaws has been approved by the Dean of Students.

5.2. Composition

5.2.1. A hearing panel shall consist of five members, selected by the Committee Administrator, from a pool of faculty, undergraduate and graduate students. Each member will serve for one academic year. Faculty members will be named by the Faculty Senate. Undergraduate students will be named by ASUNM. Graduate students will be named by GPSA. Undergraduate student hearings will include at least two undergraduate student panel members. Graduate student hearings will include at least two graduate student panel members.

5.2.2. A party charged may be found responsible for violating the Code of Conduct by a majority vote of the hearing panel.

5.2.3. There will be an Administrator of the Committee to advise and assist the Committee and maintain all necessary records.

5.2.4. Members have the right to disqualify themselves from a case. If challenged by the person whose case is being heard, they may be disqualified for cause by the chairperson of the panel. A chairperson may be disqualified for cause by a majority of the other panel members.

5.3. Rules Governing Proceedings Before the Committee

5.3.1. Initiating Committee Proceedings

Proceedings before the Committee shall be commenced when a party who is charged with a violation of the Code of Conduct chooses an option of a hearing before the Student Conduct Committee, or when a case is referred to the Committee by the Judicial Affairs Specialist. The Administrator shall set a date and place for the hearing and notify those charged, the Committee and relevant witnesses as to the scheduling of the hearing while the University is in session, allowing those charged a reasonable time to prepare their cases, normally not to exceed two weeks.

5.3.2. Consideration of the Case by the Committee.

5.3.2.1. After hearing the evidence, the Committee may choose to continue the hearing at a later date if additional evidence or witnesses are needed. This continuance shall generally be for no more than three weeks.

5.3.2.2. The Committee shall deliberate in closed session. The Committee's decision shall be based solely on the evidence provided during the hearing. The Committee's decision will be conveyed by letter to the party charged within two weeks after the conclusion of deliberations.

ARTICLE 6. HEARING PROCEDURES

6.1 The following rules shall apply to formal hearings conducted by the Judicial Affairs Specialist and to Student Conduct Committee hearings:

6.1.1 The hearing shall be private.

6.1.2 The party who is charged with violating the Code of Conduct is responsible for presenting his or her case; advisors (including attorney advisors) are therefore not permitted to present arguments or evidence or otherwise participate directly in the hearing.

6.1.3 The Judicial Affairs Specialist and Student Conduct Committee members may question the party charged.

6.1.4 The party charged has the right, within reasonable limits set by the presiding official, to question all witnesses who testify. The presiding official may also permit the party alleging misconduct to question the party charged, within reasonable limits.

6.1.5 The party charged can submit any evidence that he or she wants considered at least three business days before the hearing.

6.1.6 The Judicial Affairs Specialist and Student Conduct Committee may proceed independently to secure evidence for the hearing. The party charged shall have an opportunity to review any such evidence at least three business days before the hearing.

6.1.7 The hearing will be tape-recorded and the Judicial Affairs Specialist will keep the tape(s). The tape is the property of the University. No typed record will be made.

6.1.8 The hearing proceeding is not subject to judicial rules of evidence.

ARTICLE 7. APPEALS, RECORDS AND RIGHTS

7.1. Appeal to Dean of Students

7.1.1. Decisions of the Student Conduct Committee or the Judicial Affairs Specialist are final, unless a sanction of probation, suspension, expulsion or banning from campus is imposed. A person receiving such a sanction may appeal the decision of the Judicial Affairs Specialist under Article 4 or the decision of the Student Conduct Committee under Article 5 by filling out an appeal form at the Dean of Students Office. This form must be completed and submitted to the Dean of Students within five working days of the

party receiving the written decision of the designee or Committee. Grounds for appeal are: insufficient evidence, inappropriate sanctioning, a procedural error in the hearing process, or new evidence that has arisen since the initial hearing. New evidence may be grounds for appeal only if conditions made it impossible to present the evidence at the hearing. On appeal the Dean of Students shall review the evidence and findings of the Judicial Affairs Specialist or the Student Conduct Committee, depending upon who heard the case. The Dean of Students may schedule an appointment with the party appealing within two weeks of receiving the appeal form to discuss the reasons for the appeal.

7.1.2. After reviewing the case, the Dean of Students may:

7.1.2.1. Affirm or overturn the finding of the Judicial Affairs Specialist or the Student Conduct Committee.

7.1.2.2. Affirm or alter the sanction imposed by the Judicial Affairs Specialist or the Student Conduct Committee.

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

7.1.2.4. The Dean of Students shall send written notification of the decision to the appealing party within two weeks of meeting with the appealing party. A copy of the decision shall be sent to either the Judicial Affairs Specialist or Administrator of the Committee, dependent upon which hearing option was utilized.

7.1.3 The Dean of Students decision is final except when the sanction imposed on a student is suspension or expulsion.

7.2. Appeal to Vice President

7.2.1. A student who has been suspended or expelled may appeal the decision of the Dean of Students to the Vice President for Student Affairs by filling out an appeal form at the Office of the Vice President for Student Affairs. This form must be completed and submitted to the Vice President for Student Affairs within five working days of the party receiving the written decision of the Dean of Students. Grounds for appeal are: insufficient evidence, inappropriate sanctioning, a procedural error in the hearing process, or new evidence that has arisen since the appeal to the Dean of Students. . New evidence may be grounds for appeal only if conditions made it impossible to present the evidence at the hearing. On appeal the Vice President for Student Affairs shall review the evidence in the case and the findings of the Judicial Affairs Officer or Committee and the Dean of Students. The Vice President for Student Affairs may schedule an appointment with the

party appealing within two weeks of receiving the appeal form to discuss the reasons for the appeal.

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

7.2.2.1. Affirm or overturn the finding of the Dean of Students.

7.2.2.2. Affirm or alter the sanction imposed by the Dean of Students.

7.1.2.3. Remand the case to the original tribunal (Student Conduct Committee or Judicial Affairs Specialist) for further proceedings. A remand will generally occur where new evidence is to be reviewed or as otherwise determined by the Dean of Students. Where a case is remanded, the decision of the Student Conduct Committee or Judicial Affairs Specialist may be appealed after rehearing to the Vice-President for Student Affairs whose decision shall be final.

7.2.2.4. The Vice President for Student Affairs shall send written notification of the decision to the appealing party within two weeks of meeting with the appealing party. A copy of the decision shall be sent to the Dean of Students.

7.3. Student and Visitor Conduct Records

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

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

7.4. Rights of Those Charged with Violations of the Code of Conduct

7.4.1. Those charged with violations of the Code of Conduct have rights which are protected throughout the hearing process. The rights of these parties include:

7.4.1.1. The right to be notified in writing of the charges against him or her with sufficient detail and time to prepare for a hearing.

7.4.1.2. The right to a timely hearing before an appropriate official or committee.

7.4.1.3. The right to know the nature and source of the evidence used in a hearing process.

7.4.1.4. The right to present evidence in his or her own behalf.

7.4.1.5. The right to choose not to testify and/or not to answer questions without having his or her silence taken as evidence of being responsible for violating the Code of Conduct. If the accused student chooses not to testify, the case will be decided based upon all of the evidence presented

7.4.1.6. The right to be accompanied by an advisor at a hearing.

7.4.1.7. The right to confront and question his or her accuser in cases of alleged serious misconduct where the party charged faces possible suspension or expulsion from the University if found responsible for violating the Code of Conduct, except that this right may not apply if there is other direct, non-hearsay evidence of the alleged misconduct available.

7.5. Rights of Victims

7.5.1. Victims in a student discipline case have rights which are protected throughout the hearing process. The rights of victims include:

7.5.1.1. The right to have a person of their choice accompany them throughout their participation in the discipline process.

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

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

7.6. Rights of Sexual and Physical Assault Victims

7.6.1. Because of the serious nature of the alleged action, victims of sexual or physical assaults also have these additional rights.

7.6.1.1. With a recommendation from a licensed mental health counselor, victims may testify from another room as long as it does not infringe upon the accused student's right to confront and question witnesses.

7.6.1.2. The right to be notified in writing of the final determination and any sanctions imposed as a result of the discipline process once a confidentiality agreement is signed.

7.6.1.3. The right to be informed of options to notify law enforcement authorities on and off campus as to the incident and to be assisted in doing so by campus officials.

7.6.1.4. The right to be informed of the options for any available assistance in making reasonable changes in academic and on-campus living situations.

ARTICLE 8. ACADEMIC RECORD DISPUTES

8.1. Scope

This section 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 University Catalog. It does not cover disputes involving academic judgment.

8.2. Petitions

8.2.1. A student seeking a change in his or her academic record within the scope of this article shall submit a petition to the Records Office under the Admissions and Registration Subcommittee. The petition shall state the nature of the request, and shall specify the semester involved, the course and section number, the student's name, I.D. number, mailing address and telephone number. The petition should state the reason for granting the request, and shall include documentation of extenuating circumstances, such as medical, family, or employment needs. The petition shall be typed and signed.

8.2.2. Upon receipt of the petition, the Records Office shall forward a copy of the petition to the instructor of the course. The instructor shall make any response within three weeks of receipt. If the instructor has not responded within three weeks, the Subcommittee shall proceed without the instructor's response.

8.2.3. Within one week of receipt of the instructor's response (or lack of response), the Subcommittee shall take action on the petition. If the Subcommittee denies the petition, it shall issue a brief statement giving the reasons for the denial.

8.2.4. The student may appeal a denial of the petition to the Faculty Grade Petition Committee. Letters of appeal shall be addressed to the Chair of the Committee and delivered to the Records Office.

8.3. Faculty Grade Petition Committee

8.3.1. The Faculty Grade Petition Committee shall review any petition referred to it by the Subcommittee under 8.2.3. or appealed by a student under 8.2.4.

8.3.2. The Faculty Grade Petition Committee is a subcommittee of the Admissions and Registration Committee. The Faculty Grade Petition Committee shall be composed of five members of the Admissions and Registration Committee, at least three of whom shall be faculty. Members of the Faculty Grade Petition Committee shall be appointed by the Admissions and Registration Committee.

8.3.3. The student may submit to the Faculty Grade Petition Committee a written response to the Subcommittee's decision and/or instructor's response. The Committee may contact the student, the instructor, and/or the Subcommittee for oral or written comments. Copies of written materials submitted by any of the above parties shall be sent to the other parties.

8.3.4. Within three weeks of its receipt of the petition, the Committee shall grant or deny the petition. If the Committee denies the petition, a brief statement giving reasons for the denial shall be issued.

8.3.5. The student may appeal a denial of the petition by the Grade Petition Committee to the Faculty Admissions and Registration Committee. Letters of appeal shall be addressed to the Chair of the Committee and delivered to the Records Office.

8.4. Admissions and Registration Committee

8.4.1. The Admissions and Registration Committee shall review any petition appealed by a student under 8.3.5.

8.4.2. The Admissions and Registration Committee is composed of members of the faculty, administration, deans and students. Its composition is set forth in the Faculty Handbook.

8.4.3. The Admissions and Registration Committee shall grant or deny the petition under the procedures set forth in 8.3.3. and 8.3.4. The Committee's decision shall be final.

ARTICLE 9. VARIANCES

9.1. Introduction

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

9.2. Law School

9.2.1. Article 3 shall not apply to law students. Instead, the Law School's Student Code of Conduct shall govern cases of academic dishonesty.

9.2.2. Article 8 shall not apply to law students. Rules governing course changes and removal of incomplete grades are contained in "Important Information for Students," distributed to all law students. Students seeking exceptions to the rules should contact the Law School Administrative Coordinator.

9.2.3. In cases of disciplinary violation which violate the Law School's Student Code of Conduct, the Law School Student Code of Conduct shall apply in lieu of Article 4.

9.2.4. Any decision made pursuant to Section 9.2 shall be reviewable by the President and the Regents according to Section 10.5.

9.3. Medical School

9.3.1. Decision makers at the Medical School

9.3.1.1. Any role assigned to the chairperson of a department shall be omitted.

9.3.1.2. Any role assigned to the Dean of a College shall be carried out by the Assistant Dean for Student Affairs.

9.3.1.3. Any role assigned to the Student Discipline Officer shall be carried out by the Assistant Dean for Student Affairs.

9.3.1.4. Any role assigned to any Vice President shall be carried out by the Dean of the Medical School.

9.3.1.5. Any role assigned to the Student Conduct Committee shall be carried out by the Medical School's Curriculum Committee.

9.3.2. Article 5, governing the Student Conduct Committee, shall govern proceedings of the Curriculum Committee under these procedures, except that members of the Committee shall be faculty, students, and administrators from the Medical School. Members of the Curriculum Committee are chosen by the Dean of the Medical School.

9.3.3. Article 8, Academic Records Dispute, shall apply to Health Science Center students, with the following modifications:

9.3.3.1. Any role assigned to the Records Office or the Dean of Admissions and Records shall be carried out by the Assistant Dean for Admissions.

9.3.3.2. Any role assigned to the Grade Petition Committee shall be carried out by the appropriate Steering Committee.

9.3.3.3. Any role assigned to the Admissions and Records Committee shall be carried out by the Curriculum Committee.

ARTICLE 10. GENERAL PROVISIONS

10.1. Time Limits and Extensions

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

10.1.2. Unless stated otherwise in these rules or extended in writing under 10.1.4. the time limit to file an appeal is two weeks after the decision appealed. If the decision is given in person, the two-week period shall begin at that time. If the decision is mailed, the two-week period shall begin on receipt, which shall be presumed to be three days after mailing.

10.1.3. If a time limit is exceeded by a decision-maker, the student may appeal to the next step before receiving a decision. If a time limit is exceeded by the student, he or she shall lose the right to proceed unless he or she can demonstrate unusual circumstances justifying the delay and the failure to request an extension in a timely manner.

10.1.4. In any procedure governed by these rules, time limits shall be suspended in the following circumstances:

10.1.4.1. For good cause, the appropriate Dean or Vice President shall extend any time limit set forth in these rules. Good cause shall include the fact that a deadline falls during finals week or during a period such as vacations, holidays, intersessions, or summer session if parties or decision-makers are absent from the University. Any such time extension shall be communicated in writing to all interested parties, along with a new written schedule.

10.1.4.2. If the procedure involves the Student Conduct Committee, and the Administrator determines that the Committee members cannot convene and decide the case during finals weeks, summer session, intersession, vacation or holidays, the Administrator will so advise the parties and will schedule a hearing as soon thereafter as possible.

10.1.4.3. If a faculty or staff member is absent from the University, the decision maker, with the student's permission, may permit the faculty or staff member to participate in a hearing or interview by conference call or by letter.

10.2. Jurisdiction Disputes

If there is any question as to which set of procedures should govern a grievance, the party bringing the grievance shall select the procedures that seem appropriate. If any other party believes the grievance should be resolved under different procedures, that party shall request a transfer. The decision-maker initially selected shall resolve the jurisdictional issue first, consulting with the alternative decision-maker, if appropriate. The decision-maker shall either retain jurisdiction or transfer the grievance to the alternative procedure.

If an alternate (transferee) decision maker or a party challenges the jurisdictional decision, the jurisdiction shall be decided jointly by the Provost, Vice President for Student Affairs, and the University Counsel, or their designees. Their decision shall be final. The jurisdictional issue shall be resolved within one week, during which other time limits shall be suspended. Where appropriate, a dispute may be severed into separate issues to be resolved concurrently under separate procedures.

10.3. Former Students

These procedures apply to disputes between students and other members of the University community. If the student has left the University 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 University community and so long as the University has the power to resolve the matter. The University 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 earned improperly.

10.4. Designees of Deans or Vice Presidents

Whenever these regulations specify submission of a dispute or decision to a Dean or Vice President, that individual may delegate consideration and decision of the matter to a designee. Such designee shall normally be a member of the decision-maker's staff.

10.5. Review by the President and the Regents

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

10.5.2. Requests for review made to the President or the Regents normally will be considered only after the normal avenues of appeal have been completed. Requests shall be made by written statement, including the facts, the proceedings below, and the reasons justifying extraordinary review. Such requests should be filed in the President's Office within one week of receipt of the decision.

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

10.6. Conflict with Other Procedures

In the event these procedures conflict with previously adopted policies and procedures, these procedures shall take precedence.

Graduate Student Grievance Procedures

Approved by Faculty Senate Graduate Committee 10/20/1994

Revisions approved March 6, 1997 by Faculty Senate Graduate Committee

The Graduate Student Academic Grievance (GSAG) Procedures have been established to address complaints, disputes, or grievances of an academic nature initiated by students enrolled in graduate degree programs at the University of New Mexico. 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.

The GSAG procedures are available for the 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 grievances based upon alleged discrimination or sexual harassment should be directed to the Office of Equal Opportunity (OEO). 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 University-wide degree requirements, policies or procedures.

1. A student with a complaint related to academic matters is encouraged to consult with the Office of Graduate Studies to discuss his/her 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.

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. 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 dean or director of that unit for assistance.

4. If the matter cannot be resolved at the departmental level, the student may bring the problem to the attention of the school or college Dean. The school or college Dean will determine whether to adjudicate the dispute or to refer the student to the Dean of Graduate Studies for a resolution. If the dispute is with a faculty member in a school or college different from the student's, the appropriate dean would be the one in the unit in which the faculty member resides, or in which the course in which the dispute arose was offered.

In the resolution of grievances at the level of a school or college Dean or the Dean of Graduate Studies, the following procedures will apply, as described also in the Pathfinder, under "Student Grievance Procedure," Sections 2.3.1. - 2.3.7.

a. The student must submit a formal, written statement of his/her 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 weeks in which to respond in writing to the Dean.

b. The Dean will review all written materials submitted, and provide both parties the opportunity to review and respond to all evidence. The Dean will interview each party, as well as any other persons who may have relevant information. The 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 days notice. Each party will be allowed to bring an advisor to the hearing, but will not be permitted legal representation. Cross examination of witnesses will be permitted, although the Dean may require that questions be directed through him/her.

c. The 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 Committee.

d. Generally, a written report on the grievance will be issued by the Dean within a period of four weeks after it has been formally filed. (This period may be extended to allow for University holidays or other periods when the University is not in session.) The report will explain the 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.

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.

Petition to Modify Academic Requirements

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.

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. The student must first submit the petition to his/her graduate advisor. The advisor should indicate whether he/she endorses the student's request, and why.
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.
3. The petition should then be forwarded to the Office of Graduate Studies. The student may choose to submit the petition to the OGS even if it was not supported by his/her academic unit. In certain cases, the Dean or his/her designee may ask the Senate Graduate Committee, serving in an advisory capacity, to review the petition and offer its recommendation for approval or disapproval. The decision of the Dean is final.

A written response to a petition will usually be mailed to the student within two weeks from its receipt by OGS, and a copy sent to the academic unit. (This period may be extended to allow for University holidays or other periods when the University is not in session.) The original petition will be retained in the student's file at 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.

SEXUAL HARASSMENT 3780

**Approved by the University of New Mexico
Board of Regents 8/9/88, the Faculty Senate 12/8/87, Revised 10/26/94**

Questions about sexual harassment can be answered by the Office of Equal Opportunity, 277-5251, 609 Buena Vista NE.

This policy statement is contained in the University Business Policies and Procedures Manual, 3780.

1. General

The University of New Mexico Sexual Harassment Policy can be obtained from the office of Equal Opportunity Programs. The following is a synopsis of the policy, approved by the University Board of Regents on August 9, 1988, and The University of New Mexico Sexual Harassment Grievance Procedure, signed by the University President on August 10, 1988.

The University is committed to creating and maintaining a community in which students and employees can learn and work together in an atmosphere:

- that enhances productivity and draws on the diversity of its members; and
- is free from all forms of disrespectful conduct, harassment, exploitation or intimidation, including sexual.

The purpose of this policy is to foster a dialogue on positive and effective intergender communication and interaction but also to take whatever action may be needed to prevent, correct and, when necessary, to discipline behavior which violates this policy. In fulfilling its dual tasks of educating and providing public service, the University can, and shall, demonstrate leadership in sensitizing and educating all members of its community to what is appropriate behavior between the genders. Sexual harassment is reprehensible in that it subverts the mission of the University and threatens the careers of students and employees. It is a violation of Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972 and will not be tolerated at The University of New Mexico.

2. Definition

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic advancement;
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic decisions affecting such individual;
- such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or academic environment; or a supervisor fails to take corrective action when he or she knows, or reasonably should have known, that a subordinate employee is being subjected to sexual harassment.

2.1. Examples of Sexual Harassment

Examples of sexual harassment which shall not be tolerated include but are not limited to:

- suggestive or obscene letters, notes, invitations,
- derogatory comments, epithets, slurs or jokes,
- impeding or blocking movements, touching, or any physical interference with normal work,
- sexual oriented gestures, displaying sexually suggestive or derogatory objects, pictures, cartoons, or posters (the situation will be evaluated for appropriateness
- such as art displayed in museums versus centerfold in office setting), threats or insinuations that lack of sexual favors will result in reprisals, withholding support for appointments, promotions or transfers, change of assignments, or poor performance reviews.

2.2. Determination

In determining whether the alleged conduct constitutes sexual harassment, consideration should be given to the record as a whole and to the totality of the circumstances, including the nature of the sexual advances and the context in which the alleged incidents occurred.

2.3. Retaliation

Retaliation against an employee or student for filing a sexual harassment complaint is grounds for a subsequent harassment complaint.

2.4. Other Violations

The University also disapproves of intimidating conduct of a sexual nature which does not rise to the level of the above definition of sexual harassment and which has a detrimental but limited impact on the work environment. Such conduct may include isolated sexual remarks, sexist comments, or inappropriate physical behavior of a sexual nature. Such conduct should be strongly and actively discouraged by responsible supervisors.

3. Reaffirmation of Policy Against Sexual Harassment

While sexual harassment most often takes place in a situation of power differential between the persons involved, this policy recognizes also that sexual harassment may occur between persons of the same University status: student-student, faculty-faculty, staff-staff. While the vast majority of victims are female, and while the vast majority of offenders are male, the prohibition of sexual harassment applies regardless of the genders of the parties.

Sexual harassment is especially serious when it threatens the relationship between student and teacher or the relationship between a supervisor and his or her subordinates. Through grades, wage increases, recommendations for graduate study, promotion, and the like, a teacher or supervisor can have a decisive influence on a student's or employee's success and future career at the University and beyond.

4. Reporting Procedures

A person who believes he or she may have experienced sexual harassment may report the incident to any of the following:

his or her supervisor, and/or
the University Dispute Resolution Coordinator, and/or
the office of Equal Opportunity Programs.

Disputes involving work-related allegations of sexual harassment that cannot be resolved in the workplace or with the aid of the second level supervisor will normally be handled by the office of Equal Opportunity Programs in cooperation with the Dispute Resolution Coordinator. The office of Equal Opportunity Programs will decide the proper method of handling the allegations. They are available to discuss the incident(s), assist in evaluating whether the conduct appears to be sexual harassment, and explain the options available, such as filing a formal complaint of sexual harassment, etc.

Procedures for Redress of SEXUAL HARASSMENT

The Office of Equal Opportunity (OEO) has an established procedure to address reported incidents of sexual harassment in compliance with Title IX of the Educational Amendments of 1972 as well as other claims of discrimination under Title VII of the Civil Rights Act of 1964. Claims of sexual harassment by students against staff, faculty (including Teaching Assistants), another student, or third parties (e.g., someone who is not a student or employee of the University) should be reported directly to the OEO. The OEO is the University's compliance office for Title IX and Title VII and must respond to all reported incidents of sexual harassment. The OEO will evaluate all reports of sexual harassment to determine whether or not the conduct fits within the definition of sexual harassment recognized by University policy. If so, the OEO will proceed with processing reported incidents through the application of informal measures, or when warranted, a formal investigation. In those situations where the circumstances warrant a formal investigation, a final determination will be issued by the OEO at the conclusion of the investigation. This determination is subject to appeal. The Director of OEO, serves as the Title IX Coordinator for the University. OEO staff are available to respond to questions about the University's sexual harassment policy and procedure. The OEO is located at 609 Buena Vista NE. The telephone number is (505) 277-5251.

SEXUAL ASSAULT POLICY

Approved by the President 10/7/95
Updates were pending at the time of printing.

I. PURPOSE OF POLICY

This policy provides for The University of New Mexico main and branch campuses:

- A. A description of educational programs to promote the awareness of rape, acquaintance rape, and other forcible and non-forcible sex offenses.
- B. Procedures students should follow if a sex offense occurs, including procedures concerning who should be contacted, the importance of preserving evidence for the proof of a criminal offense, and to whom the alleged offense should be reported.
- C. Information on a student's option to notify proper law enforcement authorities, including on-campus and local police, and a statement that institutional personnel will assist the student in notifying these authorities, if the student requests the assistance of these personnel.
- D. Notification to students of existing on and off campus counseling, mental health, or other student services for victims of sex offenses.
- E. Notification to students that the institution will change a victim's academic and living situations after an alleged sex offense and of the options for those changes, if requested by the victim and reasonably available.
- F. Procedures for campus disciplinary action in cases of an alleged sex offense, including a clear statement that:
 - 1. The accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding.
 - 2. Both the accuser and accused shall be informed of the final determination of a

disciplinary proceeding with respect to the alleged sex offense and any sanction that is imposed against the accused (see VIII. 5.).

3. Sanctions the institution may impose following a final determination of an institutional disciplinary proceeding regarding rape, acquaintance rape, or other forcible or non forcible sex offenses.

II. DEFINITION OF SEX OFFENSES

The University of New Mexico main campus and branch campuses adopt, for the purpose of this policy, the following definitions for sex offenses as prescribed by The Student Right to Know and Campus Security Act:

Sex Offense - Forcible

A. Forcible rape - The carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

B. Forcible sodomy - Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

C. Sexual assault with an object - The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

D. Forcible fondling - The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Sex Offense - Non-forcible

Unlawful, non-forcible sexual intercourse.

A. Incest - Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

B. Statutory Rape - Non-forcible sexual intercourse with a person who is under the statutory age of consent.

III. EDUCATIONAL PROGRAMS

The University of New Mexico recognizes the harm caused by sexual assault and the need to educate the University community regarding this issue. The University offers the following educational program services:

A. Main Campus

1. Albuquerque Rape Crisis Center

1025 Hermosa S.E.

505-266-7711

The Albuquerque Rape Crisis Center maintains a 24 hour a day crisis telephone service and has counselors available to provide immediate assistance to victims of sex offenses. The center also provides educational programs to campus and community groups.

2. UNM Health Education

Student Health Center

505-277-7947

Health Education provides workshops and educational programs concerning sexuality, sexual decision-making and relationships.

3. UNM Women's Center

1160 Mesa Vista Hall

505-277-3716

The Women's Center offers a variety of programs regarding gender and sexuality issues. Staff at the center also provide support to victims of sexual offenses and provide mental health referrals for UNM students.

4. UNM Police Department

2500 Campus NE

505-277-2241

The UNM Police Department conducts programs regarding campus safety and crime prevention to the University community.

5. Office of Residence Life

208 La Posada Hall

505-277-8230

The Office of Residence Life coordinates programming for residence hall students including programs addressing sexuality, relationship and safety issues. The office also administers a Residence Life discipline system which addresses misconduct by residence hall students which occurs in the residence halls.

6. Office of Student Activities

Student Union Building

505-277-4706

The Office of Student Activities coordinates various programs for student organizations including fraternities and sororities, which address sexuality, relationships and sexual assault issues.

7. Dean of Students Office

280 Student Services Center

505-277-3361

The Dean of Students Office coordinates New Student Orientation which includes programs addressing sexuality, relationships, and sexual assault issues. A staff member from the office chairs the Campus Safety Committee which coordinates various educational programs regarding campus safety and crime prevention. The Dean of Students Office also administers the enforcement of the Student Code of Conduct and Visitor Code of Conduct, including resolving sexual offense allegations under these policies.

B. Valencia Branch Campus

1. Albuquerque Rape Crisis Center (description under Main Campus)

1025 Hermosa S.E.
Albuquerque, NM
505-266-7711

2. UNM-Valencia Campus Counseling Center

Student Services Building
505-925-8560

The Counseling Center provides crisis intervention, short term mental health counseling and community referrals. Hours of operation are Monday through Friday, 8:30am to 5:00pm. After hours appointments can be made by calling 925-8560.

3. Associate Director Student Services

Student Services Building
505-925-8560

Student Services coordinates new student orientation which includes information addressing sexual assault and domestic violence. Student Services also provides information brochures and flyers throughout the campus.

IV. PROCEDURES STUDENTS SHOULD FOLLOW IF A SEX OFFENSE OCCURS

The University's Student Code of Conduct and Visitor Code of Conduct, which apply to the main and all of the branch campuses and educational centers, expressly forbid the commission of sexual assault including rape. A student who is a victim of such an offense may pursue charges against the perpetrator under these policies.

It is important for victims of sex offenses to understand the steps to take in order to preserve evidence as it may be necessary in the proof of sexual assault in the criminal process and the student discipline system. Victims should not bathe, shower, wash, douche, brush one's teeth, comb one's hair or change clothes before seeking medical attention. Important evidence may be on the victim's body and/or clothes. This evidence can be collected during the medical examination.

A. Main Campus

1. A student who is the victim of a sex offense on campus or at a University sponsored or

sanctioned activity should immediately contact the University Police Department at 505-277-2241 if calling from off-campus and 911 if calling from on-campus to report the incident. A student who is the victim of a sex offense off-campus should immediately contact the Albuquerque Police Department by dialing 911.

The Police Department called will contact the Albuquerque Rape Crisis Center to have a counselor meet the student and responding police officer at the appropriate medical facility. The Rape Crisis Center may be contacted directly by calling 505-266-7711.

The University recognizes the need for victims of sex offenses to have a caring and knowledgeable support person available to discuss their situation with, assist them in receiving appropriate medical attention and filing appropriate criminal charges. The University, including the University Police Department, works closely with the Albuquerque Rape Crisis Center in providing this assistance.

2. The University's Student Code of Conduct and Visitor Code of Conduct expressly forbid the commission of sexual assault including rape. A student who is a victim of such offenses may pursue charges against the perpetrator under these policies. The Dean of Students Office is also available to assist victims of sex offenses in making appropriate accommodations in their academic and living arrangements.

B. Extended University-Santa Fe

1. All victims of sexual assault will be assisted by University staff in contacting appropriate legal authorities and service agencies. Victims are strongly encouraged to report incidents of sexual assault to the Santa Fe County Sheriff's Department (505-986-2455). Students may contact the UNM-Santa Fe Administrative Office (505-438-1234) for assistance in contacting law enforcement authorities and/or service agencies.

2. The University's Student Code of Conduct and Visitor Code of Conduct expressly forbid the commission of sexual assault including rape. A student who is a victim of such offenses may pursue charges against the perpetrator under these policies. The Santa Fe Administrative Office is also available to assist victims of sex offenses in making appropriate accommodations in their academic and living arrangements.

The victim is also encouraged to contact The Santa Fe Rape Crisis Center, Inc. They provide immediate, confidential, and appropriate care for victims of sexual assault, including a 24 hour intervention line (505-986-9111), medical and legal advocacy; ongoing individual, group and family therapy for children and adults; education and prevention services for schools and community; referral for special services and forensic interviewing facilities.

C. Taos Branch Campus

1. A student who is the victim of a sex offense on campus or at a University sponsored or sanctioned activity should immediately contact the Taos Police Department (505-758-2216 or 911) to report the incident.

2. The University's Student Code of Conduct and Visitor Code of Conduct expressly forbid the commission of sexual assault including rape. A student who is a victim of such offenses may pursue charges against the perpetrator under these policies. The Student Services Office is available to assist victims of sex offenses in making appropriate accommodations in their academic and living arrangements.

D. Valencia Branch

1. A student who is the victim of a sex offense on campus or at a University sponsored or sanctioned activity should immediately contact the Sheriff's Department at 866-2460 (or 911) to report the incident. Students may also contact UNM-Valencia Campus Security Office, located in the Student Center, or call 925-8570. Security is available from 8:00am to 10:00pm Monday through Friday and Saturday from 8:00am to 5:00pm. Security aids patrol campus during class hours and upon request, provide escort service to parking areas during the evening hours.

2. A person who is a victim of a sex offense committed by a student or a visitor to the Valencia Campus has the option of pursuing charges against the perpetrator under the University's Student Code of Conduct or Visitor Code of Conduct. Information can be obtained from the Associate Director Student Services in the Student Services Building or by calling 925-8560. The Student Services Office is also available to assist victims of sex offenses in making appropriate accommodations in their academic arrangements.

V. NOTIFICATION OF LAW ENFORCEMENT

A. Main Campus

All victims of sex offenses will be assisted by University staff in contacting appropriate legal authorities and service agencies. Victims are strongly encouraged to report incidents to the University Police Department (505-277-2241) for criminal action. If the offense occurred on property outside the jurisdiction of the University, the University Police Department will assist the student in contacting the law enforcement agency which has jurisdiction. Students may contact the Dean of Students Office (505-277-3361) for assistance in contacting law enforcement authorities and service agencies.

B. Extended University-Santa Fe

All victims of sexual assault will be assisted by University staff in contacting appropriate legal authorities and service agencies. Victims are strongly encouraged to report incidents of sexual assault to the Santa Fe County Sheriff's Department (505-428-3920). Students may contact the UNM-Santa Fe Administrative Office (505-438-1234) for assistance in contacting law enforcement authorities and/or service agencies.

C. Taos Branch Campus

All victims of sexual assault will be assisted by University staff in contacting appropriate legal authorities and service agencies. Victims are strongly encouraged to report incidents of sexual assault to the Taos Police Department (505-758-2216). Students may contact the Student Services Office (505-758-7667) for assistance in contacting law enforcement authorities and/or service agencies.

VI. COUNSELING AND ASSISTANCE SERVICES

A. Main Campus

1. Albuquerque Rape Crisis Center
1025 Hermosa S.E.
505-266-7711

The Albuquerque Rape Crisis Center maintains a 24 hour a day crisis telephone service and has counselors available to provide immediate assistance to victims of sex offenses. Counselors will assist victims with the criminal process.

2. Dean of Students Office
280 Student Services Center
505-277-3361

The Dean of Students Office will assist victims of sex offenses with changes in their academic and living situation after an alleged sex offense.

3. Victim Impact Program
Office of the District Attorney
2nd Judicial Circuit
111 Union Square S.E.
505-841-7107

The District Attorney's Victim Impact Program provides assistance to victims of all crimes including sex offenses. Advocates in this office assist victims in dealing with the criminal system and securing financial and other assistance due to victims under the law.

4. Counseling and Therapy Services (CATS)
Student Health Center, Bldg 73
505-277-4537

CATS provides low cost, time-limited, psychological and psychiatric services to UNM students, including victims of sex offenses.

5. UNM Women's Center
1160 Mesa Vista Hall
505-277-3716

The Women's Center provides short-term counseling and referral services to UNM students, including victims of sex offenses.

6. AGORA Crisis Center
Student Union Basement
505-277-3013

The AGORA Crisis Center provides confidential peer support and referrals to any student needing to talk about a personal problem.

7. Office of Residence Life
208 La Posada Hall

505-277-8230

Emergency Desk, Student Residence Center

505-277-9203

Residence Life Area Coordinators and Residence Advisors are available to assist students living in Residence Halls with any problems they are encountering, including providing short-term counseling and referral. The Emergency Desk at the Student Residence Center is staffed 24 hours a day.

B. Extended University-Santa Fe

1. Santa Fe Rape Crisis Center, Inc.

P.O. Box 16346

Santa Fe, NM 87506

505-988-1951, 800-721-7273

The Santa Fe Rape Crisis Center, Inc. provides immediate, confidential, and appropriate care for victims of sexual assault, including a 24 hour a day intervention line (505-986-9111) medical and legal advocacy; ongoing individual, group and family therapy for children and adults; education and prevention services for schools and community; referral for special services and forensic interviewing facilities.

C. Taos Branch Campus

1. Community Against Sexual & Domestic Violence - CASDV

214 A Montoya St.

Taos, NM 87571

505-758-8082

505-758-9888

CASDV maintains a 24 hour a day crises hot line and has counselors available to provide immediate assistance to victims. They also provide referrals, medical and legal advocacy and assist with medical expenses.

2. Taos County/Social Services

Mary Medina Building

Corner of Cruz, Alta & Gusdorf

Taos, NM 87571

505-758-8871

This agency offers adult/child protection and emergency housing.

4. Taos County Health Office

Court House

Albright St.

Taos, NM 87571

505-758-2073

5. Holy Cross Hospital

1397 Weiner Rd.

Taos, NM 87571
505-758-8883

6. Taos Police
107 Civic Plaza Dr.
Taos, NM 87571
758-2216 or 911

VII. CHANGE IN VICTIM'S ACADEMIC AND LIVING SITUATION

A. Main Campus

The University will change a victim's academic and living situation after an alleged sex offense if those changes are requested by the victim and reasonably available. Possible changes include:

1. Arranging for extension of class assignment and examination due dates.
2. Assisting the victim in dropping courses or withdrawing from the University without academic or financial penalty if that is the victim's wish.
3. Arranging for the victim to move from one on-campus housing location to another.

Specific requests for such changes should be directed to the Dean of Students Office (505-277-3361).

B. Extended University-Santa Fe

The Santa Fe Graduate Center will change a victim's academic situation after an alleged sexual offense if those changes are requested by the victim and reasonably available. Possible changes are the same as those indicated for the main campus. Specific requests for such changes should be directed to the Campus Administrative Office (505-438-1234).

C. Taos Branch Campus

The Taos Education Center will change a victim's academic situation after an alleged sexual offense if those changes are requested by the victim and reasonably available. Possible changes are the same as those indicated for the main campus. Specific requests for such changes should be directed to the Student Service Office (505-758-7667).

VIII. PROCEDURES FOR CAMPUS DISCIPLINARY ACTION

The University of New Mexico's Student Code of Conduct and Visitor Code of Conduct, which apply to the main campus and all branch campuses and educational centers, prohibit "any form of sexual assault including rape."

A. Main Campus

On main campus the Student and Visitor Codes of Conduct are administered by the Dean of Students Office. The University's Residence Hall policies also prohibit sex offenses. The Office for Residence Life administers a disciplinary system which addresses

misconduct of residence hall students which occurs in the residence halls. A person who is a victim of a sex offense committed by a student, or a student who is a victim of a sex offense committed by a visitor to the University has the option of pursuing charges against the alleged perpetrator of the offense under the relevant Code of Conduct.

Victims of sex offenses are encouraged to report them to the appropriate law enforcement authorities and to meet with the University's Student Discipline Officer in the Dean of Students Office to discuss pursuing charges under the relevant policy.

A victim of a sex offense is permitted and encouraged to be accompanied at that meeting by a support person of their choice. Counselors from the Albuquerque Rape Crisis Center, Student Mental Health, UNM Police Department Victim Assistance Program, Women's Center and the District Attorney's Victim Impact Program are available to accompany and assist the victim of a sex offense throughout the University's disciplinary process.

Under the University's Student Grievance Procedure and Residence Life Disciplinary Policies, the alleged victim of a sex offense and the alleged perpetrator are entitled to the same opportunities to have others present as advisors during disciplinary proceedings. Both the alleged victim and alleged perpetrator will be informed of the final determination of a disciplinary proceeding with respect to the alleged sex offense and any sanction that is imposed on the accused.

As described in The University's Student Grievance Procedure alleged victims in student disciplinary proceedings have rights which are protected throughout the discipline process. These rights are:

1. The right to have a person of their choice accompany them throughout their participation in the discipline process.
2. The right to submit a victim impact statement to the hearing officer or committee.
3. The right to have past irrelevant behavior excluded from the hearing determination.

Because of the serious nature of the action, victims of sexual or physical assault also have these additional rights:

4. With a recommendation from a licensed mental health counselor, victims may testify from another room as long as it does not infringe upon the accused student's right to confront and question witnesses.
5. The right to be notified in writing of the final determination and any sanctions imposed as a result of the discipline process once a confidentiality agreement is signed.
6. The right to be informed of options to notify law enforcement authorities on and off campus as to the incident and to be assisted in doing so by campus officials.
7. The right to be informed of the option for any available assistance in making reasonable changes in academic and on campus living situations.
8. The right to be notified of existing counseling, mental health or student services for victims of physical or sexual assault.

The specific procedures by which Student and Visitor Code of Conduct Violations are resolved can be found in the Student Grievance Procedure published in The University of New Mexico Pathfinder.

B. Extended University-Santa Fe

Violations of the Student and Visitor Codes of Conduct at the Santa Fe Graduate Center are referred to the Dean of Students Office on Main Campus to be handled in the same manner as already described for Main Campus. Victims retain the same rights as those enumerated for the Main Campus. The phone number for Main Campus Dean of Students Office is 505-277-3361.

C. Taos Branch Campus

Violations of the Student and Visitor Codes of Conduct at the Taos Education Center are administered by the Student Services Office (505-758-2216).

A person who is a victim of a sex offense committed by a student, or a student who is a victim of a sex offense committed by a visitor to the center has the option of pursuing charges against the perpetrator of the offense under the relevant Code of Conduct.

Victims of sex offenses are encouraged to report them to the Taos Police Department (505-758-2216 or 911) and to the CASDV Office (505-758-8082). Information regarding pursuing charges under the Student or Visitor Code of Conduct may be obtained by contacting the Student Services Office (505-758-7667).

A victim of a sex offense is permitted and encouraged to be accompanied at meetings with University officials by a support person of their choice. This support person may accompany and assist the victim throughout the University's disciplinary process.

Under the University's Student Grievance Procedure, the alleged victim of a sex offense and the alleged perpetrator are entitled to the same opportunities to have others present as advisors during disciplinary proceedings. Both the alleged victim and alleged perpetrator will be informed of the final determination of a disciplinary proceeding with respect to the alleged sex offense and any sanction that is imposed on the accused (see VIII.5.).

Victims in student disciplinary proceedings, and victims of sexual assault have the same rights that have been enumerated for the Main Campus.

The specific procedures by which Student and Visitor Code of Conduct violations are resolved can be found in the University of New Mexico Pathfinder.

IX. SANCTIONS

Under the University's Student Code of Conduct which applies to the main and all of the branch campuses and educational Centers, a student who commits a violation of this Code, including a sex offense, is subject to the following possible sanctions:

1. Verbal warning - means an oral reprimand.
2. Written warning - means a written reprimand.
3. Disciplinary probation - means the establishment of a time period during which further acts of misconduct may or will result in more severe disciplinary sanctions depending upon the conditions of the probation. Conditions of probation can include community service, attendance at workshops and/or seminars including but not limited to alcohol, drug or safety workshops and/or seminars, mandatory mental health evaluation and/or counseling or other educational sanctions.
4. Suspension - means losing student status for a period of time specified in the terms of the suspension. A suspension may commence immediately upon a finding of a violation or it may be deferred to a later time.
5. Expulsion - means losing student status for an indefinite period of time. Readmission may not be sought before the expiration of two years from the date of expulsion, and it is not guaranteed even after that time.
6. Dismissal - means termination of student employment, either for a stated time period or indefinitely.
7. Barred from campus - means being barred from all or designated portions of The University property or activities.

Students living in the residence halls are subject to the following possible sanctions for misconduct occurring in the residence halls:

1. Verbal warning - means an oral reprimand.
2. Written warning - means a written reprimand.
3. Specific probation - means the establishment of a time period during which specific acts of misconduct may or will result in more severe disciplinary sanctions depending upon the conditions of the probation. Conditions of probation can include community service, attendance at workshops and/or seminars including but not limited to alcohol, drug or safety workshops and/or seminars, mandatory mental health evaluation and/or counseling or other educational sanctions.
4. General probation - means the establishment of a time period during which any acts of misconduct may or will result in more severe disciplinary sanctions depending upon the conditions of the probation. Conditions of probation can include community service, attendance at workshops and/or seminars including but not limited to alcohol, drug or safety workshops and/or seminars, mandatory mental health evaluation and/or counseling or other educational sanctions.
5. Housing reassignment - means the transfer of the student from one dorm room to another or one residence hall to another.
6. Restricted from entry into specific residence halls, dining hall, commons building, etc.
7. Contract termination - means the termination of the housing contract either for a stated period of time or indefinitely.

Students placed on residence hall probation or who have their contracts cancelled will

have their conduct case sent to the Dean of Students Office for review/records purposes. Students violating residence hall policies may also be referred to the Dean of Students Office for additional disciplinary review under the Student Code of Conduct.

Under the University's Visitor Code of Conduct which applies to the main and all branch campuses and educational Centers, a visitor who commits a violation of this Code, including a sex offense, is subject to the following possible sanctions:

1. Verbal Warning - means an oral reprimand.
2. Written Warning - means a written reprimand.
3. Probation - means the establishment of a time period during which further acts of misconduct may or will result in more severe sanctions depending on the conditions of the probation.
4. Removal from campus means being physically escorted or forcibly removed to a location off property owned or controlled by The University, by University Police Officers or other University agents.
5. Barred from campus - means being barred from all or designated portions of University property or activities.
6. The sanctions of denial of admission, readmission or employment by the University.
7. Additionally or alternatively, any sanction applicable to a student under the Student Code of Conduct may be provisionally applied to a visitor, to be made effective should the visitor ever enroll or re enroll at the University.

STUDENT EMPLOYEE GRIEVANCE PROCEDURE

This policy applies to all student employees.

While the University endeavors to maintain pleasant working conditions which lead to cooperative, effective working relationships with all employees, the University also recognizes that misunderstandings and disagreements may arise regarding terms and conditions of employment. **Normally, such disagreements are resolved through informal discussions between the student-employee and the immediate supervisor.** However, for questions and complaints not resolved to the student-employee's satisfaction through informal discussions with successive levels of supervision, the following formal Due Process Procedure is available upon request of the student. The Student Employment Office will provide the mechanics of the Due Process Procedure.

A grievance results from a violation of University policy which adversely affects a student-employee (termination without correct termination procedure, etc.).

DUE PROCESS

1. Step One

The employee shall submit written notice initiating the due process procedure within ten working days of the incident. The notice should be directed to the concerned department chairperson with a copy submitted to the Student Employment Office.

2. Step Two

The concerned Department Chairperson shall hold an informal meeting with the employee and render a written decision. Step two shall occur within ten working days following the filing in writing of such a complaint with the Department Chairperson.

3. Step Three

The Employee may file an appeal to a Due Process Board within ten working days of notification of the decision reached in step two. The Due Process Board shall hold a formal hearing as soon as practical after filing of the appeal.

The Due Process Board shall be composed of:

1. The president of ASUNM or his or her designee shall serve in the case of an appeal by an undergraduate student.

OR

The president of GPSA or his or her designee shall serve in the case of an appeal by a graduate student.

2. The Dean of Students or his or her designee.

3. The third member shall be selected from the Division of Student Affairs by the two appointed members.

The decision of the Due Process Board is final.

STUDENT RECORDS POLICY

Approved by the President 4/93 Amended 3/20/96

1.0 Introduction

Under the Family Educational Rights and Privacy Act of 1974, students have the right to inspect and review most education records maintained about them by the University of New Mexico, and, in many cases, decide if a third person can obtain information from them. Nine categories of information, however, are public (or directory information) unless a student asks that some or all of that information be withheld. It is the policy of the University to comply fully and fairly with the provisions of the Act, Federal Regulations and this policy.

2.0 Limitations on Access to Student Records

No one inside or outside the University shall have access to, nor will the contents of students' education records be disclosed without the written consent of the students except as provided by the Act and Regulations. Exceptions in the Act and Regulations include but are not limited to the following: personnel within the institution determined by the institution to have a legitimate educational interest, officials of other institutions in which students seek to enroll or are enrolled, persons or organizations providing student financial aid, accrediting agencies carrying out their accreditation function, persons in compliance with judicial orders and persons in an emergency when necessary to protect the health or safety of students or other persons.

3.0 Students' Right of Access to Review Their Records

A student has the right to inspect and review all education records about him or her except: (1) personal notes (available only to writer or substitute) of University staff and faculty, (2) certain student employment records, (3) counseling records used solely for treatment, (4) certain records of the University Police, (5) parents' financial records, (6) confidential letters and statements of recommendation placed in the records before January 1, 1975, and (7) confidential letters and statements of recommendation for admission, employment, or honorary recognition placed in the records after January 1, 1975, which students have waived the right to inspect and review.

4.0 Informing Students of Their Rights

This policy will be published in the UNM Pathfinder or its successor.

5.0 Location of Student Records

Student records are not maintained in a central location. Instead, these records are maintained by each office with which a student has contact while enrolled at the University. A partial list of places where educational records are maintained by various University offices is listed below.

Admissions Office, Director of Admissions, Student Services Center
Career Counseling & Placement, Director, Career Counseling & Placement, Student Services Center
Cashiers & Student Accounting, Bursar, Student Services Center
College and Department Offices, Academic Dean, See individual college listing in the course schedule
Dean of Students Office, Assoc. VP & Dean of Students, Student Services Center
Graduate Studies, Dean, Graduate Studies, Humanities Building
Housing Services, Assoc. Dean of Students & Housing, La Posada Hall
Records Office, Registrar, Student Services Center
Student Financial Aid, Director, Student Financial Aid, Mesa Vista Hall

6.0 Records Excluded from the Definition "Education" or "Student" Records

The following categories of records are not included in the term "education records" or "student records" under the Act:

6.1. Records of instructional, supervisory, administrative and certain educational personnel which are in the sole possession of the maker and are not revealed to any other individual (except a substitute who performs on a temporary basis the duties of the person who made the record).

6.2. Records of the University Police. These records are maintained and created by the University Police Department for the purpose of law enforcement. Their disclosure is subject to rules and regulations of the University Police, consistent with applicable law.

6.3. Records relating to individuals who are employed by the University which are made and maintained in the normal course of business, relate exclusively to individuals in their capacity as employees and are not available for use for any other purpose. However, it should be noted that records of individuals in attendance at the University who are

employed as a result of their status as students are education records and as such may be inspected by the student.

6.4. Records which contain only information about a person after that person is no longer a student at the institution, e.g., information gathered on the accomplishments of alumni.

7.0 Review Policies and Procedures

Requests to inspect and review records must be made, in writing, to the office that keeps the records. Although it is the University's policy that requests to inspect records be honored as promptly as possible, the offices have up to 45 days to honor such requests.

It is the policy of the University to provide the student upon request with photocopies of her or his records where that will help the student in inspection and review of the records unless: (1) the record to be copied is an examination, in which case permission of the faculty member is necessary, or (2) where a student's record is being withheld because of an outstanding financial obligation to the University.

Fees for photocopies of materials in the records are the same as University offices charge for photocopies of other materials. At its option, an office may furnish copies at no charge, or take the materials to a copy/duplicating center on campus, where the current rate for cash work will be charged.

8.0 Release Policies and Procedures, University Employees and Agents

The University will not disclose personally identifiable information from a student's education record without the student's written consent, except when it is permitted by the Act and Regulations. As permitted by the Act and Regulations, information will be disclosed without the student's consent to University officials with a legitimate educational interest. These officials or their agents, and their interests, include:

- 8.1. Any University employee who needs the information to fulfill job responsibilities.
- 8.2. University collection agents only for the purposes of collecting debts owed to the University.
- 8.3. Legal counsel advising or representing the University.
- 8.4. National Collegiate Athletic Association and the Mountain West Athletic Conference only for the purposes of conforming to eligibility rules for athletic competition.
- 8.5. Contractors, such as data processing, only for the purposes of performing work under contract for the University.
- 8.6. Honorary societies, and other chartered student organizations, only for determining membership eligibility/requirements, when the societies and/or organizations do not unlawfully discriminate on the basis of race, color, religion, national origin, physical or mental disability, age, sex, sexual preference, ancestry, or medical condition.
- 8.7. University researchers, including students doing research under supervision of a faculty member, if there are safeguards to protect the security of personally identifiable data and if it will not be possible to ascertain the identity of any student in any dissemination of the data or research results.
- 8.8. Officials of cooperating universities in which the student is enrolled.

9.0 Release to Alleged Victims of Crimes of Violence

The results of any disciplinary proceeding conducted by the University in response to allegations of a crime of violence allegedly committed by a student, shall be disclosed upon request to the alleged victim(s) of such crime of violence.

10.0 Directory or Public Information Categories

The University, in accord with the Act, has designated categories of information about students as "directory information" which is public unless a student asks to have any or all of it withheld. These categories are:

Name

Address (school and permanent)

Telephone listing

Electronic Mail Address

Date of birth

Major field of study (including current classification, year, credit load and number of academic credits earned toward degree)

Dates of attendance (matriculation and withdrawal dates)

Degrees and awards received (type of degree and date granted)

Most recent previous educational agency or institution attended

Participation in officially recognized activities and sports, and weight and height of members of athletic teams.

A student wishing to keep confidential the "directory information" listed above should file a written request with the Registration Center.

11.0 Requests for Disclosure

University offices will maintain a record of disclosures and requests for disclosure of personally identifiable information from a student's record except when the request for disclosure is directory information, pursuant to the student's consent, or is to a school official described in this policy. It is the policy of the University to permit the student to inspect this record of disclosures and requests for disclosure pertaining to his or her records. All disclosures (except for disclosures to the student or disclosures of directory information) shall be made on the condition that the information shall not be further disclosed without the student's consent.

12.0 Right to Challenge Information in Student Records

It is the policy of the University that a student may challenge any information in his or her education records which he or she believes to be inaccurate, misleading or in violation of privacy. This right does not extend to reviewing grades unless the grade assigned by a professor was inaccurately recorded in the records. A student may also insert a statement in the records explaining any such material from his or her point of view. If a student wishes to challenge information in the file, he or she must make a written request for a hearing to the dean, director, or chairperson of the office which maintains the record. In most cases, the decision of the dean, director or chairperson will be final. However, a student may appeal in writing to the Associate Provost or the Vice President for Health Sciences or their designee, as the case may be, who will review the

decision only if a significant question of policy or compliance with the law appears to be raised by the case.

13.0 Waiver of Rights Not Required

It is the policy of the University that students not be required to waive their rights under the Act before receiving University services or benefits.

14.0 Assistance with Problems or Questions about Compliance

If a student has questions about the provisions of the Act, he or she may contact the Office of the Registrar.

If a student believes that the University has not complied with the Act, he or she should direct comments concerning this to the Office of the Registrar.

If a student believes that the University has not complied with the Act, written complaints may be filed with the Family Educational Rights and Privacy Act Office (FERPA), U.S. Department of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202-4605, telephone (202) 732-1807.

The Registrar shall either resolve the issue, or shall refer it to the appropriate University body for resolution.

EQUAL OPPORTUNITY & AFFIRMATIVE ACTION 3100

Effective Date: September 27, 1991

Revised: 12/13/91

Policy changes were pending at the time the Pathfinder went to print. Please check <http://www.unm.edu/~ubppm> for updated information.

1. General

The following policy was approved by the University Board of Regents on September 27, 1991 and endorsed by the University President on October 11, 1991.

The University of New Mexico recognizes its responsibility to extend equal employment and educational opportunities to all qualified individuals. This University exists to educate, to conduct research and other creative activities, and to perform other related services on behalf of the community which supports it. We, at The University of New Mexico, have a responsibility to our students and to the citizens of the State actively to recruit and hire the best qualified persons we can, and to do so in the context of our commitment to affirmative action principles.

The University complies with the letter and spirit of the laws and further believes that everyone in the work force of The University of New Mexico is involved in educating others. That education may range from transmitting knowledge of complex concepts as is done by the faculty to serving as role models in the subtleties of everyday human

interaction as all employees do.

Any practices which negatively affect some of our work force ultimately affect us all. There is no place for prejudice and injustice.

2. Equal Employment Opportunity

University policy, State and Federal law and regulations forbid unlawful discrimination on the basis of race, color, religion, national origin, physical or mental handicap, age, sex, sexual preference, ancestry, or medical condition, in recruiting, hiring, training, promotion, and all other terms and conditions of employment. All personnel policies, such as compensation, benefits, transfers, layoffs, terminations, returns from layoff, University sponsored training, education, tuition assistance, social and recreational programs will be administered without regard to the characteristics or conditions listed above, except when one of these is a bona fide occupational qualification. The University strives to establish procedures which assure equal treatment and access to all programs, facilities, and services.

3. Equal Educational Policy

The University of New Mexico is committed to providing equal educational opportunity and forbids unlawful discrimination on the basis of race, color, religion, national origin, physical or mental handicap, age, sex, sexual preference, ancestry, or medical condition. Equal educational opportunity includes: admission, recruitment, extracurricular programs and activities, housing, facilities, access to course offerings, counseling and testing, financial assistance, employment, health and insurance services and athletics. In keeping with this policy of equal educational opportunity, the University is committed to creating and maintaining an atmosphere free from all forms of harassment.

4. Affirmative Action

Further, The University of New Mexico commits itself to a program of affirmative action to increase access by, and participation of, traditionally underrepresented groups.

5. Reasonable Accommodation Policy

The University makes reasonable accommodations to the religious observances/national origin practices of a student, an employee or prospective employee and to the physical and mental limitations of a student, employee or applicant unless such accommodations have the end result of placing an undue hardship on the operation of the University. Students or employees should contact the University Office of Equal Opportunity Programs or the University Disabled Student Services/Student Support Services and Upward Bound Programs Office for information regarding accommodations.

6. Anti-Harassment Policy

It is the policy of the institution to prevent and eliminate forms of unlawful harassment in employment and educational settings. The University prohibits harassment of employees by supervisors or co-workers on the basis of race, color, religion, national origin, sex, ancestry, age, disability, medical condition, sexual preference, or other protected status. The University makes special efforts to eliminate overt and subtle forms of sexual harassment. Employees who believe they have been harassed on the basis of a protected status are encouraged to contact their supervisors (or the University Department of Human Resources if the supervisor is involved in the alleged harassment), the designated contact person in their unit, or to the Office of Equal Opportunity Programs.

7. Grievance Procedures

Grievance procedures are in place for resolving allegations of discriminatory treatment against either employees or students. Copies or summaries of procedures are included in the Faculty Handbook, the Pathfinder, the personnel policies in the University Business Policies and Procedures Manual, union contracts, as well as other University publications. Notice of fair employment rights and procedures are posted at the various personnel offices as well as in employing units. Employees may contact the Office of Equal Opportunity Programs for information and/or assistance.

8. Responsibility for Affirmative Action Plan

The University President has overall responsibility for the Affirmative Action Plan. All senior and mid-level administrators (Vice Presidents, Deans, Directors, Department Heads) are accountable for their performance in the accomplishment of affirmative action objectives. Annual performance evaluations shall include an assessment of the results of programs and practices aimed at increasing access and participation by women and ethnic/racial minorities.

The Equal Opportunity/Affirmative Action (EO/AA) Officer has been designated as Affirmative Action Coordinator. This official is responsible for monitoring all EO/AA activities, reporting annually on the effectiveness of the Affirmative Action Plan, and developing recommendations for necessary action to assure attainment of its stated objectives. Any questions related to the Affirmative Action Plan should be directed to the Office of Equal Opportunity Programs.

Office of EQUAL OPPORTUNITY

OEO has the responsibility for implementing the University's affirmative action policy. As part of that responsibility, OEO shall receive inquiries and refer claimants to other offices, if appropriate; counsel claimants, evaluate claims, receive and process formal claims; prepare written investigative reports which contain findings of fact; and conciliate meritorious claims separately or jointly with the parties.

CONSULTATION WITH OEO

General

An employee (faculty, staff) or student is encouraged to discuss any discrimination or sexual harassment problem with the potential respondent in the first instance and thereafter with a supervisor, faculty member, department chair, or dean, as appropriate, in an attempt to resolve the problem without filing a formal claim.

Consultation with OEO

Prior to filing a formal discrimination or sexual harassment claim an employee (faculty, staff) or student shall contact OEO, obtain an intake form, and submit it to OEO for review. If OEO determines the complaint falls within its jurisdiction, an investigator will contact the person to set up a meeting. The person can call or go to OEO to receive the intake form.

When a person meets with an investigator, the investigator will provide an opportunity to talk about the problem; discuss whether the conduct / practice in question appears to constitute discrimination or sexual harassment within the meaning of this procedure; and discuss the possibility of retaliation, and how to identify and report it. If the entire problem does not appear to be covered by these procedures, the investigator will refer the person elsewhere, if appropriate, for additional assistance.

The investigator will also explain options for resolution including problem solving, formal claim, legal action, and counseling; discuss the requirements, advantages and disadvantages of each option; and offer referrals to other sources of assistance, including the Equal Employment Opportunity Commission, the New Mexico Human Rights Division of the Department of Labor, and the Department of Education's Office of Civil Rights. The investigator shall explain that this Procedure has no effect on deadlines applicable to filing with the Equal Employment Opportunity Commission or any other appropriate outside agencies.

It is intended that discrimination and sexual harassment problems be resolved with the cooperation of everyone involved, at the lowest administrative level possible, where appropriate.

If the claimant wishes, OEO will attempt to assist him or her in resolving an alleged discriminatory or sexual harassment situation. There is no set procedure for accomplishing informal resolution and the course of action will depend on the circumstances. OEO shall, to the extent possible, preserve the parties' confidentiality.

OEO may, with the claimant's consent mediate between the claimant and the person complained about in an attempt to reach agreement between the parties.

A proposed policy on

Academic adjustments for students with disabilities

Please check <http://www.unm.edu/~ubppm/> policy 2310 for information.

Student Domestic Partners Policy

Adopted April 1995 by the University Counsel and Vice President for Student Affairs

1. General

The University of New Mexico is committed to providing equal employment and educational opportunities to all individuals. The **“Equal Opportunity and Affirmative Action for Employees and Students” Policy 3100, UBP** forbids unlawful discrimination based on sexual preference and other protected status. Therefore, the University must provide equal benefits to enrolled students with a domestic partner of the same gender. However, the University has determined that in the interests of fundamental fairness the definition of domestic partners will apply to all relationships akin to marriage, whether of the same gender or not. All University enrolled students who have a domestic partner as defined in Section 2., herein shall be provided services and benefits on the same basis provided to legal spouses.

2. Domestic Partners

The University defines domestic partners as two (2) individuals who live together in a long-term relationship of indefinite duration. There must be an exclusive mutual commitment similar to that of marriage, in which the partners agree to be financially responsible for each other’s welfare and share financial obligations.

2.1 Qualifying Criteria

To be recognized as domestic partners by The University of New Mexico, both individuals must meet all of the following criteria, sign an Affidavit of Domestic Partnership form (Exhibit A.), and submit any necessary documentation to the Dean of Students Office.

2.1.1 Both domestic partners must be unmarried.

2.1.2 Domestic partners must have been in a mutually exclusive relationship for the last twelve (12) months, intending to do so indefinitely, and must share the same primary residence.

2.1.3 Domestic partners must meet the age requirements for marriage in the State of New Mexico and be mentally competent to consent to contract.

2.1.4 Domestic partners must not be related by blood to the degree prohibited in a legal marriage in the State of New Mexico.

2.1.5 Domestic partners must be jointly responsible for the common welfare of each other and share financial obligations. An Affidavit of Domestic Partnership form (Exhibit A.) signed to that effect and proof of three (3) of the following must be submitted to the Dean of Students Office.

- A joint mortgage or lease.

- Joint ownership of a motor vehicle, joint bank account, or joint credit account.
- Domestic partner named as beneficiary of life insurance.
- Domestic partner named as beneficiary of retirement benefits.
- Domestic partner named as primary beneficiary in the student's will.
- Domestic partner assigned durable property or health care power of attorney.
- Household expenses are shared by both partners.

The University may require proof that those applying for status of domestic partnership meet the above requirements. Providing false information may result in disciplinary action, dismissal, and reimbursement of costs involved in providing benefit coverage.

2.2 Termination of Domestic Partnership

Individuals granted domestic partnership status must report any change in status that terminates the relationship to the Dean of Students Office, within thirty (30) calendar days, by completing a Termination of Domestic Partnership form (Exhibit B.).

3. Qualifying as a Dependent of Domestic Partners

The child of a domestic partnership qualifies as an eligible dependent.

- if either of the domestic partners is the biological parent of the child,
- if either or both partners are adoptive parents of the child,
- if the child has been placed in the domestic partner's household as part of an adoptive placement.

4. Services and Benefits

Domestic partners and their dependents, as defined in Section 3. herein, shall be granted all and the same services and benefits as those provided to married spouses and their dependents, except where expressly prohibited by law. All University policies that affect students, spouses and their families also apply to students, domestic partners, and their families.

UNIVERSITY STANDARDS, POLICIES AND REGULATIONS

ACADEMIC REGULATIONS

Important academic regulations and policies are listed in detail in the official University of New Mexico Catalog, and it is important that each student read carefully and become familiar with this section.

Intellectual Property Policy

Adopted by the Board of Regents, June, 1999

Students, faculty and staff are subject to the Intellectual Property Policy passed by the Board of Regents in June, 1999. If you create an invention or a copyrighted work, such as software, while at the University, you may need to report it to the University. For a clear determination, read the Intellectual Property Policy at http://www.unm.edu/~ripls/policies/ipp_fnl.pdf or call the Patent Administration Office at 277-7646.

POLICY ON ILLEGAL DRUGS AND ALCOHOL

Adopted by the President August 3, 1990

Revised September 11, 1992

This Policy on Illegal Drugs and Alcohol is adopted pursuant to federal laws and because of the commitment of The University of New Mexico to an environment for the pursuit of its educational mission free of drugs and the illegal use of alcohol. Drug and alcohol abuse on campus poses a serious threat to the health and welfare of faculty, staff and students; impairs work and academic performance; jeopardizes the safety and well-being of other employees, students and members of the general public; and conflicts with the responsibility of The University of New Mexico to foster a healthy atmosphere for the pursuit of education, research and service.

This policy covers all property owned, used, leased or controlled by The University of New Mexico, or any other site where official University business is being conducted. "Controlled substances" means those substances in Schedules I through V of section 202 of the Controlled Substances Act, 21 U.S.C. 812, and implementing regulations, 21 CFR 1308.11-1308.15. Controlled substances include, but are not limited to, marijuana, cocaine (including "crack"), amphetamines, heroin, PCP, hallucinogens, and certain prescription drugs. Illegal uses of alcohol include, but are not limited to, serving, buying or drinking alcohol by a minor; assisting a minor or an intoxicated person to get alcohol; selling alcohol without a license and driving while under the influence. This policy is not intended to supersede or negate any existing policies on substance abuse, student or employee discipline, or any additional requirements imposed on The University of New Mexico or its students, faculty or staff by federal or state law.

I. Policy Statement

The unlawful manufacture, distribution, dispensing, possession or use of controlled substances or alcohol on UNM property or as part of any of its activities by any member of The University of New Mexico community--faculty, staff or student--is strictly prohibited.

As a condition of employment, all employees--faculty and staff--of The University of New Mexico shall abide by the terms of this policy. Violation of this policy shall result in disciplinary action, up to and including dismissal. For more detailed information, faculty

should refer to the Faculty Handbook and / or contact the Faculty Grants and Contracts Office. Staff may refer to the University Business Policies and Procedures Manual and/or contact the Human Resources Department.

As a condition of continued registration and enrollment, any student of The University of New Mexico shall abide by this policy. Violation of this policy shall result in disciplinary action, up to and including expulsion. For more detailed information, students should refer to the Student Code of Conduct and related policies printed in the UNM Pathfinder and/or contact the Dean of Students Office.

UNM's response to any violation of this policy may include, as a total or partial alternative to disciplinary action, a requirement that the employee or student participate satisfactorily in an approved substance abuse treatment or rehabilitation program as a condition of continued employment or registration/enrollment. Any employee engaged in the performance of work under a federal contract or grant is required, as a condition of employment, to notify his/her supervisor if he or she is convicted of a criminal drug statute violation occurring in the workplace within five days of such conviction. The supervisor shall notify the University Counsel's Office. Failure of the employee to notify the supervisor shall be grounds for disciplinary action.

In recognition of the dangers of substance abuse in the workplace, The University of New Mexico shall maintain alcohol and drug-free awareness programs to inform members of the University community about the issues and risks of substance abuse, and about counseling, and treatment resources. The University shall assign responsibility for such awareness programs to specific administrative entities, which shall be provided sufficient resources to develop and maintain the programs. As a matter of policy, any referral, treatment, awareness or primary prevention programs established by The University of New Mexico shall play no role in enforcing or instituting possible disciplinary action.

II. Legal Sanctions for the Unlawful Possession or Distribution of Illicit Drugs and Alcohol

The penalties for even the most minor of violations of the Liquor Control Act can include fines of up to \$300, confiscation of property and imprisonment for up to seven months. More serious violations carry greater penalties, with larger fines and longer imprisonment.

**On this page insert the charts already
pasted up camera ready -
They're the same as last year's so you can
reuse last year's negs.**

Driving or using machinery after drinking or using drugs creates the risk that the user may injure or kill someone. This can result in homicide charges. License revocation and vehicle impoundment are also possible results of driving while under the influence of liquor or drugs. The minimum blood alcohol levels at which drivers' licenses are revoked in New Mexico are: .02% for those under 21 and .08% for those 21 and over. All drivers in New Mexico are presumed to be intoxicated at the .08% level.

In drug-related cases a court can permanently suspend eligibility for federal benefits, including financial aid. A criminal record can seriously hurt educational and career opportunities.

Penalties for illegal drug use can include significant fines and imprisonment. Penalties for the illegal sale of drugs are greater, and may include property confiscation. Alternative penalties for illegal drug or alcohol use may also include mandatory community service. Violation of laws by a foreign national may result in deportation.

As required by federal regulations, the following charts (figures 1, 2) detail federal and state sanctions for the unlawful possession or distribution of illicit drugs.

III. Health Risks Associated with Use of Illicit Drugs and the Abuse of Alcohol

Excessive alcohol consumption and abuse of illicit drugs can lead to certain types of cancer, pathological changes in the liver, brain, heart and muscle which can lead to disability and death, addiction, birth defects, shortened life span, stomach ulcers, phlebitis, varicose veins, and other health problems. Alcohol and drugs are also a major factor in homicides, assaults, rapes, suicide, family and date violence. Alcohol is significantly involved in all types of accidents--motor vehicle, home, industrial, and recreational. Unintended pregnancies and sexually transmitted diseases are often associated with alcohol or other drug abuse, as well as relationship, academic or work problems.

For more information about the possible effects and health risks associated with the use of illicit drugs and alcohol, contact the Student Health Center Health Education Program (277-7947) or the UNM Campus Office of Substance Abuse Prevention (277-2795). The following chart (figure 3) lists the possible effects and health risks associated with the use of illicit drugs and controlled substances.

IV. Campus Resources for Substance Abuse Problems

Campus Resources for Faculty and Staff

If you are concerned about your own, an employee's or a colleague's alcohol or drug use, contact the CARS program. The intent of CARS is not to intrude into the private lives of University employees, but rather to provide services for those who choose to request help with their problems. Your contact with CARS is confidential within the limits of applicable law and ethical guidelines. Individual assessments, short-term counseling,

consultation and referrals are available. CARS also offers presentations on a variety of topics, voluntary mediation services, group crisis intervention, and team building.

C.A.R.S. (Counseling, Assistance & Referral Service) **272-6868**

University Hospital employees may contact C.A.R.S. directly (272-6868) or call Human Resources for information about available counseling & referral resources

.....**272-0942**

Campus Resources for Students

If you are concerned about the alcohol or other drug use of yourself or another, please contact the Student Health Center or the Campus Office of Substance Abuse Prevention. Confidential consultants, individual assessments and education are available.

Student Health Center**277-3136**

Campus Office of Substance Abuse Prevention**277-2795**

Health Education Program (peer education)**277-7947**

Counseling and Therapy Services**277-4537**

Other Campus and Community Resources

AGORA Crisis Center.....**277-3013**

NM Council on Alcoholism and Drug Dependence (for intervention services and information on community treatment resources and recovery groups, e.g., AA, ACOA, Al-Anon, Rational Recovery, Women for Sobriety).....**256-8300**

Psychiatric Crisis Emergency Service (24 hours).....**247-1121**

University Hospital Emergency Dept.**272-2411**

UNM Center on Alcoholism, Substance Abuse and Addictions (CASAA)

Treatment Division (Intake).....**768-0150**

Research Division.....**277-5044**

Campus Office of Substance Abuse Prevention.....**277-2795**

UNM Department of Psychology Clinic.....**277-5164**

UNM Employee Health Promotion Program.....**272-4460**

UNM Employee Occupational Health Services.....**272-8043**

UNM Mental Health Center, Crisis Unit.....**272-2800**

UNM Women’s Resource Center.....**277-3716**

Policy 2140

USE OF ALCOHOL ON UNIVERSITY PROPERTY

Adopted by the President 2/19/1997

Effective Date: March 21, 1997

1. General

The use of alcohol is prohibited on University property, except as authorized herein. For the purposes of this policy, the use of alcohol refers to the service and/or consumption of alcoholic beverages. This policy governs the use of alcohol on University property. It applies to students, student organizations, faculty, staff, University departments, and

other entities and visitors. This policy applies to property owned, leased, or operated by the University, and to all events sponsored by the University or its subunits. It does not apply to property owned by the University and leased to others, unless it would otherwise apply. This policy does not apply to outside organizations, including the Science and Technology Corporation, that lease space in the Research Park and sponsor events held at the Research Park.

The University of New Mexico recognizes that alcohol abuse is a persistent social and health problem of major proportions in society. The University also recognizes that diversity of opinion and freedom of choice are the foundations of institutions of higher education, and that the use of alcoholic beverages by those of legal age is a matter of personal choice. Individuals who choose to use alcohol on University property must comply with state law and University policies and procedures, and conduct themselves responsibly, mindful of the rights of others.

2. Use of Alcoholic Beverages

University employees are prohibited from drinking alcoholic beverages or being under the influence of alcoholic beverages during working hours, or while operating or riding in a University vehicle. The use of alcohol on University property is prohibited except as follows or where licensed.

2.1. Alcohol may be used at receptions or other social functions sponsored by a University department or other unit when approved by the University President in advance, in writing. Such events should normally involve special guests of the University or otherwise be a non-routine occurrence, such as a reception for visiting dignitaries or a reception in connection with an academic conference. The reception or function must be by invitation only and held in a location that can reasonably be closed to the public. The following additional restrictions apply:

- Only beer and/or wine may be served.
- Sale of alcohol is prohibited. Cash bars and entrance fees intended to help defray the cost of providing alcoholic beverages are prohibited.
- Service of alcohol at office parties or similar office social events is prohibited.

2.2. Alcohol may be used for research, demonstration, or educational functions in a University alcohol awareness/treatment program. Such functions must be approved in advance, in writing, by the President.

2.3. Alcoholic beverages may be sold and/or served in Hodgin Hall pursuant to the club license possessed by the UNM Alumni Association and at the UNM Championship Golf Course pursuant to its license. Approval by the President is not required.

2.4. Alcoholic beverages may be used by persons twenty-one (21) years of age or older in student family housing or housing provided by the University to employees.

2.5. Individuals of legal age (21 years old or older), who have tickets to a Lobo football game may consume alcoholic beverages at tailgate parties at the University South Campus before Lobo football games, in accordance with University Athletic Department rules and regulations. Alcohol use is limited to private parties. Advertising or announcements as to availability of alcohol are prohibited. All ticket holders must comply with state laws regarding the use of alcohol. There shall be no kegs or "party balls," no alcohol after the kickoff, and no sale of alcohol. Alcoholic beverages are prohibited in the UNM stadium.

2.6. Alcohol may be used at the University house by its residents and their guests.

3. State Law

State law governs many aspects of the consumption and serving of alcohol. All individuals who use and/or serve alcohol on University property must comply with the applicable legal requirements.

4. Purchase of Alcohol

The purchase of alcohol with University funds is prohibited except as follows:

4.1. Alcohol may be purchased for hospitality events for guests of the University; however, payment or reimbursement for the purchase of alcohol shall not be made from instruction & general appropriated funds, student fees, or contract and grant funds. See Sec5. of the "Allowable and Unallowable Expenditures" Policy 4000, UBP.

4.2. Alcohol may be purchased for research, demonstration, or educational functions in a University alcohol awareness/treatment program. The purchase must be approved in advance, in writing, by the University Controller after recommendation by the cognizant dean or director.

4.3. Alcohol may be purchased by Hodgin Hall, pursuant to the club license possessed by the UNM Alumni Association, and at UNM Championship Golf Course, pursuant to its license.

5. Procedures

5.1. Request for Approval

A department sponsoring a function authorized by Sections 2.1. and 2.2. herein, must complete a Request to Serve Beer or Wine on University Property (Exhibit A.) and send it to the President's Office for approval prior to the reception or function. If an entity outside the University co-sponsors an event, the co-sponsor must obtain liquor liability

insurance in the amounts required by the University. Proof of insurance must be sent to University Counsel no later than ten (10) days prior to the event. The University must be named an additional insured.

5.2. Restrictions

Whenever alcohol is used on University property, the following restrictions apply.

- The sponsors must take precautionary measures to ensure that alcohol is not used by persons who appear intoxicated; and/or who are under the age of twenty-one (21).
- Sponsors must follow principles of good hosting which include having non alcoholic beverages and food available, and providing planned programs. The use of alcohol shall not be the sole purpose of any activity.
- Non alcoholic beverages must be available at the same place and be as noticeable as the alcoholic beverages.
- A reasonable portion of the budget for the event shall be spent on food.
- Any form of a "drinking contest" in activities or promotions is prohibited.

5.3. Promotional Materials

Alcohol shall not be mentioned in any advertisements for an event and shall not be used to encourage participation. Promotional materials for any University event shall not mention the amount of alcohol (such as number of kegs) available. For additional information, refer to "Sponsorship by Alcoholic Beverage Companies" Policy 2150, UBP.

6. Chartered Student Organizations

Chartered student organizations must comply with state law, this policy, and to any provisions in the Chartered Student Organization Policy governing the use of alcohol. Fraternities and sororities must also comply with any provisions in the Fraternity Risk Management Guidelines governing the use of alcohol.

7. Education, Support Groups, and Services for Alcohol-Related Problems

In light of social and health problems associated with alcohol abuse, the University will provide educational services to faculty, staff, and students about alcohol-related problems. Students, faculty, and staff may get assistance from the following University programs.

7.1. Alcohol Information and Educational Presentations

The following University programs provide alcohol information and educational presentations:

- Campus Office of Substance Abuse Prevention (COSAP)
- Student Health Center: Health Education Program (students only)
- Main Campus Wellness Center, Division of the Student Health Center (students only)
- Counseling Assistance and Referral Service - CARS (faculty and staff only)
- Employee Health Promotion Program (faculty and staff only)

7.2. Consultation and/or Referral for Alcohol Related Problems

The following University programs provide consultation and/or referral for alcohol-related problems:

- Student Health Assistance, Prevention, and Education - SHAPE (students only)
- Student Mental Health Services (students only)
- Counseling Assistance and Referral Service - CARS (faculty and staff only)
- Center on Alcoholism, Substance Abuse & Addictions - CASSA, Treatment Division (Public treatment for Bernalillo County)
- AGORA Crisis Center

8. Related Policies

Other policies dealing with alcohol on campus at the time of adoption of this policy include:

- “Drug Free Environment,” Section 2.6, Board of Regents’ Policy Manual
- UNM Policy on Illegal Drugs & Alcohol,” issued by the President’s Office
- “Illegal Drugs & Alcohol Policy,” Faculty Handbook
- Performance Management,” University Business Policies and Procedures Manual
- “Student Code of Conduct,” Pathfinder
- Visitors Code of Conduct,” Pathfinder

9. Notice to the Public

A copy of this policy has been filed with the State of New Mexico Records Center and Archives by the Office of University Business Policies. Any substantial modifications to this policy shall be similarly filed.

10. Attachments

Exhibit A. - Request to Serve Beer or Wine on University Property
(Request Form is available in the University Business Policies and Procedures Manual.)

ACCEPTABLE COMPUTER USE

Effective Date: August 28, 2000

1. General

The University of New Mexico provides computing services to University faculty, staff, students, retirees, and specified outside clients of the University. These services may be used only for furthering the education, research, and public service mission of the University and may not be used for commercial purposes or profit-making. The use of University computing services is a privilege. Users who have been granted this privilege must use the services in an appropriate, ethical, and lawful manner. Unauthorized access is prohibited and may be monitored and reported to the proper authorities. For the purposes of this policy computing services include all University information and systems using hardware, software, and network services including computer resources entrusted to the University by other organizations.

2. Rights and Responsibilities

The University does not provide a warranty, either expressly or implied, for the computing services provided. The University reserves the right to limit a computer user's session if there are insufficient resources, and to cancel, restart, or hold a job, process, or program to protect or improve system performance if necessary.

2.1. User Responsibilities

Users are responsible for all their activities using computing services and shall respect the intended use of such services. Each computing facility has specific rules and regulations that govern the use of equipment at that site and users shall comply with the rules and regulations governing the use of such computing facilities and equipment. Users must understand and keep up-to-date with this policy and other applicable University computer policies and procedures.

Users shall respect all copyrights including software copyrights. Users shall not reproduce copyrighted work without the owner's permission. In accordance with copyright laws, including the Digital Millennium Copyright Act, University Counsel's Office, upon receipt of official notice from a copyright owner, may authorize blocking access to information alleged to be in violation of another's copyright. If after an investigation information is determined by University Counsel's Office to be in violation of another's copyright, such information will be deleted from University computing systems.

2.2. Misuse of Computing Services

The University reserves the right to sanction a user pursuant to Section 4. herein if it is determined, after an investigation by the appropriate office, that the user violated federal or state law or University policy by misusing University computing services. In addition to other standards listed in this policy, examples of misuse include, but are not limited to:

- attempting to defeat or circumvent any security measures, controls, accounts, or record-keeping systems;

- using systems for unauthorized access;
- intentionally altering, misappropriating, dismantling, disfiguring, disabling, or destroying any computing information and/or services;
- using computing services for workplace violence of any kind as defined in "Campus Violence" Policy 2210, UBP;
- using computing services for unlawful purposes including fraudulent, threatening, defamatory, harassing, or obscene communications;
- invading the privacy rights of anyone;
- disclosing or using non-public information for unauthorized purposes,
- disclosing student records in violation of FERPA;
- accessing medical information about a patient, employee, or student without having a legitimate and authorized University purpose;
- disclosing or transmitting any identifiable medical information except as permitted by University policy and applicable state and federal law and regulations;
- or violating copyright laws.

2.3. Incidental Personal Use

The University allows incidental personal use of computing services. Such use must not interfere with an employee fulfilling his or her job responsibilities, interfere with other users' access to resources, or be excessive as determined by management. Each department should document and communicate what use is acceptable.

3. Privacy Limitations

Users, including managers, supervisors, and systems administrators shall respect the privacy of other users. Users must be aware, however, that computing systems can never be totally secure and the University cannot guarantee privacy.

While the University does not routinely monitor individual usage of its computing resources, the normal operation and maintenance of the University's computing resources require the backup and storage of data and communications, the logging of activity, the monitoring of general usage patterns, and other such activities that are necessary for the rendering of services.

The University may also specifically access and examine the account of an individual user if necessary to comply with federal or state law or if there is reasonable suspicion that a law or University policy has been violated and examination of the account is needed to investigate the apparent violation. Requests for access based on reasonable suspicion must be approved in writing, in advance, by the cognizant vice president. Each request must specify the purpose of access and such access will be limited to information related to the purpose for which access was granted. If such access is being requested by a vice president, access must be approved by the President. If such access is being requested by the President, access must be approved by the UNM Board of Regents. The Regents' Internal Auditing Policy authorizes the University Audit Department full and unrestricted access to all University records.

Accessing an employee's computer files for work-related, noninvestigatory purposes--i.e., to retrieve a file or document needed while the employee who maintains the file or document is away from the office--is permitted and does not require authorization by a vice president as long as access is limited to the work-related need. When an employee separates from the University, work-related files remain the property of the University.

Communications and other documents made by means of University computing resources are generally subject to New Mexico's Inspection of Public Records Act to the same extent as they would be if made on paper. Information stored electronically may also be made available in administrative or judicial proceedings; therefore, all employees are urged to use the same discretion and good judgment in creating electronic documents as they would use in creating written paper documents. The University will disclose illegal or unauthorized activities to appropriate University personnel and/or law enforcement agencies.

4. Sanctions

Use of University computing services in violation of applicable laws or University policy may result in sanctions, including withdrawal of use privilege; disciplinary action, up to and including, expulsion from the University or discharge from a position; and legal prosecution under applicable federal and/or state law.

The ASUNM and GPSA Constitutions may be found at the internet sites www.unm.edu/~asunm and www.unm.edu/~gpsa

CHARTERED STUDENT ORGANIZATION Policy

**Adopted by the President July 2, 1992
Revised September 2000, December 2000**

I. GENERAL DESCRIPTION

Chartered Student Organizations (CSO's) are formed to further the common interest of the members of the group and the University community. The role of chartered student organizations is an essential part of the co-curricular program at the University. Open to all eligible students and facilitated through faculty and staff resource persons, these organizations develop many opportunities for learning which supplement and reinforce the classroom activities for students.

Chartered Student Organizations (CSO's) are formed to further the common interest of the members of the group and the University community. The role of chartered student organizations is an essential part of the co-curricular program at the University. Open to all eligible students and facilitated through faculty and staff resource persons, these organizations develop many opportunities for learning which supplement and reinforce the classroom activities for students.

II CHARTERING

An application and handbook for Chartering may be obtained at the Student Activities Center. The completed chartering form and constitution and bylaws must be submitted for approval by the Dean of Students. Each fall semester the organization will be expected to submit an updated chartering form and constitution to be registered as a CSO. The organization and officers do not have the legal authority to enter into contracts on behalf of the University. Chartering does not constitute an endorsement of an organization, its program or purposes by the University.

III PRIVILEGES OF CHARTERED STUDENT ORGANIZATIONS

- a. Chartering allows access to some University facilities such as equipment, meeting rooms and display tables in the Student Union Building. Many of these facilities are available at no cost to the organization.
- b. CSO's may request the use of a mailbox in the Student Activities Center.
- c. CSO's are eligible to request funding from ASUNM and GPSA governments. Funding approval by each student government is determined by internal policies and is not guaranteed by University recognition.
- d. CSO's are eligible to receive advice and assistance in organizing events, fund raising and recruitment from Student Activities Center staff.
- e. CSO's will be listed in the Campus Guide to Chartered Student Organizations, published every fall semester.

IV. REQUIREMENTS OF CHARTERED STUDENT ORGANIZATIONS

- a. All Chartered Student Organization officers must be registered students at the University of New Mexico. Undergraduate students serving as officers must be registered for a minimum of six credit hours per semester. Graduate and professional students serving as officers must be registered for a minimum of three credit hours per semester.
- b. Each Chartered Student Organization must have at least ten members.
- c. One hundred percent (100%) of the membership of social fraternities and sororities and CSO's identified by the Student Activities Center as sport and recreation organizations shall be UNM students registered for the requisite number of credit hours. For all other CSO's, at least seventy-five percent (75%) of the membership shall be UNM students carrying the requisite number of credit hours.
- d. The organization must have a faculty or professional staff advisor.
- e. Neither membership in the organization, nor services provided by the organization will be denied to anyone on the basis of race, color, religion, national origin, physical or mental handicap, age, sex, sexual orientation, ancestry, or medical condition. This applies to all groups with the exception of those organizations specifically exempted in Title IX of the Education Amendments of 1972. Exempt groups may not discriminate on any basis other than gender. Examples of exempt organizations are National Fraternal Organizations. Organizations may establish additional membership and academic eligibility for their organization.
- f. The organization's current constitution and bylaws must be on file with the Student

Activities Center.

- g. CSO's must meet all additional requirements developed by a University unit before using facilities or property under the control of that unit.
- h. The activities of CSO are not covered by UNM's general liability insurance coverage. Two of the officers of all CSO's must therefore annually attend a Chartering Workshop given by the Student Activities Center which includes information on safety and liability issues.
- i. CSO's must adhere to the constitution, bylaws and statement of purpose of the organization.
- j. Organizations receiving funding from the University must follow the fiscal policies and procedures of the University. In addition, organizations receiving ASUNM and, or GPSA funding agree to follow the fiscal guidelines developed by the Student Government Accounting Office.
- k. CSO's must deposit all funds received from any source in a University account established by the University Controller if the organization also receives funding from ASUNM, GPSA, Student Fees, or other University funds. Organization accounts in off-campus financial institutions cannot use the name "University of New Mexico" or "UNM" in the title of the account or the University's tax identification number.
- l. CSO's must schedule campus-wide programs and events through the Student Activities Center a minimum of seven days prior to the event.
- m. The organization must adhere to all applicable University rules and regulations, including the Student Code of Conduct.
- n. If an event of the CSO is judged to threaten the health, safety or property of members of the University community, the request for scheduling may be denied by the Student Activities Center. Decisions can be appealed in writing to the Dean of Students.

V. FAILURE TO MEET RESPONSIBILITIES OF CHARTERED STUDENT ORGANIZATIONS

- a. The Dean of Students Office is responsible for dealing with the failure of any CSO to meet the responsibilities outlined above. In response to such a failure, the Dean of Students Office may revoke or suspend the organization's charter, or place the organization on probation with appropriate conditions. The conditions may include a fixed period of time in which the organization must rectify any failure to meet its responsibilities. Appeals of such a decision can be made to the Vice President for Student Affairs.
- b. A CSO and, or its officers may be liable as an organization and/or individually for the actions of a member that violate the Student Code of Conduct if (1) the member's actions received the tacit or overt consent, support or encouragement of the CSO and/or its leaders, officers, officials or spokespersons; or (2) the CSO conducted affairs negligently. Individual responsibility means the officer will be deemed to have committed a violation of the Code of Conduct personally, which will be dealt with by the Dean of Students Office under Article 4, of the Student Grievance Procedure. Collective responsibility for the organization means that the organization will be considered to have violated the Code of Conduct and will similarly be dealt with under Article 4, with the provision that instead of the possible sanctions of suspension or expulsion, a CSO is subject to the

sanctions of probation, suspension or revocation of the organization charter.

c. The officers or leaders or any identifiable spokesperson for a CSO may be directed by the Dean of Students Office to take appropriate action designed to prevent or end violations of this Policy by the organization or by any person associated with the organization who can reasonably be said to be acting on its behalf. Failure to make reasonable efforts to comply with such a directive shall be considered a violation of this Policy.

VI. SOCIAL FRATERNITIES AND SORORITIES

A. Fraternities and sororities have special privileges and responsibilities, above and beyond the privileges and responsibilities of other student organizations. In addition to the other responsibilities listed below, fraternities and sororities must be members of the Interfraternity Council, Panhellenic Council or Pan-Hellenic Council. The University establishes rules and regulations governing special fraternity and sorority activities, housing, recruitment, and system policies, through these councils, with final approval residing in the University administration through the Dean of Students Office.

Enforcement of these rules and regulations is also carried out councils, with final approval residing in the University administration through the Dean of Students Office.

B. REQUIREMENTS

- a. All members must be UNM students registered for a minimum of six credit hours per semester.
- b. Sororities and fraternities must agree to follow the University of New Mexico Fraternity Risk Management Regulations.
- c. The national organization must be a member of the Fraternity Insurance Purchase Group or have comparable risk management regulations that have been approved by UNM.
- d. Each residential chapter shall have an annual fire and safety inspection.

C. PRIVILEGES

- a. Each fraternity and sorority will receive a list of semester grades for members of the group who have completed the UNM grade release form.
- b. Sororities and fraternities will have access to UNM police at Chapter House property if located in the Sigma Chi Road and Mesa Vista area.
- c. Sororities and fraternities will be given consideration for University-owned and leased property in the Sigma Chi Road and Mesa Vista area.
- d. The Dean of Students will provide the required faculty or staff advisor upon request.

VII. Sports and Recreation Organizations

A. CSO's identified by the Student Activities Center staff as sports and recreation organizations have special privileges and responsibilities, above and beyond the privileges and responsibilities of other CSO's.

B. Requirements

- a. All members must be UNM students. Undergraduate members must be registered for a minimum of six credit hours per semester. Graduate and professional student members must be registered for a minimum of three credit hours per semester.*
- b. Sport and recreation organizations must agree to follow all policies and regulations as contained in the University of New Mexico Recreational Services' Sports Club Handbook.

Sport and recreation organizations will be classified by Recreational Services as either competitive, recreational or instructional.

- 1. Competitive – Organization competes against other teams at the local, regional or national level.
- 2. Recreational – Organization holds practice sessions in which members compete with other members of the same club to develop and refine existing skills and enjoy the recreational and social fellowship of sport and recreation.
- 3. Instructional – Main purpose of this organization is to teach members basic skills and develop interest in that sport.

* does not take effect until spring 2002

C. Privileges

- 1. Sport and recreation organizations will have access to specialized training for American Red Cross First Aid, CPR and Preventing Disease Transmission.
- 2. Recreational Services will provide assistance in chartering, funding requests, facility reservations, recruitment, equipment requests, promotion, and advisement.
- 3. Sport and recreation organizations will be given consideration for locker space in the Student Union for sports equipment purchased with university funds.

STUDENT I.D. NUMBER

The University of New Mexico uses the individual's social security number as the student's identification at the University. This number is used for record keeping only. The authority to use the social security number as the student's number comes from the Board of Regents and was adopted on March 24, 1967. It is therefore mandatory that students disclose their social security number to the University for identification purposes.

University Identification Card (Lobo Card)

A nontransferable photo identification card is required to be issued to each student of the University of New Mexico. The ID card, or Lobo Card, allows you to check out materials from libraries, access athletic events, the Student Health Center, recreational facilities, campus meal plans and other services. In addition, there are other user-activated options available: a Phone Calling Card and, beginning with the Fall 2003 semester, Lobo Card can be activated as a debit card for purchases of food, vending, residence hall laundry services, textbooks and other supplies at the UNM Bookstores.

The Lobo Card Office is located in the Student Union Building Plaza Level. The phone number is (505) 277-9970 and the website is www.unm.edu/~lobocard. The following policies are in effect for the Lobo Card:

1. The Lobo Card is the property of the University of New Mexico.
2. The card is valid upon admission to the University; it is issued once, and is active upon a student's enrollment for the current semester. The Lobo Card remains valid for the duration of a student's college career and it activates and deactivates according to enrollment status. Lobo Card has no expiration date. You may obtain your ID at the Lobo Card office. Proper photo identification (driver's license, passport, other state/federal-issued identification, etc.) is required.
3. Lobo Cards are issued with the name of the student as recorded in the university's Student Information System.
4. Updating of name or other student identifying information requires the reporting of the change to the Records and Registration Office prior to Lobo Card re-issuance.
5. Lost or stolen Lobo Cards must be reported as soon as possible to the Lobo Card Office.
 - a. A non-refundable, non-waiverable fee will be collected for replacement of damaged, lost, or stolen cards.
 - b. Payment of a replacement fee constitutes authority for the de-activation and deletion of the missing identification card from UNM's card database. Once that occurs, the old Lobo Card can never be reactivated.
 - c. Students should check with the card office to see if a lost card has been turned in.
 - d. Stolen cards should be reported to the appropriate law enforcement agency. A copy of the police report must be provided to the Lobo Card office to obtain a replacement identification card at no charge. Anyone filing a false police report will be subject to disciplinary and/or criminal charges.
6. Fraudulent use of a Lobo Card is cause for card privileges to be revoked. Unauthorized alteration, production, use, possession or reproduction of a Lobo Card is prohibited, may constitute theft, and can result in prosecution (30-14-2 NMSA 1978). In addition, such action could result in referral to both the Dean of Students Office for disciplinary proceedings or appropriate authorities for legal action.

POLICY ON ACADEMIC DISHONESTY

Adopted by the President June 15, 1992

Each student is expected to maintain the highest standards of honesty and integrity in academic and professional matters. The University reserves the right to take disciplinary action, up to and including dismissal, against any student who is found guilty of academic dishonesty or otherwise fails to meet the standards. Any student judged to have engaged in academic dishonesty in course work may receive a reduced or failing grade for the work in question and/or for the course.

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

Student Attendance/Class ABSENCES

Dean of Students Office, Student Services Center 280, Tel. 277-3361, TDD 277-7063.

Policy excerpted from Faculty Handbook, 10/1/90 edition.

General procedures adopted by the Dean of Students, 3/29/01.

Students are expected to attend all meetings of the classes in which they are enrolled. A student with excessive absences may be dropped from a course by the instructor with a grade of WP or WF or the student may receive a grade of F at the end of the semester. Absences due to illness, or to authorized University activity such as field trips, athletic trips, etc., are to be reported by the student to his/her instructor(s) and to the Dean of Students Office. If a student is unable to contact his/her instructor(s) the student should leave a message at the instructor's department. The reporting of absences does not relieve the student of responsibility for missed assignments, exams, etc. The student is to take the initiative in arranging with his/her instructor(s) to make up missed work, and it is expected that the faculty member will cooperate with the student in reasonable arrangements in this regard.

Verification (such as doctor's note, hospital billing, military orders, death notices, etc.) of a student's report of absence will be provided on request and in accordance with the following general procedures.

As a service to students, the Dean of Students Office will send instructors notices in the event of an extended absence, inability to reach instructor(s) or department(s), or emergency situation. Examples of this would include sudden death in the family, sudden hospitalization, incapacitating physical injury, military orders requiring immediate departure, etc.

As a service to instructor(s), the Dean of Students Office will verify a student's reported absence so instructor(s) can determine if make-up work is allowed. Many instructors post their attendance and make-up policies on their syllabus. The reporting of absences does not supercede the instructor(s) policy.

The Dean of Students Office is located on the second floor of the Student Services Center, Room 280, (505) 277-3361, TDY 277-6053. Email address is doso@unm.edu.

Policy on Military Withdrawals

Under faculty regulations, students who formally withdraw from the University before the end of the twelfth week of the semester due to military obligations are entitled to a grade of WP in each course in which he or she is enrolled. Military orders or evidence of enlistment must be made available to the Dean of Students Office. A student who withdraws due to military obligations after completing twelve weeks of instruction will receive full credit for each course in which he or she is enrolled, provided the instructor certifies a grade of C or better for the course at the date of formal withdrawal. He or she will receive a grade of WP if the instructor certifies a grade of less than C. Students must opt for either a tuition refund or for a grade assignment after the twelfth week. A final semester senior who has satisfactorily completed at least half of the work in courses for which he or she is enrolled that semester, provided these would complete his or her degree requirements, may be certified for graduation by the faculty of his or her college.

RESIDENT STATUS IN NEW MEXICO

**Established by the NM Commission on Higher Education (CHE Rule 910)
Effective Fall 1996**

Registrar's Office, Student Services 261, 277-2125.

All students are classified according to their residency status for tuition purposes. Any student wishing to change from nonresident to resident classification must petition through the Registrar's Office. New students must change their residency status through the Admissions Office.

To become a legal resident of New Mexico for tuition purposes, four basic requirements must be completed. Each person must meet the requirements individually.

1. THE TWELVE MONTH CONSECUTIVE PRESENCE REQUIREMENT.* A person must physically reside in the state for the twelve consecutive months immediately preceding the term for which the resident classification is requested. Note: Students must be 19 years old to establish their own residency.

2. THE FINANCIAL INDEPENDENCE REQUIREMENT. Only persons who are financially independent may establish residency apart from parents or guardians. A

student cannot be approved for residency who is financially dependent upon his/her parents or guardians who are nonresidents of New Mexico. Dependency is always based on the previous tax year for residency purposes. If under the age of 23 at the time the student applies for residency, a copy of his/her parents' or guardians' 1040 or 1040A U.S. income tax form for the previous tax year must be submitted with the application to verify this status. If the student is shown to be a dependent on this tax form, he/she will not be considered financially independent during the current year.

3. THE WRITTEN DECLARATION OF "INTENT" REQUIREMENT. The student must sign a written declaration of intent to relinquish residency in any other state and establish it in New Mexico.

4. THE OVERT ACTS REQUIREMENT. New Mexico requires the completion of several "overt" acts which support the student's written declaration of intent to become a permanent resident. The student must meet the requirement of all of the overt acts listed in this section unless they can sufficiently demonstrate why they are unable to do so. The required over acts are:

- 1) if employed, evidence of employment within the state of New Mexico;
- 2) if employed in New Mexico, evidence of payment of New Mexico state income tax;
- 3) a New Mexico driver's license;
- 4) a New Mexico vehicle registration; and,
- 5) voter registration in New Mexico.

NOTE: Any act considered inconsistent with being a New Mexico resident--such as voting, securing and/or maintaining a driver's license or automobile registration in another state, etc.--will cause the petition to be denied.

Active duty military stationed in New Mexico, their spouses and dependents, are eligible for waivers for nonresident tuition. A form must be submitted to obtain this waiver.

** The spouse and dependent children of a person who has moved to New Mexico and has obtained permanent full-time employment (sufficient documentation is required) shall not be required to complete the twelve month durational requirement. However, all other requirements must be satisfied.*

WEAPONS POLICY

Approved by Faculty Senate Mar. 1990

Law enforcement officers, in the performance of their authorized duties, may carry weapons on campus; ROTC students conducting required and supervised drills may carry inoperable weapons for the purpose only of those drills. With the foregoing exceptions, no person may use or possess a weapon on any part of campus. "Weapon" includes, but is not limited to, firearms, ammunition or other dangerous weapons, substances, or

materials, bombs, explosives, or incendiary devices. Persons with such weapons, materials or devices must enter campus at the closest point to the Campus Police Office and deposit all weapons or materials at that office for the duration of their stay.

If any person does carry such weapons or materials on campus, they may be impounded by a law enforcement officer for the duration of the person's stay on campus and the person may also be subject to appropriate disciplinary and/or criminal action.

BICYCLES AND OTHER NONMOTORIZED VEHICLES

Effective Date: January 24, 2000

1. General

The University recognizes the value of bicycles, skates, skateboards, and other similar nonmotorized vehicles as nonpolluting forms of transportation and healthful recreation. Although the University encourages the use of nonmotorized vehicles for commuting to campus and for cautious transportation on campus, inappropriate use can cause injuries to persons and damage to property. Individuals using bicycles, skates, skateboards, and other nonmotorized vehicles on campus must at all times yield to pedestrians, use due caution, and exercise concern for the safety of self and others. Motorized and non-motorized devices used by mobility-impaired individuals are excluded from this policy. The President of the University may ban specified types of nonmotorized vehicles from all University property or from particular areas on campus, on either a permanent or temporary basis.

Users of nonmotorized vehicles, including bicycles, skates, skateboards, and other similar devices on University property must comply with all aspects of this policy seven (7) days per week, twenty-four (24) hours per day. Users include, but are not limited to, students, faculty, staff, and visitors. Persons believed to be in violation of this policy must produce identification upon request.

2. Nonmotorized Vehicles

For the purposes of this policy nonmotorized vehicles include, but are not limited to, the following:

- Bicycles, unicycles, tricycles, and similar vehicles regardless of the number of wheels.
- Skates, including in-line skates, rollerblades, and roller skates.
- Skateboards which include wheeled boards of any size or type including scooters.

3. Safety

The users of nonmotorized vehicles are responsible for being in control at all times of their bicycle, skates, skateboard, or other nonmotorized vehicle so as not to endanger the

safety of themselves or others. In all situations, pedestrians have the right of way and users of nonmotorized vehicles must yield to pedestrians. The speed of nonmotorized vehicles shall be limited to a prudent rate that will avoid collisions. Users must keep a reasonable distance, generally 15 feet, from buildings to ensure use of nonmotorized vehicles does not disrupt University classes or business, interfere with pedestrian traffic, or damage physical structures. Areas fifteen (15) feet around buildings, areas inside buildings, and handicap ramps are designated as Dismount Areas in which the use of nonmotorized vehicles is prohibited. Dismounting may be necessary to access bicycle racks. Users are encouraged to use safety helmets and other protective equipment and clothing. Bicyclists shall comply with all applicable state laws and regulations concerning the proper riding of bicycles and required equipment including lamps, bell, and brakes.

3. Prohibited Acts

The following acts with nonmotorized vehicles are prohibited on University property at all times:

- Performing acrobatic maneuvers, stunts, trick riding, or similar movements.
- Using excessive speed.
- Jumping on or over steps, benches, rails, walls, fountains, or other permanent or temporary fixtures.
- Skating or riding any nonmotorized vehicle on handicap access ramps.
- Skating or riding any nonmotorized vehicle inside a University building or within fifteen (15) feet of a University building.
- Parking a bicycle any place other than at an authorized bicycle rack.
- Taking bicycles into University buildings except as authorized by the appropriate dean, director, or department head.
- Placing bicycles inside University buildings in a manner that blocks entrance and egress routes or public ways or that constitutes any safety hazard.
- Participating in any activity which reasonably presents a risk of injury to persons or damage to property.

4. Enforcement

The UNM Police Department and the University Safety, Health, and Environmental Affairs Department are responsible for enforcing this policy.

4.1. Sanctions

All student and visitor violations will be referred to the Dean of Students for review and action under the Student Code of Conduct and the Visitor Code of Conduct. All faculty and staff violations will be referred to the cognizant dean, director, or department head. Violators of this policy may also be subject to arrest for violation of state law.

Bicycles improperly parked on University property or inside University buildings as described above are subject to removal under the direction of the Department of Safety, Health, and Environmental Affairs in coordination with the UNM Police and/or the

University Physical Plant Department. Impounded bicycles may be retrieved at the UNM Police Department.

5. Bicycle Registration

Users are encouraged to register their bicycles free of charge at the University Police Department. Registration helps in the location and identification of stolen bicycles.

Policy on OUTDOOR VENDORS

2160 Adopted by the President January 1993

Revised 10/26/94, 01/01/01, 021/21/03

1. General

Street-side sales of specialty and hand-crafted items are an integral aspect of southwest culture and can contribute to the social and cultural environment of the campus. However, the presence of unregulated outdoor vendors on The University of New Mexico campus impinges on and degrades the educational environment and the process of higher education. In addition, such unregulated vending mars the beauty and tranquillity of the campus and contributes to unnecessary congestion, noise, and trash. Commercial vendors do not have the right to use University property free of charge.

1.1. Purpose

The purposes of this policy are to allow for outdoor vending, but in a controlled manner that: protects and preserves the academic environment of the University from unnecessary disturbance; protects and preserves the beauty and tranquillity of the University environment; promotes health and safety of the University community; prevents commercial exploitation of students; and protects and preserves the University's proprietary interests in its property.

2. Application

2.1. Unauthorized Vending Prohibited

No person shall sell food, goods, or services or carry on a trade or business on University property without the expressed consent of the University.

2.1.1. Outdoor vending is governed by the provisions of this policy.

2.1.2. Vending within University facilities is prohibited unless authorized and approved in advance by the facility custodian such as the dean or director of the School, College, or Department.

2.2. Property Subject to Policy

This policy applies to The University of New Mexico's Main Campus, North Campus, and South Campus in Albuquerque.

2.3. Private and Non-Profit Vendors

This policy applies to all private commercial and non-profit vendors not associated with the University who seek to sell goods or services on University property as described in Section 2.2. herein. This policy does not apply to vending or distribution by mechanical device which may be regulated by the University through a bid or procurement process. Food and beverage vendors are not covered by this policy. Experienced food and beverage vendors who wish to provide services on campus must contact the University Purchasing Department.

2.4. University Organizations

This policy also applies to vending by University organizations (e.g., departments, chartered student organizations).

2.5. Commercial Advertising or Speech

This policy does not apply to commercial advertising or speech. Such activities are regulated by the Regents' policy on "Free Expression and Advocacy" and "Freedom of Expression and Dissent" Policy 2220, UBP.

2.6. Vendors to the University

This policy does not apply to vendors or owners or operators of commercial vehicles who are selling goods or services directly to the University or any officers, employees, or agents of the University for the conduct of University business or to other vendors conducting business on the University campus as authorized through the University procurement process. Refer to campus parking and traffic regulations for vendor parking permit information.

3. Authorized Vending Locations

3.1. Main Campus

Outdoor vending is allowed by private commercial and non-profit vendors or University organizations only as provided for in this policy and only in the areas designated by the permit. Permits and procedures will be issued by the Student Activities Center.

University organizations and all commercial and non-profit vendors not associated with the University will be assigned a location on campus by the Student Activities Center. In some instances, specific vending site permits will be issued in accordance with the procurement process used to select food and beverage vendors.

3.2. South Campus Vending is authorized under an exclusive agreement, exceptions are determined by the Athletic Department. Permits will be issued by the Director of Athletics in a manner deemed reasonable.

3.3. North Campus

Outdoor vending is generally prohibited on the North Campus. Where exceptions are warranted, permits will be issued by the Vice President of the Health Sciences Center (for the Health Sciences area), the Dean of the Law School (for the Law School), or the Director of the Student Activities Center (for other North Campus areas).

3.4. Vending in Residence Halls

Outdoor vending is allowed by private commercial and non-profit vendors or University organizations only under the provisions of this policy and only in the areas determined by the Residence Life Department. Permits will be issued by the Residence Life Department.

4. Vending Permits

4.1. Vending Without Permit Prohibited

Every private commercial and non-profit vendor must obtain a permit from the University and must also pay a fee in advance to cover the term of the permit. University organizations must obtain a permit for vending activities but are exempt from paying any fees for these activities.

4.2. Food and Beverage Vending

No permits shall be issued, under the scope of this policy, to vendors other than University organizations to sell food, beverages, or other ingestibles. Private commercial or non-profit food, beverage, or ingestible vending may be authorized by the University through its procurement process for specific site locations.

4.3. Special Events

The University reserves the right to close the campus or a portion thereof to regular vending on any particular day for special occasions and/or allow special vending opportunities. If permits have already been issued for that day, the University will refund the permit fee and provide the vendor as much notice as possible to the address and/or phone number indicated on the application form.

4.4. Permit Application Permit applications for vending other than food and beverage vending on University property will be filed with and considered by the:

Director of the Student Activities Center for Main Campus;
Residence Life Department for the Residence Hall area;
Athletic Director for South Campus;
Vice President of the Health Sciences Center for the Health Sciences area;
Dean of the Law School for the Law School; and
Director of the Student Activities Center for other North Campus areas.

All applications shall include:

4.4.1. The applicant's name, address, and telephone number.

4.4.2. The name, address, and telephone number of the company or organization

represented by the applicant.

4.4.3. A statement as to whether the applicant is a University organization.

4.4.4. The type of vending activity proposed.

4.4.5. The date, time, and duration as well as the location of the vending activity proposed.

4.4.6. The applicant's New Mexico Gross Receipts Tax Number; (non-University organizations);

4.4.7. The applicant's TIN/EIN - Tax Identification Number/Employer Identification Number (non-University organizations);

4.4.8. The applicant's SSN - Social Security Number.

4.5. Issuance of Permits

The Director of the Student Activities Center shall determine the method for the issuance of permits and provide that such use does not interfere with or interrupt educational uses or other uses directly related to the operation of the University and subject to the provisions of this policy.

4.5.1. The University must determine that space is available at the time and location stated in the application.

4.5.2. The applicant must pay the required fee at the time of application. University organizations will not be required to pay these fees. The fees will be returned if the permit is not issued.

4.5.3. The applicant must furnish proof of a New Mexico Taxation and Revenue Department Tax Identification Number (non-University organization).

4.5.4. By signing an application for a permit, the applicant shall agree to defend, indemnify, and hold harmless the University from and against all claims, costs, liabilities, charges, damages, and the like, arising out of the vendor's use and occupancy of University property.

4.6. Permit Fees

All fees are payable in advance. Fees will not be charged for University organizations. A fee schedule is published and subject to change with proper authorization and approval of the Director of the Student Activities Center. The University may use an alternate fee schedule or make special fee arrangements for special events. Revenues returned to the University by food and beverage vendors are determined through the procurement process.

4.6.1. The proceeds from the permit fees will primarily be used to support student publications. Fees from credit card marketers will fund educational programming on credit and debt issues for students.

4.7. Vending Location

The exact vending location will be designated in the permit. The vending will be confined to the location assigned by the University in the permit.

4.8. Duration of Permit

The maximum period for which a vending permit will be issued at one (1) time is for an academic semester period or four (4) months.

5. Administration

5.1. Processing of Permits

Permit applications for vending on University property shall be filed and approved pursuant to Section 4. herein.

5.2. Requirements and Limits of Operation

In addition to the conditions stated in Section 4.5. herein, vendors and University organizations who have been issued permits shall observe the following rules:

5.2.1. Vending must be confined to the location designated on the permit and staffed at all times.

5.2.2. No vendor shall, by operating on University property, restrict access to University buildings or other facilities.

5.2.3. The vendor shall display its permit at all times while operating on University property.

5.2.4. The vendor shall keep the designated area free of trash and safety hazards.

5.2.5. The vendor will be held responsible for any damage or cleaning that is incurred as a result of the vending.

5.2.6. The use of sound amplification equipment or devices is not approved under this policy.

5.2.7. No vendor shall sell, display, or offer for sale any product or services which are prohibited by law, or inconsistent with University policy.

5.2.8. Permits are not transferable.

5.2.9. No vendor shall bring motorized vehicles into its assigned location.

5.2.10. No vendor shall use trees, bushes, benches, walls and other University property to display and/or hang merchandise. Vendors may not use University utilities, except for special events with the approval of the Director of the Student Activities Center.

5.3. Revocation of Permits

The permit issuer shall have authority to revoke any permit if the vendor fails to comply with the terms of the permit or the provisions of this policy. In the event of revocation, no fees will be refunded to the vendor. Private commercial and non-profit vendors whose permits are revoked shall be prohibited from vending on University property for a period of not more than one (1) year.

5.4. Failure to Comply

Vendors who fail to comply with this policy may be subject to revocation of permit and removal.

6. Notice to the Public

A copy of this policy has been filed with the State of New Mexico Records Center and Archives by the UNM Policy Office. Any substantial modifications to this policy shall be similarly filed.

SPEAKERS FROM OFF CAMPUS

Regents Policy Manual

Adopted: September 12, 1996

Applicability

This policy applies to all speakers at the University who are not affiliated with the University of New Mexico, whether or not sponsored by members of the campus community.

Policy

The University encourages free inquiry on the campus. It has confidence in the ability of its students, faculty, and staff to critically evaluate all ideas that may be expressed at the University by speakers from off campus.

As an educational institution, the University expects that presentations of speakers in University facilities will be of educational value, and that they will be conducted in an orderly manner. The responsibility for determining the educational value of invited speakers rests ultimately upon the group authorized to extend the invitation. No University organization should accept speakers imposed upon it by any outside agency or individual, nor should an organization lend its entitlement to invite a speaker merely as an accommodation to anyone.

University facilities normally will not be made available for non-affiliated or non-sponsored speakers. Exceptions will be made for candidates for state and national political office and for speakers who address closed audiences of organizations that use University facilities on an invitational or rental basis. This policy is not intended to restrict the use of University facilities for meetings of a professional or academic nature arranged as part of the University's regular functions.

Speakers approved in accordance with University procedures should be allowed free expression of their views. Members of the audience with divergent points of view should permit such speakers to be heard without harassment.

FREEDOM OF EXPRESSION AND DISSENT

Effective Date: January 14, 2002

Subject to Change Without Notice

1. General

As an institution that exists for the express purposes of education, research, and public service, the University is dependent upon the unfettered flow of ideas, not only in the classroom and the laboratory, but also in all University activities. As such, protecting freedom of expression is of central importance to the University. The exchange of diverse viewpoints may expose people to ideas some find offensive, even abhorrent. The way that ideas are expressed may cause discomfort to those who disagree with them. The appropriate response to such speech is speech expressing opposing ideas and continued dialogue, not curtailment of speech.

The University also recognizes that the exercise of free expression must be balanced with the rights of others to learn, work, and conduct business. Speech activity that unduly interferes with the rights of others or the ability of the University to carry out its mission is not protected by the First Amendment and violates this policy.

2. Core Principle

The University is committed to tolerate all peaceful speech activities carried out upon the campus unless those activities destroy or materially damage property, materially disrupt other legitimate University activities, or create a substantial health or safety hazard. This policy applies to all buildings, grounds, and property owned or controlled by the University.

3. Activities

3.1. Speech Activities

Speech activities protected by this policy include speechmaking, praying, the distribution of written materials, picketing, assembling in groups, demonstrating, sidewalk chalking, erecting symbolic structures, and any other actual or symbolic speech or conduct intended to communicate an idea.

3.2. Legitimate University Activities

Legitimate University activities include teaching, research, and public service; all of the administrative operations supporting those activities; and the performance of all University approved educational, commercial, research, professional or other activities by public or private contractors, tenants, or permittees. An activity scheduled under Section 4. herein is a legitimate University activity.

3.3. Materially Disrupting Activities

A speech activity materially disrupts other legitimate University activities when a reasonable person is unable to effectively perform a legitimate University activity

because of the speech activity taking place. Examples of when a speech activity may materially disrupt other legitimate University activities include, but are not limited to:

- Conducting the speech activity at a volume that substantially disrupts the normal use of classrooms, offices, laboratories, and other University facilities or grounds;
- Physically preventing persons from entering or leaving a building or premises;
- Conducting a speech activity inside a building and not ending it at or before the close of the building's regular hours;
- Destroying or materially damaging any property; or
- Creating a substantial health or safety hazard.

4. Scheduling

Subject to the exceptions described in Section 4.1. below, scheduling to use University facilities for speech activities is not required. Users, however, should be aware that many facilities, both indoor (e.g. classrooms) and outdoor (e.g. Johnson Fields), are used for regularly scheduled activities that have priority over other uses. In order to reserve the desired space and avoid conflicts with other users, groups or individuals wanting to use a regularly scheduled University facility for a speech activity are encouraged to schedule it at least twenty-four (24) hours in advance with the University Student Activities Center, or the office that schedules the desired venue, as advised by the Student Activities Center. Users who fail to schedule a speech activity that occurs and unduly interferes with a prior scheduled activity are in violation of this policy.

4.1. Scheduling Required

Because of size, safety, logistics, and other considerations, the following types of speech activities must be scheduled in advance:

- Assemblies or large events in a University auditorium or similar facility. Users must schedule such events following the procedures of the appropriate University office that oversees the facility.
- Planned demonstrations on campus. A planned demonstration is a public manifestation of protest, condemnation, or approval; taking the form of a mass meeting, procession, picket, or similar activity which is organized and promoted more than a day before the event. Users must schedule such events with the Student Activities Center at least twenty-four (24) hours in advance. This does not apply to spontaneous demonstrations for which there is no prior promotion or organization or where events do not allow at least twenty-four (24) hours notice in advance. In such situations, as much prior notice as possible must be provided to the Student Activities Center.
- Building a symbolic structure on campus, which must be scheduled with the Student Activities Center at least twenty-four hours in advance.

Scheduling does not operate as a process for prior approval of speech activities based upon content. Speech activities will be scheduled on a first-come, first-served basis for the requested location. Events will not be scheduled only if there is a scheduling conflict

with an earlier planned event or if the requested event will clearly result in a violation of this policy. The viewpoint to be expressed through the speech activity is not a factor in scheduling. A decision not to schedule an event may immediately be appealed to the University President or designee.

5. Enforcement

Any person violating this policy may be subject to:

- Institutional disciplinary proceedings under the Student Code of Conduct if a student or the Visitor Code of Conduct if a visitor. Violations by faculty or staff will be referred to the appropriate department or academic unit;
- An order to leave the premises or property owned or controlled by the University by the police or a person in charge of the property; and/or
- Arrest for violation of state law(s).

Main Campus Rules for Outdoor Events, Sound, and Posting

Student Activities Center, April 2002

All entertainment, social activities and other similar events which are planned for on-campus outdoor areas must be cleared by an official of the Student Activities Center prior to the event. In order to reserve the desired space and avoid conflicts with other users, groups or individuals wanting to use University grounds for an outdoor event are encouraged to schedule it at least twenty-four (24) hours in advance with the University Student Activities Center, or the office that schedules the desired location, as advised by the Student Activities Center.

The sponsoring group shall be responsible for the general conduct and atmosphere of the event. Members from the sponsoring organization or group must be present for the duration of the event.

No disruption of UNM business and classrooms will be allowed.

Adequate security as determined by the Student Activities Center in consultation with the UNM Police Department must be provided. Based on space availability, logistics, and security concerns, determination of the duration and location of an event will be made by the Student Activities Center. The Student Activities Center will determine whether the event will be open to the public and whether advertising to the off-campus community will be allowed.

Sound

The production of sound, either amplified or non-amplified, in conjunction with an outdoor event or speech activity under UBPPM 2200 may not substantially disrupt educational activities and other University business. The Student Activities Center reserves the right to set event location, permissible sound levels and amplification so as to minimize the adverse impact on University activities.

Sound amplification is of particular concern. During regular business hours (8:00 a.m. - 5:00 p.m., Mon.-Fri.) amplification is allowed from noon to 1:00 p.m. in areas that will not substantially disrupt University activities.

Outside of regular business hours, amplified sound may not substantially disrupt University residential areas and the surrounding city neighborhoods.

During the week of final examinations no events involving amplified sound will be scheduled.

If amplified sound is substantially disruptive, the event sponsor will be asked to reduce the volume or face termination of the event. At no time may amplified sound exceed 88 decibels at the source.

Posting

Placement of posters, notices, fliers or painting of signs at any time on any permanent University structures, such as buildings, utility poles, fountains, fixed refuse containers and trees on campus is prohibited. Stakes may not be driven into the grass.

Displays painted or posted improperly will be removed promptly by maintenance crews. Any extraordinary expense will be charged to the persons or groups responsible for the damage. Posting with glue is prohibited.

Chalking with non-permanent sidewalk chalk is permitted only on sidewalks which are exposed to weather and foot traffic where chalk will wear off in a short time. Chalking is not permitted on any permanent University structures or on sidewalks under balconies or overpasses not exposed to the elements. Chalking is also prohibited within fifteen feet of the entrance to any building.

Posters, notices and flyers may be placed on the outdoor kiosks. These are cleaned off once a month. Posting inside of campus buildings may be done with the prior approval of the office in charge of the area.

Notices and flyers may be distributed at any outdoor area on campus consistent with the orderly conduct of University affairs, the maintenance of University property, and the free flow of traffic and persons. Efforts must be made to avoid litter. Any expense incurred by the University for clean-up will be charged to the person or organization responsible. Materials shall not be forced upon others; excessive hawking or shouting at persons is prohibited.

Violations

Persons violating any of these rules may be subject to disciplinary action under the Student Code of Conduct or the Visitor Code of Conduct. Violations by faculty or staff will be referred to the appropriate department or academic unit. In addition, violators may be subject to an order to leave University property and/or arrest for violation of State law(s).

See also the Freedom of Expression and Dissent Policy UBPPM 2200.