Educator Preparation Programs
Teacher Candidate Continuation Policy
April 2018
Teacher Candidate Continuation Policy

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Teacher Candidate Continuation Policy

The College of Education (COE) and the Educator Preparation Licensure Programs adopt the following as its Teacher Candidate Continuation Policy.

The College of Education (COE) and the Educator Preparation Licensure Programs offer a curriculum designed to academically prepare individuals for the teaching profession. This preparation results from a combination of the successful completion of university coursework, clinical experiences, and includes the demonstration of professional dispositions that all teachers should possess. The COE recommends teacher candidates to the New Mexico Public Education Department Professional Licensure Bureau for teacher licensure. A teacher candidate who has not demonstrated the academic, professional behavior, and dispositions indicated below will not be recommended by the COE and the Educator Preparation Programs for licensure. A teacher candidate who has not demonstrated the academic, professional behavior, and dispositions indicated below may not be allowed to continue in a licensure program.

On occasion, a teacher candidate’s professional, academic, or ethical behavior in the university classroom or at the host school site may be a cause of concern for the licensure program personnel. In order to address this concern, the Teacher Candidate Continuation Policy has been developed. The purpose of this policy is to provide the teacher candidate with assistance and support in order to resolve the concern. In cases where there is no resolution of the concern, this policy provides options for the teacher candidate to exit his/her licensure program.

A teacher candidate may initiate the UNM Student Grievance Policy at any time during the Teacher Continuation Policy process.

I. Background

Teacher candidates are students who have been admitted to an educator preparation licensure program in the College of Education.

All teacher candidates will be apprised of the Teacher Candidate Continuation Policy upon admission to the program. This policy applies to all educator preparation teacher candidates admitted to an educator preparation program and to teacher candidates completing coursework in the COE which requires interaction with schools, and remains so until completion of their program.

A teacher candidate’s program acceptance is assessed at admission to his/her teacher educator program and their program continuation is assessed throughout their time within that program.

At admission, the faculty assesses a teacher candidate’s program continuation by determining the teacher candidate:
1. Is in good standing at UNM;
2. has a cleared criminal background check; and,
3. has submitted an application that has been reviewed by the applicant’s licensure program.

For successful advancement and program completion, teacher candidates must meet both the academic and field-based experience (student teaching) requirements of their specific educator preparation program and the academic, professional behavior, and dispositions requirements upheld by UNM’s College of Education. While matriculating through these educator preparation programs, teacher candidates are assessed and monitored to ensure they are meeting the academic, field-based experience (student teaching), professional/ethical behavior, and dispositions requirements. Any concerns raised in the following areas may initiate the Teacher Candidate Continuation Policy review process: Academic; professional/ethical behavior; or disposition.

For information on professional expectations and ethical behaviors see the College of Education's, Educator Preparation Programs’ Unit Handbook, the teacher candidate’s licensure program handbook, and the teacher candidate’s host school’s handbook. Additional documents on professional expectations and ethical behaviors include: The Code of Ethical Responsibility of the Education Profession (NMAC 6.60.9); the UNM Student Code of Conduct; and, the Teacher Candidate Dispositions. These documents are included in Appendices C, D, and E.

All decisions by the College of Education personnel related to a teacher candidate’s academic or professional behavior are subject to appeal through the Pathfinder – UNM Student Handbook, Student Grievance Procedure, Article 2 (see Appendix F). For teacher candidates in a graduate program the appeal is Policy D176: Graduate Student Grievance Procedure (see Appendix G).

II. Definitions and Descriptions

A. Educator Preparation Program Coordinators (EPPCs)

The Educator Preparation Program Coordinators are the program coordinators for all the educator licensure programs in the College of Education. They are responsible for monitoring teacher candidates’ progress in their licensure program. Working together as a group, the Program Coordinators may impose Formal Level 2 actions or Emergency Actions in response to a teacher candidate’s deficiencies in performance.

For purposes of decision-making and hearings, a quorum of four (4) Program Coordinators will be needed, and the group will make decisions based upon a simple majority vote.

For a teacher candidate who is a graduate student in an alternative licensure program, the Program Coordinator will inform the teacher candidate’s Faculty Advisor of any Teacher Continuation or Emergency Actions.

B. Corrective and Adverse Actions

Corrective Actions reside in the Formal Review Level 1. They are defined as specific actions recommended by the Formal Review Level 1 participants and are to be implemented
by the teacher candidate in order to resolve the issue(s)/concern(s) brought forth in the review. The **Corrective Action Plan** is a written agreement between the Formal Review Level 1 participants (described in section III.B.) and the teacher candidate. Corrective actions are intended to assist the teacher candidate with their professional learning experiences and improve the teacher candidate’s overall performance in the program.

**Adverse Actions** reside in the Formal Review Level 2. Adverse actions are actions recommended by the committee of program coordinators (described in section IV.A.). Adverse actions could include probation, repetition of an entire program phase, or dismissal from the licensure program and/or College of Education.

C. **Informal Review**

An Informal Review involves a meeting of the parties who are directly involved with the teacher candidate and are knowledgeable with the concern and the teacher candidate. The purpose of the Informal Review is to address a concern with the teacher candidate and to provide suggestions to the teacher candidate on how to correct the concern. An Informal Review can involve faculty, university student teacher supervisor, school personnel (cooperating teacher or principal), personnel in the Center for Student Success, Department Chair, and the teacher candidate.

D. **Formal Reviews (Level 1 and Level 2)**

When concerns with a teacher candidate continue after the Informal Review or an egregious or more serious academic or behavioral concern arises, the matters may be addressed in a Formal Review. There are two kinds of formal review: **Formal Review Level 1** and **Formal Review Level 2**. The distinction between Level 1 and Level 2 is significant. Each Level has its own set of expectations and documentation. All teacher candidates referred for review should participate in the process. Refusal to participate will not terminate the process.

1. **Formal Review Level 1**

A Formal Review Level 1 action is taken with a teacher candidate when a concern or deficiency has not been corrected after an Informal Review meeting between the teacher candidate and involved parties.

A Formal Review Level 1 action typically involves the imposition of a corrective action plan that, in the opinion of the Educator Preparation Program Coordinators (EPPCs), is necessary in order to improve the teacher candidate’s performance. A Level 1 action includes, but is not limited to: requiring a teacher candidate to complete a **Corrective Action Plan** (Appendix B) in which she/he agrees to take certain actions in order to continue in his/her licensure program. Corrective actions cannot be appealed by the teacher candidate, but may be reviewed by the designated Associate Dean at the teacher candidate’s request.
2. **Formal Review Level 2**

A Formal Review Level 2 action is taken when a teacher candidate: (1) Fails to successfully implement a Level 1 Corrective Action Plan: or, (2) has more serious academic or professional behavioral concerns. Level 2 actions could include, but are not limited to: probation from the College of Education and/or the licensure program; repetition of all or part of the licensure program; or, dismissal from the College of Education and the licensure program. Level 2 actions are subject to appeal by the teacher candidate.

Level 2 Reviews may include instances of unprofessional conduct/behavior that is not serious enough to warrant an emergency suspension, but needs to be immediately addressed in a timely manner without going through the Informal or Level 1 Reviews.

E. **Alternative Actions: Emergency Suspension and Leave of Absence Option**

The purpose of an emergency suspension is to provide an immediate response to an emergency situation by removing the teacher candidate from the situation/environment. An emergency suspension is enacted when there are egregious violations of the UNM Student Code of Conduct (Appendix E), the NMAC 6.60.9 Code of Ethical Responsibility for Educators (Appendix D), or the teacher candidate’s host school or district’s code of conduct.

A teacher candidate may be immediately suspended on an emergency basis if the teacher candidate’s behavior is deemed threatening to self or others or is sufficiently disruptive.

Leave of absence —is optional and may be used when the teacher candidate, the licensure program coordinator, and the COE agree that the teacher candidate could use some time apart from school (UNM classroom/host school) to deal with personal issues.

III. **Informal Review and Formal Review Level 1 Procedures**

A. **Informal Review Procedure**

When the faculty member, university student teacher supervisor, program coordinator, personnel in the Center for Student Success, school personnel, Department Chair, or other involved party has a concern about a teacher candidate meeting any of the continuation criteria, they will conduct an Informal Review meeting and undertake the following steps:

1. **Discuss**

The concern will be discussed directly with the teacher candidate, and the parties will seek to work with the candidate to resolve the difficulties. If a problem arises in the field, the university student teaching supervisor and/or cooperating teacher of the host school or district may discuss and document concerns directly with the program coordinator. The teacher candidate is included in this meeting.

2. **Document**

The dates and content of the meeting with teacher candidate will be documented. Complete the *Informal Review Summary* form (Appendix B) and give a copy to
the teacher candidate’s Program Coordinator, the Department Chairperson, and
the designated Associate Dean.

3. Advise

The initiator of the Informal Review Summary will advise the appropriate Program
Coordinator, the Department Chair and the designated Associate Dean in order to
identify potential patterns and issues related to the teacher candidate. If this
deficiency/behavior continues, it may result in further action and review by the College
of Education (i.e. the teacher candidate proceeds to Formal Review Level 1).

B. Formal Review Level 1 Procedure (Corrective Actions)

When a faculty member, instructor, program coordinator, personnel in the Center for Student
Success, or university Student Teaching Supervisor or other involved party continues to have
the same concern that the teacher candidate has not successfully addressed in the
Informal Review, or if the concern is significant, the involved party will complete the
Formal Review Level 1 form (Appendix B). This form is to be submitted to the teacher
candidate’s Program Coordinator and copies sent to the Department Chairperson and the
designated Associate Dean.

Within 10 business days a Formal Review Level 1 meeting will be scheduled with the
involved persons (faculty, personnel in the Center for Student Success, school personnel, the
Department Chairperson, the Program Coordinator, or other involved parties) and the teacher
candidate. During this meeting, the parties will discuss the perceived concern. If necessary, a
Corrective Action Plan (Appendix B) will be developed by the involved parties for the
teacher candidate. The nature, content, and time frame for this plan will depend on the
specific situation. The Corrective Action Plan is signed by all parties involved in the Formal
Review Level 1 meeting.

Corrective Action plans are not subject to appeal, but a teacher candidate may request a
review by the designated Associate Dean within 10 business days.

If the teacher candidate successfully completes the Corrective Action Plan, he/she will
continue in their program. If the candidate fails to meet the Corrective Action Plan he/she
will move to Formal Review Level 2 for review by the Educator Preparation Program
Coordinators (EPPCs).

IV. Formal Review Level 2 Procedures and Adverse Actions

A. Formal Review Level 2 Procedure

The Formal Review Level 2 procedure is enacted when: (1) the same issue/concern persists
for the same teacher candidate and the teacher candidate fails to implement the Corrective
Action Plan successfully; or, (2) there is a more serious egregious academic or professional
behavioral concern. During the Formal Review Level 2 review, the Educator Preparation Program
Coordinators will meet to address the recurring issue/concern. The teacher
candidate’s Program Coordinator will serve as the Level 2 Review Chair.
The Formal Review Level 2 shall be initiated when the issue/concern is related to: 1) a teacher candidate’s failing to successfully implement the Corrective Action Plan; or 2) a teacher candidate’s alleged behavior fails to meet the program standards (academic, ethical, professional). The initiator will submit a referral letter to the teacher candidate’s Department Chair and Program Coordinator stating the concern. Upon receipt of this letter, the Department Chair and Program Coordinator shall notify the teacher candidate of the reason for the referral for initiating Formal Review Level 2 process.

The teacher candidate may choose to respond to this letter within ten (10) business days of receipt of the letter. The EPPCs will be notified and will conduct a fact-finding investigation based upon the referral letter and the teacher candidate’s response to the referral letter. After completing the investigation, the Level 2 Review Chair will send a letter and a synopsis or copies of the information gathered during the fact-finding investigation to the teacher candidate.

The Level 2 Review Chair will then convene a meeting of the EPPCs to which the teacher candidate is invited and permitted to bring witnesses. At least three (3) business days prior to the EPPC meeting, the teacher candidate shall provide a list of all anticipated witnesses and the approximate time frame needed for these witnesses. The teacher candidate may also provide any additional information that he/she would like the EPPCs to know. This information may be provided in writing prior to the meeting or orally at the meeting. All other written documentation that the student would like the EPPCs three (3) days prior to the Level 2 Review hearing.

The EPPCs will make a decision as to: 1) whether or not the reported behavior (or absence of action) or failure to meet a program standard occurred; and if so, 2) whether the behavior (or absence thereof) or failure to meet program standards has violated any of the College of Education Teacher Candidate Continuation Policy.

The decision will be made by a simple majority vote of the EPCCS. Only the EPCCS will be present during the deliberation process. A quorum for the EPPCs is four (4).

Once a decision is made, the Level 2 Review Chair and Program Coordinator will notify the teacher candidate of the EPPCs’ decision by letter within 15 business days of the meeting. Any adverse actions imposed by the EPPCs is considered an academic decision of the College of Education and can be appealed as described in the: (1) Student Grievance Procedure (Appendix F) for undergraduate teacher candidates; or, (2) Graduate Student Grievance Procedure (Appendix G), if the teacher candidate is a graduate student.

The Level 2 Review Chair will complete the Teacher Candidate Continuation Review form (Appendix B) and will submit copies to the teacher candidate’s Department Chairperson and the designated Associate Dean.

**B. Formal Review Level 2 Actions (Adverse Actions)**

Formal Review Level 2 actions include, but are not limited to the following:
1. **Probation**

When a teacher candidate is placed on probation, the EPPCs will require a written plan of action (or contract) and a statement of the period of time the teacher candidate will remain on probation.

2. **Repetition of an entire program phase**

A teacher candidate may be required to repeat an entire phase of the program (e.g., Student Teaching). Difficulty in achieving or sustaining academic or professional behavioral standards may lead to the EPPC’s vote for repetition of a phase of the teacher candidate’s program.

3. **Release from the licensure program and/or College of Education**

Failure to meet academic or professional standards as set forth in the Educator Preparation Policies and Procedures Unit Handbook may constitute grounds for termination from the program and/or College of Education.

V. **Alternative Action: Emergency Suspension and Leave of Absence Option**

A. **Emergency Suspension**

The purpose of an emergency suspension is to provide an immediate response to an emergency situation by removing the teacher candidate from the situation/environment.

The designated Associate Dean in consultation with the Program Coordinator and Department Chair may immediately suspend a teacher candidate on an emergency basis if, based on information received about the teacher candidate’s conduct, the designated Associate Dean finds the teacher candidate’s behavior may endanger him/herself or others.

Generally, an emergency suspension may be imposed only in response to an acute incident or pattern of serious egregious conduct that raises significant question as to the teacher candidate’s ability to function safely and effectively in the university classroom and/or field-based (school classroom or school) setting.

A teacher candidate who has been placed on emergency suspension may request that the designated Associate Dean who issued the suspension meet as soon as possible (no later than five working days) after the request. At this meeting, the teacher candidate will have the opportunity to explain his/her position and request that the suspension be lifted or modified.

The teacher candidate may offer evidence for the designated Associate Dean's consideration. If, after meeting with the teacher candidate, the designated Associate Dean finds that the teacher candidate’s continued presence in his/her professional licensure program may endanger him/herself or others, the designated Associate Dean, in consultation with the teacher candidate’s Program Coordinator, will continue the suspension. This decision may be appealed as described in the UNM Pathfinder.
Otherwise, the suspension must be lifted or appropriately modified, as determined by the designated Associate Dean. The teacher candidate will be notified of his/her decision within five working days after this meeting. If the emergency suspension is continued, the underlying allegation shall be referred to the EPPCs for consideration of further action consistent with the Level 2 Formal Review Process. The EPPCs will meet as soon as possible to consider the referral.

If the designated Associate Dean lifts the suspension, the teacher candidate will be permitted to return to their program immediately. The matter will still be referred to the EPPCs for the Formal Review Process.

B. Leave of Absence Option

A Leave of Absence Option is different from a suspension. A Leave of Absence Option is designed to provide the teacher candidate with sufficient time away from program coursework or his/her school placement in order to resolve serious issues.

A teacher candidate may request a Leave of Absence Option to the EPPCs and the designated Associate Dean in order to take time away from educational activities. In the event that the EPPCs or the designated Associate Dean issues a Leave of Absence Option, the teacher candidate shall receive written notice of the leave of absence and instructions on returning to the program.

The Associate Dean will notify the teacher candidate’s Department Chair in writing of the teacher candidate’s request for a Leave of Absence Option and the designated Associate Dean’s decision.

VI. Teacher Candidate Appeals Policy

The College of Education and the Educator Preparation Programs adopts the Student Grievance Procedure (Appendix E) for undergraduate students and the Graduate Student Grievance Procedure (Appendix G) for graduate students in an alternative licensure program as the appeals policy for all teacher candidates.

Responsible Office: College of Education
Approving Body: COE Educator Preparation Program Faculty
Origination Date: ________________________________
Date of Revision: ________________________________
Scope: Teacher Candidates in an Educator Preparation Program

The “Teacher Candidate Continuation Policy” and the “Alternative Action: Emergency Suspension and Leave of Absence Option” Policies will be reviewed annually by the Educator Preparation Program Coordinators.
Appendix A

Summary of the Teacher Candidate Continuation Policy
## Teacher Candidate Continuation Policy

### Informal Review

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Participants (as appropriate to the case)</th>
<th>Procedure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Discuss issue/concern with the TC regarding academics, professional behaviors, or dispositions.</td>
<td>Faculty, School Personnel, TC, PC, US, Department Chair, CSS Personnel (if applicable)</td>
<td>1. Participants discuss and document issue/concern with the Teacher Candidate. 2. Complete the Informal Summary Form. 3. Confidential copies sent to all participants and the designated Assoc. Dean.</td>
</tr>
</tbody>
</table>

### Formal Review Level 1 (Corrective Action)

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Participants (as appropriate to the case)</th>
<th>Procedure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Issue/concern persists without correction. Discuss the continuing concern and develop a Corrective Action Plan with timeline and follow-up.</td>
<td>Faculty, School Personnel, TC, PC, US, Department Chair, CSS Personnel (if applicable)</td>
<td>1. Meeting with participants to discuss the continuing issue/concern. 2. Complete Formal Review Level 1 Summary Form. Include measurable and observable terms that describe the required changes to be made. Include a timeline for implementing the changes. 3. Participants will complete the Corrective Action Plan form. 4. Confidential copies sent to all participants and designated Assoc. Dean.</td>
</tr>
</tbody>
</table>

### Formal Review Level 2 (Adverse Action)

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Participants (as appropriate to the case)</th>
<th>Procedure</th>
</tr>
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<tbody>
<tr>
<td>The issue/concern persists without corrective changes. The TC has other serious academic, professional, or behavioral issue(s) or concerns. Convene a meeting of the Program Coordinators to discuss the TC’s failure to complete the Corrective Action Plan or has other serious issues and to determine an appropriate Level 2 action.</td>
<td>All Ed. Prep. Program Coordinators Involved Parties Teacher Candidate, US, CT, Department Chair, School Personnel, CSS Personnel (if applicable)</td>
<td>1. EPCCs meet with involved parties to discuss the failure of the TC to successfully implement the Corrective Action Plan. 2. Review all documents related to the issue/concern. 3. Interview the TC and others involved in the issue. 4. Make a determination of the Adverse Action for the TC. 5. Complete the Teacher Candidate Continuation Review form. 6. Confidential copies to all participants, the designated Assoc. Dean.</td>
</tr>
</tbody>
</table>

## Teacher Candidate Emergency Action Policies*

### Emergency Suspension

<table>
<thead>
<tr>
<th>Issue</th>
<th>Procedure for Emergency Suspension</th>
</tr>
</thead>
<tbody>
<tr>
<td>The behavior of a Teacher Candidate (TC) that is threatening to others, endangers others’ learning, or is an acute incident. A pattern of conduct that raises questions as to whether the TC can function safely/effectively in the university classroom or school setting. The purpose of an emergency suspension is to remove the TC from the environment.</td>
<td>1. The Program Coordinator (PC) meets with the designated Assoc. Dean and the Department Chair to discuss the issue and further action. 2. The designated Assoc. Dean may immediately suspend the TC. 3. TC may meet w/PC, Dept. Chair, &amp; designated Associate Dean to explain his/her position and request the suspension be lifted. 4. The designated Assoc. Dean will document the case and the decision. 5. Copies to be given to the PC and Department Chair.</td>
</tr>
</tbody>
</table>

### Leave of Absence Option

<table>
<thead>
<tr>
<th>Issue</th>
<th>Procedure for Leave of Absence Option</th>
</tr>
</thead>
<tbody>
<tr>
<td>The behavior of a Teacher Candidate (TC) that is subject to a leave of absence option could include: unprofessional conduct (NMAC 6.60.9), continuing disruptive behavior on campus or at the school site, or behavior requiring time away from the classroom or school site.</td>
<td>1. The Program Coordinator (PC), Department Chair, and the designated Associate Dean meet with the TC to discuss the issue/concern. 2. They may agree the TC should take a leave of absence from part or all educational/professional activities for a period of time. 3. The designated Assoc. Dean will document the case with the decision. 4. The TC will be given a letter to document the leave and instructions on returning to the program. 5. Copies will be given to the PC and Department Chair.</td>
</tr>
</tbody>
</table>

**Abbreviations:**  
TC = Teacher Candidate  
PC = Ed. Prep. Program Coordinator  
US = University Supervisor  
CSS = Center for Student Success  
* The “Teacher Candidate Emergency Action Policies” ARE NOT part of the “Teacher Candidate Continuation Policy”.
Appendix B

Documentation Forms for Teacher Candidate Continuation Policy
TEACHER CANDIDATE INFORMAL REVIEW

Teacher Candidate_________________________ UNM ID#_________________________ Date__________

Initiator of Informal Review_________________________ Role_________________________

The Concern (Check all that apply): ____Academic ____Behavioral ____Other (specify)________________

Directions: Summarize the concern and discussion with the Teacher Candidate.

I (we) have discussed the concern(s) and possible solutions with the teacher candidate.

Name (print) ___________________________ Signature ___________________________

Name (print) ___________________________ Signature ___________________________

Name (print) ___________________________ Signature ___________________________

Name (print) ___________________________ Signature ___________________________

Copies given to the Program Coordinator, Department Chair, and the designated Associate Dean.
FORMAL REVIEW SUMMARY
Formal Review Level 1

Teacher Candidate __________________________ UNM ID#________________ Date ________

Initiator of Informal Review __________________________ Role __________________________

The Concern (Check all that apply): ___ Academic ___ Behavioral ___ Other (specify) ____________

Directions: Briefly describe the behavior, situation or class requirement that motivated you to complete this form and the setting(s) in which it was recognized. (Include any documents which serve as evidence.)

Teacher Candidate Signature: __________________________ Date: __________________

Faculty or School Personnel signature(s) indicates that the student has been informed in writing of the concern(s).

Name (print) __________________________ Signature __________________________

Name (print) __________________________ Signature __________________________

Name (print) __________________________ Signature __________________________

Name (print) __________________________ Signature __________________________

Teacher Candidate signature indicates notification concern(s) and IS NOT an indication of agreement.

Copies given to the Program Coordinator, Department Chair, and the designated Associate Dean.
CORRECTIVE ACTION PLAN
Formal Review Level 1

Teacher Candidate ___________________________ UNM ID# ________________ Date __________ 

Initiator of Informal Review ___________________________ Role ___________________________ 

The Concern (Check all that apply): ___ Academic ___ Behavioral ___ Other (specify) __________________ 

Directions: Indicate the remediation plan for the teacher candidate. 
(Include timelines and benchmarks for the completion of this Corrective Action Plan.) 

Teacher Candidate signature indicates agreement with the Corrective Action Plan and consents to follow this plan.

Teacher Candidate Signature __________________________________________________________ 

I (we) have discussed the concern(s) and the Remediation Plan with the teacher candidate. 

Program Coordinator (print) ___________________________ Signature ___________________________ 

Department Chair (print) ___________________________ Signature ___________________________ 

Copies given to the Program Coordinator, Department Chair, and the designated Associate Dean.
TEACHER CANDIDATE CONTINUATION REVIEW

Formal Review Level 2

Teacher Candidate __________________________ UNM ID# __________________ Date __________

The Concern (Check all that apply): ___ Academic ___ Behavioral ___ Other (specify)________________

Disposition of Case:
Following the review of the evidence presented from documentations and previous meetings, and after interviewing the teacher candidate in question and the faculty involved with this case, the Program Coordinators have made the following recommendation:

___ Teacher candidate is allowed to proceed in the program without further corrective action.

___ Teacher candidate is allowed to proceed in the program with an additional corrective action plan (attached).

___ Teacher candidate is not allowed to proceed in the program and is being dismissed from the program effective immediately.

Additional (optional) comments from the Program Coordinators (if needed).

Teacher Candidate’s signature indicates notification regarding the Program Coordinators’ decision and IS NOT an indication of agreement.

Teacher Candidate Signature: __________________________________________

Program Coordinators’ signatures:

CHAIRPERSON
Print __________________________ Signature __________________________

MEMBER
Print __________________________ Signature __________________________

MEMBER
Print __________________________ Signature __________________________

MEMBER
Print __________________________ Signature __________________________

MEMBER
Print __________________________ Signature __________________________

Copies to the Teacher Candidate’s Program Coordinator, Department Chair, and the designated Associate Dean.
Appendix C

21 Teacher Candidate Dispositions
21 Teacher Candidate Dispositions

NOTE:
1. InTASC Standards are identified in parentheses
2. Underlined and/or [ ] phrases indicate other InTASC dispositions that were combined with the disposition.

LEARNER AND LEARNING

D-1 (1h) The teacher respects learners’ differing strengths and needs and is committed to using this information to further each learner’s development.

D-2 (1k) The teacher values the input and contributions of families, colleagues, and other professionals in understanding and supporting each learner’s development.

D-3 (2m) The teacher respects learners as individuals with differing personal, family, and [cultural] backgrounds and various skills, abilities, perspectives, talents, and interests.

D-4 (2o) The teacher values diverse languages and dialects and seeks to integrate them into his/her instructional practice to engage students in learning, [makes learners feel valued, and helps them learn to value each other.]

D-5 (3n) The teacher is committed to working with learners, colleagues, families, and communities to establish positive and supportive learning environments.

D-6 (3p) The teacher is committed to supporting learners as they participate in decision making, engage in exploration and invention, work collaboratively and independently, and engage in purposeful learning.

D-7 [TAG] The teacher validates students’ home languages and cultures.

CONTENT KNOWLEDGE

D-8 (4o) The teacher realizes that content knowledge is not a fixed body of facts but is complex, culturally situated, and ever evolving. S/he keeps abreast of new ideas and understandings in the field.

D-9 (4r) The teacher is committed to work toward each learner’s mastery of disciplinary content and skills [while recognizing the potential of bias in his/her representation of the discipline and seeks to appropriately address problems of bias.]

D-10 (5s) The teacher values flexible learning environments that encourage learner exploration, discovery, and expression across content areas [while also being mindful of how to use disciplinary knowledge as a lens to address local and global issues.]
INSTRUCTIONAL PRACTICE

D-11 (6q) The teacher is committed to engaging learners actively in a variety of assessment processes aligned to instruction and to developing each learner’s capacity to review and communicate about their own progress and learning.

D-12 (6u) The teacher is committed to making appropriate accommodations in assessments and testing conditions, especially for learners with disabilities and language learning needs.

D-13 (7n) The teacher respects learners’ diverse strengths and needs and is committed to using this information to plan effective instruction.

D-14 (7o) The teacher values planning as a collegial activity that takes into consideration the input of learners, colleagues, families, and the larger community [uses short-term and long-term planning to assure student learning.]

D-15 (8p) The teacher is committed to deepening his/her awareness and understanding of the strengths and needs of diverse learners while valuing flexibility & reciprocity in order to be adaptive when planning and adjusting instruction.

D-16 (8q) The teacher values the variety of ways people communicate and encourages learners to develop and use multiple forms of communication [and use of emerging technologies to promote students’ development and learning.]

PROFESSIONALISM

D-17 (9l) The teacher takes responsibility for student learning and uses ongoing analysis and reflection to improve planning and practice.

D-18 (9m) The teacher is committed to deepening understanding of his/her own frames of reference (e.g., culture, gender, language, abilities, ways of knowing), the potential biases in these frames, and their impact on expectations for and relationships with learners and their families.

D-19 (9o) The teacher understands [and adheres to] the expectations of the profession including codes of ethics, professional standards of practice, and relevant law and policy.

D-20 (10p) The teacher actively shares responsibility for shaping and supporting the mission of his/her school as one of advocacy for learners and [families as well as] accountability for [student] success [while also taking responsibility for contributing to and advancing the profession.]

D-21 (10q) The teacher respects families’ beliefs, norms, [cultures] and expectations and seeks to work collaboratively with learners and families in setting and meeting challenging goals.
Appendix D

New Mexico Code of Ethical Responsibility of the Education Profession

NMAC 6.60.9
OBJECTIVE: The PED seeks to make ethical values and ethical leadership an integral part of the day to day activities of schools, and holds all persons within the scope of this rule accountable for adhering to minimal standards of accepted professional conduct and ethical behavior. The PED accepts the recommendations of its professional practices and standards council and the ethics subcommittee that a code of ethics and standards of professional conduct applicable to the education profession will infuse the learning environment with choices and values designed to assist in shaping young minds into educated, responsible citizens.

DEFINITIONS: "Ethical misconduct' means behavior or conduct engaged in by a licensed or certified school employee that violates the minimal standards of accepted ethical behavior and professional conduct listed in the standards of professional conduct section of this rule, or that constitutes the grounds for revoking licensure listed in 6.63.8 NMAC except for failure to meet level 3-A competencies.

CODE OF ETHICS: We, professional educators of New Mexico, affirm our belief in the worth and dignity of humanity. We recognize the supreme importance of the pursuit of truth, the encouragement of scholarship, and the promotion of democratic citizenship. We regard as essential to these goals the protection of freedom to learn and to teach with the guarantee of equal educational opportunity for all. We affirm and accept our responsibility to practice our profession according to the highest ethical standards. We acknowledge the magnitude of the profession we have chosen, and engage ourselves, individually and collectively, to judge our colleagues and to be judged by them in accordance with the applicable provisions of this code.

A. Principle I: Commitment to the student. We measure success by the progress of each student toward achievement of his/her maximum potential. We therefore work to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals. We recognize the importance of cooperative relationships with other community institutions, especially the home. In fulfilling our obligation to the student, we:

   (1) deal justly and considerately with each student;
   (2) encourage the student to study and express varying points of view and respect his/her right to form his/her own judgment;
   (3) conduct conferences with or concerning students in an appropriate place and manner;
   (4) seek constantly to improve learning facilities and opportunities.
B. Principle II: Commitment to the community. We believe that patriotism in its highest form requires dedication to the principles of our democratic heritage. We share with all other citizens the responsibility for the development of sound public policy. As educators, we are particularly accountable for participating in the development of educational programs and policies and for interpreting them to the public. In fulfilling our obligations to the community, we:

1. share the responsibility for improving the educational opportunities for all;
2. recognize that each educational institution has a person authorized to interpret its official policies;
3. acknowledge the right and responsibility of the public to participate in the formulation of educational policy;
4. evaluate through appropriate professional procedures conditions within a district or institution of learning, make known serious deficiencies, and take action deemed necessary and proper;
5. assume full political and citizenship responsibilities, but refrain from exploiting the institutional privileges of our professional positions to promote political candidates of partisan activities;
6. protect the educational program against undesirable infringement, and promote academic freedom.

C. Principle III: Commitment to the profession. We believe that the quality of the services of the education profession directly influence the future of the nation and its citizens. We therefore exert every effort to raise educational standards, to improve our service, to promote a climate in which the exercise of professional judgment is encouraged, to demonstrate integrity in all work-related activities and interactions in the school setting, and to achieve conditions which attract persons worthy of the trust to careers in education. Aware of the value of united effort, we contribute actively to the support, planning, and programs of our professional organizations. In fulfilling our obligations to the profession, we:

1. recognize that a profession must accept responsibility for the conduct of its members and understand that our own conduct may be regarded as representative of our profession;
2. participate and conduct ourselves in a responsible manner in the development and implementation of policies affecting education;
3. cooperate in the selective recruitment of prospective teachers and in the orientation of student teachers, interns, and those colleagues new to their positions;
4. accord just and equitable treatment to all members of the profession in the exercise of their professional rights and responsibilities;
5. refrain from assigning professional duties to nonprofessional personnel when such assignment is not in the best interest of the student;
6. refrain from exerting undue influence based on the authority of our positions in the determination of professional decisions by colleagues;
7. keep the trust under which confidential information is exchanged;
8. make appropriate use of the time granted for professional purposes;
9. interpret and use the writings of others and the findings of educational research with intellectual honesty;
maintain our integrity when dissenting by basing our public criticism of education on valid assumptions as established by careful evaluation of facts;

(11) respond accurately to requests for evaluation of colleagues seeking professional positions;

(12) provide applicants seeking information about a position with an honest description of the assignment, the conditions of work and related matters.

D. Principle IV: Commitment to professional employment practices. We regard the employment agreement as a solemn pledge to be executed both in spirit and in fact in a manner consistent with the highest ideals of professional service. Sound professional personnel relationships with governing boards are built upon integrity, dignity, and mutual respect between employees, administrators, and local school boards. In fulfilling our obligations to professional employment practices, we:

(1) apply for or offer a position on the basis of professional and legal qualifications;

(2) apply for a specific position only when it is known to be vacant and refrain from such practices as underbidding or commenting adversely about other candidates;

(3) ill no vacancy except where the terms, conditions, and policies are known;

(4) adhere to and respect the conditions of a contract or to the terms of an appointment until either has been terminated legally or by mutual consent;

(5) give prompt notice of any change in availability of service, in status of applications, or in change in position;

(6) conduct professional business through recognized educational and professional channels.

[6.60.9.8 NMAC - N, 04-30-01]

6.60.9.9 STANDARDS OF PROFESSIONAL CONDUCT:

A. Preamble

(1) We, licensed New Mexico educators acknowledge that ethical values in our schools cannot exist without ethical leadership. It is our ultimate goal to educate children so that they may become productive citizens; we understand that our guidance and ability to provide choices has a profound effect on reaching this goal. In affording students and each other choices, we agree to consider the consequence of each choice, the moral value best exemplified by the recommended choice, and our position on the choice if it were applied to us. These principles apply equally to all licensed educators in all schools except where they are uniquely applicable to public schools or where they conflict with principles of religious freedom.

(2) Moral values are to ethical leadership what years of experience are to a successful educator. The former sets the stage for success of the latter. Abstract principles that espouse excellence do not easily equate into simple behavioral maxims. We are certain that some foundational concepts can be embraced because they truly celebrate desirable moral values. These concepts are: respect for one's self and others, honesty and openness, the delicate balance between absolute freedom and safety, the equally delicate balance between confidentiality and the right to know, equality of opportunity, fairness to all, and personal integrity.
In the final analysis it is our consistent ethical leadership that wins the most allies and produces the best results. Not only does this code highlight our professional responsibilities, but also it stimulates us to discuss the professional implications of our ethical choices and ethical recommendations, causes us to assess and reassess our application of moral values, and sets forth concrete behaviors appropriate for education professionals. We are committed to this code and understand that it provides minimally accepted standards of professional conduct in education.

B. Standard I: Duty to the student. We endeavor to stimulate students to think and to learn while at the same time we seek to protect them from any harm. Ethical leadership requires licensed educators to teach not only by use of pedagogical tools, but also by consistent and justifiable personal example. To satisfy this obligation, we:

(1) shall, in compliance with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g, 34 C.F.R. Part 99), the Individuals with Disabilities Education Act (20 U.S.C. Section 1401 et seq., 34 C.F.R. Part 300), the Mental Health and Developmental Disabilities Code (Section 43-1-19, NMSA 1978), the Inspection of Public Records Act (Section 14-2-1 et seq., NMSA 1978), the Public School Code (Section 22-1-8, NMSA 1978), and the Children's Code (Sections 32A-2-32, 32A-4-3, NMSA 1978), withhold confidential student records or information about a student or his/her personal and family life unless release of information is allowed, permitted by the student's parent(s)/legal guardian, or required by law;

(2) shall not discriminate or permit students within our control, supervision or responsibility to discriminate against any other student on the basis of race, color, national origin, ethnicity, sex, sexual orientation, disability, religion, or serious medical condition;

(3) shall avoid using our positions as licensed school employees to exploit or unduly influence a student into engaging in an illegal act, immoral act, or any other behavior that would subject a licensed school employee or student to discipline for misconduct whether or not the student actually engages in the behavior;

(4) shall tutor students only in accordance with local board policies, if any, only after written permission from the student's parent(s)/legal guardian, and only at a place or time approved by the local school and/or the student's parent(s)/legal guardian;

(5) shall not give a gift to any one student unless all students situated similarly receive or are offered gifts of equal value for the same reason;

(6) shall not lend a student money except in clear and occasional circumstances, such as where a student may go without food or beverage or be unable to participate in a school activity without financial assistance;

(7) shall not have inappropriate contact with any student, whether or not on school property, which includes but is not limited to:

(a) all forms of sexual touching, sexual relations or romantic relations;

(b) inappropriate touching which is any physical touching, embracing, petting, hand-holding, or kissing that is unwelcome by the student or is otherwise inappropriate given the age, sex and maturity of the student;

(c) any open displays of affection toward mostly-boys or mostly-girls; and

(d) offering or giving a ride to a student unless absolutely unavoidable, such as where a student has missed his/her usual transportation and is unable to make reasonable substitute arrangements;
(8) shall not interfere with a student's right to a public education by sexually harassing a student or permitting students within our control, supervision or responsibility to sexually harass any other student, which prohibited behavior includes:

(a) making any sexual advances, requests for sexual favors, repeated sexual references, any name calling by means of sexual references or references directed at gender-specific students, any other verbal or physical conduct of a physical nature with a student even where the licensed educator believes the student consents or the student actually initiates the activity, and any display/distribution of sexually oriented materials where students can see them; and

(b) creating an intimidating, hostile or offensive work/school environment by at a minimum engaging in any of the prohibited behaviors set forth at Paragraph (7) or Subparagraph (a) of Paragraph (8), Subsection B of 6.60.9.9 NMAC, above.

C. Standard II: Duty to the profession. The education profession has been vested by the public with an awesome trust and responsibility. To live up to that lofty expectation, we must continually engender public confidence in the integrity of our profession, and must strive consistently in educating the children of New Mexico, all of whom will one-day shape the future. To satisfy this obligation, we:

(1) shall not make a false or misleading statement or fail to disclose a material fact in any application for educational employment or licensure;

(2) shall not orally or in writing misrepresent our professional qualifications;

(3) shall not assist persons into educational employment whom we know to be unqualified in respect to their character, education, or employment history;

(4) shall not make a false or misleading statement concerning the qualifications of anyone in or desiring employment in education;

(5) shall not permit or assist unqualified or unauthorized persons to engage in teaching or other employment within a school;

(6) shall not disclose personal, medical, or other confidential information about other educational colleagues to anyone unless disclosure is required or authorized by law;

(7) shall not knowingly make false or derogatory personal comments about an educational colleague, although first amendment protected comments on or off campus are not prohibited;

(8) shall not accept any gratuity, gift, meal, discount, entertainment, hospitality, loan, forbearance, favor, or other item having monetary value whose market value exceeds $100, excluding approved educational awards, honoraria, plaques, trophies, and prizes;

(9) shall avoid conduct connected with official duties that is unfair, improper, illegal or gives the appearance of being improper or illegal;

(10) shall not sexually harass any school employee, any school visitor or anyone else we might encounter in the course of our official duties, which includes:

(a) making any sexual advances, requests for sexual favors, repeated sexual references, and name calling by means of sexual references or references directed at any gender-specific individuals named above;

(b) making any other verbal gesture or physical conduct with any of the above-named individuals even where the licensed educator believes they consent or they actually initiate the activity;
(c) displaying or distributing any sexually oriented materials where the above-named individuals can see them; and
(d) creating an intimidating, hostile, or offensive work/school environment by engaging in any of the prohibited behaviors set forth at Subparagraphs (a), (b) or (c), Paragraph (10), Subsection C of 6.60.9.9 NMAC, above;
(11) shall educate oneself at least annually about avoiding sexual harassment by either attending periodic training, reviewing sexual harassment literature or the EEOC guidelines found at Title 29 Code of Federal Regulations Part 1604 (29 C.F.R. Section 1604.1 et seq.), or contacting appropriate school human resources personnel;
(12) shall not engage in inappropriate displays of affection, even with consenting adults, while on school property or during school events off campus;
(13) shall not without permission of a supervisor use public school property to conduct personal business or our personal affairs;
(14) shall use educational facilities and property only for educational purposes or purposes for which they are intended consistent with applicable policy, law and regulation;
(15) shall not discriminate against any school employee, or any other person with whom we have any dealings or contact in the course of our official duties, on the basis of race, color, national origin, ethnicity, sex, sexual orientation, disability, religion, or serious medical condition;
(16) shall not engage in any outside employment:
   (a) the performance of which conflicts with our public school duties, such as where a licensed educator takes a private job that would require performance in the very school district where he/she is employed;
   (b) where we use confidential/privileged information obtained from our public school employment as part or all of our private employment duties; and
   (c) that impairs our physical ability to perform our school duties;
(17) shall not, with the intent to conceal/confuse a fact, change or alter any writing or encourage anyone else to change or alter any document:
   (a) in connection with our official school duties;
   (b) in connection with another licensed person's official school duties;
   (c) in connection with any standardized or non-standardized testing;
   (d) in connection with any school application or disclosure process; and
   (e) in connection with any writing submitted to the public education department related to our initial or continued licensure, including endorsements;
(18) shall not in connection with any state board-approved teacher test knowingly make any misrepresentations about one's identity, or engage in any false or deceptive acts of test-taking or test-registering;
(19) shall not engage in any conduct or make any statement:
   (a) that would breach the security of any standardized or non-standardized tests;
   (b) that would ignore administering portions or the entirety of any standardized or non-standardized testing instructions;
   (c) that would give students an unfair advantage in taking a standardized or non-standardized test;
   (d) that would give a particular school or a particular classroom an unfair advantage in taking a standardized or non-standardized test; and
   (e) that would assist students in obtaining services or benefits for which they do not qualify or are not entitled;
(20) shall not, when on school property or off campus while representing the school
or attending a school function, engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to disturb the peace;

(21) shall not hold, or continue to hold, employment for which educator licensure or certification is required when the individual knew, should have known or is informed by the PED, that the individual does not hold the required credentials; and

(22) shall not use school information technology equipment, hardware, software or internet access to view, download, display, store or print pornographic images or advertisements, nude images, or sexually explicit depictions or language;

(23) shall not engage in unprofessional conduct, which conduct shall include but not be limited to the following:

(a) striking, assaulting or restraining a student for no valid reason;
(b) using any written or spoken words in public schools or at school events that are inflammatory, derogatory or otherwise demonstrate a bias against a person or group, on the basis of their race, religion, culture, ethnicity, sexual preference, sexuality or physical disability;
(c) bringing firearms onto school property or possessing them on school property, except with proper authorization;
(d) possessing or consuming alcohol beverages at school;
(e) possessing or using illegal drugs;
(f) being under the influence of alcohol or illegal drugs at school;
(g) actively obstructing an investigation into the possible unethical or illegal conduct of a school employee; and
(h) engaging in favoritism or preferential treatment toward any school employee or applicant in regards to that individual's hiring, discipline, terms of employment, working conditions or work performance due to that individual's familial relationship with the licensee;

(24) shall report any knowledge of inappropriate contact, as provided by Paragraph (7) of Subsection B of 6.60.9 NMAC with a student or other school employee to the local school authority within 30 days of obtaining such knowledge.

[6.60.9.9 NMAC - N, 04-30-01; A, 10-17-05; A, 10-31-06]
Appendix E

UNM Student Code of Conduct
UNM Student Code of Conduct

Adopted by the UNM Regents April 14, 1992 Revision approved by the Regents May 12, 1995 Amend to Section 2.15 on July 14, 2015

Subject to Change Without Notice

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, 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.

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 2 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.
Appendix F

UNM Student Grievance Policy
UNM 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 and by the President in May 1995. Revisions approved by the President: March 5, 1999; June 19, 2001; July 2, 2013; May 13, 2014; May 21st, 2015; January 13, 2016.

Subject to Change Without Notice.

ARTICLE 1. INTRODUCTION

1.1. General

The UNM Student Grievance Procedure is intended to provide Procedures for the resolution of disputes of an academic nature between students and University faculty, as well as Procedures for handling student disciplinary matters. The following categories of disputes or disciplinary matters are provided for in the articles 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 which are 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, 5, 6 and 7.

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 Sciences Center

Disputes involving students of the School of Law or any of the academic programs in the Health Sciences Center shall be handled as described in Article 9.

1.6. Branch Campuses

Student grievances or disciplinary matters arising on the branch campuses shall be handled under the Student Grievance Procedures and Student Disciplinary Procedures in effect on those campuses. Branch campuses may elect to follow this Student Grievance Procedure, as modified to identify the decision-makers at the branch campus.

1.7. Chartered Student Organizations

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

"Discrimination" is defined as including unlawful discrimination based on age (40 and over), ancestry/national origin, color/race, gender identity, medical condition, mental/physical disability, religion, sex/sexual harassment/sexual misconduct/sexual violence, sexual orientation, spousal affiliation, veteran status and any other protected class. For purposes of this Procedure, "discrimination" also includes retaliation for having made allegations of discrimination, having participated in an investigation into allegations of discrimination, or otherwise having engaged in opposition to unlawful discrimination. Grievances alleging discrimination as defined herein should be directed to the UNM Office of Equal Opportunity (OEO), which is tasked with investigating allegations of discrimination and determining whether anti-discrimination policy has been violated. If OEO determines that a student has violated UNM anti-discrimination policy, disciplinary proceedings shall be handled under the Procedures set forth in Article 4.4.

1.9. Other Matters Not Included Under These Procedures

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

B. 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 student handbook, The Pathfinder.

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

D. 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.

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

F. 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.

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

1.11. Visitors to the UNM campus are subject to the Visitor Code of Conduct.

Visitors may be banned from the entire campus, or a portion of the campus, on an emergency basis under Article 4.3 herein. Visitors will normally be given the opportunity to meet with the Dean of Students to discuss alleged violations of the Visitor Code of Conduct prior to a decision concerning the visitor's final status on campus. Decisions of the Dean of Students regarding visitors to campus are final for the University.
ARTICLE 2. ACADEMIC DISPUTES

2.1. Scope

This article 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 academic program/department in connection with the academic process. For example, it applies to disputes over assignment of grades, decisions about program or degree requirements or eligibility, or claims that course requirements are unfair.

2.2. Informal Resolution

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

B. 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 member, separately or together, and should examine any relevant evidence, including any written statements the parties wish to submit.

C. 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 articles. This appeal process shall begin within two weeks following the informal discussions.

A. The student shall make a written complaint to the appropriate Dean, as defined in Article 2.2.A.

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

C. 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. At his or her discretion, the Dean may decide to hold an informal hearing involving both parties and any witnesses.
Where the dispute primarily concerns factual questions, rather than matters of academic judgment, the Dean should normally hold such a hearing. If a hearing is to be held, the Dean will give the parties no less than five working days' notice. The student and/or faculty member shall be allowed to bring an advisor to the hearing, but legal counsel shall not be permitted. Cross-examination of witnesses shall be permitted, but the Dean may require that questions be directed through the Dean.

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

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

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

G. The Chairperson, Dean, and/or Provost shall not overrule a faculty member's academic judgment.

H. The Provost at his or her discretion may refer the matter to the Faculty Ethics and Advisory Committee for consideration of disciplinary action against the faculty member involved, if such action appears warranted.

ARTICLE 3. ACADEMIC DISHONESTY

3.1. Scope

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

3.2. Academic Dishonesty within Courses: Faculty-Imposed Sanctions

A. 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.

B. The faculty member should report the matter in writing to the Dean of Students Office, by using the faculty adjudication form provided by that office or submitting written documentation describing the events and indicate if 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.

C. 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 Article 2.3.F.

3.3. Academic Dishonesty in Other Settings

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

3.4. Sanctions Imposed by the Dean of Students

Upon receiving a report of academic dishonesty from a faculty member pursuant to Article 3.2.B, or from other University staff pursuant to Article 3.3, the Dean of Students may, after considering the recommendation of the faculty member, if any, initiate additional disciplinary action in accordance with this Student Grievance Procedure. A decision of either the Student Conduct Committee or the Student Conduct Officer 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 or any individual student or employee. 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 student, a University employee or a member of the Board of Regents.

4.2. Referral of Misconduct to the Dean of Students Office

A. Except as provided in Article 4.2(B) below, allegations of misconduct in violation of the Student Code of Conduct must be in writing and submitted to the Dean of Students Office which has primary authority to deal with disciplinary matters.

Complaints of alleged misconduct should be submitted as soon as possible after the event takes place, preferably within sixty (60) days. Absent just cause, complaints must be submitted within one year following discovery of the suspected misconduct.
B. As set forth in Article 1.8, disciplinary matters involving allegations of discrimination as defined in that Article and Article 4.4 herein, including but not limited to allegations of sex discrimination/harassment/misconduct/violence, are addressed under Article 4.4.

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

i. Mediation:

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

ii. Informal Disposition Conference:

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

iii. Administrative Hearing with the Student Conduct Officer:

This option allows the accused student to present evidence to the Student Conduct Officer for consideration and suggest witnesses that the Student Conduct Officer may consider interviewing before a decision is rendered. The Student Conduct Officer may contact other individuals who have knowledge about the incident giving rise to the charges.

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

iv. Formal Hearing with the Student Conduct Committee:

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

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

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

F. Unless otherwise specified in the decision, sanctions issued by the Student Conduct Officer (not including an Emergency Suspension as outlined in Article 4.3) or by the Student Conduct Committee shall not be implemented until the appeal process as set forth under Article 7 is completed.

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

H. 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 conference or hearing.

I. Upon written request, the University of New Mexico will disclose to the individual who alleges that they were subjected to a crime of violence or a nonforcible sex offense the final results of the disciplinary proceedings conducted by the University of New Mexico issued to the student who is the alleged perpetrator of the offense(s) alleged. If the individual who is alleged to have been subjected to the crime of violence or nonforcible sex offense at issue is deceased as a result of such offense(s), the next of kin of such individual shall be treated that individual for the purpose of disclosing the final result of the disciplinary proceedings.

Additionally, in cases of Sexual Violence as described in Article 7.7(C), the respondent and inquiring parties have the right to be notified in writing of the final determination and
any sanctions imposed to the extent permitted by the federal Family Educational Rights and Privacy Act (FERPA).

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

4.3. Emergency Suspension and Banning from Campus

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

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

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

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

4.4. Investigation of Complaints of Discrimination, Including Allegations of Sex Discrimination, Sexual Harassment, Sexual Misconduct, and Sexual Violence

A. Definitions - the following definitions apply to Article 4.4 of this Student Grievance Procedure:

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

ii. "Complaint" refers to allegations of prohibited discrimination as defined herein filed with the University's Office of Equal Opportunity.

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

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

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

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

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

B. Allegation(s) that a student has engaged in an act of discrimination will be referred to OEO for investigation pursuant to OEO's Discrimination Claims Procedure. If it accepts the matter for investigation, OEO will issue a Final Letter of Determination at the conclusion of that investigation finding either No Probable Cause or Probable Cause that the accused student has committed an act in violation of the University's prohibitions against discrimination as defined herein. The accused student and complainant have the right to appeal OEO's Final Letter of Determination as provided for in OEO's Discrimination Claims Procedure, which describes the sole method of appealing a determination made by OEO. Nothing in this Grievance Procedure provides an avenue to appeal OEO's final determination of an alleged policy violation.

C. If Probable Cause is found that a student committed an act of discrimination in violation of University policy, OEO will refer the matter to the Dean of Students Office to determine the sanction to be imposed. Sanctions should be designed to eliminate the misconduct, prevent its recurrence, and remedy its effects, while supporting the University's educational mission and obligations under University policy and state and federal law, including but not limited to Title IX of the Education Amendments of 1972, the Civil Rights Act of 1964, and the New Mexico Human Rights Act. Ordinarily, after consulting with the accused student, the Student Conduct Officer will decide which of the options set forth in Article 4.2(B) (iii) and (iv) herein will be utilized to determine the sanction. The options of an administrative hearing with the Student Conduct Officer and the formal hearing with the Student Conduct Committee will be modified as appropriate so as to focus solely on determining what sanction(s) to impose. The options of mediation and informal disposition described in Article 4.2(B) (i) and (ii) respectively are not available when the accused student has been found to have engaged in prohibited discrimination in violation of University policy.
D. The decision on sanctions made by either the Student Conduct Officer or Student Conduct Committee may be appealed as provided for by Article 7.3 herein, except that the only permissible grounds for appeal is that there was significant procedural error in the sanctioning process of a nature sufficient to have materially affected the outcome of the sanction decision, and/or the severity of the sanction is grossly disproportionate to the violation(s) of University policy that OEO found to have been committed. Both the accused student and the complainant may appeal the sanction decision. Neither the accused student nor the complainant may appeal the findings and determination made by OEO in the Article 7 appeals process.

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

ARTICLE 5. STUDENT CONDUCT COMMITTEE

5.1. Jurisdiction

The Student Conduct Committee will hold a hearing when a party chooses the hearing option of a formal hearing before the Committee or when the Student Conduct Officer refers the matter to the Committee.

5.2. Composition

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

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

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

D. A party charged may be found responsible for violating the Code of Conduct by a majority vote of the Student Conduct Committee.
5.3 Investigation Report

The Student Conduct Officer will prepare an Investigation Report for the Student Conduct Committee. The Student Conduct Officer typically conducts interviews with the complainant, the accused student and any third-party witnesses; visits and takes photographs at relevant sites if appropriate; and gathers other relevant evidence.

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

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

ARTICLE 6. HEARING PROCEDURE

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

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

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

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

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

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

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

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

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

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

6.10. The hearing will be recorded in an appropriate format as determined by the Dean of Students, and the Dean of Students Office will keep the recording(s). The recording is the property of the University. No typed record will be made.

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

6.12. Within three weeks of the conclusion of the hearing, the Student Conduct Committee will send the accused student a decision letter which includes the Committee's findings and any disciplinary sanction imposed. The Student Conduct Committee may find the party charged not responsible for violating the Code of Conduct, or may find the party responsible and impose a disciplinary sanction. As set forth in Article 7.7(C), in a case of alleged sexual violence, the complainant will also be notified of the Student Conduct Committee's decision, to the extent permitted by the federal Family Educational Rights and Privacy Act (FERPA).

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

6.14. Decisions of the Student Conduct Committee are subject to appeal to the Vice President for Student Affairs, as per Article 7.2 herein, if the sanction imposed by the Committee
is suspension, expulsion or banning from the campus. In cases involving allegations of discrimination as provided in Article 4.4 herein, decisions of the Student Conduct Committee are subject to appeal to the Office of the President as provided in Article 7.3 herein.

ARTICLE 7. APPEALS, RECORDS AND RIGHTS

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

7.1. Appeal to Dean of Students

A. A student receiving a sanction of suspension, expulsion, or banning from campus from the Student Conduct Officer may appeal the decision to the Dean of Students. A Dean of Students Office appeal form must be completed and received by the Dean of Students Office within seven working days of the date of the written decision from the Student Conduct Officer.

Except as provided in Article 4.4(D) and 7.3(A) of this Grievance Procedure, the following will be considered the only grounds for an appeal:

1. There was significant procedural error of a nature sufficient to have materially affected the outcome;

2. The decision was not in accordance with the evidence presented;

3. There is significant new evidence of which the appellant was not previously aware, that the appellant could not have possibly discovered through the exercise of reasonable diligence, and the absence of which was sufficient to have materially affected the outcome; and/or

4. The severity of the sanction is grossly disproportionate to the violation(s) committed.

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

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

i. Affirm or overturn the findings of the Student Conduct Officer.

ii. Affirm or alter the sanction imposed by the Student Conduct Officer.

iii. Remand the case to the Student Conduct Officer. A remand will generally occur where new evidence is to be reviewed or as otherwise determined by the Dean of Students. Where a case is remanded, the decision of the Student Conduct Officer may be appealed to the Vice-President for Student Affairs.

iv. The Dean of Students will send written notification of the decision to the appealing party within two weeks of meeting with the appealing party, with a copy sent to the Student Conduct Officer.
7.2. **Appeal to Vice President for Student Affairs**

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

B. An appeal form must be completed and submitted to the Vice President for Student Affairs within seven working days of the date of the written decision from the Dean of Students or the Student Conduct Committee. The grounds for appeal to the Vice President are the same as for an appeal to the Dean of Students (see Article 7.1 (A)). On appeal the Vice President for Student Affairs shall review the decisions of the Student Conduct Officer, Student Conduct Committee and/or the Dean of Students. The Vice President for Student Affairs may meet with the party appealing to discuss the reasons for the appeal.

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

7.3. **Appeal to the President and the Board of Regents**

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

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

ii. As provided in Article 4.4(D) herein, appeals of sanctions issued for violations of
the University's prohibition against discrimination, including sex discrimination,
sexual harassment, sexual misconduct, or sexual violence, are only permissible if
the grounds for such appeal are that there was significant procedural error during
the sanctioning process of a nature sufficient to have materially affected the
outcome of the sanction decision and/or the severity of the sanction is grossly
disproportionate to the violation(s) of University policy that OEO found to have
been committed.

Nothing in this Procedure provides a means to appeal any decision issued by OEO
that may provide the basis for a sanctioning decision.

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

iv. After reviewing the case, the President may:
   a) Affirm the sanction(s) issued in its/their entirety;
   b) Affirm the sanction(s) issued in part and remand the remainder to the
      Student Conduct Committee and/or Student Conduct Officer for further
      proceedings; or
   c) Remand the decision issuing the sanction(s) on appeal in its/their entirety to
      the Student Conduct Committee and/or Student Conduct Officer for further
      proceedings.

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

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

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

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

7.4. Student and Visitor Conduct Records

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

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

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

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

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

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

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

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

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

F. Subject to the limits set forth in Article 6.3, both parties have the right to be accompanied by an advisor at a hearing. The advisor may be an attorney retained by a party at his or her own expense.
G. The party alleging that the accused student engaged in conduct in violation of the Student Code of Conduct has the right to submit a victim impact statement to the hearing officer or committee during the sanctioning portion of the discipline process.

H. The party alleging that the accused student engaged in conduct in violation of the Student Code of Conduct has the right to have past irrelevant behavior excluded from the discipline process.

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

7.6. Additional Rights of the Parties Participating in Complaints Alleging Sexual Harassment, Sexual Misconduct, or Sexual Violence

Because of the serious nature of the acts alleged, in addition to the rights listed in Article 7.5, parties participating in grievances containing allegations of sexual harassment, sexual misconduct, or sexual violence have additional rights described in University Administrative Policy #2740.

ARTICLE 8. ACADEMIC RECORD DISPUTES

8.1. Scope

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

8.2. Petitions

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

1) Include a statement of the nature of the request including why the student feels it should be granted.

2) Specify the semester involved and the subject/department code, course and section numbers.

3) Specify the student's name, University I.D. number, mailing address, email address and telephone number.

4) Include documentation of extenuating circumstances, such as medical, family, or employment needs.

5) Be typed and signed.

6) Optionally, include supporting statements from involved faculty and academic units.

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

C. At the next regular meeting after receipt of the instructor's response (or lack of response), the Committee shall take action on the petition. If the Committee denies the petition, it shall issue a brief statement giving the reasons for the denial.

D. Absent any new information from the student, the Committee's decision shall be final. If the student has new information that goes to the reasons set forth in the Committee's decision denying the petition, the student may request reconsideration from the Committee. The Committee's decision upon reconsideration is final for the University.

Academic programs in the School of Medicine, College of Pharmacy and College of Nursing may, at their discretion, refer cases of alleged student misconduct to the UNM Dean of Students for review and possible action under the UNM Student Code of Conduct, except that allegations that a student in a Health Sciences Center academic program has engaged in any discriminatory act as provided in Article 4.4 herein, including an act of sex discrimination, sexual harassment, sexual misconduct, or sexual violence, shall be referred to the UNM Office of Equal Opportunity.

ARTICLE 10. GENERAL PROVISIONS

10.1. Time Limits and Extensions

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

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

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

i. For good cause, the decision maker can extend any time limit set forth in these rules. Good cause includes, but is not limited to, the fact that a deadline falls during finals week or during a period such as vacations, holidays, intercessions, or summer session.

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

iii. If a faculty or staff member is absent from the University, the decision maker, may permit the faculty or staff member to participate in a hearing or interview by conference call, Skype or other electronic means.
10.2. 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 not earned in accordance with all University academic, student conduct and other applicable requirements and policies.

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

Whenever these regulations specify submission of a dispute or decision to a Dean, Vice President or more senior level administrator, that individual may delegate consideration and decision of the matter to a designee. Such designee will normally be but is not required to be, a member of the decision maker's staff.

10.4. Review by the President and the Board of Regents

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

B. Requests for review made to the President or the Board of Regents normally will be considered only after the avenues of appeal established herein have been exhausted. Requests shall be made in writing, and must include the alleged facts, what happened in the proceedings to date, and the reasons justifying extraordinary review. Such requests must be filed in the President's Office within seven working days of the date of the written decision from the last reviewer.

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

10.5. Conflict with Other Procedures

Except as otherwise stated herein, in the event this Student Grievance Procedure conflicts with previously adopted policies and procedures, these procedures shall take precedence.
Appendix G

D176: Graduate Student
Grievance Procedure
D176: Graduate Student Grievance Procedures

Policy

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 is, 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. 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. 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 though him/her.

c. 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.