



Guide to Conduct and Citizenship for Students

(Non-academic Policy)

(As of August 1, 2022, the Academic Honesty Policy and the [Guide to Conduct and Citizenship for Students](#) were previously incorporated in the NMT Student Handbook. Tech is in the process of updating these policies so for the interim, this document will contain the Non-academic Policy. The Academic Honesty Policy has been relocated to [Academic Honesty and Research Integrity Resources](#). These policies have not changed and are in full effect until the new Student Code of Conduct Policy is developed and approved.)

Administrative Policy

**New Mexico University of Mining and Technology
Socorro, New Mexico 87801**

Responsible University Office:
2022

A. President

Effective Date: August 1,

Date Revised:

Policy Owner(s):

- Dean of Students
- Dean of Graduate Studies
- Vice President of Student Life (VPSL)

Policy contact(s):

- Dean of Students

TABLE OF CONTENTS

9.0 New Mexico Tech’s Guide to Conduct and Citizenship3
10.0 Citizenship Misconduct/Causes for Disciplinary Measures.....7
11.0 Non-Academic Discipline Policy & Procedures.....8
12.0 Non-Academic Disciplinary Action9
13.0 Student’s Right to Appeal a Non-Academic Disciplinary Action10
14.0 Records of Disciplinary Actions and Hearings13

* **Please note:** the page formatting and numbering have not been change to maintain so consistency.

NEW MEXICO TECH'S GUIDE TO CONDUCT AND CITIZENSHIP FOR STUDENTS

Non-Academic Conduct Policies and Procedures

9.0 *New Mexico Tech's Guide to Conduct and Citizenship*

9.1 Statement of Policy

New Mexico Tech's primary purpose is education, which includes teaching, research, discussion, learning, and service. An atmosphere of free and open inquiry is essential to the pursuit of education. Tech seeks to protect academic freedom and build on individual responsibility to create and maintain an academic atmosphere that is a purposeful, just, open, disciplined, and caring community.

9.2 Terms

The following selected terms are defined in an effort to facilitate a more thorough understanding of New Mexico Tech's Guide to Conduct and Citizenship. This list is not intended to be a complete list of all the terms referenced in the guide that might require interpretation or clarification. The Dean of Students or Dean of Graduate Studies shall make the final determination on the definition of any term found in the New Mexico Tech's Guide to Conduct and Citizenship.

9.2.1 Accused student – any student accused of violating The Student Code. Tech also refers to as the accused as the respondent.

9.2.2 Administrative hearing officer – a University staff member who is authorized to determine the appropriate resolution of an alleged violation of The Student Code, and/or to impose sanctions or affect other remedies as appropriate. Subject to the provision in this code, and administrative hearing officer is vested with the authority to, among other duties such as:

- Investigate a complaint or an alleged violation of The Student Code
- Decline to pursue a complaint
- Refer identified disputants to mediation and other appropriate resources
- Establish charges against a student

- Approve an administrative agreement developed with an accused student
- Conduct an administrative hearing
- Impose sanctions
- Approve sanctions recommended by another Disciplinary Committee
- Chair and/or advise a hearing or peer board
- Conduct and appellate review
- May serve as the University's Presenter at formal hearing

9.2.3 Appeal – a request for review of a case or concern to New Mexico Tech personnel; person to appeal to and procedures are specified in this handbook.

9.2.4 Bullying—is unwanted, aggressive behavior that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time. Bullying includes actions such as making threats, spreading rumors, attacking someone physically or verbally, and excluding someone from a group on purpose.

There are three types of bullying:

- **Verbal bullying** is saying or writing mean things. Verbal bullying includes:
 - Teasing
 - Name-calling
 - Inappropriate sexual comments
 - Taunting
 - Threatening to cause harm
- **Social bullying**, sometimes referred to as relational bullying, involves hurting someone's reputation or relationships. Social bullying includes:
 - Leaving someone out on purpose
 - Telling other children not to be friends with someone
 - Spreading rumors about someone
 - Embarrassing someone in public
- **Physical bullying** involves hurting a person's body or possessions. Physical bullying includes:
 - Hitting/kicking/pinching
 - Spitting
 - Tripping/pushing
 - Taking or breaking someone's things
 - Making mean or rude hand gestures

In order to be considered bullying, the behavior must be aggressive and include:

- **An Imbalance of Power: Students** who bully use their power—such as physical strength, access to embarrassing information, or popularity—to control or harm others. Power

imbalances can change over time and in different situations, even if they involve the same people.

- **Repetition:** Bullying behaviors happen more than once or have the potential to happen more than once.

9.2.5 Complainant or Complaining Party – any person who submits a charge alleging that a student

violated The Student Code. When a student believes that s/he has been a victim of another student's misconduct, the student who believes s/he has been a victim will have the same rights under The Student Code as are provided to the complainant, even if another member of the University community submitted the charge itself.

9.2.6 Controlled Property – locations not owned by New Mexico Tech but which the Institute has been given authority to manage.

9.2.7 Day/Days/Number of Days – The term day/days/number of days shall mean the number of academic days within an academic semester or summer session. If the procedure of the incident occurs or continues when the final grades are due or after the end of the academic semester or academic session, the Dean of Students or Dean of Graduate Studies will determine whether to proceed on non-academic session business days of the Institute or to continue the procedure when the next semester or session begins. Concerning this, the Dean of Students or Dean of Graduate Studies will take into consideration requests by the student charged.

9.2.8 Designee – refers to a staff or faculty member who has responsibility for implementing the student conduct process or administering the student conduct system, in part or in whole.

9.2.8.1 Dean of Students or Dean – the person, designated by the President to be responsible for the overall coordination of the University undergraduate student conduct system, including the development of policies, procedures, and education and training programs. The Dean of Students may serve as an administrative hearing officer.

9.2.8.2 Dean of Graduate Studies or Dean – the person, designated by the President to be responsible for the overall coordination of the University graduate student conduct system, including the development of policies, procedures, and education and training programs. The Dean of Graduate Studies may serve as an administrative hearing officer.

9.2.9 Disciplinary Action – reprimanding students who fail to abide by the New Mexico Tech's performance standards, policies or rules.

9.2.10 Disciplinary Committee – one or more members of the University community authorized by the Dean of Students or Dean of Graduate Studies to determine whether a student has violated The Student Code and to impose sanctions as warranted.

9.2.11 Due process – a fundamentally fair procedure based upon reasonable principles impartially applied.

- 9.2.12 **Hearing** – is a formal meeting where a student who has been reported to violate a University policy presents testimony and arguments to the Dean of Students or Dean of Graduate Studies or designee.
- 9.2.13 **Function** – activities and events that are sponsored by one or many departments at New Mexico Tech.
- 9.2.14 **Institute** – means New Mexico Tech.
- 9.2.15 **May** – is used in the permissive sense.
- 9.2.16 **Policy** – the written regulations, standards, and student conduct expectations adopted by the University and found in, but not limited to, The Student Code; Residential Life Community Standards; all policies found within this Student Handbook; the most recent Program and Course Catalog; and other published University notices.
- 9.2.17 **Quarantine**- is used to keep someone *who might have been exposed to COVID-19* or other contagious elements away from others. Quarantine helps prevent spread of disease that can occur before a person knows they are sick or if they are infected with the virus without feeling symptoms. People in quarantine should stay home, in their assigned room in campus housing (with the exception to us the community restroom) separate themselves from others, monitor their health, and follow directions from their state or local health department. Students in quarantine (e.g. self-quarantine, self-isolation) must not go out into the public or public spaces.
- 9.2.18 **Shall and Will** – are used in the imperative sense.
- 9.2.19 Social Distancing- also called “physical distancing,” means keeping a safe space between yourself and other people who are not from your household. To practice social or physical distancing, stay at least 6 feet (about 2 arms’ length) from other people who are not from your household in both indoor and outdoor spaces.
- 9.2.20 **Student** – any person admitted, registered, enrolled, or attending any University course; any person admitted to the University who is on University premises or University-related premises for any purpose pertaining to his or her registration or enrollment.
- 9.2.21 **Student Conduct File** – the printed/written file which may include but is not limited to incident report(s), correspondence, academic transcript, witness statements, and student conduct history.
- 9.2.22 **Student organization** – any association or group of persons that has complied with the formal requirements for University recognition.
- 9.2.23 **Support person** – any person who accompanies an accused student, a complainant, or a victim to an administrative hearing for the limited purpose of providing support and guidance. A support person may not directly address the Disciplinary Committee, question witnesses, or otherwise actively participate in the hearing process.
- 9.2.24 **Unauthorized entry** – gaining entry to a controlled property without proper permission from the University.

- 9.2.25 **University** – New Mexico Tech.
- 9.2.26 **University property** – includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University, either solely or in conjunction with another entity.
- 9.2.27 **Student Code of Conduct (The Student Code)**
The **Student Code of Conduct** (also called The Student Code) attempts to clarify the types of conduct that shall be considered to affect adversely New Mexico Tech’s educational function.

The Student Code of Conduct is as follows:

New Mexico Tech will not allow any conduct to disrupt community living on campus or to interfere with the rights of others to pursue their education, perform their duties and responsibilities, or participate in New Mexico Tech activities. Any conduct that does interfere with, or disrupts, the general campus educational purpose is subject to disciplinary action.

10.0 Citizenship Misconduct/Causes for Disciplinary Measures

- 10.1** Dishonesty or knowingly furnishing false information to the Institute.
- 10.2** Forgery, alteration, or misuse of Institute documents, records, or identification.
- 10.3** Use, possession, or distribution of narcotics, drugs, or alcoholic beverages, except as expressly permitted by law.
- 10.4** Possession of weapons, fireworks, or other explosives on Institute property, including student housing, except as expressly permitted by law or policy and in designated areas.
- 10.5** Theft of, or damage to, Institute property, or causing injury to a member of the Institute community or a campus visitor.
- 10.6** Physical assault, mental abuse, intimidation or coercion of any person on Institute-owned or controlled property, or at Institute-sponsored or -supervised functions
- 10.7** Any conduct which threatens or endangers the health, safety, personal rights, or dignity of any person.
- 10.8** Unauthorized entry to Institute facilities or use of Institute equipment.
- 10.9** Violations of rules governing residence in Institute-owned or -controlled property.
- 10.10** Violations of Institute policies or of campus regulations, including those concerning the registration of student organizations, use of Institute facilities or time, place, and manner of public expression.
- 10.11** Obstruction or disruption of teaching, research, administration, disciplinary procedures or Institute functions, including public service functions, or of other authorized activities on Institute premises.
- 10.12** Violation of orders/laws of the State of New Mexico or of any other governmental body with jurisdiction.

10.13 Bullying of individuals (verbally, socially, or physically) through any means.

10.14 Harassment of individuals (physically, sexually, or emotionally) via direct contact or electronically. For more on sexual misconduct and Title IX policies at New Mexico Tech, please refer to [NMT Sexual Misconduct Policy](#) or visit the [Title IX Office website](#).

11.0 Non-Academic Discipline Policy & Procedures

11.1 The New Mexico Tech Non-Academic Discipline Policy has three primary purposes:

First, it is intended to ensure that the student charged with disciplinary infractions is granted due process of law consistent with the principles of the United States Constitution. Due process means a fundamentally fair procedure based upon reasonable principles impartially applied.

Second, the policy is intended to educate the accused student in question regarding the standards of conduct expected at Tech and throughout society as a whole. The campus judicial process is not intended to mimic a genuine adversarial court proceeding but is based upon sound judicial practices.

Third, it is intended to help protect the health, safety, and wellbeing of the campus community.

Students violating The Student Code of Conduct are subject to disciplinary action in accordance with the procedures listed below.

11.2 Bringing of Charges

Charges of violations of The Student Code may be brought by any member of the student body or staff, including, but not limited to, members of the faculty and the administration. Charges must be in writing, must specify the nature of the violation, and must give details as to time, place, and persons involved. This statement must be given to the Dean of Students or Dean of Graduate Studies by the complainant within ten days of the incident(s) in question or the report of a violation.

11.3 Notification of Charges

Accused students charged with violations of The Student Code must be notified in writing via email and/or campus mail of the charge by the Dean of Students or Dean of Graduate Studies within ten days of the bringing of charges. This notice must contain the particulars specified in the written statement of charges, give the student an opportunity to discuss the incident with the Dean of Students or Dean of Graduate Studies, and provide a notification of where to find New Mexico

Tech's Guide to Conduct and Citizenship and the Non-Academic Discipline Policy.

11.4 The Dean of Students' or Dean of Graduate Studies' Investigation

The Dean of Students, or Dean of Graduate Studies, or their designated representatives will investigate the charges. He/she may claim a student is responsible for said charges and impose disciplinary penalties as stated in the "Non-Academic Disciplinary Action" section. The action taken shall constitute the Dean of Students' or Dean of Graduate Studies' decision. The Dean of Students or Dean of Graduate Studies will notify the student in writing of his/her determination within twenty days of the receipt of the Bringing of Charges statement or ten days from the end of any additional time period granted to the student.

Regardless of the action taken by the Dean of Students or Dean of Graduate Studies, the student has the right to request an appeal.

12.0 Non-Academic Disciplinary Action

12.1 A student who is found responsible of violating Institute policy may be subject to one or more of the following penalties:

- Verbal or written warning
- Costs for damage to school property or restitution
- Requirement to complete community service projects
- Suspension of the right to use Institute facilities (including wireless, computational, or other electronic services) for a period of time
- Revoking privileges to participate in certain activities or representing Tech or Tech student organization.
- Removal and/or banishment from University housing
- Disciplinary probation, not to exceed one calendar year (recorded in the student's file in the Dean of Students' or Dean of Graduate Studies' Office)
- Interim suspension ([12.2 "Interim Suspension"](#))
- Disciplinary suspension, not to exceed one calendar year (recorded in the student's permanent file in the Office of the Registrar and noted on the student's transcript)
- Permanent dismissal or expulsion (recorded in the student's permanent file in the Office of the Registrar and noted on the student's transcript)

12.1.1 If none of the above penalties is deemed appropriate, other disciplinary action may be imposed by the Dean of Students or Dean of Graduate Studies based on

the violation(s). A student may be given an oral or written warning or statement that no disciplinary action is warranted.

- 12.1.2 Disciplinary action may be taken in cases where students are convicted of breaking criminal or civil law on or off campus.
- 12.1.3 The Dean may also proceed with disciplinary action against a student or students without waiting for the results of criminal proceedings.
- 12.1.4 The decision whether or not to take action shall belong to the Dean.

12.2 **Interim Suspension**

At times, on the basis of his/her investigation, the Dean of Students or Dean of Graduate Studies may conclude that it is necessary to suspend a student immediately prior to a hearing on the matter. This may be the case when the student in question is believed to be dangerous to himself or herself, to others, or to property. Under such circumstances, the Dean of Students or Dean of Graduate Studies, or, in their absence, the Vice President for Academic Affairs, the Associate Vice President for Academic Affairs or another person designated by the Institute President, may impose an interim suspension with a hearing to be set at a later date.

An interim suspension may not be imposed unless it is based upon facts that show that the student's continued presence on campus may constitute a danger to the student, to others, or to property.

An interim suspension may not be based upon mere suspicion of guilt. Any student suspended on an interim basis has the right to a hearing before the Student

Discipline Committee (see Section 13). The student suspended on an interim basis must present a written request for a hearing to the Dean of Students or Dean of Graduate Studies within five days of the notification of the interim suspension. The hearing must be held within five days of the suspended student's request for a hearing unless the student charged requests a delay, in which case the times specified in the following section shall apply.

The interim suspension shall terminate when the hearing is held. The Dean of Students or Dean of Graduate Studies may impose regular disciplinary penalties at this point in the proceedings.

13.0 **Student's Right to Appeal a Non-Academic Disciplinary Action**

13.1 Upon request by the student charged and subjected to disciplinary action, the case will be appealed to the Student and Faculty Conduct Committee:

- the request must be made in writing to the Dean of Students or Dean

of Graduate Studies

- the request must be made within ten days of the receipt of the notification from the Dean of Students or Dean of Graduate Studies.

13.2 Student and Faculty Conduct Committee

13.2.1 The Student and Faculty Conduct Committee shall serve as the adjudication body for formal hearings and appropriate appeals. A panel of Committee members will convene to hear cases of students charged with violations of The Student Code and subject to disciplinary penalties if requested by the student charged as outlined in section 13.0. The hearing panel will then make its decision following a hearing.

13.2.2 The Student and Faculty Conduct Committee panel when an undergraduate student is charged shall be composed of:

- Two members and one alternate of the Supreme Court of the Student Government Association (or other members of the Student Government Association if Supreme Court members are not available) as designated by the President of the Student Government Association
- One member of the Graduate Student Association and one alternate as designated by the President of the Graduate Student Association
- Three members of the Faculty Senate and two alternates (not members of the administration other than chairpersons of academic departments) elected by the Faculty Senate Student and Faculty Conduct Committee

The Student and Faculty Conduct Committee panel when a graduate student is charged shall be composed of:

- One member and one alternate of the Supreme Court of the Student Government Association (or other members of the Student Government Association if Supreme Court members are unavailable) as designated by the President of the Student Government Association
- Two members and one alternate of the Graduate Student Association as designated by the President of the Graduate Student Association
- Three members of the Faculty Senate and two alternates (not members of the administration other than chairpersons of academic departments) elected by the Faculty Senate Student and Faculty Conduct Committee

13.2.3 Either party to the dispute may disqualify one member of the Student and Faculty Conduct Committee. Members may also disqualify themselves and should do so if they are aware of any reason(s) they would not be able to render a fair and impartial decision.

13.2.4 The Student and Faculty Conduct Committee shall establish its own procedures and shall select its own Chairperson. A quorum shall consist of all six members of the committee. (In the event that one or more committee members are unable to meet at

times consistent with the provisions of Interim Suspension and Hearings, an alternate member shall serve.)

- 13.2.5 The Chairperson must vote on each and every issue. In case of a tie vote on the charges, the student shall be found innocent, and in case of a tie vote on the discipline imposed, the less serious disciplinary action shall be recommended to the Dean of Students or Dean of Graduate Studies.

13.3 Hearing

The hearing is not intended to be a full-fledged adversarial proceeding; it is intended to be a fair hearing with ample opportunity for both parties (the student and the Institute) to present the facts. Due process and impartiality will be followed. The Institute will be represented by the Dean of Students or Dean of Graduate Studies, or their designated representative.

The following procedures shall apply:

- 13.3.1 Both parties will be notified of the date, time, and location of the hearing by a representative of the Dean's office. at least ten days prior to the hearing
- 13.3.2 (except in the case of interim suspension). In exceptional cases, the Student and Faculty Conduct Committee may choose to hold the hearing at an earlier time, but only with the express agreement of both parties. Both parties shall be permitted to inspect, at least 24 hours in advance of the hearing, any documentary evidence that the other party intends to submit at the hearing. Both parties shall submit the documentary evidence with a list of witnesses who will testify at the hearing to the Dean after receiving notification of the hearing date.
- 13.3.3 The person or party who is charged with violating The Student Code is responsible for presenting his or her case; advisors or support persons (including attorneys) of either party can be present but are not permitted to present arguments or evidence in the hearing.
- 13.3.4 Both parties may question any witness who testifies at the hearing.
- 13.3.5 A recording will be made of the hearing. A more formal record by a court reporter may be arranged by either party at their own expense.
- 13.3.6 The hearing shall be private if so requested by the student charged.
- 13.3.7 The student charged is not required to testify in his/her own defense and failure to testify shall not be held against the student.
- 13.3.8 The Student and Faculty Conduct Committee Panel will base its findings and decision solely on the evidence presented at the hearing.
- 13.3.9 The Student and Faculty Conduct Committee Panel shall give a written copy of its findings and decision to the parties within a reasonable amount of time. A copy of the findings and decision will also be kept on file in the Dean of Students' or Dean of Graduate Studies' Office.

13.3.10 The Student and Faculty Conduct Committee Panel may affirm, reverse or modify the decision of the Dean of Students or Dean of Graduate Studies. The decision of the Student and Faculty Conduct Committee Panel shall be final unless appealed and reversed or modified.

13.4 Appeal of Student and Faculty Conduct Committee Decision

Either the student charged or the Dean of Students or the Dean of Graduate Studies may appeal the decision of the Student and Faculty Conduct Committee. This appeal, which must be in writing, will be sent to the President of the Institute, for undergraduate Students, of the Vice President for Academic Affairs, for graduate students, within ten days of the date of the Student and Faculty Conduct Committees written decision.

The President of the Institute's review shall typically be limited to a review of the record made before the Student and Faculty Conduct Committee, including all documentary evidence, if any, admitted.

However, the President of the Institute may allow such additional testimony and/or documentary evidence to be presented to him/her as he/she may, at his/her sole discretion, determine necessary in order to clarify the facts and/or the respective position of the parties. The President may affirm, reverse, or modify the Student and Faculty Conduct Committee's decision.

Following this, the decision of the President shall be binding. Should the President be a party to the dispute, a person selected by the Regents shall perform the duties assigned to the President. The decision on the appeal shall be returned in a timely manner.

14.0 Records of Disciplinary Actions and Hearings

14.1 Record of Non-Academic Disciplinary Actions and Hearings will be kept as follows:

14.1.1 Records of violations of the Conduct and Citizenship Policy and The Student Code that result in a disciplinary action taken shall be kept by the Dean of Students' Office or Center for Graduate Studies for 10 years after the date of action taken.

14.1.2 A record of non-academic disciplinary suspension will remain in the student's permanent file in the Office of the Registrar and will be noted on the student's academic transcript.

14.1.3 A record of permanent dismissal will remain in the student's permanent file in the Office of the Registrar and will be noted on the student's transcript.

14.1.4 Any student may examine his or her own file and may request that records of non-academic disciplinary action be removed and destroyed. Such requests will be

reviewed by the Dean of Students or Dean of Graduate Studies and must be honored if the relevant period specified in paragraph 14.1.1 above has expired.

- 14.1.5** If a New Mexico Tech undergraduate student applies to a graduate program at New Mexico Tech, the student's application and graduate record will include only records of violations that are included on the student's academic transcript. This is the same access that any graduate program, undergraduate program or place of employment will have when transcripts are required.