



# New Mexico State Related Policies

## **Related Policies**

Information for students attending  
New Mexico State University.



# New Mexico State Related Policies

## **Discipline Related Policies and Procedures**

The sequence of the following policies is not intended to imply an order of importance or significance to New Mexico State University.

## **Alcohol Policy**

### **Statement of Purpose**

The Regents of New Mexico State University recognize that diversity of opinion and freedom of choice are concepts upon which higher education has been established. Inherent within these two basic concepts are the exercise of individual responsibility and making informed decisions on matters related to personal behavior. These are concepts basic to all American freedoms.

Within the University setting, faculty, staff and students must demonstrate a mutual respect and commitment to the institution's educational mission while at the same time fostering diversity of opinion, freedom of choice, and responsibility. In this regard, the University respects the right of those of legal age to consume alcohol if they so choose, providing they do so in accordance with this policy and all applicable laws.

This Alcohol Policy shall apply to every function or event, including but not limited to receptions, banquets, dinners, picnics, or any outdoor event, social event, and campus-wide activity sponsored by organizations or individuals associated with New Mexico State University. Off-campus events conducted by University approved organizations are bound by this policy.

NMSU recognizes it cannot protect its staff and students from making decisions that could potentially cause harm to themselves or others. NMSU disclaims any intention to assume duties to protect its staff and students from their own abuse of drugs or alcohol or to protect third party persons from conduct of the staff or students.

### **Permissible Use of Alcohol**

Where permitted under the policy, the use of alcohol shall be considered a privilege and may be allowed only if consistent with local, state and federal laws and University policy, and only when it does not interfere with the academic atmosphere of the University.

1. Students of legal age are permitted to use alcohol only in a manner consistent with this policy and the Student Code of Conduct.
2. Students who reside on campus and are 21 years of age or older may possess and consume alcohol as permitted by law and in areas designated by the Director of Housing and Residential Life. Refer to the housing policy for those areas designated as "alcohol free."
3. Selling, either directly or indirectly, of alcoholic beverages on campus is prohibited, except in those University facilities possessing a state alcohol license granted under the authority of the Board of Regents, or where pre-approved by the president (or his/her designee) by event type. The president (or his/her designee) has authorization, at his/her discretion, to grant permission for the serving or sale of alcohol at any other on-campus event.

All venues approved for the routine sale of alcoholic beverages must have in place an approved policy for the sale and service of alcoholic beverages.

4. Events occurring on campus involving alcohol must obtain the proper approval/permit. The following shall apply:
  - a. Any event involving alcohol must be registered and approved by the University in order to obtain a proper permit.
  - b. Student groups, campus organizations and Greek affiliates who wish to host events involving alcohol must have proper policies in place, consistent with University policies and local, state and federal laws, before they will be issued a permit for their event.
  - c. Student fees may not be used directly to purchase alcohol. However, in certain cases, student fees may be used to fund events where alcohol may be served, provided the appropriate permits are obtained and applicable policies are adhered to.
  - d. Permits will be issued by the president (or his/her designee).



# New Mexico State Related Policies

- e. State law requires that anyone serving alcohol must complete a class and receive a server's permit.

## **Unacceptable Use of Alcohol**

NMSU discourages the use of alcohol that is inconsistent with local, state and federal laws and University policy. NMSU recognizes that the illegal use of alcohol interferes with the academic environment of this institution and the personal growth of its students.

1. NMSU explicitly prohibits the unlawful use, possession, sale, or distribution of alcohol or controlled substances by all students and employees. Any violation of applicable local, state, and/or federal law is considered to be a violation of this institution's policies.
2. Staff and/or students will be disciplined if their use of alcohol threatens to create disorder, public disturbances, danger to themselves or others, or property damage.
3. Students who have not yet reached legal age are prohibited from purchasing, using, and/or possessing alcohol.
4. Except as outlined by this policy, consumption or possession of alcohol intended for consumption is prohibited on the University campus. Possession of alcohol intended for consumption is permitted for the sole purpose of prompt delivery to a designated, approved location.
5. Open containers of alcohol are prohibited outside of designated areas.
6. Kegs, party balls or common containers are not permitted, unless in conjunction with an event approved by the president (or his/her designee).

## **Alcohol-Related Misconduct**

1. Possession of false identification. Students found in possession of or attempting to use false identification in order to procure alcohol will be subject to the fullest force and effect of the consequences outlined in this policy and/or the Student Code of Conduct.
2. Alcohol as an aggravating factor to other violations. If alcohol is found to be an aggravating factor in other violations of the Student Code of Conduct and/or local, state and federal laws, the student may be subject to more severe punitive sanctioning.
3. Off-campus violations of Student Code of Conduct. The University reserves the right to impose sanctions upon students and student organizations that violate this policy and/or the Student Code of Conduct, even if such actions occur off-campus.

## **Consequences for Violations**

1. Students found to be in violation of any of these policies through Student Judicial Services will be subject to disciplinary action ranging from Disciplinary Probation in conjunction with educational sanctioning through Expulsion from the University
2. Students in violation may also be subject to the disciplinary procedures of Housing and Residential Life, if applicable.
3. Staff or students found to be in violation will also be subject to all local, state and federal laws and nothing in this policy shall be construed to protect staff or students from such actions as local, state and/or federal law enforcement deem appropriate. Similarly, if local, state and/or federal law enforcement entities decide not to pursue action against violators, the University reserves the right to process violations through the Student Judicial Services and/or Housing and Residential Life, if applicable.
4. Staff or students who have not been found to be in violation of any of the policies herein who wish to self-identify and seek confidential help through the Employee Assistance Program, Counseling Center and/or the Wellness, Alcohol and Violence Education Program, will not jeopardize their employment or academic status. This benefit will continue as long as the staff member or student refrains from further alcohol misuse and/or abuse.

On days on which an NMSU football game is scheduled at Aggie Memorial Stadium, consumption of alcohol in designated areas is authorized, subject to the restrictions of this policy.

1. Tailgating will be limited to four hours prior to kick-off and two hours after the game ends. (Exceptions to the start /end times of tailgating may be granted based on scheduled kick-off time.)
2. Persons under the age of 21 are prohibited from drinking alcohol in accordance with state and federal laws and University policy.
3. Glass containers are not permitted.



# New Mexico State Related Policies

4. Disruptive behavior, disorderly conduct, public drunkenness and similar types of behavior will not be tolerated.
5. Kegs, party balls or common containers of any kind are not permitted.
6. No alcoholic beverages may be brought into the Aggie Memorial Stadium.
7. For those of legal age, the quantity of alcohol beverages one can bring to the tailgate section is limited to the amount one person can reasonably consume.
8. Tailgating activities are allowed in parking lots located within the boundaries of Locust St, east to Triviz and University Ave. south to Wells St. including lot 96 but excluding lots 38, 82, 83, 84, 85 and 89.

If the consumption of alcohol is a normal part of an academic class, written approval for use must be obtained from the Office of the Provost and the Alcohol Review Committee.

This alcohol policy shall apply to all NMSU campuses (main and branches) that have applied for and received a waiver from their respective county jurisdictions.

## **DRUG FREE WORKPLACE, DRUG FREE SCHOOLS & COMMUNITIES ACT, AND DRUG FREE WORKFORCE RULES**

### STANDARDS OF CONDUCT

Students of New Mexico State University are considered a valuable asset, and their health and welfare are of serious concern. The University strives to maintain a safe and productive environment free from the influence of illicit drugs and unlawful use of alcohol. As a recipient of federal funds, the University is obligated to inform all students that the unlawful possession, use, or distribution of illicit drugs and alcohol on its property or as part of any of its activities is prohibited, and is a violation of University policy. University property is defined as all lands and buildings under the control of the Board of Regents, New Mexico State University. Students who violate this prohibition will be subject to appropriate disciplinary action, which may include termination of employment or expulsion from school. It is also a federal requirement and a University policy that, as a condition of employment, any student will notify his or her immediate supervisor within five (5) days after conviction of a criminal drug offense occurring in the workplace. In addition to the information provided in this Handbook, drug and alcohol policies and sanctions are discussed at New Student Orientation.

### HEALTH RISKS

A chart outlining the risk of physical and/or psychological dependence on controlled substances and the effects of use, overdose, and withdrawal is available in each semester's/session's Schedule of Classes and from the Office of the Vice President for Student Success, Milton Hall Room 185. The University is required to inform students concerning these health risks.

Alcohol is also a drug, and students need to be aware of the health risks involved in using alcohol. In large doses, alcohol can dull sensation and impair muscular coordination, memory and judgment. Taken in large quantities over a long period of time, alcohol can damage the liver and heart and can cause permanent brain damage. Dependence on alcohol can be psychological when the drinker uses alcohol to escape from stress. A pattern of repeated heavy drinking produces a condition in which the body needs alcohol to function, and can lead to physical dependence.

Alcohol can kill. A large dose consumed at once can interfere with the part of the brain that controls breathing. The respiratory failure which results can bring death. Delirium tremens, the most extreme manifestation of alcohol withdrawal, can also cause death. Pregnant women who drink alcohol risk delivering babies stillborn or with serious abnormalities. Approximately half of the deaths from car accidents each year in the United States are related to alcohol abuse.

### AVAILABLE DRUG OR ALCOHOL COUNSELING, TREATMENT, REHABILITATION, AND RE-ENTRY PROGRAMS

Any student who may have a drug or alcohol problem is encouraged to obtain confidential and voluntary counseling and/or treatment. In Las Cruces, outpatient treatment facilities with programs for drug and alcohol abuse are Associates for Counseling and Recovery, Southwest Counseling Center, and The Professional Assessment Center. Counseling and



# New Mexico State Related Policies

referral services are also available on-campus. Students should contact the Counseling Center (646-2731) for information and confidential referral.

When a student or employee requires extended treatment and rehabilitation for a drug or alcohol problem, the counseling services on-campus will arrange referral to an appropriate treatment program. In-patient treatment facilities in the area are: Mesilla Valley Hospital (Las Cruces); The Peak Hospital (Santa Teresa); in Las Cruces, outpatient treatment facilities with programs for drug and alcohol abuse are Associates for Counseling and Recovery, Professional Assessment Center, and Southwest Counseling Center. Several support groups are also available, including Alcoholics Anonymous, Al-ANON, Narcotics Anonymous, and Co-Dependents Anonymous.

Any student who has been dismissed or suspended for drug or alcohol violations and who has evidence of successful rehabilitation may petition for readmission to the University upon recommendation from relevant psychological or psychiatric professionals. Students who voluntarily seek treatment for drug or alcohol violations before disciplinary action, and students who are readmitted to the University after rehabilitation, may be assessed and receive after care counseling at the Student Counseling Center or be referred to an appropriate community resource.

## DISCIPLINARY SANCTIONS FOR STUDENTS

For possible sanctions that may be imposed upon an individual student for violation of the University's alcohol or drug policies, refer to the Student Code of Conduct, Section V.A. Items 1-4.

## LEGAL SANCTIONS

Federal trafficking penalties for methamphetamine, heroin, cocaine, PCP, LSD, Fentanyl, and Fentanyl Analogue vary depending on the quantity of drugs involved and whether the offense is the first or a repeat offense. Prison sentences range from 5 years to life. Fines for trafficking in these drugs range from \$2 to \$8 million.

Federal trafficking penalties for marijuana range from 10 years to life imprisonment, depending on the quantity involved and whether the offense is a first or repeat offense. Fines range from \$250,000 to \$8 million.

The New Mexico Legislature has enacted numerous laws concerning possession and trafficking of controlled substances. The most abused controlled substances are: marijuana, cocaine, heroin, LSD, and amphetamines. Fines and prison sentences vary according to the quantity of drugs involved and whether the offense is a first or repeat offense.

Fines for possession of marijuana range from not less than \$50 to \$5,000. Prison sentences range from 15 days to 18 months. The fine for trafficking marijuana is \$5,000; prison sentences for trafficking range from 18 months to 3 years.

The fine for possession of cocaine and heroin is \$5,000 and the prison sentence is 18 months. Fines for trafficking cocaine and heroin range from \$10,000 to \$15,000. Prison sentences for trafficking are 9 years for a first offense and 18 years for a repeat offense.

The fine for possession of LSD and amphetamines is \$1,000 and the prison sentence is up to 1 year. Trafficking in LSD and amphetamines carries a fine of \$5,000 and a prison sentence of 3 years.

Alcohol abuse is subject to penalties specified by the Liquor Control Act. A driving while under the influence (DWI) conviction can result in a fine up to \$300, and/or imprisonment up to 7 months, and/or prosecution for vehicular homicide, and/or license revocation and vehicle impoundment.

## DRUG POLICIES AND PROGRAMS

The University attempts by various means to provide the University community with a basic knowledge and awareness of drug abuse, and to disseminate the results of current research on the effects of drug use. It continues to explore the availability of outside funding to support these additional activities in drug education, health, and rehabilitation, and its discipline and law enforcement.

## EDUCATIONAL PROGRAMS

The University actively encourages students to learn about the physiological, psychological, social, and legal implications of alcohol and drug use and abuse. To facilitate the students' educational process, the University WAVE (Wellness, Alcohol, and Violence Education) program offers to students, programs concerning these issues that are



# New Mexico State Related Policies

delivered to classes and student groups across campus as well as through weekly outreach events. WAVE and the Student Health Center jointly sponsor National Alcohol Screening Day. Additionally WAVE frequently advertises in the Round Up and provides information for articles that are published through campus media. WAVE and the Counseling Center also provide the BASICs (Brief Alcohol Screening and Intervention for College Students) program that assists individuals in examining their use, decisions, and consequences surrounding alcohol. A similar but abbreviated tool called E-CHUG is available on the WAVE website. WAVE is always interested in providing information across campus and can be reached at 646-2813.

To ensure that students receive the best help and information, involved personnel are encouraged to participate in seminars, workshops, and conferences to learn the latest approaches to drug education and the newest information available regarding alcohol/drug use and abuse.

Recognizing that the social environment changes rapidly, the University invites students to offer suggestions pertaining to their needs in the area of drug and alcohol education to the WAVE program coordinator.

## DISCIPLINE AND LAW ENFORCEMENT

The University recognizes that many behaviors are restricted by state and federal laws. The basic premise of University discipline is to provide regulations for students in keeping with the laws of the State of New Mexico and the United States of America as well as to maintain an environment maximally conducive to education. While the University does not normally take disciplinary action for off-campus violations, it retains the right to act in special cases.

With reference to drug violations, an individual apprehended for drug abuse off-campus is subject to civil proceedings and is not usually addressed through the University discipline system unless the off-campus actions impact the campus community. As a property owner, the University has the right to prohibit behaviors on that property that may not be restricted in other environments. This is especially relevant for housing regulations. Students who reside on University property, by doing so, consent to University housing regulations. As long as they reside in University housing, they are subject to University discipline.

### A. Amnesty

Any student drug user who, prior to apprehension, voluntarily directs a request for rehabilitation to any University official, including the University Police, will be referred to the proper rehabilitation agency or medical authorities. The case will be kept strictly confidential, and no disciplinary or criminal action will be taken as long as the student upholds the agreement for rehabilitation and refrains from any other possession or use of illegal substances on-campus.

### B. Penalties for Drug Violation

1. First offense for usage, possession, or accessory to a drug violation.
  - a. If found guilty, or guilt is admitted (not relating to amnesty as defined above) for a violation of a law of the State of New Mexico or University regulation relating to one ounce or less of marijuana, the penalty may be as much as disciplinary probation or suspension.
  - b. If found guilty, or guilt is admitted (not relating to amnesty as defined above) for violation of a law of the State of New Mexico or University regulation relating to narcotic drugs, marijuana (over one ounce), depressants, or other illegal drugs, the penalty may be as much as disciplinary suspension, dismissal, or expulsion.
2. If guilt is proven or admitted for selling, processing, delivering, compounding, or dispensing in any manner marijuana or any other dangerous narcotic, depressant, stimulant or hallucinogenic drugs, the student will be subject to penalties up to and including expulsion on the first offense.
3. A student who admits guilt, or is found guilty of a second drug offense, may be subject to penalties up to and including expulsion.
4. Any student who has been suspended or dismissed for drug violations, and has evidence of successful rehabilitation, may petition for readmission to the University upon recommendation from relevant psychological or psychiatric professionals.

### C. Exclusion from Campus

Students suspended, dismissed or expelled from the University for drug violations, or those convicted of drug violations off-campus who persist in returning onto campus, will be subject to such legal procedures as



# New Mexico State Related Policies

deemed necessary to bar such entry, when probable cause of further violations of University regulations can be shown.

## **FIREARMS POLICY**

The possession and carrying of firearms, loaded or unloaded, is restricted on all lands under the control of the Board of Regents, New Mexico State University, except in the following cases: certified New Mexico Peace Officers engaged in the official performance of their assigned duties; approved University experiments and/or projects; transporting of firearms to and from a place of storage; ROTC, under the direction of the Dean of the College of Arts and Sciences; other approved academic use, or as otherwise allowed by 30-7-1-2.4 NMSA 1994, et seq. All requests, exceptions, and interpretations of this policy will be managed by the Chief of Police. The decision of the Chief of Police may be appealed to the Senior Vice President for Planning, Physical Resources & University Relations. The decision of the Senior Vice President for Planning, Physical Resources & University Relations in these matters shall be final.

## **MENTAL HEALTH POLICY**

The staff and faculty of New Mexico State University are concerned about the health and well-being of students. Occasionally, students are confronted by illnesses that interfere with their academic progress. In such situations, withdrawal from the University setting may be in the best interest of all concerned. Guidelines for the Administration of Psychiatric Withdrawals under the Mental Health Policy are available in the office of the Vice President for Student Success, Milton Hall Room 185.

## **PROHIBITED ACCESS POLICY**

The following individuals may be prohibited from entering upon land or buildings owned or used by the Regents of New Mexico State University, its colleges, departments, branches, experiment stations, ranches, and all property owned or occupied by agencies supervised by the Regents:

- A. Persons charged with criminal acts against the Regents or NMSU students or employees during the pendency of such criminal charges.
- B. Persons found guilty by a court of competent jurisdiction of criminal acts against the Regents or NMSU students or employees.
- C. Any individual whose presence on-campus constitutes a clear and present danger to the persons, property, or peace of the Regents, or NMSU students, employees or agents (contractors).
- D. Any individual whose presence on-campus, given all attendant circumstances, could reasonably cause injury against the persons or property of the Regents or NMSU students or employees.
- E. Any individual ordered withdrawn under the Medical/Psychiatric Withdrawal Policy of the University.

In order to be prohibited from use of University lands and buildings, individuals must be notified in writing of the prohibition by the Vice President for Student Success, or a designee. Notice may be made personally or by certified mail. Individuals so notified shall be immediately barred subject to the right to request a hearing within three (3) days of the service of notification or within six (6) days of the date of mailing the certified letter. Extension of time will be given to the next business day for any day that occurs on a weekend or a holiday as established by New Mexico State University.

Appeals shall be made by giving a written notice to the Office of the President of intent to appeal. Hearing on the appeal shall be within seven days from the receipt of the notice of appeal. Neither the individual prohibited nor the University shall be represented at the hearing by legal counsel. The hearing need not conform to the strict rules of legal evidence. In the event that the President or his/her designee reverses the prohibition, the individual shall be immediately entitled to enter upon University land or property. In the event that the President or his/her designee affirms the decision, the individual's prohibition shall continue. The decision of the President or his/her designee is final.

Under most circumstances, prohibitions under this policy will be for one year or less. When the prohibition is indefinite, the affected individual may petition for the removal of the prohibition after one calendar year by submitting a written request to the Vice President for Student Success. With respect to individuals convicted of criminal acts against the University, its students, or employees, the one year shall commence to run at the time the individual is released from incarceration resulting from the conviction.



# New Mexico State Related Policies

Any violation of such prohibition may result in legal action by the Regents against the individual, including such criminal charges as may be appropriate under the circumstances, including criminal trespass.

## **RESTRICTIVE ACCESS POLICY**

New Mexico State University serves the people of New Mexico through education, research, extension education, and public service and welcomes all within our community. However, in order to establish an appropriate environment and preserve University property for educational purposes, the University reserves the right to restrict access to some of its lands and facilities. Academic spaces are generally used for educational purposes only, and buildings which serve as residences for students are restricted to students, their guests, and appropriate University employees. While some other University facilities and grounds are available to the general public, they must be used according to University rules and regulations. No individual(s), except for those contracted to reside on-campus, shall temporarily or permanently remain overnight on the property of the Regents, or dwell on the property of the Regents, including but not limited to, in motor vehicles, or in temporary or permanent structures, without the specific prior approval of the Vice President for Student Success.

Members of the campus community, as well as visitors, are expected to behave in ways that do not interfere with the rights of others to pursue an education or disrupt community living on-campus. Behaviors of any individuals that interfere with, disrupt, impair or obstruct the processes, procedures, or functions of the University, are prohibited.

Failure to comply with this policy could subject the individual to warning, probation, removal from the campus, arrest, barring from the campus, or any other sanctions applicable under the Student Code of Conduct, University Personnel Policies, or state or federal laws. Actions taken under this policy will be initiated by the appropriate Dean or Vice Provost, Vice President or a designee. Contested administrative actions may be appealed in writing to the Office of the President within three (3) working days after receipt of the decision made by the appropriate Dean or Vice Provost or Vice President. The decision of the President or his/her designee will be final.

## **SEXUAL MISCONDUCT POLICY**

New Mexico State University will not tolerate sexual misconduct of any kind as defined herein:

**Forced Sexual Contact** - Any harmful, insulting or non-consensual verbal or physical contact of a sexual nature with another person (including touching, fondling, exposure, disrobing, etc.) that is accomplished toward another without his/her consent including any such act accomplished by means of actual or implied force, threat, coercion, or helplessness. Forcing or intimidating a person to touch another's intimate parts shall also constitute sexual contact.

**Forced Sexual Penetration** - Intercourse (vaginal penetration); sodomy (anal penetration); oral copulation (oral-genital contact); or penetration with any object (including a finger), by the use of force, threats, coercion, or by taking advantage of a victim's helplessness.

A student charged with sexual misconduct, including acquaintance or date rape, can be prosecuted under New Mexico criminal statutes and disciplined under the Student Code of Conduct. Even if the law enforcement authorities choose not to prosecute, the University can pursue disciplinary action.

A violation occurs when there is participation in any kind of sexual misconduct by a student individually or in concert with others. Since the University hopes to educate students in order to prevent violations, students should understand that:

- A. Forced sexual penetration or other unwanted forced sexual contact is defined as sexual misconduct whether the assailant is a stranger or an acquaintance of the victim.
- B. Alcohol and/or drug use, intoxication, or any impairment of the accused, does not absolve responsibility for sexual misconduct.
- C. In situations where the victim is incapable of giving consent, or is unable to resist sexual advances due to alcohol/drug use or other impairments, the accused will be held responsible for sexual misconduct.
- D. Force or coercion is defined as:
  1. The use of physical force or physical violence; or
  2. The use of threats, including but not limited to physical threats, abduction, extortion or retaliation directed against the victim or another when the victim believes that there is an ability to execute such threats; or
  3. The use of verbal comments or non-verbal behaviors/gestures to intimidate the victim or another when the victim believes that there is a present ability to execute such threats.



# New Mexico State Related Policies

E. Threat is defined as an expression of intention to hurt, destroy, or punish the victim or another.

Where there is cause to believe that the University regulations prohibiting sexual misconduct have been violated, the University will initiate disciplinary action. Accusations of sexual misconduct will be investigated by the Coordinator of Student Judicial Services according to the Code of Conduct. If evidence is available to indicate that a student is guilty of sexual misconduct, or if guilt is admitted, the penalty for such misconduct may be as much as disciplinary suspension, dismissal or expulsion.

## **SPECIAL GRIEVANCE POLICIES** **STUDENT ACADEMIC GRIEVANCE POLICY**

Procedure for Initiating Grievance Complaints: This procedure has been established to provide a method to resolve undergraduate student grievances at the lowest administrative level in a fair and expeditious manner. For the purpose of this procedure, grievances are limited to alleged violations of university policy or procedures by the university or its employees, disputes with faculty and/or alleged unfair treatment. Usually this method is used to appeal a grade the student feels was not justified. Under no condition should these policies be used when the student has allegedly violated the University Code of Conduct or a contractual agreement, and at no hearing should either party have a lawyer. Any student who believes that he/she has been unjustly treated within the academic process may proceed as far as necessary in the steps detailed below. Should the alleged grievance not involve a faculty member or course, the student is to appeal directly to the department head or associate dean for academics in whose area or college the alleged grievance occurred.

1. Appeal to the faculty member: The student is to submit a written appeal to the faculty member within 30 days after the start of the grading period following the grading period in which the alleged grievance occurred. If the alleged grievance occurs during a summer grading period, the student is to submit an appeal no later than 30 days into the fall grading period following the summer grading period in which the alleged grievance occurred. The faculty member and the student are to discuss the problem. The faculty member will submit a written report outlining his or her decision to the student and department head or appropriate unit designee within ten working days of receipt of the student's written appeal. Should the course under appeal be a library course, the student or faculty member should appeal to the associate dean of the library as the next step.
2. Appeal to the department head or appropriate unit designee: If a decision satisfactory to the student cannot be reached, the student may submit a written appeal to the department head or appropriate unit designee in which the course in question was taught. This is to be done within ten days of the receipt of the faculty member's written decision. The faculty member, the department head or appropriate unit designee, and the student are to meet to discuss the problem. The department head or appropriate unit designee will send a written response outlining his or her decision to the student and faculty member within ten days of this meeting.
3. Appeals to the associate dean for academics or associate dean of the library: If a satisfactory decision cannot be reached among the department head or appropriate unit designee, the faculty member, and the student, the student or the faculty member may submit a written statement of appeal to the associate dean for academics of the college in which the course was taught. This is to be done within ten working days after the receipt of the written decision by the department head or appropriate unit designee. The associate dean may request a written recommendation from an Academic Appeals Board. Should this be the case, the Academic Appeals Board will conduct a hearing with the student and faculty member (not necessarily at the same time) to review the merits of the appeal. They may also ask for supporting evidence for or against the appeal. The Academic Appeals Board will submit the written recommendation to the associate dean within five working days following the conclusion of their review process. The associate dean may meet with the student, faculty member, and department head or appropriate unit designee to discuss the appeal (not necessarily at the same time). The associate dean will submit a written response outlining his or her decision to the student, faculty member, department head or appropriate unit designee, and dean within ten days of the last meeting.
4. Appeals to the dean: The dean of the college or library in which the course is taught or in whose college the alleged grievance occurred may, at his or her discretion, review the appeal upon the written request of the student or faculty member and render a final decision. An appeal to the Dean is the last step in the appeals process and the dean's decision cannot be appealed further. Should the dean not choose to review the appeal, the decision of the associate dean for academics or associate dean of the library is final.



# New Mexico State Related Policies

5. Exceptions to the time involved: The associate dean for academics or associate dean of the library may waive the normal time frame for appeals for compelling reasons. Regardless of circumstances, academic appeals must be initiated with the course instructor within two years of the conclusion of the grading period in which the course was taken.

6. Enrollment: A student need not be enrolled at the university to initiate an appeal.

Academic Appeals Board: Within each college of the university or the library an academic appeals board will be appointed by the associate dean for academics to hear student appeals. The appeals board will consist of three faculty members and two students.

Maintenance of records: Instructors and/or departments shall keep records used to compute individual grades for two years after the completion of a course. If a grade has been appealed, these records shall be kept for at least two years after completion of the appeal. Departments, colleges, or library may require that records be kept for longer periods.

## **STUDENT NON-ACADEMIC GRIEVANCE POLICY**

Any student, who believes that he/she has been treated unjustly in a non-academic area, not involving a contractual agreement, can file a grievance as long as the Code of Conduct has not been violated. The purpose of this policy is to allow the parties to resolve grievances at the lowest administrative level in a fair and expeditious manner without the involvement of lawyers. A grievance must be filed no later than thirty (30) days following the time the alleged problem occurred. Failure of University personnel to respond within ten (10) days, at any level in the procedure, will allow the student to proceed to the next step. The channel of appeal for non-academic grievances shall be:

1. The aggrieved student must first confer with the staff member involved in an attempt to resolve the problem.
2. Unresolved grievances shall be filed in writing by the student with the appropriate director. The director will conduct an inquiry and attempt to resolve the matter impartially and as quickly as possible. This step must be concluded within ten (10) days of the date the grievance was received.
3. If the grievance is not resolved at Step 2, the student may forward a copy of the grievance and all relevant correspondence to the appropriate Dean, Vice Provost, or Vice President. The appropriate Dean, Vice Provost or Vice President (or his/her designee) will conduct an investigation and attempt to resolve the issue. This process shall be concluded within ten (10) days of the date the grievance was received.
4. If the issue is not resolved in Step 3, the student may appeal to the President. If warranted, the President will appoint a hearing panel consisting of a student, a faculty member, and a staff person from departments or colleges not involved in the grievance. If a hearing panel is appointed, the parties involved in the grievance will be allowed to submit written documentation concerning the problem, may be present at all hearing sessions, and will be given the opportunity to provide additional oral information on their behalf.

Upon completion of the hearing(s), the panel will forward a written recommendation to the President or his/her designee. This document should include findings of fact and the basis for the recommendation. The decision of the President or his/her designee is final.

## **STUDENT SPECIAL CARE POLICY**

To ensure the safety and well-being of our students, New Mexico State University may, on occasion, require that students receive a particular type of care or treatment (i.e., emergency medical attention, live-in attendants, or vaccinations) as a condition of continued enrollment or eligibility to reside in University-operated housing. When this care or treatment is required by the cognizant University administrator, the student will be obligated to assume any financial responsibility associated with the treatment.

Furthermore, the University may, on occasion, contact a student's parents, legal guardian, or spouse in cases of extreme emergency, or where a possibility of imminent harm exists. This will occur only when, in the judgment of the appropriate official, the best interests of the student and the University will be served.

When practical, the University will notify the student, in writing, of the University's intention to undertake the steps authorized by this policy. This decision may be appealed by the student to the Vice President for Student Success, within 24 hours of notification. The appeal should be in writing and clearly state the reasons why the student objects to the proposed action. The Vice President for Student Success will review the facts in the case and convey a decision to all parties within 48 hours. The decision of the Vice President for Student Success, shall be final.