



<b>POLICY NAME</b>	Student Disciplinary Policy Statement	<b>POLICY NO.</b>	SAEM502
<b>APPROVING BODY</b>	President/Cabinet	<b>VERSION NO.</b>	01
<b>RESPONSIBLE DEPARTMENT</b>	Student Affairs & Enrollment Management		
<b>EFFECTIVE DATE</b>	01-JUL-2024	<b>REVIEW/REVISION DATE</b>	12-SEP-2024

### **PURPOSE:**

Western New Mexico University (WNMU) regularly establishes policies and procedures designed to promote the health and safety of individual students, to further the development of responsible and mature social interaction in a setting of higher education, and to facilitate the educational purposes of the institution. The purpose of the Student Disciplinary Procedures is to maintain an environment that promotes the broad educational mission of WNMU through duly formed disciplinary procedures.

### **POLICY STATEMENT:**

The Student Disciplinary Procedures at WNMU are administrative in nature and are not governed by the rights, procedures, and rules that would apply in a court of law. The Student Disciplinary Procedures were not created to address conduct that does not violate the WNMU Student Code of Conduct and Hazing Policy. If the alleged acts are violations of both WNMU policies and public law, WNMU is not precluded from taking disciplinary action on its own, regardless of action by public authorities.

If a student is found responsible for violating a Code of Conduct or Hazing Policy, a description of the violation will be placed in the student's file in the office of the Vice President of Student Affairs and Enrollment Management (VPSAEM). Violations resulting in any disciplinary **ACTION WILL** be forwarded to the Registrar and Office of Financial Aid.

This policy does not address complaints under the Office of Civil Rights and Title IX based on discrimination or harassment, which will constitute a violation of the Student Code of Conduct.

### **RETALIATION PROHIBITED**

The law prohibits, and it is the policy of WNMU to prohibit, retaliation against a person who makes a complaint, is a respondent, and those individuals that participate as witnesses or who provide information as part of the Student Disciplinary Procedures. Complaints of retaliation should be reported in the same manner as complaints under this procedure.

## **CONFIDENTIALITY:**

WNMU will keep its investigation into the complaint as confidential as possible. Disclosure of some information may be needed to be able to properly review the complaint. The complainant, respondent, the Hearing Body, and participant through the procedure will be requested to keep the matter confidential.

## **DEFINITIONS**

### **COMPLAINANT(S)**

Complainant is a person or persons (adjunct, faculty, staff, student, volunteer, contractor, or member of the community) who files a complaint against a WNMU Student.

### **RESPONDENT(S)**

Respondent is a student or students against whom a complaint is filed.

### **RESPONSIBLE**

A respondent(s) undergoing the Student Disciplinary Procedure will have the option of accepting the allegations by accepting responsibility and admitting to the violation. If the respondent(s) accepts responsibility, they will need to indicate "Responsible" to the Hearing Body. The hearing procedure will conclude and move to the sanction discussion by the Hearing Body. If the respondent(s) indicates "Responsible," this acceptance of responsibility will not be appealable although the sanctions may be appealed.

### **NOT RESPONSIBLE**

A respondent(s) undergoing the Student Disciplinary Procedure will have the option of denying the allegations by denying responsibility or admission to the violation. If the respondent(s) does not accept responsibility by indicating "Not Responsible" to the Hearing Body, the hearing procedure will continue.

### **WORKING DAYS**

Monday through Friday, excluding school holidays or WNMU closure periods. If the last day of the designated time period is a school holiday or WNMU closure period, the designated time period will run until the end of the next day which is not a school holiday or WNMU closure period. The term "WNMU closure period" includes the week of final exams.

### **DISCIPLINARY ADVISOR**

The VPSAEM or designee serves as Disciplinary Advisor. The Disciplinary Advisor oversees the Student Disciplinary Procedures. The Disciplinary Advisor will determine if the case will be sent to the Student Conduct Board or to the Administrative Hearing Board, depending on the nature of the violation. Serious violations that can lead to suspension or expulsion should be referred to the Administrative Hearing Board.

## STUDENT CONDUCT BOARD

The Student Conduct Board is composed of full-time undergraduate or graduate students. The Student Conduct Board hears most cases of violation of the Student Code of Conduct and does not address issues of an academic nature. The Student Conduct Board is considered in session during the fall and spring semester. Quorum for the Student Conduct Board is defined as three (3) undergraduate or graduate students and the Student Conduct Board Chair.

- The Student Conduct Board members are selected by the Student Senate every year to serve for the Fall and Spring semesters of the Academic Year. The Student President will appoint 6 (six) members to the Student Conduct Board. If a Student Conduct Board member resigns to the board or is no longer a full-time undergraduate or graduate student at WNMU, the Student President will appoint a new member to complete the Academic Year.
- The VPSAEM shall approve members based on their academic record, including but not limited to reprimands or other actions taken by this disciplinary system in other cases;

## CHAIR OF THE STUDENT CONDUCT BOARD

The Chair is a Student Conduct Board member elected by those in the board and from the board to serve as Chair for a specific hearing. The Chair is responsible for ensuring the procedures of the hearing are followed and determining the acceptability of testimony and other evidence during the hearing and may place time limitations on testimony and on closing statements.

## ADMINISTRATIVE HEARING OFFICER

A staff or faculty member is appointed by the Vice President for Student Affairs and Enrollment Management. The Administrative Hearing Officer is responsible for ensuring the procedures of the hearing are followed and determining the acceptability of testimony and other evidence during the hearing, and may place time limitations on testimony and on closing statements;

## ADMINISTRATIVE HEARING BOARD

The Administrative Hearing Board is composed of staff and faculty members to hear cases that are of a serious nature. Serious nature is defined as cases that could result in suspension or expulsion from WNMU. Quorum for the Administrative Hearing Board is defined as three (3) staff or faculty and the Administrative Hearing Officer.

- The Administrative Hearing Board members are selected by the VPSAEM from the Staff and Faculty Senate every year to serve for the Fiscal Year (July 1<sup>st</sup> to June 30). Quorum for a hearing is three (3) non-conflicted members and the Administrative Hearing Officer.

## HEARING BODY:

This means the Student Conduct Board or Administrative Hearing Board.

## COMPLAINT

A complaint means to file a grievance or bring forward information regarding a violation of the Code of Conduct or Hazing Policy. Any member of the WNMU community may file a complaint of alleged misconduct against a student. A Campus Police citation or report constitutes a complaint, as does a report from a Housing and Residence Life staff member.

## CONDUCT CONFERENCE

The Conduct Conference will be conducted by an employee (staff or faculty member) appointed by the VPSAEM. During the Conduct Conference, the respondent(s) will be informed of the Student Disciplinary Procedure. The employee member will answer any question about the disciplinary procedure and will inform the respondent(s) of their rights and responsibilities during the procedure.

The respondent(s) will be asked to sign a form indicating that they understand the disciplinary procedure and their rights and responsibilities during the procedure. During this conference, the respondent(s) will also have the right to read any documentation that has been submitted against them, such as incident reports, emails, videos, voice recordings, etc.

If the respondent(s) does not appear at the scheduled Conduct Conference, then it will be assumed that the respondent(s) fully understands the Student Disciplinary Procedure, rights, and responsibilities. The Conduct Conference is not the appropriate time to refute or argue the case, as the Conduct Conference will have no bearing on the outcome of the disciplinary hearing.

The employee appointed to conduct the Conduct Conference cannot be part of the Hearing Board assigned to review the specific complaint.

## REFERENCES:

- SOP for **Student Disciplinary Procedures**. (Location or link)
- Student Code of Conduct Policy (link)
- Hazing Policy (link)