



STANDARD OPERATING PROCEDURE

SOP TITLE:	Student Disciplinary Hearing & Appeals Procedures		
SOP NUMBER:	SOP502		
DIVISION / DEPARTMENT:	Student Affairs & Enrollment Management		
REVIEW DATE:	01-JUL-2024	AUTHOR:	Betsy Miller
POLICY REF:	SAEM502_Student Disciplinary Policy		

STANDARD PROCEDURES FOR: Disciplinary Hearing & Appeals Procedures	
STEPS:	INSTRUCTIONS:
STEP 1	<p>Complaints shall be directed to the Disciplinary Advisor. Complaints should be done as soon as possible. Complaints should be in writing and provide:</p> <ol style="list-style-type: none"> 1. The name and contact information of the person making the complaint; 2. The name and contact information of the person whom the complaint is about; 3. A concise description of the conduct complained of. 4. Additional evidence or information may be requested.
STEP 2	<p>Older complaints may not be eligible for review under this procedure.</p> <ol style="list-style-type: none"> 1. The Disciplinary Advisor will review the information provided to determine if it should be submitted for review. 2. After reviewing a complaint or concern, the Disciplinary Advisor may initiate the disciplinary procedure by giving the respondent(s) written notice of the alleged violation(s). 3. The notice will be sent to the respondent's Western New Mexico email address and their campus mailbox and/or their permanent mailing address, as appropriate. 4. Notice may also be delivered in person by Campus Police, Housing and Residence Life personnel, or by other university staff. <p>The written notice shall state the date, time, and place of both Conduct Conference and the Disciplinary Hearing.</p>
STEP 3	The Conduct Conference is conducted.
DISCIPLINARY HEARINGS:	
STEP 4	The Student Conduct Board will hear most student cases, but the student(s) can choose to have their individual case heard by an Administrative Hearing Officer. By default, the Hearing Body will hear cases when the Student Conduct Board is not in session or for cases of serious nature. The Hearing Body will conduct the hearing and will determine from the weight and credibility of the statements and evidence

presented whether the respondent(s) have violated the Code of Conduct or Hazing Policy.

1. The hearing will commence not sooner than seven (7) working days after the date posted on the notification of hearing. This timeline may be adjusted if extenuating circumstances warrant it.
2. The hearing shall be closed to the public and considered confidential. Participants in the process are required to maintain the information confidential.
3. The respondent(s) have the right to file with the Hearing Body a written response to the charges. This is not required.
4. The respondent(s) shall have the right to confirm if “Responsible” or “Not Responsible” before the hearing. If neither is selected, the hearing will continue as if the respondent(s) answered Not Responsible. The respondent(s) or complainant(s) shall have the right to call a reasonable number of witnesses on their behalf. This request must be in writing and not less than two (2) working days before their hearing. The Hearing Body must be notified of the witnesses participating in the hearing no less than one (1) working day before the hearing. If witnesses are not immediately available, the Hearing Body may consider an extension of the hearing date.
5. The respondent(s) have the right to read all statements made against them.
6. Each respondent and each complainant have the right to an advisor. When a student is required to appear before a Hearing Body, one member of the campus community may accompany them. The advisor may be an attorney. The party bringing the attorney will need to inform the Hearing Body of the attorney’s participation at least five (5) working days prior to the hearing. The advisor may not speak for the respondent(s) or the complainant(s), nor argue the case. The advisor may not participate in the interview but may advise their client. WNMU, at its discretion, may have an attorney present to advise the Hearing Body.
7. If the complainant(s) or respondent(s) fails to appear at the hearing on the date, time, and place specified in the notice, the Hearing Body may hear testimony and evidence and reach a decision on the basis of the evidence presented. If either party is unable to appear on the date specified in the notice, they should notify the Hearing Body of the reason that prevent attendance at least two (2) working days in advance or immediately in case of an emergency. If the Hearing Body determines that good cause exists for not attending on the scheduled date, a new date for the hearing will be set no later than ten (10) working days from the original date.
8. The hearing may be recorded on equipment supplied by WNMU, and the recording will remain in the possession of WNMU, stored in a secure file on the WNMU server as property of WNMU.

	<p>9. Should the respondent(s) not attend the hearing, a decision will be made in abstention. Appeals cannot be based on the respondent(s) failure to attend the hearing.</p>
STEP 5	<p>At the close of the hearing, the Hearing Body shall deliberate privately as to whether the respondent(s) violated the Code of Conduct or Hazing Policy.</p> <p>The Hearing Body will seek to reach consensus for a decision in the case. Majority of the Hearing Body will constitute a decision. In the event of a tie, the report of the Board will be that no judgment was rendered.</p>
STEP 6	<p>Within ten (10) working days after the close of the hearing, the Hearing Body will report the findings in writing of the decision and the sanction to be imposed, if any.</p> <p>The Chair of the Student Conduct Board or the Administrative Hearing Officer, depending on what Hearing Body made the decision, will sign the report before it is sent to the respondent(s), complainant(s), and the Vice President for Student Affairs and Enrollment Management (VPSAEM).</p>
STEP 7	<p>If the decision was a tie vote, the report will be forwarded to the complainant(s), respondent(s), and the Administrative Hearing Board. The Administrative Hearing Board will render a decision within ten (10) working days from the report submission.</p>
STEP 8	<p>The Office of the VPSAEM will maintain the records and recordings of the hearing through the use of TEAMS. Other than as required by law, no records, documents or other materials gathered or created during the hearing process will be released to anyone, including the complainant(s) or respondent(s).</p>
APPEALS PROCEDURES	
	<p>The complainant(s) or respondent(s) may appeal the decision. The appeal is not intended to re-hear or re-argue the same case and is limited to the specific grounds outlined below. Appeals will not be heard or granted based solely on the disagreement with the original determination. The appeal must specify the following:</p> <ol style="list-style-type: none"> 1. Student's name, W#, current address and best contact number; 2. The written notice of the complaint; 3. The written decision and sanctions from the Hearing Body; Reason why the respondent(s) or complainant(s) believes there is cause for an appeal. Appeals may be filed for the following reason(s); 4. There is new evidence that could have affected the decision and was not reasonably known at the time of the hearing. Include the new evidence in the letter of appeal. 5. The stated procedures were not followed. Provide what procedure was not followed. 6. Sanctions are substantially disproportionate to the violation.

	Appeals that do not meet the criteria above will not be considered, and the original determination will stand.
STEP 1	<p>Appeals will be made in writing postmarked, emailed, faxed, or hand delivered to the office of the VPSAEM. All information required, including the reason for the appeal and any supporting information, must be included and submitted within ten (10) working days after the date on which notice of the decision was send to the complainant(s) or respondent(s) filing the appeal.</p> <p>EXCEPTION: If the VPSAEM is conflicted, the appeal must be postmarked, emailed, faxed, or hand delivered to the Office of the President. All information required, including the reason for the appeal and any supporting information, must be included and submitted within ten (10) working days after the date on which notice of the decision was send to the complainant(s) or respondent(s) filing the appeal.</p> <p>The WNMU President will follow the steps below for the decision. The decision of the WNMU President under this exception is final.</p>
STEP 2	VPSAEM will provide a copy of the appeal to the non-appealing party within ten (10) working days of the receipt of the appeal.
STEP 3	The non-appealing party may submit a written response to the VPSAEM within ten (10) working days of the receipt of the notification of the appeal.
STEP 4	<p>The VPSAEM will review the information and will submit a written response within twenty (20) working days of receipt of the appeal.</p> <ul style="list-style-type: none"> • The VPSAEM will provide in writing the reasons for the decision to the complainant(s) and respondent(s). • The decision of the VPSAEM is final.
STEP 5	The Office of the VPSAEM will maintain the records of the appeal. Other than as required by law, no records, documents or other materials gathered or created during the hearing process will be released to anyone, including the complainant(s) or respondent(s).
CONSEQUENCES:	
STEP 1	<p>The Hearing Body will usually follow the consequences below to determine level of discipline due to the violation. In egregious or serious cases, the consequences may exceed the level recommended and move to a higher level of discipline. The disciplinary action, including the level of the action, will be noted in the student’s official file in the Office of Registrar.</p> <ol style="list-style-type: none"> a. A first finding of a violation will result in a Warning. <ul style="list-style-type: none"> • A warning is a formal written admonition. b. A second finding of a violation will result in Probation. <ul style="list-style-type: none"> • Disciplinary Probation is a more serious admonition assigned for a definite amount of time. It implies that any future violation of

	<p>whatever kind during that time may be grounds for suspension, suspension with conditions, or in especially serious cases, expulsion from WNMU.</p> <p>c. A third finding of a violation of academic integrity will result in a Suspension.</p> <ul style="list-style-type: none"> • Suspension is removal from membership in, or student worker employment by, WNMU for a specified period of time; or • Suspension with Conditions is removal from membership in, or student worker employment by, WNMU for at least the period of time specified by the suspension, with the suspension to continue until certain conditions, stipulated applying this sanction, have been fulfilled. <p>d. A fourth or serious violation will result in Expulsion.</p> <ul style="list-style-type: none"> • Expulsion is a permanent removal from membership in, or employment by, the University.
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REFERENCES / RESOURCES:	SAEM502_Student Disciplinary Policy
NOTES:	
	As of 01-JUL-2024