

November 2023



Student Code of Conduct Policy

(Non-Academic)

Administrative Policy

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

Responsible University Office: Division of Student Life

I. President

Effective Date:

Date Revised: Nov 1, 2023

Policy Owner(s):

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

Policy contact(s):

- Dean of Students

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I. Statement of the Policy

New Mexico Institute of Mining and Technology (hereafter referred to as Tech, NMT, or University) has established standards of behavior and integrity for students and student groups through the Student Code of Conduct Policy laws. All actions will be consistent with applicable state and/or federal laws. The University expects a community that is free from dishonesty, threats, harassment, bullying, violence, hostility, intimidation, and retaliation and that is respectful of the rights, opportunities, and welfare of students, faculty, staff, and guests of the University; and that does not threaten the physical or mental health or safety of members of the community.

At Tech, students of the community should strive to exemplify the following specific ideals in addition to other worthy ideals:

- To demonstrate personal integrity
- To respect the rights and property of others
- To be open to others' opinions
- To appreciate diversity and to value and learn from the uniqueness of each person
- To uphold the right of all persons to be treated with dignity and respect

This policy attempts to clarify the types of conduct that shall be considered to adversely affect Tech's educational function. 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 NMT activities. Any conduct that does interfere with, or disrupts, the general campus educational purpose is subject to disciplinary action.

This Student Code of Conduct Policy replaces New Mexico Tech's Guide to Conduct and Citizenship for Students. This policy specifically covers non-academic student conduct while the Academic Integrity and Academic Misconduct Resolution covers academic issues. In this policy the term student will be utilized and will refer to students and student groups hereafter.

II. Terms

The following selected terms are defined in an effort to facilitate a more thorough understanding of the Student Code of Conduct Policy (Non-academic Issues). This list is not intended to be a complete list of all the terms referenced in this policy 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 this policy.

A. **Administrative Adjudicating Officer** – a University staff member who is authorized to resolve alleged violations of SCCP and to impose sanctions or affect other remedies as appropriate. Subject to the provision in this code, an administrative adjudicator is vested with the authority to:

1. Investigate a complaint or an alleged violation of The Student Code of Conduct
2. Determine jurisdiction
3. Decline to pursue a complaint if it is deemed the complaint is not valid or not a violation of the SCCP

4. Refer identified disputants to internal mediation, restorative justice, and other appropriate resources.
5. Determine if there was a violation of SCCP and assign appropriate sanctions
6. Establish charges against a student
7. Approve an administrative agreement developed with an accused student
8. Conduct an administrative hearing
9. Impose sanctions
10. Oversee the administration of sanctions and remedies assigned by a Conduct Board.
11. Advise a Conduct Board.

B. **Respondent** – any student or student club accused of allegedly violating The Student Code of Conduct.

C. **Amnesty for Victims and Witnesses**. Amnesty for Victims and Witnesses shall encourage reporting. New Mexico Tech pursues a policy of offering survivors of misconduct (e.g. sexual misconduct), reporting witnesses amnesty from minor policy violations related to the incident, and during a hearing, Amnesty for victims and witnesses may be granted where appropriate.

D. **Appeal** – a written request to the appropriate New Mexico Administrator (Appellate Officer) to review a decision of a formal hearing panel. See Appeal Procedure for more details.

E. **Bullying**- an 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 but is not limited to actions such as making threats, spreading rumors, attacking someone physically, and verbally, on Social Media, and excluding someone from a group on purpose.

F. **Complainant (s)** – is any person who submits a charge alleging that a student violated The Student Code. When a student believes that they have been a victim of another student's misconduct, the student who believes they have been a victim will have the same rights under

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

H. **Day/Days/Number of Days**- shall mean the number of academic days within an academic semester or summer session for academic matters and business days for non-academic matters. 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 the Dean of Graduate Studies will determine whether to proceed on a non-academic session, business days of the University or to continue the procedure when the next semester or session begins. Concerning this, the Dean of Students or Dean of Graduate Studies will consider requests by the student charged.

I. **Designee** – refers to a staff or faculty member responsible for implementing the student conduct process or administering the student conduct system, in part or whole. (Order)

J. **Dean of Students or Dean** – the person, designated by the Vice President of Student Life to be responsible for the overall coordination of the University undergraduate student conduct system, including developing policies, procedures, and education and training programs. The Dean of Students may serve as an administrative adjudicating officer.

K. **Dean of Graduate Studies or Dean** – the person, designated by the Vice President of Academic Affairs to be responsible for the overall coordination of the University graduate student conduct system, including developing policies, procedures, and education and training programs. The Dean of Graduate Studies may serve as an administrative adjudicating officer.

L. **Disciplinary Action** – reprimanding students who fail to abide by New Mexico Tech's performance standards, policies, The Student Code of Conduct, or rules.

M. **Due process** – the fair procedure based upon reasonable principles impartially applied. The student(s) will be made aware of the allegations or actions deemed to violate the Student Code of Conduct and have the opportunity to respond to the allegations.

N. **Hazing** - Hazing is any intentional or unintentional, knowing or reckless act, including public stunts, buffoonery, or morally degrading activities, directed against one or more students by one person acting alone or by more than one person, occurring on or off university premises, that would endanger the mental or physical health or safety of a student for the purpose of pledging or associating with, being initiated into, affiliating with, holding office in, seeking and/or maintaining membership in any organization whose membership consists of students. Consent and/or acquiescence by the student(s) subjected to hazing is not a reasonable defense in a disciplinary proceeding.

O. **Hearing** – is a formal meeting where a student/s or student organization has been reported to violate a University policy and presents testimony and arguments to the Dean, designee, or to designated hearing panel members from one of Tech's conduct committees.

P. **May** – is used in the permissive sense.

Q. **Medical Amnesty** shall mean that a student is not subject to Student Code of Conduct disciplinary sanctions for unauthorized possession and consumption of drugs and alcohol if the student contacts a 911 operator to report that the student or another student requires medical assistance for an immediate health or safety concern. **New Mexico Controlled Substance Act (911 Good Samaritan [Stat. Ann. § 30-31-27.1: as may be amended {2007} Effective Date: June 15, 2007])**

R. **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; Student Government Association Constitution; and other published University notices as well as updated policies on the Tech Policy Website.

S. **Procedure**- the process by which a policy is implemented and administered.

T. **Prohibited Conduct**-New Mexico Tech refers to any action or conduct that violates any federal or state law, regulation, rule, or policy, or any New Mexico Tech rules or policies (e.g. discrimination, harassment, destructive actions, bullying, etc.) as “Prohibited Conduct”.

U. **Shall and Will** – are used in the imperative sense.

V. **Social Distancing** - “Physical distancing,” means keeping a safe space between yourself and others outside your household. To practice social or physical distancing, stay at least 6 feet (about 2 arms' length) from other people outside your household in indoor and outdoor spaces.

W. **Standard of Evidence:** Standard of evidence is the degree of certainty required to establish a violation has occurred. Tech's Student Code of Conduct judicial processes follow a

preponderance of evidence standard, which means it is more likely than not (i.e. 51%) there was a violation or more likely than not (51%) there was no violation of the Student Code of Conduct. Based on these standards of evidence in the appropriate cases, a student will be found to be responsible or not for violating the Student Code of Conduct or other University policies or rules.

- X. **Student** – any person admitted, registered, enrolled, or attending any University course; any person admitted to the University who is online, on University premises, or University-related premises for any purpose pertaining to their registration or enrollment; any person participating as a student in University activities prior to the start of classes; any student who is not enrolled or registered for a particular term but has a continuing relationship with the University; any student who withdraws, transfers, or graduates after an alleged violation of the Student Code of Conduct. The Equal Employment Opportunity Commission (EEOC) office may be involved in employee-related conduct if the student is an employee. In this policy, the term student will also apply to student groups.
- Y. **Student Conduct Board** – Members of the University community and the Student and Faculty Conduct Committee are trained and authorized to determine whether a student has violated The Student Code of Conduct and to impose sanctions as warranted. Hearing panel members are selected and convened to adjudicate over student cases in Tech's formal resolution process or as an appellate body.
- Z. **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.

- AA. **Student Group**- shall mean an affiliated or associated group, club, or organization that is or has been registered as a University student group under applicable University policies or the New Mexico Tech Student Government Association Constitution.
- BB. **Support Person** (e.g. advocate, advisor, parent, attorney, etc.) – any person who accompanies an accused student (respondent) or victim (complainant) to an administrative meeting (e.g. initial meeting, investigation interview, pre-hearing meeting) or hearing for the limited purpose of providing support and guidance.
- CC. **Unauthorized entry** – gaining entry to a controlled property without proper permission from the University.
- DD. **University property** - includes all land, buildings, facilities, and other property in the possession of, owned, used, or controlled by the University, either solely or in conjunction with another entity.
- EE. **University-Sponsored Activities**- shall mean any program, function, or event sponsored by the University, including but not limited to those sponsored by student groups.

III. Guiding Principles

- A. Tech's primary purpose is education, which includes teaching, research, discussion, learning, and service. An atmosphere of free and open inquiry is essential to pursuing education.
- B. Tech seeks to provide an environment that enables a positive learning experience and

maintains an academic atmosphere that is a purposeful, just, open, disciplined, and caring community.

- C. The University is an accredited institution of higher education through the Higher Learning Commission (HLC). It is guided by state and federal law while setting its own standards of conduct for its academic community.
- D. The University is dedicated to the rational and orderly resolution of conflict.
- E. Students are entitled to exercise their rights to inquire, dissent, petition, freedom of speech, peaceably assemble, and protest to the extent permissible under the First Amendment and this policy (Student Code of Conduct).
- F. Students are entitled to due process and procedural fairness protections, including the prompt notification of charges, the opportunity to respond, the right to a support person of choice, and the right to the resolution of a case within a reasonable period of time.
- G. Tech will initially attempt to handle alleged policy violations informally and educationally when possible before a formal hearing is necessary. All students are entitled to a formal hearing and request for an appeal if needed.
- H. Tech's Student Code of Conduct resolution process has two primary purposes:
 - a. It is intended to ensure that the student charged with disciplinary infractions is granted due process consistent with the principles of the United States Constitution. Due process means a fundamentally fair procedure based upon reasonable principles impartially applied.
 - b. It is intended to educate the accused student (i.e. respondent) in question regarding the standards of conduct expected at NMT and throughout society as a whole. The campus judicial process does not intend to mimic a genuine adversarial court proceeding but is based upon sound judicial practices. Students found responsible for violating the Student Code of Conduct may be subject to penalty action and/or disciplinary action as outlined below Section V.
- I. Students who have allegedly violated the Student Code of Conduct will be notified in writing of the allegation and the need to attend an initial meeting to hear the charges. Students are required to attend this initial meeting. At this required meeting:
 - a. The administrative officer will review University policies with the student and inform them of the allegations, potential charges, and their rights (e.g. informal and formal resolution process).
 - b. Students will be allowed to respond but are not obligated to respond during this initial meeting.
 - c. Students are permitted to bring a support person or advocate.
 - d. Students will be informed of Tech's student conduct process and procedures, next steps (e.g. investigation), and estimated timeline.
- J. Students who fail to respond to the University's efforts to schedule a meeting or fail to attend this initial meeting will be notified at least one more time. The case may proceed in the absence of students who do not respond to meeting requests or fail to attend scheduled hearings. Depending on the allegation, students may have a hold placed on the student's account. In severe cases, an interim suspension may be administered until the student respondent appropriately responds to the needed administrative request. If the administrative officer believes there is just cause to continue with the student conduct proceedings, an investigation will be conducted, and the informal resolution process will be implemented.
- K. If the student/s or student club respondent is dissatisfied with the informal resolution, they may submit a written request to the Dean of Students or Dean of Graduate Studies for a formal resolution of the case before the hearing panel of the student, staff, and faculty members. Appeals of a formal resolution are permitted if there are adequate grounds. A

written request for an appeal can be made to the appropriate University Administrator (Appellate Officer) for review of a formal hearing decision. The student/s or student group must provide the grounds or justification for the appeal request (See Appeal Process). The Appellate Officer will only review the facts or grounds for the appeal on how the formal hearing panel erred. The fact that the student/s or student group is dissatisfied with the hearing panel's formal resolution is not justification for an appeal. A request for an appeal will be approved or denied. If the appeal is approved, the Appellate Officer will only review the valid points raised in the appeal letter and not conduct a "de novo" new hearing. This appeal decision is the final step in Tech's due process for resolving student conduct matters.

IV. Disciplinary Offenses

The Student Code of Conduct Policies (SCCP) shall apply to all conduct by students. The Dean of Students/Dean of Graduate Studies or designee shall have the sole discretion to decide on a case-by-case basis whether this policy shall be applied to conduct not on university property. This policy governs students enrolled on campuses.

The following is a non-exclusive example of a list of some violations of the SCCP that may be adjudicated, and is subject to disciplinary sanctions:

- Abuse of Computer Facilities and Resources
- Abusive Conduct:
 - Assault
 - Battery
 - Disorderly Conduct
 - Endangering health or safety
 - Harassment
 - Hazing
 - Recording and/or disseminating images or audio without consent
 - Sex-based misconduct
 - Stalking
- Academic Misconduct
- Acts of dishonesty
- Alcoholic and Drugs
- Failure to Comply
- False reports
- Fireworks/Explosives/ Dangerous Chemicals
- Gambling
- Hazing
- Involvement in a University Violation
- Retaliation
- Theft or Unauthorized Use of Property
 - Theft
 - Unauthorized use of university property or resources
 - Climbing
 - Defacing/vandalizing

- Damage or destruction of property
- Unauthorized presence or entry
- Tampering
- Misuse of fire-fighting equipment/disregard of fire alarm signals/arson
- Obstruction
- Weapons
- Violation of other disseminated university regulations, policies, or rules
- Violation of any federal, state, or local law

Amnesty:

- If a student seeks medical assistance for themselves or others due to the use of alcohol or drugs, neither the student seeking assistance nor the student needing aid will be subject to disciplinary action by the university for prohibited conduct under the Student Code of Conduct based on personal consumption of alcohol or drugs or the disclosure of personal consumption of drugs or alcohol related to the incident. In these circumstances, the university reserves the right to mandate that the student(s) participate in academic programming or a medical intervention related to alcohol or drug use. In the case of a student with additional university responsibilities (including teaching assistants or resident advisers), potential disciplinary action may occur as stated in the policies related to those additional responsibilities.
- The university will not pursue disciplinary action under this policy based on the disclosure of personal consumption of drugs or alcohol where such disclosures are made in connection with a good faith report of prohibited conduct under the Student Code of Conduct or an individual's cooperation in an investigation under this policy.

A. **Sexual Misconduct:** Sexual misconduct is a common term used by Tech to incorporate a range of behaviors, including sexual violence, sexual assault, sexual or gender-based harassment, intimate relationship violence, stalking, voyeurism, and any other conduct of a sexual nature that is nonconsensual, or has the purpose or effect of threatening, intimidating, or coercing a person. This can also be actual, attempted, or threatened sexual contact with another person without that person's consent. See [Sexual Misconduct Policy and Procedures for Responding to Reports of Sexual Misconduct](#) for more details.

V. Sanctions

Students and student groups found responsible for disciplinary offenses under the Student Code of Conduct Policy are subject to the penalties/sanctions below. The University does not intend to punish students who have made poor choices. Tech wants to hold students accountable for their actions while taking corrective steps to educate and modify behaviors whenever possible. Tech will attempt to implement sanctions that may incorporate mediation, restorative justice, social justice, or other forms of alternative educational models when appropriate. However, separation from the University through suspension or expulsion is a serious sanction that may be appropriate for repeated violations of the Student Code of

Conduct and for misconduct that constitutes a threat to community safety or well-being (including, but not limited to, harm to a person and sexual misconduct), or significantly disrupts the rights of others or the operations of the University.

Factors to consider in determining appropriate sanctions include the nature of the offense, the severity of the offense, the culpability of the student or student group, the impact on other students or members of the University community, and the opportunity for student development. The following sanctions are listed in order of least severe to most severe and may be imposed individually or in combination upon students or student groups found to have violated the Student Code of Conduct:

- A. **Censure:** Censure is a written notice warning to the respondent to avoid a recurrence of any conduct that violates this policy and/or any university policy. Subsequent violations of this policy or any university policy may result in more severe disciplinary action
- B. **Probation:** Probation means special status with conditions imposed for a defined period of time not to exceed one calendar year and includes the probability of more severe disciplinary sanctions if the student or student group is found to violate any institutional regulation during the probationary period.
 - a. **Disciplinary Probation:** Disciplinary probation is a specified period, a minimum of one semester, requiring the respondent to avoid a recurrence of any conduct that violates this policy and/or any university policy that may result in additional university sanctions including but not limited to suspension or expulsion.
 - b. **Disciplinary Suspension:** If the student is again found in violation of the same type of infraction during their probationary period, the resulting sanction could be up to and one-year suspension from the Institution.
- C. **Educational Experiences:** Educational experiences are learning opportunities, including but not limited to, community service, drug and alcohol education, and written papers, designated to be completed by the respondent. In addition, an alcohol and drug assessment and/or behavioral health assessment may be completed by a qualified medical or mental health professional and released to an appropriate university official.
- D. **Confiscation:** Confiscation means the seizure of goods used or possessed in violation of University regulations or the seizure of falsified identification or identification wrongly used. In some cases, the item(s) may be returned at a predetermined time (e.g. at the end of the semester, when they go home and take the item and leave it there)
- E. **Restitution:** Is monetary reimbursement to the university and/or a member of the university community or others to cover the cost of damage, injury, or loss of community or personal property as a result of a violation.
- F. **Restriction of Privileges:** Restriction of privileges means the denial or restriction of specified privileges, including, but not limited to, access to an official transcript for a defined period of time or suspension of the right to use Tech facilities or services.
- G. **No Contact Order:** No Contact Order (NCO) means the student is to avoid all direct, indirect (e.g. third party, friend), and electronic (e.g. anonymous messages, social media, email) contact with the specified individual and not be physically within 30 feet of the individual on campus for a designated time frame. When issued, No Contact Orders are given to both parties (i.e., the complainant and respondent) and are reviewed and signed by the parties. The

order is in effect even if the NCO is not reviewed and signed. If casual contact is made, both parties should make every effort to keep their distance.

- H. **University Housing Suspension:** University housing suspension means separation of the student from University Housing for a defined period of time.
- I. **University Housing Expulsion:** University housing expulsion means permanent separation or banishment of the student from University Housing.
- J. **Suspension:** Suspension means separation of the student or student group from the University for a defined period of time, after which the student is eligible to return to the University. Suspension may be in the form of a Disciplinary or Academic Suspension. Suspension may include conditions for readmission. The suspension may be deferred when an offense is serious enough to warrant separation from the University but where the case's specific circumstances justify special consideration.
- K. **Expulsion:** Expulsion means the permanent separation of the student from the University.
- L. **Withholding of Diploma or Degree:** Withholding of diploma or degree means the withholding of diploma or degree otherwise earned for a defined period of time or until the completion of assigned sanctions.
- M. **Revocation of Admission or Degree:** Revocation of admission or degree means revoking a student's admission to the University or revoking a degree already awarded by the University.
- N. 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. Disciplinary action may be taken in cases where students are convicted of breaking criminal or civil law off campus. The Dean may also proceed with disciplinary action against a student or students without waiting for the results of criminal proceedings. The decision of whether or not to take action shall belong to the Dean. (consolidated from 12.1.1-4)

VI. Interim Suspension

- A. The Vice President for Student Life or designee may impose an immediate suspension on a student or student group pending a hearing before the appropriate student conduct board
 - a. to ensure the safety and well-being of members of the University community or to preserve University property
 - b. to ensure the student's own physical or emotional safety and well-being
 - c. if the student or student group poses an ongoing threat of disrupting or interfering with the operations of the University
 - d. if the student fails to respond to or attend an initial administrative judicial meeting regarding a case with severe allegations.
- B. During the interim suspension, the student or student group may be denied access to all University activities or privileges for which the student or student group might otherwise be eligible, including access to University housing or property. The student or student group has a right to a prompt Interim Suspension Hearing before the Dean of Students or the Dean of Graduate Studies or designee on the identification questions and whether the interim suspension should remain in effect until the full hearing is completed. See Procedures for Resolving Alleged Student Code of Conduct Violations (Non-Academic) for more details.

VII. Student Rights to Due Process

- A. Resolving alleged misconduct starts with an informal process at the lowest level of adjudication with additional due process that permits a formal hearing and an appeal process, if needed. See Procedures for Resolving Alleged Student Code of Conduct Violations (Non-Academic) and Title IX Procedures for more details.
- B. Students and student groups will be notified in writing when there are alleged complaints about violating the Student Code of Conduct. Upon notification, students must meet with the appropriate administrator to hear the allegations and learn more about University policy, student rights, and Tech's judicial process. Students can respond, but they have the right not to answer questions. Students can bring a support person or advocate to this initial meeting. Students who fail to respond appropriately and do not meet with the assigned administrator will have a hold placed on their student account. This disciplinary hold will prevent the student/s from registering or obtaining a transcript until they respond as directed. A student who fails to respond to severe-level complaints (e.g. sexual misconduct, assault, weapon, drugs, etc.) could also receive an interim suspension until they comply.
- C. If a respondent fails to attend an informed resolution meeting with the adjudicator or attend an assigned formal hearing, the proceedings will continue as scheduled, and a decision will be made in the student's absence. If it is believed there was a communication issue, the meeting or hearing may be rescheduled at an appropriately convenient time for the parties.
- D. In all cases, resolution of alleged violations of the Student Code of Conduct must be fundamentally fair. What constitutes fundamental fairness in the University's judicial process depends on a number of factors, including the seriousness of the potential sanctions. However, a fundamentally fair hearing process usually allows for students or student groups to:
 1. be notified in writing of the alleged violation and the underlying factual allegations; the time, date, and place of the hearing; and the range of possible sanctions;
 2. receive a prompt hearing;
 3. present their case, including witnesses;
 4. hear all evidence against them;
 5. question adverse testimony;
 6. be confronted by their accusers (at the formal level and subject to reasonable procedures to address concerns for safety or well-being);
 7. be accompanied by an advocate of their choice;
 8. be found responsible only if the information as a whole shows that it is more likely than not that the student's conduct violated the Student Code of Conduct; this is also known as a preponderance of the evidence standard, or
 9. be found responsible for a Sexual Misconduct allegation if the degree of certainty is that it is substantially more likely to be true than untrue; highly probable; this is also known as the clear and convincing evidence standard;
 10. receive a written decision (Letter of Determination) following any informal resolution, formal resolution, or appeal;
 11. receive notification of the procedure for an appeal of a formal resolution decision. In cases involving sexual misconduct, both parties will be informed, in writing, of the outcome of administrative adjudications or hearings and the procedures for requesting an appeal.

- E. In exceptional circumstances where the University determines that an informal resolution is not appropriate or the student(s) are better served, the case will be forwarded for a formal hearing with a panel of the Student Conduct Board. Both the reporting party (e.g. impacted party, complainant) and the accused (e.g. respondent) student in a sexual misconduct case have the opportunity to request a formal hearing and appeal as part of the due process.
- F. Supportive Measures. Non-disciplinary, non-punitive individualized services are offered as appropriate, as reasonably available, and without fee or charge. Supportive measures are designed to support individuals affected by conduct under investigation without unreasonably burdening the other individuals, including measures designed to protect the safety of members of the university community or deter conduct prohibited under the policy.

IX. Jurisdiction

- A. The Student Code of Conduct shall apply to student and student group conduct that occurs on campus or at University-sponsored activities on or off campus.
- B. The Student Code of Conduct shall also apply to student and student group conduct that directly relates to the University's education, services, programs, or rules, including but not limited to hazing, violation of University rules, and falsification, whether the conduct occurs on-campus, off-campus or online.
- C. At the discretion of the Vice President of Student Life or designee, the Student Code of Conduct also shall apply to off-campus student and student group conduct when the conduct, as alleged, adversely affects a substantial University interest and either:
 1. constitutes a criminal offense as defined by local, state, or federal law or ordinance, regardless of the existence or outcome of any criminal proceeding; or
 2. indicates that the student or student group may present a danger or threat to the health or safety of the student or others.
- D. Conduct of a student who is a student group member will not be considered to be conduct of the student group unless the facts and circumstances surrounding the conduct suggest that the student group sponsored, organized, or otherwise endorsed the conduct.
- E. In cases of alleged sexual misconduct or violation of Title IX, the University's jurisdiction may be slightly modified according to federal laws (i.e. gender-based discrimination).

IX. The Responsibilities of Dual Membership

Students are both members of the University community and of the state. Students are responsible to the community of which they are a part, and they are responsible to the academic community of the University. By enforcing the Student Code of Conduct, the University neither substitutes for nor interferes with other civil or criminal legal processes. When a student is charged in both jurisdictions, the University will decide on the basis of its interests, the interests of affected students, and the community's interests whether to proceed with its judicial process or to defer action. Determinations made, or sanctions imposed under the Student Code of Conduct will not be subject to change because criminal charges arising out of the same facts were dismissed, reduced, or resolved in favor of the criminal law defendant. When dealing with sexual misconduct cases, the University is required to investigate based on the wishes of the Complainant with some limitations, regardless if the civil authorities decide to prosecute or not.

X. Parental Notification

The New Mexico Tech reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, change in student status or conduct situation, particularly alcohol and other drug violations. The University may also notify parents/guardians of non-dependent students who are under age 21 of alcohol and/or drug policy violations. Where a student is non-dependent, the University will contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk. The University also reserves the right to designate which University officials have a need to know about individual conduct reports pursuant to the Family Educational Rights and Privacy Act (FERPA).

REASON FOR POLICY

The purpose of this policy is to establish behavioral and integrity expectations for the New Mexico Tech students and student groups and hold them accountable for their behavior. Student misconduct will be based on the standards established in this Student Code of Conduct Policy.

PROCEDURES

Procedures for Resolving Alleged Student Code of Conduct Violations (Non-Academic)

[Procedures for Resolving Academic Integrity Policies and Procedures](#)

Procedures for Resolving Alleged Sexual Misconduct Violations

Title IX Procedures

APPENDICES

NMT Student Conduct Hearing Panel: Order of Proceedings.

[NMT Sexual Misconduct Policy](#)

[NMT Drug and Alcohol-Free Campus Policy](#)

[Residential Life Community Standards](#)

[FERPA regulations \(34 CFR Part 99\)](#)

FREQUENTLY ASKED QUESTIONS

There are no FAQs associated with this policy.

INTERPRETATION AND REVISION

Any question of interpretation or application of this policy shall be referred to the director of the Student Code of Conduct or designee for final determination. This policy shall be reviewed regularly under the direction of the Dean of Students

POLICY CONTACTS

| | |
|--------------------------|--------------|
| Dean of Students | 575-835-5548 |
| Dean of Graduate Studies | 575-835-5481 |