



Student Code of Conduct

Office of Student Affairs

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<p>Policy Purpose: This policy establishes behavioral expectations to foster a safe, respectful, and inclusive campus environment. Students are expected to uphold these standards and may be held accountable for any violations.</p>

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POLICY STATEMENT

The Student Code of Conduct Policy at the New Mexico Institute of Mining and Technology (NMT) outlines the behavioral and integrity standards expected of all students and student groups. Rooted in respect for legal and institutional norms, the policy promotes a safe, inclusive, and respectful campus environment free from dishonesty, harassment, bullying, violence, and other disruptive behaviors.

Students are encouraged to uphold values such as personal integrity, respect for others and their property, openness to diverse perspectives, and the right of all individuals to be treated with dignity. The policy defines conduct that may negatively impact the university's educational mission or disrupt campus life and states that such behavior is subject to disciplinary action.

This policy replaces the previous *Guide to Conduct and Citizenship for Students* and specifically governs non-academic student conduct. Academic matters are addressed separately under the [Academic Honesty and Research Integrity Resources](#). For the purposes of this policy, "student" includes both individual students and student groups.

It is the responsibility of every student and student organization at NMT to familiarize themselves with the Student Code of Conduct Policy.

GENERAL POLICY

New Mexico Tech is committed to its primary mission of education, encompassing teaching, research, learning, discussion, and service. A climate of free and open inquiry is fundamental to achieving these goals.

The university strives to foster a positive learning environment and uphold an academic culture characterized by purpose, fairness, openness, discipline, and compassion. As an accredited institution recognized by the Higher Learning Commission (HLC), New Mexico Tech adheres to state and federal laws while setting its own standards of conduct for the academic community.

The university values the peaceful and rational resolution of conflicts and supports students' rights to engage in inquiry, dissent, petition, free expression, peaceful assembly, and protest - within the bounds of the First Amendment and the Student Code of Conduct.

Students are entitled to due process and procedural fairness, including timely notification of any allegations, an opportunity to respond, the right to be accompanied by a support person of their choosing, and the resolution of cases within a reasonable timeframe.

Whenever possible, the university will address alleged policy violations through informal and educational means before pursuing formal disciplinary proceedings. However, all students retain the right to a formal hearing and may request an appeal when appropriate.

JURISDICTION

1. 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.
2. 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.
3. The Student Code of Conduct shall apply to off-campus student and student group conduct when the conduct, as alleged, adversely affects a substantial University interest and either:
 - A. 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
 - B. Indicates that the student or student group may present a danger or threat to the student's or others' health or safety.
4. The conduct of an individual student who is a student group member will not be attributed to the group unless the facts and circumstances indicate that the group sponsored, organized, or endorsed the behavior.
5. In cases of alleged sexual misconduct or violation of Title IX, the University's jurisdiction may be modified according to federal laws (i.e., gender-based discrimination).

PROHIBITED CONDUCT

Prohibited conduct refers to any behavior that violates the standards, policies, or expectations set forth by the university to ensure a safe, respectful, and inclusive learning environment. This includes, but is not limited to:

- Actions that threaten or harm the health, safety, or well-being of any individual or group;
- Disruption of academic, administrative, or campus operations;
- Acts of dishonesty, including academic misconduct, fraud, or falsification of information;
- Harassment, hazing discrimination, or retaliation in any form;
- Possession, use, or distribution of illegal substances or unauthorized alcohol use;
- Damage to or unauthorized use of university property or resources;
- Violation of local, state, or federal laws while on or off campus when related to university interests.

Any student alleged to have committed an act of misconduct, including but not limited to those listed above and found in the Prohibited Conduct Appendix, is subject to action under the Student Code of Conduct.

STUDENT CLUB/ORGANIZATION OFFENSES

A student organization may have a complaint brought against it for a violation of the Student Code of Conduct. A student organization and its officers may be held collectively and/or individually responsible for violation(s) of the code. The alleged violation may take place either during an event sponsored by the organization or by an individual representing that organization.

Student organizations are responsible for compliance with the Student Code of Conduct and with University policies. Upon determination using the appropriate standard of evidence that a member who has violated the code had the knowledge and/or consent of their student organization officers or that the member acted in concert with at least four other members of the student organization, both the student organization and the individual members involved may be subject to University sanctions.

The following rights will be afforded to student organizations:

1. The student organization president or designee must be given reasonable notice of the complaint in accordance with the Code.
 - A. The president or designee is then required to represent the student organization in any proceedings.
 - B. Failure of the president or designee to appear on behalf of the student organization will not prevent the disposition of the case.
2. The student organization's president or designee shall be afforded all procedural rights of the Code.
 - A. Any individual who accepts an invitation to join any fraternity or sorority may be subject to individual fraternity or sorority and/or Greek governing structure sanctions in addition to University sanctions for group or individual offenses.

MEDICAL AMNESTY

If a student seeks medical assistance for themselves or someone else due to alcohol or drug use, neither the student seeking help nor the one receiving aid will face disciplinary action. This applies to prohibited conduct under the Student Code of Conduct related to personal consumption or disclosure of alcohol or drug use during 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 extra 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.

CONDUCT SANCTIONS

Sanctions may be imposed upon any student or student club/organization found responsible for violation of the Student Code of Conduct. The most severe sanction, including suspension, denial of a degree, or expulsion, can be imposed upon the first finding of responsibility for violation of the Student Code of Conduct.

Conduct Admonition:

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.

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).

Disciplinary Suspension:

Separation of the student or student group from the University for a defined period, after which the student or student group is eligible to return to the University.

- Suspension may be Disciplinary or Academic Suspension.
- Suspension may include conditions for readmission.
- The suspension may be deferred when an offense is severe enough to warrant separation from the University but where the case's specific circumstances justify special consideration.

Disciplinary Expulsion:

Permanent separation of the student or the student group from the University.

Educational Experiences:

Educational experiences are learning opportunities that occur in person or online. They may be credit or non-credit bearing experiences that are performed on or off campus. Educational experiences may include research, workshops, professional development programs, and community service.

Loss 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 or suspension of the right to use Tech facilities or services. The loss of privileges may apply to an individual, club, or organization.

No Contact Order:

No Contact Order (NCO) prohibits named students from contacting, emailing, telephoning, or otherwise disturbing each other in situations where there is reason to believe that an alleged violation of harassment policies, a physical altercation, and/or Sexual Harassment may have occurred. A University No-Contact Order can be issued to one/all parties involved.

- Violation of the term or conditions of the University No-Contact Directive may subject the student to disciplinary action without regard to the outcome of the case that led to the issuance of the administrative action.

Disciplinary Action:

Probation means special status with conditions imposed for a defined period not to exceed one calendar year and includes the potential of more severe disciplinary sanctions if the student or student group is found to violate any institutional regulation during the probationary period.

- Disciplinary Probation: Disciplinary probation is a specified period, typically 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.
- Disciplinary Suspension: Disciplinary suspension is a specified period, typically a minimum of one-year, 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 expulsion, the resulting sanction could be up to a one-year suspension from the Institution.
- Disciplinary Expulsion: Disciplinary expulsion is for situations that warrant the permanent separation or banishment of the student from the Institution.

Restitution:

This 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 individual property because of a violation.

Revocation of Admission or Degree:

Revoking a student's admission to the University or revoking a degree already awarded by the University.

University Housing Sanctions

There may be additional sanctions imposed on a student who violates the Student Code of Conduct and lives in university housing including on-campus housing and university owned or managed apartment housing. These sanctions include:

1. Suspension: University housing suspension means separating the student from University Housing for a defined period.
2. Expulsion: University housing expulsion means permanent separation or banishment of

the student from University Housing.

Withholding of Diploma or Degree:

Withholding of diploma or degree otherwise earned for a defined period or until assigned sanctions are completed.

If none of the standard sanctions is deemed appropriate based on the nature and circumstances of the violation, the Dean of Students (for undergraduate students) or the Dean of Graduate Studies (for graduate students) may impose an alternative disciplinary response consistent with institutional policies and the severity of the conduct. These may include, but are not limited to, an oral or written warning, educational sanctions, or a formal notice that no disciplinary action is warranted.

The Dean may initiate disciplinary proceedings independently of any pending criminal or civil investigation. While consideration may be given to external proceedings, the university's conduct process operates under its own standards and timelines. Final decisions regarding sanctions are made at the discretion of the appropriate Dean and are subject to applicable appeal procedures.

INTERIM MEASURES

The Vice President of Student Affairs, or their designee, may impose an immediate interim suspension on a student or student group to protect the university community's safety and well-being or safeguard university property. This action may also be taken to ensure the physical or emotional safety of the students if they pose an ongoing threat of disruption or interference with university operations. Immediate interim suspension may be imposed if the student fails to respond to or attend an initial administrative meeting regarding serious allegations.

During the interim suspension, the student or student group may be denied access to some or 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, the Dean of Graduate Studies, or their 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 [Add link once updated] for more details.

STUDENT RIGHTS TO DUE PROCESS

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 the Procedures for Resolving Alleged Student Code of Conduct Violations [Add link once updated] and [Sexual Misconduct](#) for more details.

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 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, weapons, drugs, etc.) could also receive an interim suspension until they comply.

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.

In all cases, resolution of alleged Student Code of Conduct violations must be fundamentally fair. What constitutes fundamental fairness in the University's judicial process depends on several factors, including the seriousness of the potential sanctions.

In exceptional circumstances where the university determines that an informal resolution is inappropriate 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 can request a formal hearing and appeal as part of due process.

SUPPORTIVE MEASURES

Non-disciplinary, non-punitive individualized services are offered as appropriate, 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 university community members or deter conduct prohibited under the policy.

PARENTAL NOTIFICATION

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 with a significant and articulable health and/or safety risk.

The University also reserves the right to designate which University officials need to know about individual conduct reports under the Family Educational Rights and Privacy Act (FERPA).

DEFINITIONS OF TERMS

The terms below are used throughout the Student Code of Conduct, the Prohibited Conduct and/or the Procedures for Resolving Alleged Violations of the Student Code of Conduct documents and applied to processes and procedures in the student resolution process.

- **Administrative Adjudicating Officer** – a university staff member authorized to resolve alleged violations of Student Code of Con and impose sanctions or affect other remedies as appropriate.
- **Advocate** – any representative (an attorney or non-attorney) 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.
- **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.
- **Business Day** – Each day that the university is open for official business and in normal operation.
- **Complainant (s)** – the person who alleges a violation of the Student Code of Conduct by a student or student club/organization.
- **Controlled Property** – locations not owned by New Mexico Tech, but the Institute is given authority to manage.
- **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.
- **Dean of Students** – the person designated by the Vice President of Student Affairs 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.
- **Dean of Graduate Studies** – the person designated by the Vice President of Academic Affairs/Provost 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.
- **Disciplinary Action** – reprimanding students who fail to abide by New Mexico Tech's performance standards, policies, the Student Code of Conduct, or rules.
- **Due process** – the fair procedure based upon reasonable principles impartially applied. The student(s) will be aware of the allegations or actions violating the Student Code of Conduct and can respond to them.
- **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 designated hearing panel members from one of Tech's conduct committees.

- **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]).
- **Policy** – the written regulations, standards, and student conduct expectations adopted by the University and found in, but not limited to, the Student Code of Conduct; Residential Life Community Standards; all policies found within this [Student Support Resources page](#); 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.
- **Procedure** – the process by which a policy is implemented and administered.
- **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.”
- **Respondent (s)** – any student or student club who allegedly violated the Student Code of Conduct.
- **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](#) for more details.
- **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.
- **Student** – The University considers an individual to be a “student” when an offer of admission has been extended and thereafter as long as the student has a continuing educational interest in the University. The term “student” includes individuals who are dually or concurrently enrolled, online, and/or non-degree seeking. 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 students will also apply to student groups.
- **Student Conduct Board** – University community members 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.

- **Student Conduct File** – the printed/written file may include an incident report(s), correspondence, academic transcript, witness statements, and student conduct history.
- **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.
- **Unauthorized entry** – gaining entry to a controlled property without proper permission from the University.
- **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.
- **University-Sponsored Activities** – shall mean any program, function, or event sponsored by the university, including but not limited to those sponsored by student groups.

APPENDICES

[Academic Honesty and Research Integrity Resources](#)

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

Hazing Discipline and Prevention Policy [add link once approved and posted]

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

Prohibited Conduct Appendix [add link once posted]

[Residential Life Community Standards](#)

[Sexual Misconduct Policy](#)

AUTHORITY

[New Mexico Constitution (Article XII, § 13) and interpreted by the NM Supreme Court, the Board of Regents and OP-01- Policy on Development, Amendment, and Rescindment of Policies.]

Signature line 1

Signature line 2