NEW MEXICO TECH
SCIENCE • ENGINEERING • RESEARCH UNIVERSITY

Prohibited Conduct Appendix

Office of the Student Affairs

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PROHIBITED CONDUCT

Any student alleged to have committed an act of misconduct, including but not limited to the following illustrations of misconduct, is subject to action under the Student Code of Conduct. This list may be update as definitions are updated or changed.

Abuse Conduct

A. Behavior by any person that poses a clear and present threat to the health, safety or well-being of any person in the NMT community.

Abusive of Computers, Technology, and Property

1. Any unauthorized use of electronic or other devices to create, make, possess, store, share, or distribute an audio or video recording or photograph of any person while in a location in which a person might reasonably expect privacy (for instance bathrooms, bedrooms, etc.) when such a recording or photograph is likely to cause injury or distress.
    A. Unauthorized use or misuse of University property, including but not limited to the University computer facilities (e.g., access to facilities and/or rooms; access to computers, software, systems, and/or databases; making false entries; unauthorized transfer of a file; defacing or destroying computer information or stored records).
    B. Vandalism, malicious destruction, damage, or misuse of University or private property, including but not limited to University housing facilities.
    C. Misuse or unauthorized use of library materials, including but not limited to theft, vandalism, or malicious destruction.

Acts of Dishonesty

1. Forgery, alteration, or misuse of official documents, records, or identification cards.
    A. Use of another's password, email, or other University sponsored accounts (including, but not limited to, access to Banner.) Conversely, user account information shall not be shared with others.
    B. Intentionally failing to meet financial obligations to any authorized University office, including, but not limited to, falsely reporting vending machine losses
    C. Falsely reporting hours worked or working hours that are not in compliance with University-policy for student employment.
    D. Dishonesty by providing inaccurate, incomplete or otherwise deceiving information; knowingly making false statements and/or knowingly submitting false information including, but not limited to, on an admission application, financial aid information, or in any document submitted to the University.

Academic Dishonesty and Misconduct

1. Academic matters are addressed separately under the Academic Honesty and Research Integrity Resources.

Alcoholic Beverages Violation

1. Violation of University alcohol regulations, including underage possession or consumption of alcohol, as well as solicitation of donations or use of alcohol as an enticement to events.
2. Misconduct under the influence of alcohol including but not limited to operating a vehicle under the influence, disorderly conduct by intoxication, and public intoxication.
3. Failure of a student organization to take all necessary steps to ensure that no person under the legal drinking age possesses alcoholic beverages at functions it sponsors or within any property or transportation it owns, operates, and/or rents. (Drug and Alcohol Policies).

Controlled Substance and/or Drug Violation

1. Manufacture, distribution, sale, possession or use of illegal drugs and/or paraphernalia.
2. Distribution, sale or misuse of prescription drugs.
3. Distribution, sale, possession or use of prescription drugs not prescribed to the individual student.
4. Intentionally or recklessly inhaling or ingesting substances (e.g. nitrous oxide, glue, paint, etc.) that will alter a person's state of mind.
5. Misconduct under the influence of a controlled substance, including but not limited to operating a vehicle under the influence, disorderly conduct by intoxication, and public intoxication.

Disruptive Conduct

1. Lewd, indecent or obscene conduct including, but not limited to, conduct resulting from drug or alcohol use.
    A. Disorderly conduct, including, but not limited to, conduct resulting from drug or alcohol use.
    B. Intentionally or recklessly interfering with normal University business or University sponsored activities including, but not limited to, the classroom environment, invited speakers, and research.
    C. Causing, inciting, or participating in any disturbance that presents a clear and present danger to others, causes physical harm to others, or damage and/or destruction of property, including but not limited to participating in or inciting a riot.
    D. Any significant obstruction or disruption of the on-campus living environment.
    E. Disrupting or interfering with University officials acting in the performance of their official duties.
    F. Misuse and/or tampering with any university safety equipment including but not limited to firefighting equipment, fire alarms, smoke detectors, blue light phones, etc.
    G. An act that deliberately interferes with the freedom of speech of any member or guest of the university community.
    H. Public urination

Failure to Comply

1. Failure to comply with University officials acting in the performance of their official duties.
2. Abuse or blatant disregard of the Student Conduct system, including but not limited to failure to comply with the terms of any University sanction, disrupting a University Conduct Board or Administrative Conference, or interference with any witness.
3. Retaliation: Acts or attempted adverse acts for the purpose of interfering with any report, investigation, or proceeding, or as retribution or revenge against anyone who has reported a violation of the Student Code of Conduct who has participated (or is expected to participate) in any manner in an investigation or proceeding. Prohibited retaliatory acts include but are not limited to: intimidation, threats, coercion, or discrimination. While reporting individuals and respondents are not themselves barred by FERPA from sharing the results of the disciplinary process, they may not do so in an unreasonable manner with the intention to harm or embarrass another, or in a manner that would recklessly do so regardless of intention. Such disclosure is a form of retaliation that may be sanctioned through a separate charge under the code of conduct.
    A. An "attempt" requires a substantial step towards committing a violation.

Harmful Behavior

1. Physical harm or threat of physical harm to any person.
2. Conduct that intentionally or recklessly threatens or endangers the health or safety of any person.
3. Failure to prioritize the health and safety of the campus community.
4. Intentionally or recklessly interfering with fire, police, and/or emergency services.
5. Disrupting/endangering the safety of the NMT community: e.g., tampering with elevators, tampering with fire safety equipment, falsely reporting a bomb or fire, or engaging in behavior that creates a fire or safety hazard.
6. Threatening Behaviors: Written, verbal or nonverbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property; intimidation defined as implied threats or acts that cause a reasonable fear of harm by another; to place another person in reasonable fear or harm through the use of threatening words or conduct. In no event shall this provision be used to discipline a student for speech protected by the first amendment of the United States Constitution.
7. Stalking. Repeated, unwanted conduct toward or contact with another individual, including but not limited to, following someone, lying in wait, persistent presence around an individual, contacting an individual verbally, electronically, via social media. New Mexico Tech Student Code of Conduct or third party over the individual's objection, or threats to an individual or to the individual's family, friends, or property, that would cause a reasonable person fear or substantial emotional distress. (For stalking based on sex or gender, please see Sexual Misconduct).
8. Malfeasance: Misuse, malfeasance, or misconduct in an appointed or elected office or

role in an on-campus job, student club or university committee.

Hazing

1. Hazing shall include, but not be limited to, forcing, compelling, requiring, encouraging, or expecting whether direct or implied, any individual to participate in any of the following actions or activities:

    A. Psychological Hazing:
        i. Blindfolding and parading individuals in public areas, blindfolding and transporting in a motor vehicle, or privately conducting blindfolding activities that serve no constructive purpose
        ii. Confinement, for example, in an unreasonably small, unventilated, unsanitary, unlighted, or very loud space
        iii. Encouraging or requiring activities that disrupt a person's normal schedule. A normal schedule includes three reasonably spaced meals per day, the opportunity for sufficient rest at night (at least six full hours) and reasonable time for personal hygiene
        iv. Encouraging or requiring a person to pretend to or actually violate a law
        v. Misleading an individual into believing that they will be hurt during an induction or initiation
    B. Physical Hazing:
        i. Binding or restricting an individual in any way that would prohibit them from moving on their own
        ii. Burning, branding, or tattooing any part of the body
        iii. Burying in any substance (i.e. snow, sand, refuse)
        iv. Carrying any items (shields, paddles, bricks, hammers, etc.) that serve no constructive purpose or that are designed to punish or embarrass the carrier
        v. Exposure to uncomfortable elements
        vi. Forcing consumption of alcohol or any other substance, legal or illegal
        vii. Paddling
        viii. Spraying, painting, or pelting with any substance
        ix. Tests of endurance
    C. Other Hazing:
        i. Activities that interfere with academic pursuits
        ii. Forced or involuntary excursions or road trips
        iii. Encouraged vandalism, or the removal or destruction of public or private property
    D. Hazing also includes soliciting, directing, aiding, or otherwise participating actively or passively in the above acts; this encompasses observation of hazing activities by individuals in a position to intervene but failing to do so..

Trespassing or Misuse of Facilities

1. Misuse or unauthorized use of any facility or University grounds.
2. Unauthorized entry or attempted entry into any facility or University grounds.

Use of Possession of Weapons and/or Dangerous Materials

1. Possession, use, or threatened use of dangerous items including but not limited to firearms, compressed-air guns, pellet guns, tasers or other weapons except as expressly permitted by law.
2. Possession, storage or use of dangerous materials including but not limited to fireworks, explosives, chemical, or hazardous batteries (i.e., Li-Ion or LiPo batteries found in hoverboards, E-scooters, and E-bikes) which are corrosive or explosive on university owned or affiliated property except as expressly permitted by law and in accordance with known safety protocols.
3. Any object not mentioned above used to intimidate, threaten, harm, and/or provide force can be considered a weapon under this provision.
4. Use of a weapon to intimidate, threaten, or harm another person. **The possession of pepper spray for personal protection is permitted**; though a violation of this policy includes the misuse of pepper spray in a manner that causes or threatens serious harm to the safety and security of others.

Violation of other published University policies, rules, or regulations

1. Failure to follow any University Residential Life policy and/or regulation.
2. Violation(s) of student organization rules, as stated in the group's constitution, Student Organization Handbook, and by any student organization or member of a student organization.
3. Violation of any other University policy or regulation.
4. Accessory to any violation of the Student Code of Conduct or other University policy or regulation.
5. Violation of federal, state, and/or local laws
6. Theft, fraud, shoplifting, embezzlement, or possession of stolen property (including buying and receiving stolen property).
7. Littering or other actions which endanger the environment.
8. Gambling in violation of law.
9. Unauthorized release of private and confidential information from student, faculty, or staff records, such as health, educational, or financial information unless permitted by law.
10. Attempt to commit or the commission of a violation of any local, state, and/or federal ordinance or regulation.
11. Attempt to commit or the commission of any local, state, or federal crime. Actions encouraging, offering, soliciting, or that constitute illegal activity are prohibited. It is not necessary that the student be charged or convicted of a crime or violation in order for the reported conduct to be addressed through the Student Code of Conduct.