



Southeast New Mexico College

STUDENT HANDBOOK

2023-2024

TABLE OF CONTENTS

General Information	1
Overview	1
Academic Calendar	1
Academic Advising.....	1
Academic Success Coach	1
Accessibility Services	1
Admissions.....	1
Applying to SENMC	1
Appeal for Denial of Admission to Southeast New Mexico College.....	2
Applying to Selected Admissions Programs	2
Campus Closings.....	2
Canvas Learning Management System (LMS)	2
Change of Major	2
Changes in Residency Status for Tuition Purposes.....	2
College Catalog.....	3
Course Placement.....	3
Developmental Studies	3
Directory.....	3
Email.....	3
Financial Aid and Scholarships	3
Financial Aid Satisfactory Academic Progress (SAP).....	3
Grade Appeals	4
Graduation	4
Holds.....	4
Laptops and Mobile Hotspot Devices for Student Use.....	4
Netiquette Guidelines for Online Classroom Communications	4
Parking Permits	4
Payments and Refunds.....	5
Peer Mentors.....	5
Student ID Cards.....	5
Student Clubs and Organizations	5
Student Resources.....	5
Title IX.....	6
Student Complaints and Grievances.....	7

Federal Student Aid (FSA) Complaint Process	7
National Council of State Authorization Reciprocity Agreements (SARA) Complaints	8
New Mexico Higher Education Department (NMHED) Complaint Process.....	8
Student Code of Conduct (SCC)	9
Part 1: Purpose and Overview	9
Part 2: Student Rights and Responsibilities	9
Part 3: Definition of Terms and Roles.....	10
Part 4: Examples of Non-Academic Misconduct	11
Part 5: Types of Sanctions	14
Part 6: Guidelines for Imposing Sanctions.....	15
Part 7: Discipline and Appeals Process.....	16
Case Initiation	16
Interim Measures.....	16
Educational Conference	17
Assessment of Facts and Issuance of Formal Charge.....	18
Pre-Hearing Procedures	18
Hearing Procedures.....	19
Appeal Procedures	21
Academic Code of Conduct.....	22
Section I – General Description	22
Part I.1: Purpose and Overview	22
Part I.2: Notice To Students Regarding Academic Requirements	22
Part I.3: Expectation of Honesty In Academic Matters	22
Part I.4: Definitions	23
Part I.5: Roles and Responsibilities	24
Part I.6: Good Faith and Protection From Retaliation.....	25
Part I.7: Timeliness.....	25
Part I.8: Confidentiality	25
Part I.9: Fairness and Avoidance of Conflict of Interest.....	26
Section II – Procedures to Respond to Allegations of Student Academic Misconduct	26
Part II.1: Purpose and Overview	26
Part II.2: Initial Response to Allegation	26
Part II.3: Fact Finding Investigation.....	27
Part II.4: Evaluation of Facts And Determination of Appropriate Sanction	28
Part II.5: Resolution Meeting	28
Part II.6: Hearing to Contest Findings or Sanction	29

Part II.7: Right to Final Review of Level II Sanction by Vice President for Academic Affairs.....	30
Part II.8: Implementation of Sanctions; Internal and External Reporting Duties.....	31
Part II.9: Requests Based on Newly Discovered Evidence	31
SENMC Policy Manual – Section F – Student Services and Conduct.....	32
Equal Opportunity and Non-Discrimination – Policy 200.....	32
Sexual Harassment Prohibition – Policy 200	32
Clery Act – Policy 300	32
Drug-Free Campus – Policy 400.....	33
Family Rights and Privacy Act (FERPA) – Policy 500	33
Appendices	34
Appendix A: Academic Misconduct Report Form.....	35
Appendix B: Flowchart for Procedures Resolving Alleged Student Academic Misconduct.....	37
Appendix C: Examples of Academic Misconduct.....	38

GENERAL INFORMATION

OVERVIEW

Welcome to Southeast New Mexico College! This handbook is a quick reference guide for students regarding college resources and policies. Students are expected to familiarize themselves with the handbook. Please note that the policies contained in this handbook are subject to change at the College's discretion through proper administrative procedure.

ACADEMIC CALENDAR

Southeast New Mexico College has established a calendar that lists due dates for the semester such as course start and end dates by part of term; dates for adding, dropping, or withdrawing from classes; tuition refunds; graduation applications; and when final grades for the term are posted. Students should check the academic calendar before making any schedule changes to ensure that the deadline has not passed. To view the current academic calendar, go to the SENMC Student Portal or senmc.edu.

ACADEMIC ADVISING

All SENMC students have a designated academic advisor who will assist them with academic and career planning, registration, referrals to campus and community resources, and transfer assistance. Students are strongly encouraged to meet with their advisor each semester to ensure they stay on track to complete their program in a timely manner.

ACADEMIC SUCCESS COACH

Academic Success Coaching is the one-on-one process of helping students devise a personalized approach to studying. Through collaborative one-on-one appointments, students learn to develop learning strategies, establish healthy study habits, cultivate self-advocacy, and build a campus support system. It is important to note that academic success coaching is not academic advising, personal counseling, or one-on-one tutoring for a particular course.

ACCESSIBILITY SERVICES

Students who have a medical condition including temporary ones such as pregnancy or a broken arm can seek academic accommodations for their classes. Accommodations are determined based on information provided by a medical professional and are appropriate and reasonable for the student's condition(s). Examples may include extra time on tests, taking an exam in a low distraction environment, books in audio format, priority seating, a note taker and/or scribe, or speech-to-text software.

Academic accommodations are not automatically provided; students must request accommodations by submitting the appropriate paperwork to the Academic Success Coach/Accessibility Services Advisor. Forms are available on the SENMC website or in person in the Learning Assistance Center, room 253.

ADMISSIONS

APPLYING TO SENMC

Southeast New Mexico College is an independent, open admissions two-year institution. Students who have earned a high school diploma, a General Education Development Certificate (GED), or High School Equivalency test (HiSET) high school equivalency diploma may apply by submitting an admissions applications and official transcripts from high school, GED or

HiSET, and other colleges or universities attended. Students may apply as degree-seeking student, a certificate-seeking student, or a non-degree student. Consult the Southeast New Mexico College Academic Catalog for details.

APPEAL FOR DENIAL OF ADMISSION TO SOUTHEAST NEW MEXICO COLLEGE

SENMC is committed to providing equal access to all students who make use of College programs and services. Southeast New Mexico College will comply with federal and state laws and regulations including the Title VII Civil Rights Act of 1964 and 1990, Executive Order 11246 Section 504 of the 1973 Rehabilitation Act, the Age Discrimination Act of 1967, the Americans with Disability Act of 1990, as amended, the Vietnam Era Veteran's Readjustment Act of 1974, and Title IX of the Educational Amendments of 1972.

Applicants who feel that they have been unjustly denied admission to the College shall follow an appeal process as outlined in the College Catalog. (*Southeast New Mexico College Policy Manual, Section F – Student Services and Conduct, Policy 600*)

APPLYING TO SELECTED ADMISSIONS PROGRAMS

The College offers some academic programs which have separate admissions criteria, applications, and procedures (e.g., Nursing, Surgical Technology). For details, consult with an academic advisor, the SENMC website, and the faculty or department chair of the program(s) of interest.

CAMPUS CLOSINGS

In the event that the campus must close (e.g., inclement weather), students will be notified through an electronic emergency notification system and when possible, via the SENMC website.

CANVAS LEARNING MANAGEMENT SYSTEM (LMS)

Instruction for online classes at Southeast New Mexico College is through the Canvas Learning Management System (LMS). One the first day of classes for the course, students should log in to the Canvas platform and access their course(s). Only classes for which the student is enrolled will be visible on Canvas for the term.

The Learning Technology Center, room 211, offers workshops on how to use Canvas just prior to the start of each term. Individualized assistance may be arranged with the LTC if needed.

CHANGE OF MAJOR

Students who wish to change their academic program can do so by first consulting with their academic advisor as well as the Financial Aid Office for proper guidance. After that, students can submit a Change of Major form to make a formal request.

CHANGES IN RESIDENCY STATUS FOR TUITION PURPOSES

Student residency status is determined at the time of admission, and any changes to this status must be initiated by the student through the SENMC Registrar's Office. All persons, regardless of immigration status, who have attended a secondary educational institution in New Mexico for at least one year and who have either graduated from a New Mexico high school or received a high school equivalency credential in New Mexico shall be eligible for resident tuition rates.

A continuing student classified as a non-resident who has satisfied the requirements to establish residency may submit a petition along with the required supporting documentation to the Registrar's Office. Petitions must be filed on or before the third Friday of the semester for which the student is requesting resident tuition. For additional information about the petitioning for In-State Residency, please visit the SENMC website.

COLLEGE CATALOG

Each academic year, the College publishes a catalog that details campus policies, services, academic programs, roadmaps (aka degree pathways or “term-by-term” plans for completion), and course descriptions. Catalogs are valid for a specified number of years, which means that students follow the program requirements in the catalog from their first matriculated semester or any subsequent catalog as long as the selected catalog is valid when they graduate.

COURSE PLACEMENT

Proper placement into college courses is critical for student success. The College, therefore, uses multiple measures to ensure that students are prepared for and enroll in appropriate college courses including English, mathematics, and other subjects. These measures include:

- grades in high school math and English courses for students who graduated within 5 years prior to enrollment;
- Accuplacer Next Gen placement tests for reading, English, and mathematics;
- ACT and/or SAT scores if taken within 2 years prior to enrollment;
- consultation with department faculty, and/or
- Other assessments may be required such as Test of English as a Foreign Language (TOEFL). The TOEFL is an assessment for non-native speakers wishing to enroll in English-speaking colleges or universities.

DEVELOPMENTAL STUDIES

Students who do not place into college-level mathematics courses may be required to complete developmental studies courses. These courses do not apply towards credits needed for graduation but do meet course pre-requisites as outlined in the college catalog. Consult the college catalog for more information.

DIRECTORY

A directory with faculty and staff phone numbers and emails are posted on the SENMC website (senmc.edu). Students who need to contact full-time faculty may check the online directory or call the College switchboard at (575) 234-9200 and ask to be transferred.

EMAIL

Students will have a College email account accessible through the SENMC Student Portal and are expected to check it regularly. Official communication with students about financial aid, graduation, classes, etc. is conducted via College email.

FINANCIAL AID AND SCHOLARSHIPS

There are several forms of financial aid available to help pay for school including grants, scholarships, state and federal work study, and loans. To qualify for most types of aid, submit a Free Application for Federal Student Aid (FAFSA) at studentaid.gov. The FAFSA application opens October 1 each year for the upcoming academic year.

FINANCIAL AID SATISFACTORY ACADEMIC PROGRESS (SAP)

Students who receive financial aid must maintain satisfactory academic progress (SAP). Specifically, students must maintain a cumulative grade point average of 2.0 or higher, complete 70% of all credit hours attempted, and complete an academic program within 150% of the published credit hours for the certificate or degree. Those who do not maintain SAP will be denied aid until they meet SAP standards. Students can submit an appeal letter to the Financial Aid office for consideration if there were extenuating circumstances that affected academic progress.

GRADE APPEALS

Students who feel that they received a grade in error should first attempt to resolve their concern with their instructor. If unresolved, students may appeal to the department chair and if still unresolved at that point, may appeal to the Vice President for Academic Affairs (VPAA) whose decision is final.

GRADUATION

To receive a certificate or degree, students must submit a graduation application in the semester in which they take the final class(es) needed to complete requirements. Applications are available in the SENMC Student Portal and are due by the deadline indicated on the Important Dates for Students calendar found at senmc.edu. Students must meet with an academic advisor prior to submitting an application to ensure that all requirements have been met or are in progress.

Southeast New Mexico College has one graduation ceremony held in May each year. Applicants should confirm their participation in commencement so that the College can plan for the event accordingly.

HOLDS

The College, at times, may place a hold on a student accounts that affects processes such as admissions, course registration, or transcripts. For assistance with account holds, contact the appropriate campus office based on the hold type as noted on your student record.

LAPTOPS AND MOBILE HOTSPOT DEVICES FOR STUDENT USE

HIS Grant Services offers laptop loans to students on a per semester basis. The laptop can be checked out 3 days prior to start of classes, and must be returned by the end of finals week. Hotspots for internet access can also be checked out for students who lack reliable internet access on a per semester basis as well.

To check out a computer or jetpack, students must show valid ID and current schedule. Should the student drop or withdraw, technology must be returned on the date of drop or withdrawal.

NETIQUETTE GUIDELINES FOR ONLINE CLASSROOM COMMUNICATIONS

Southeast New Mexico College has developed a set of guidelines to help student properly and professional manage communication for online environments. Those include:

- Always be courteous and polite to fellow students and your instructor; treat others with dignity and respect.
- Respect user privacy—you may not use the instructor's work or your fellow students' work outside the class.
- Do not use language inappropriate to the classroom and the professional workplace.
- Threats and cyber bullying are never appropriate and will not be tolerated.
- Putdowns, insults, or verbal slamming are never appropriate in an academic environment.
- Be careful when using sarcasm or sarcastic humor; these frequently depend either on facial expression or tone of voice.
- Please do not type in ALL CAPS as this is regarded as shouting and is not acceptable in class.
- Proofread your work before sending/posting.

PARKING PERMITS

For the safety and security of our campus community, all students attending Southeast New Mexico College are required to have a parking permit and sticker for their cars. There is no cost for a permit or sticker. Applications for parking permits are available on the SENMC website or in the Business Office, room 108. Permits are valid for one year.

PAYMENTS AND REFUNDS

Students may pay their account balance on campus in the Business Office or through the mySENMC student portal. Please refer to the SENMC Academic Calendar online before dropping any class(es) to verify that the refund deadline has not passed.

PEER MENTORS

The HSI Grant Services Office, room 203, offers Peer Mentors to students who may need additional support. Peer mentors are active SENMC students who assist with balancing school/work/life, provide information about College services and resources, and help with transitioning to college in general. For more information about Peer Mentoring including being hired as one, email grantservices@senmc.edu.

STUDENT ID CARDS

SENMC Student ID Cards are required to pick up financial aid disbursements in the Business Office, check out materials from the Library, and to use the equipment in the SENMC exercise room. ID cards can be obtained in the Business Office, room 108, at least 24 hours after course registration for the term. A second ID (replacement) is \$5.00.

STUDENT CLUBS AND ORGANIZATIONS

Southeast New Mexico College offers a vibrant student life experience and encourages students to join or start a club or organization. Current examples include Phi Theta Kappa Honor Society, Equality Club, E-Sports Club, and Student Nurses Association; for a complete list, visit the SENMC website. The Student Government Association (SGA) oversees all student activities such as clubs and organizations.

STUDENT RESOURCES

Southeast New Mexico College offers numerous services to support student learning, engagement, and success. Please refer to the SENMC website for detailed information such as locations, phone numbers, office hours, and departmental emails if available.

Resource	Services Provided
Academic Success Coach	Academic and career goal-setting, learning strategies, time management and organization, self-regulation and self-efficacy
Bookstore	Textbooks, classroom supplies, SENMC clothing and gift items, convenience foods and beverages
Business Office	Account balance payments, payment plan, financial aid disbursements
Career Services	Career assessments, job placement and job search guidance, internships
Counseling & Mental Health Services	Personal counseling with a licensed therapist. Contact Honor Medina, LMFT, at honor@senmc.edu .
Emergency Aid*	Limited funds to cover utilities, housing/rent, food, medical/dental, vehicle/transportation, and childcare. Payment is made directly to the provider on behalf of the student.
Exercise Room	Various cardio and strength-training equipment
Financial Aid & Scholarships	Federal and state financial aid including Pell Grants, student loans, and scholarships

Resource	Services Provided
Health Clinic**	Routine care for illness, physicals; mental health services by appointment. Additional services posted on clinic door.
HSI Grant Services	Laptops and mobile hot spots for check out, peer mentors, first year experience program, transfer and career advising program, outreach and support for Education and STEM majors
Learning Assistance Center (LAC)	Tutoring for math and English, computers for student use, office for Academic Success Coach/Student Accessibilities Advisor
Learning Technology Center (LTC)	Training on how to use Canvas LMS for all courses (on-campus, online, hybrid, etc.), general assistance with technology issues
Library	Digital media, e-books, monographs, graphic novels, journals, magazines, newspapers, computers for student use, study rooms
Pantry	Free shelf-stable foods and hygiene products to assist with student needs
Registrar	Maintenance of student records for the College including official transcripts
Student Government Association (SGA)	Represent the SENMC student body to College administration, oversee and manage funds for campus clubs and activities
Testing Center	Administer Accuplacer, HESI, high school equivalency, and nurse assistant certification tests
Veteran's (VA) Services	Advocacy for military and veteran students, certify students for education benefits, serve as liaison between SENMC and the U.S. Department of Veteran Affairs

**Based on available funding*

***Health clinic anticipated to re-open during the 2023-2024 academic year*

TITLE IX

SENMC is unequivocally committed to assure a work and learning environment in which the dignity of every individual is respected. SENMC strives to provide an environment for employees, students, and campus visitors that is free from any form of sexual discrimination, including sexual harassment and sexual violence. Likewise the college prohibits discrimination on the basis of gender in all college activities and programs. Any form of sexual harassment or discrimination is a violation of Southeast New Mexico College Policy and Rules.

Under Title IX Law, Southeast New Mexico College will:

- resolve complaints promptly and equitably;
- take immediate and appropriate action once it knows or reasonably know of possible sexual harassment, sexual assault, intimate partner violence, or stalking;
- take prompt and effective steps to end sexual harassment, sexual assault, intimate partner violence, and stalking, prevent its re-occurrence and address its effect;
- offer interim measures to protect the complainant or the university community and to support both parties prior to and while the investigation is pending; and
- provide an opportunity for both parties to present witnesses and evidence as well as offer the same appeal rights.

Students who wish to report a Title IX concern may do so online at senmc.edu/student-services/title-ix.html or to the Vice President for Student Services (VPSS) who serves as the Title IX Coordinator. Contact the VPSS at (575) 234-9220 or visit room 111 of the main building.

STUDENT COMPLAINTS AND GRIEVANCES

Southeast New Mexico College is committed to a policy of fair treatment of its students in their relationships with fellow students, faculty, staff and administrators. Students are encouraged to seek an informal resolution of the matter directly with the faculty or individual(s) involved when possible. Depending on the subject matter, students will be required to file an academic or non-academic grievance in accordance with SENMC policy and the SENMC Student Code of Conduct.

For matters where a resolution is not feasible, an [SENMC Student Complaint Form](#), found on our website, must be completed. The Office of Student Services reviews all complaint forms and forwards those to the appropriate administrative official based on the subject matter.

FEDERAL STUDENT AID (FSA) COMPLAINT PROCESS

Students who have concerns about financial aid that could not be resolved by Southeast New Mexico College may file a complaint through the Federal Student Aid Information Center. For complaints regarding student loans, students may also contact the US Department of Education Office of the Ombudsman. Please note that students should contact the Customer Service Center **BEFORE** entering dispute resolution with the Ombudsman. In addition, students may submit a complaint to the New Mexico Higher Education Department (NMHED); please refer to hed.nm.gov/students-parents/student-complaints.

FSA CALL CENTER HOURS

The Federal Student Aid Call Center is open Monday through Friday, 8:00 a.m. to 10:00 p.m. Eastern Time (ET) with the following exceptions:

- Federal Holidays: Closed except Martin Luther King Jr.'s birthday and Washington's birthday. When January 1 falls on a weekday, the center will be open from 9:00 a.m. to 6:00 p.m. ET.
- Closed on the day after Thanksgiving and on December 24 when it falls on a weekday

FSA CONTACT INFORMATION

- Phone
 - Federal Student Aid Information Center (FSAIC): 1-800-4-FED-AID (1-800-433-3243)
 - TTY (for the hearing impaired): 1-800-730-8913
 - Locations without access to 800 numbers: 319-337-5665
- Email: studentaid@ed.gov
- Website: studentaid.gov/help-center/contact

US DEPARTMENT OF EDUCATION OFFICE OF THE OMBUDSMAN

The Office of the Ombudsman is the final resource after borrowers seek resolution through other customer service avenues. When contacting the Ombudsman Group, be ready to identify the problem and the reason behind it, define your expectations, describe the actions you have already taken to resolve the problem, and supply documentation to support your position.

To contact the Office of the Ombudsman, please use the following:

Postal Mail	U.S. Department of Education FSA Ombudsman Group P.O. Box 1854 Monticello, KY 42633
Phone	(877) 557-2575
Fax	(606) 396-4821

NATIONAL COUNCIL OF STATE AUTHORIZATION RECIPROCITY AGREEMENTS (SARA) COMPLAINTS

Southeast New Mexico College is a member of the National Council for State Authorization Reciprocity Agreements (NC-SARA), and as such abides by the Interregional Guidelines for the Evaluation of Distance Education and the provisions of the NC-SARA Policy Manual. Being an NC-SARA recognized institution increases access to Southeast New Mexico College distance education for students from other states and territories.

If an SENMC distance education student in another NC-SARA state has a complaint the student must first go through the standard procedure for resolution of student grievances for the College, detailed above. If the complaint persists after using the Southeast New Mexico College complaint procedures, the complaint may be brought to the [New Mexico SARA portal agency entity](#) and the New Mexico Higher Education Department (NMHED). The [SARA portal entity](#) in the state where the student is located will be notified that a complaint has been received and may assist as needed.

NMHED does not review complaints related to student conduct violations or student grades. The complaint form may be accessed on NMHED's website: <https://hed.nm.gov/students-parents/nc-sara> or by emailing HigherEd.Info@hed.nm.gov.

Visit the [SENMC website](#) for more information or contact Juanita Garcia, Vice President for Student Affairs in Room 111 of the Main Building, call (575) 234-9220, or email jgarcia@senmc.edu.

NEW MEXICO HIGHER EDUCATION DEPARTMENT (NMHED) COMPLAINT PROCESS

The New Mexico Higher Education Department (NMHED) reviews complaints regarding public and private post-secondary institutions in New Mexico.

NMHED may facilitate complaints that were unable to be resolved through the institution's internal complaint process. Generally, in order to file a complaint with NMHED, students must have already filed a complaint and received a response from the institution. Students who have legitimate reasons preventing them from filing a complaint with SENMC must provide supporting documentation in that regard. All complaints submitted to NMHED must be notarized and include:

- The [Complaint Form](#) from NMHED
- A FERPA Release Form
- A copy of the complaint that was filed with the institution
- A copy of the response/ruling received from the institution or supporting documentation why a complaint could not be filed with the institution
- A HIPPA release form but only if the complaint is medical in nature (e.g., disability, injury, illness, etc.)
- More information can be found on NMHED's website: <https://hed.nm.gov/students-parents/student-complaints>

NMHED does not review complaints related to student conduct violations or student grades. The complaint form may be accessed on NMHED's website: <https://hed.nm.gov/students-parents/nc-sara> or by emailing HigherEd.Info@hed.nm.gov.

STUDENT CODE OF CONDUCT (SCC)

Policy references below are from the Southeast New Mexico College Policy Manual, Section F – Student Services and Conduct, available on the SENMC website, and are noted below where related to the content.

PART 1: PURPOSE AND OVERVIEW

Southeast New Mexico College is not only dedicated to the advancement of knowledge and learning, but also has a concern for the development of responsible, personal, and social conduct. By registering at Southeast New Mexico College, a student assumes the responsibility for becoming familiar with and abiding the general rules of conduct as established in the Student Handbook. Students who are also employees of the College will be covered by employee policies related to conduct and administrative appeal rather than such student policies. *(Reference: Section F: Policy 100)*

PART 2: STUDENT RIGHTS AND RESPONSIBILITIES

Students at the College neither lose the rights nor escape the responsibilities of citizenship. They are expected to obey both the criminal and civil statutes of the state of New Mexico and the federal government and the College's policies, procedures, rules, and regulations, and may be penalized by the College for violating its standards of conduct even though they are also punished by the state or federal authorities for the same act. *(Reference: Section F: Policy 100)*

Below is a non-exhaustive list of student rights and responsibilities in the context of expectations for social conduct.

1. **Duty to Cooperate Consistent with Constitutional Rights:** Students in any capacity (e.g., involved party or a witness) must be honest and cooperative with SENMC officials during investigative and hearing/appeal processes. This responsibility is subject to a student's constitutional right to remain silent and not implicate oneself in a crime. If a student exercises the right to remain silent or elects not to participate at all in the proceedings, the Hearing Officer may proceed based upon evidence gathered from other sources.
2. **Fairness of SCC Proceeding:** Students have the right to notice that they are accused of misconduct in violation of the SCC, and a fair and impartial process in the investigation and determination of the SCC case.
3. **Policy Compliance:** Students are deemed to have knowledge of and are responsible for abiding by SENMC policies, rules and regulations including but not limited to this Student Code of Conduct and the Student Academic Code of Conduct.
4. **Non-Discrimination:** Students have the right to an academic and work environment free of illegal discrimination.
5. **Reasonable Accommodation:** Students have the right to request a reasonable accommodation based on disability. To request an accommodation, students should contact the Academic Success Coach.
6. **Sanction Compliance:** Students must complete all sanction(s) accepted or imposed by the Hearing Officer or Appeal Officer, as appropriate, and notify the Vice President for Student Affairs that the sanction(s) have/has been completed.
7. **Supportive or Protective Relief:** Students may request interim academic or personal supportive or protective relief as appropriate based on the specific circumstances relating to a conduct case.
8. **Use of SENMC Email Account:** Students are required to check their assigned SENMC email account regularly for official correspondence relating to student status, and are responsible for reading and responding to communications sent to their SENMC email account. Failure to participate in an SCC conduct case based on a lack of actual knowledge of items delivered to the student's SENMC email account is not a viable excuse or defense.

PART 3: DEFINITION OF TERMS AND ROLES

Terms defined for purposes of the SCC are capitalized throughout the SCC, to denote such defined status.

- A. **Appeal Officer:** The individual who decides whether to accept a Respondent's or Complainant's appeal from a Hearing Officer's decision and imposition of sanctions, and if accepted, reviews the hearing record, the appeal petition and any response to the petition, and issues a decision regarding the appeal. The Appeal Officer cannot have been directly involved in the investigation, the decision to initiate a charge, or the original determination by the Hearing Officer. For SENMC, the Campus President or designee serves as Appeal Officer. In the event these officials are not available to serve (e.g., scheduling conflict, conflict of interest, lack of objectivity due to prior involvement), the Vice President for Academic Affairs or designee will serve as Appeal Officer.
- B. **Case Administrator (CA):** The individual designated to facilitate the SCC process and who is not eligible to serve as either Hearing Officer or Appeal Officer. The Vice President for Student Affairs designates the Case Administrators, and may also elect to serve in this role. The CA facilitates the presentation of evidence relating to the alleged misconduct to the Hearing Officer, including coordination of the presentation of evidence gathered by other departments.
- C. **Charge:** A formal written notification to a Respondent 1) informing them that they are the subject of an SCC conduct investigation, 2) describing the misconduct they are alleged to have committed or participated in, and 3) describing the provisions of the SCC the alleged conduct violates and the likely sanction, should such allegation be proven or admitted to by Respondent.
- D. **Chief Conduct Officer:** The Vice President for Student Affairs serves as SENMC's chief conduct administrator for the College.
- E. **Complainant (aka Reporter):** A person who submits a complaint or report to the Vice President for Student Affairs, or other appropriate SENMC employee, indicating that a student may have violated the SCC Conduct Standards and/or who asserts injury, damage or loss (to person, property, or reputation) as a result of a student's alleged behavior.
- F. **Day:** A business day, defined as Monday through Friday 8:00 a.m. to 5:00 p.m., except for those days designated as official SENMC holidays or subject to an official university closure.
- G. **Educational Conference:** An informal, interactive meeting between the Case Administrator and a Student alleged to have violated the SCC.
- H. **Hearing Officer:** An SENMC employee or agent, other than the Case Administrator, who conducts the fact-finding hearing in conduct cases not involving alleged discrimination, and renders a determination based on a preponderance of the evidence. Upon a finding of responsibility for a violation of the SCC in a discrimination case, or a determination by the Hearing Officer in a case not involving discrimination, the Hearing Officer imposes an appropriate Sanction. The Vice President for Student Affairs appoints the Hearing Officer or may serve as the Hearing Officer.
- I. **Interim Measures:** Individualized Services or resources offered to or required for parties involved in a conduct case, including both supportive and temporary protective measures.
- J. **Investigate/tion:** The follow through on an alleged SCC violation to ascertain the facts related to the alleged details and circumstances. Investigations may be a part of an Educational Conference, may result in additional charges, or may result in dismissal of the SCC case. This determination is made at the sole discretion of the Vice President for Student Affairs and/or designee.
- K. **Notice:** A written communication which may be delivered in person, by U.S. mail, or through secure electronic transmission to or from the addressee's official SENMC email account. Text messages and social media postings, albeit in written form, are not sufficiently formal to serve as "Notice" for purposes of the SCC, but may be used for reminders and less formal correspondence.

- L. **SENMC Community:** SENMC students, faculty and staff and visitors to campus (e.g., volunteers, vendors, members of the public attending SENMC functions).
- M. **SENMC Property:** All land, facilities and other property owned, operated or controlled by the Regents of SENMC.
- N. **SENMC Sponsored Activities:** Events or activities involving Students, Student Organizations, or SENMC departments, faculty members, or employees that are
 1. expressly authorized, aided, conducted or supervised by SENMC;
 2. funded in whole or in part by SENMC; or
 3. initiated by an officially chartered Student Organization and conducted or promoted in the name of that Student Organization or SENMC.
- O. **Preponderance of the Evidence:** The amount of evidence required to prove a violation of the SCC. A Preponderance of the Evidence means “more likely than not” or stated another way, Preponderance of the Evidence means the “greater weight of the evidence.”
- P. **Reporter:** A person or entity who submits a complaint or report to the Vice President for Student Affairs or other appropriate SENMC employee alleging that a Student or Student Organization violated the SCC.
- Q. **Respondent:** A Student or Student Organization charged with violating one or more provisions of the SCC.
- R. **Sanction:** A disciplinary measure intended to educate the Respondent, remedy the harm, and/or to deter future misconduct.
- S. **Student:** An individual admitted or enrolled, for any type of credit or not-for-credit course, whether full-time, part-time, dual credit, on-campus, abroad, online, or any form of enrollment offered by SENMC as well as an individual not yet officially enrolled for a particular term, but who has a continuing relationship with SENMC, as determined by the Vice President for Student Affairs. Examples of a continuing relationship include: 1) when a student leaves SENMC with a disciplinary matter pending, 2) when a student is suspended or dismissed, or 3) when a student is away from SENMC during summer break, a period of clinical or other experiential learning, or study abroad experience.
- T. **Student Organization:** Any group of students officially recognized by SENMC as a chartered Student Organization.
- U. **Support Advisor:** An individual chosen by a Student to serve as an advisor in a supporting role during a student disciplinary proceeding. Both the Complainant and the Respondent may elect to utilize a Support Advisor during any meeting, educational conference or hearing. The Support Advisor may consult with and advise the student at any time during the course of the relevant meeting or outside the meeting. The Support Advisor may raise legitimate objections to questions during an investigatory interview or hearing, but may not answer questions on behalf of the Student or unreasonably delay or interfere with the proceeding.
- V. **Title IX:** Title IX refers to Title IX of the Education Amendments of 1972, and its implementing regulation at 34 C.F.R. Part 106. This federal law prohibits the exclusion of any person from participating in or from receiving benefits of, or any discrimination in, educational programs or activities, based on their race, color, religion, national origin, physical or mental disability, age, sex, sexual orientation, genetics, or veterans status.
- W. **Title IX Coordinator:** The Vice President for Student Affairs is the Title IX Coordinator for SENMC.

PART 4: EXAMPLES OF NON-ACADEMIC MISCONDUCT

The prohibited conduct described below is inconsistent with the core values of Southeast New Mexico College. All prohibited conduct is subject to administrative action pursuant to the SCC, including that carried out using telephone, text message, computer, email, social media or any other electronic or digital format. Text messages and other information provided to the Vice President for Student Affairs, as well as online postings such as blogs, web postings, chats, images, and social networking sites in the public sphere may be used as evidence in disciplinary proceedings.

- A. **Abuse or Interference with Conduct Process:** Interference with or failure to comply with SENMC processes, including this SCC and the Student Academic Code of Conduct. Abuse of Conduct Process includes but is not limited to:

1. falsification, distortion, or misrepresentation of information;
 2. refusal or failure to provide information for an investigation;
 3. destruction or concealment of information during an investigation;
 4. any behavior intended to discourage someone from reporting a potential violation of SENMC policy, cooperating in an investigation, participating in proceedings, or otherwise cooperating with officials relating to a violation of SENMC policy;
- B. **Alcohol:** Violations of law or SENMC policies, rules or procedures pertaining to alcohol, including but are not limited to:
1. consuming or possessing alcohol by an individual under the legal drinking age;
 2. being intoxicated in public;
 3. behaving in disorderly manner as a result of alcohol;
 4. providing alcohol to individuals below the legal drinking age; or
 5. allowing alcohol to be served to individuals below the legal drinking age.
- C. **Animals:** With the exception of service and emotional support animals and those used for instructional purposes or educational programming, animals are not permitted in SENMC buildings.
- D. **Bullying/Cyberbullying:** An act or omission (not based on discriminatory motives committed with the intention of intimidation or causing emotional distress or other harm. Bullying is typically directed toward a person perceived to be vulnerable or less powerful, but may also be directed at a group of individuals. Bullying is prohibited regardless of how it is carried out (e.g., verbally, physically, through third parties, or using social media or other electronic or technological means.
- E. **Complicity:** Involvement, through action or failure to act, in a situation that a reasonable person under the circumstances would anticipate harm or damage (e.g., scheming, planning, aiding, unacceptable bystander behavior).
- F. **Discrimination:** Adverse treatment based on membership in a protected class (e.g., race, sex, pregnancy, sexual orientation, gender identity, religion, disability).
- G. **Discriminatory Harassment:** One form of illegal discrimination consisting of unwelcome verbal, physical or virtual conduct based on an individual's protected status that is severe or pervasive enough to create an academic or work environment that a reasonable person would consider intimidating, hostile or abusive.
- H. **Disruptive Behavior:** Any activity, individually or in concert with others, which causes or constitutes a disturbance, noise, riot or obstruction which substantially interferes with the free movement of persons about the campus or which interferes with the free, normal, and uninterrupted use of the campus for educational programs, business activities and related residential, food service and recreational activities.
- I. **Drugs:** Violations of local, state or federal laws or campus policies, rules or procedures pertaining to drugs including but not limited to:
1. the use of substances defined by state or federal law as illegal drugs;
 2. selling or distributing illegal drugs regardless of age;
 3. hosting a party or event where illegal drugs are used; or
 4. abuse, misuse, sale, or distribution of prescription or over-the counter medication.
- J. **Election Tampering:** Tampering with an election on campus, including elections conducted by SENMC Student Government, SENMC-recognized student organizations, or other campus constituencies.
- K. **Failure to Comply:** Failure to comply with the reasonable and lawful directives of SENMC officials.
- L. **Falsification:** Knowingly furnishing or possessing false, falsified or forged materials, documents, accounts, records, identification, or financial instruments.
- M. **Financial Misconduct:** Any dishonest or illegal activity relating to the student's financial responsibilities to SENMC, including but not limited to: knowingly passing a worthless check, money order, or credit/debit card in payment to SENMC.
- N. **Fire Safety:** Violation of local, state, federal or campus fire policies including, but not limited to:

1. intentionally or recklessly causing a fire which damages SENMC or personal property or which causes injury;
 2. failing to evacuate an SENMC controlled building during a fire alarm;
 3. improperly using SENMC fire safety equipment; or
 4. tampering with or improperly engaging a fire alarm or fire detection/control equipment.
- O. **Gambling:** Gambling as defined and prohibited by the applicable state law.
- P. **Hazing:** Conduct connected to membership in SENMC sanctioned organizations (e.g., club, intramural team, unit or other group officially affiliated with SENMC) which creates an unreasonable risk of emotional or physical harm, causing actual emotional or physical harm, or interfering with an individual's academic endeavors, progress or environment. Examples of such behavior include, but are not limited to misusing authority by virtue of one's class rank or leadership position, striking another student by hand or with any instrument, depriving a person of sleep, requiring the consumption of liquids or solids, requiring standing for unreasonable amount of time, requiring a violation of SENMC policy or state or federal laws. It is not a defense that the person (or group) hazed consented to, or acquiesced to, the behavior in question. Having firsthand knowledge of the planning of such activities or firsthand knowledge that an incident of this type has occurred and failing to report it to the appropriate SENMC official will also be considered to be a hazing violation.
- Q. **Health and Safety Hazard:** Creation of a health or safety hazard including an unreasonable risk of harm to health or safety including: dangerous pranks, hanging out of or climbing from/on/in windows, balconies, roofs or improperly gaining access to structures or facilities which are not open for student use.
- R. **Ineligible Pledging or Association:** Pledging or associating with a Student Organization without having met eligibility requirements established by SENMC.
- S. **Misuse of SENMC Information and Communications Technology:** Violation of SENMC policies, rules, procedures or other directives, including those governing the use of technological hardware or software, electronic, digital or other media, copyrighted material and protected data.
- T. **Personal Injury or Property Damage:** Intentional, reckless or negligent harm to a person or damage to, or destruction of, SENMC property or the property of another.
- U. **Public Exposure:** Deliberately and publicly exposing one's intimate body parts, including but not limited to public urination, defecation, and public sex acts.
- V. **Retaliation:** An adverse action threatened or taken against any individual because of that individual's participation in the SCC conduct process or any SENMC sanctioned complaint or investigation process. Examples of protected activity include filing a complaint, supporting or assisting someone who filed a complaint, cooperating with an investigator or providing testimony as a witness. Retaliation in any form is prohibited, whether verbal or physical, including by email, text, social media or other telephonic or electronic means, or carried out or communicated through a third party.
- W. **Sexual Misconduct:** A broad term that encompasses all forms of prohibited sex discrimination including sexual or gender based harassment; stalking; rape and intimate partner violence (dating violence, domestic violence, relationship violence).
- X. **Smoking and Tobacco Use (including E-Cigs) Restrictions:** Smoking tobacco products and substitutes for such products (e.g., vapor/e-cigs) inside any buildings owned or leased by SENMC, as well as within 25 feet of an entrance or exit to such a building, in SENMC owned vehicles, and during some organized outdoor events on SENMC property.
- Y. **Taking of Property/Damaging Property:** Intentional and/or unauthorized taking of SENMC property or the personal property of another, including goods, Services and other valuables, or knowingly accepting possession of stolen property; or behavior that destroys, damages, or litters any property of SENMC property or the personal property of a SENMC community member, another institution, or another person.
- Z. **Threatening Behavior:** Written or verbal conduct that causes a reasonable fear of imminent harm or injury to the health or safety of any person or of damage to any property.

- AA. **Trademark/Copyright (Logo) Infringement:** Unauthorized use of SENMC names and logos, trademarks, or any violation of copyright law.
- BB. **Unauthorized Access; Failure to Report Lost SENMC ID or Key:** Access to a building, structure or area not open to students and obtained without permission; unauthorized possession, duplication, or use of means of access to any SENMC building; or failure to report a lost SENMC identification card or key.
- CC. **Violation of SENMC Policy:** Violation of SENMC policies, rules or procedures except as otherwise provided in the SCC.
- DD. **Violations of Law:** Violation of local, state, or federal laws that creates a significant risk of harm to the safety and security and well-being of SENMC or any member of the SENMC Community.
- EE. **Weapons and Other Explosive Materials/Devices:** Possession, use, or distribution of any object intended to be used as a weapon, including explosives (e.g., fireworks), guns (including ammunition, air, BB, paintball, facsimile weapons, and pellet guns), or other weapons or dangerous objects such as arrows, axes, machetes, nunchucks, throwing stars, or knives.

PART 5: TYPES OF SANCTIONS

A Respondent who is found to have violated the SCC may receive one or more of the following Sanctions:

- A. **Documented Verbal Warning:** A verbal warning is used for less serious and first time SCC violations and for other infractions conducive to being addressed through progressive discipline. This Sanction informally notifies the Respondent that a change in behavior is necessary to avoid additional or more serious Charges and/or Sanctions. Despite the designation as a “verbal warning” the Respondent is asked to acknowledge receipt of the warning in writing.
- B. **Written Warning:** A written warning is used for minor and moderate level infractions and conduct conducive to being addressed through progressive discipline. This Sanction conveys, by formal written memo, that the Respondent’s conduct did not meet SENMC standards and a change in behavior is necessary to avoid additional or more serious Charges and/or Sanctions.
- C. **Disciplinary Probation:** Disciplinary probation is a status assigned for a defined period of time for an infraction that does not create an ongoing threat or risk of harm to the SENMC Community. Individual Respondents may remain enrolled or re-enroll while on this status.
- D. **Restricted SENMC Privileges or Activities:** The Respondent is restricted from specified SENMC privileges or participation in SENMC activities for either a certain time period or indefinitely. Examples include restrictions on access to equipment, athletic functions, student union, libraries, parking lots, SENMC computer centers and/or residence halls. Additionally, restrictions may be placed on the Respondent’s activities such as the right to participate in activities or Student Organizations, to represent SENMC on athletic teams or in other leadership positions.
- E. **Restitution:** The Respondent is required to make payment of a sum to compensate for damages caused, in whole or in part, by the Respondent’s violation of the SCC. Damages must be supported by evidence of cost and value and be reasonably and directly related to the harm or damage (e.g., personal injury or damage to property). An award of restitution is to be paid prior to further enrollment in classes and may be added as a balance due on the Respondent’s student account maintained by SENMC Accounts Receivable.
- F. **Service to SENMC:** The Respondent is required to complete a specified number of hours of service at SENMC or in furtherance of SENMC interests.
- G. **Educational and Self Awareness Programs:** The Respondent is required to complete a specific educational assignment or to attend and cooperatively participate in a program or session related to the violation committed. Examples include: researching and preparing and/or presenting a report, participating in an alcohol or drug assessment, or attending a seminar or webinar.
- H. **Counseling Session:** A Respondent is required to report for and participate in a designated number of sessions with an SENMC counselor. The counselor will not divulge confidential content of counseling sessions without a voluntary release, but may report whether Student attended the session and cooperatively participated.
- I. **No Contact Directive:** Prohibits a Respondent and other involved individuals from having any contact, direct or indirect, with one or more designated persons or groups through any means, including personal contact, email,

social media, telephonic (voice and messaging), electronic or third parties. No contact directives are issued in writing, and may be issued as an Interim Measure or a Sanction.

- J. **Deferred Suspension:** A deferred suspension may be appropriate when, but for mitigating circumstances, the misconduct would have resulted in a suspension for a defined period of time. A deferred suspension should indicate the time period that the suspension would have been for, and the deferment period should correspond to the same time period. A deferred suspension is granted subject to specified conditions. If during the period of the deferred suspension, the Respondent fails to honor the conditions set, or is found to have committed another violation of SENMC policy, the suspension previously deferred is effectuated in accordance with Suspension as defined below.
- K. **Suspension:** The Respondent's enrollment is suspended for a specified period of time, not to exceed one calendar year from the date of Notice. If the basis for the suspension is deemed to present an unreasonable risk of harm to the university community or property, the Respondent may be prohibited from access to SENMC Property. A Respondent receiving the Sanction of suspension must comply with all applicable conditions and Sanctions prior to re-admission or reapplication for recognition as a Student Organization. If the Respondent is a Student Organization, the recognition of its charter is revoked during the period of the suspension and neither the organization nor its members is permitted to receive the benefits associated with a chartered Student Organization.
- L. **Dismissal:** The Respondent is dismissed from all courses, and denied re-admission for a period of not less than one calendar year. If the basis for the dismissal is deemed to present an unreasonable risk of harm to the university community or property, the Respondent may be prohibited from access to SENMC Property. A Respondent receiving the Sanction of dismissal must comply with all applicable conditions and Sanctions prior to re-admission as a Student, or reapplication for recognition as a chartered Student Organization. If the Respondent is a Student Organization, the recognition of its charter is revoked during the period of the dismissal and neither the organization nor its members are permitted to receive the benefits associated with a chartered Student Organization.
- M. **Withholding or Revocation of Academic Award:** Upon approval from the Campus President, SENMC may temporarily or permanently withhold issuance of a degree, diploma, certificate or official transcript, or deny further registration or, with approval of the Board of Trustees, a degree or diploma already conferred may be revoked.

PART 6: GUIDELINES FOR IMPOSING SANCTIONS

The level of sanction is determined based on several factors. Sanctions will be commensurate with the nature of the violation and, for first and less serious violations, progressive discipline may be used as an educational tool designed to encourage behavioral change. In cases involving Title IX or other discriminatory misconduct, the Sanctions must effectively stop the offensive or harmful misconduct, prevent its re-occurrence, and address its effects.

- A. **Level of Sanction:** The imposition of disciplinary Sanctions will be administered fairly and consistently, with consideration given to the following factors:
 - 1. **Prior Conduct Record:** Whether the Respondent has received warning or other disciplinary Sanction for prior SCC violations.
 - 2. **Seriousness of Conduct:** The nature of the infraction and the extent of personal injury or property, financial or reputational damage caused, or the degree to which the misconduct created an unreasonable risk of serious injury or damage (whether or not injury or damage actually resulted).
 - 3. **Aggravating Factors:** Aggravating factors may include pre-meditation, evidence of mal-intent or conscious disregard for the rights and welfare of others.
 - 4. **Mitigating Factors:** Mitigating factors may include the absence of aggravating factors, youth, genuine remorse and acceptance of responsibility, mental incompetency or other medical conditions.
- B. **Duration of Sanction:** If the Sanction imposed is probation, loss or restriction of SENMC privileges, suspension or dismissal, then the time period will clearly be stated, and to the extent feasible, will correspond to the SENMC academic schedule (e.g., semesters, compressed course schedule).
- C. **Petition for Relief from Indefinite Sanction:** If a Sanction is imposed without end date, then after a minimum of one year from the imposition of the Sanction, the Respondent may petition the Vice President for Student Affairs to have the Sanction lifted.

1. The Petition should explain why SENMC may expect the Respondent's conduct to conform with the SCC in the future, including any actions Respondent has taken since the events giving rise to the Sanction that demonstrate a heightened level of personal responsibility.
2. Other factors to be considered include the nature of the violation, including the severity of personal injury, property or other damage caused and the level of risk created by Respondent's actions or inactions; the academic accomplishments and status of the Respondent; and the best interest of the involved parties and of the institution of SENMC.
3. If the petition is denied, the Respondent may seek a final review from the Vice President of Student Services who will review the same factors before rendering a final decision. If denied by the Vice President of Student Services, the Respondent may not petition again for another two years.

PART 7: DISCIPLINE AND APPEALS PROCESS

CASE INITIATION

Any person, including Students, faculty and members of the SENMC Community, may report suspected or observed misconduct by Students and Student Organizations to Vice President for Student Affairs (VPSA). Any report involving discrimination on the basis of any protected class, including sexual assault, harassment, stalking, dating violence or other sexual misconduct, must be referred to the Vice President for Student Affairs.

- A. Upon receipt of a report of misconduct that is within the authority of the VPSA, the Vice President for Student Affairs appoints an SENMC employee to serve as the Case Administrator. No formal appointment documentation is necessary; standing appointments are permissible.
- B. The Case Administrator reviews the reported misconduct, opens a SCC case if it appears there is a violation of the SCC, and facilitates the SCC process up to the point that a hearing might be held.
- C. If it is determined that no violation exists, the Respondent will be notified and any interim measures in place will cease.

INTERIM MEASURES

Depending upon the allegations and circumstances, Interim Measures (supportive or protective) may be imposed, affecting one or multiple parties to an SCC proceeding. The imposition of an Interim Measure is not an indication of responsibility for a violation of the SCC, nor a substitute for a Sanction. Interim Measures may remain in effect after the conclusion of a student conduct case.

- A. **Nature of Interim Measure:**
 1. Supportive or protective measures are instituted through the SENMC Vice President for Student Affairs who serves as the Title IX Coordinator in response to allegations of sexual harassment, sexual assault, sexual misconduct, or any other form of protected class discrimination.
 2. Protective measures (e.g., No Contact Orders) are instituted through the Vice President of Student Services, or other authorized SENMC officials, in response to direct threats to the health, safety or welfare of a student or other member of the SENMC community.
- B. **Examples of Interim Measures:**
 1. referrals to counseling or other service/resources;
 2. extensions of time and other course-related adjustments;
 3. modification to work or class schedules, including authorized leaves of absence;
 4. campus escort services;
 5. restrictions on contact between the individuals;
 6. No Trespass Directive;

7. other directives restricting activities on campus, changes in dining or housing arrangements;
 8. increased security and monitoring of certain areas of campus; and
 9. other similar accommodations.
- C. **Purpose and Timeframe:** Interim Measures support students affected by alleged violations of the SCC, or provide for the safety and protection of members of the SENMC Community. To ensure that an Interim Measure remains necessary and effective, Interim Measures should be reassessed periodically.
- D. **Initiation of Interim Measure:** An Interim Measure may be requested by any concerned person or university official, including the involved party or the Case Administrator.
1. Requests should be directed to the Vice President of Student Services including cases alleging unlawful discrimination.
 - a. The parties affected by an Interim Measure will be notified about the imposition of an Interim Measure as soon as possible.
 - b. When imposing Interim Measures, SENMC will strive to minimize any negative impact on the affected student's education.
 - c. To address any hardship that may result from imposition of an Interim Measure, a person subject to an Interim Measure may request reconsideration and/or modification of its terms and conditions by submitting a written petition to the Vice President for Student Affairs. The scope of the review of the petition is limited to any hardship created by the Interim Measure, and should specify the relief being sought (e.g., actions requested to mitigate the hardship). The petition and the resulting decision will not address the merits of the underlying SCC conduct case.
- E. **Termination of Interim Measure:** An interim measure remains in place until expiration of a period specified in the written notice, modified by the office that instituted the measure if no termination date was indicated, or upon the decision of the Vice President of Student Services following a hardship review.

EDUCATIONAL CONFERENCE

Once a determination is made that the facts alleged would support a finding of an SCC violation or the relevant office investigating the case has issued findings which support a violation of the SCC, the case proceeds to the Educational Conference.

- A. **Purpose of Educational Conference:** The Educational Conference serves each of these purposes:
1. **Notice of Misconduct Allegations:** The Case Administrator informs the Student of the facts alleged, the applicable section of the SCC and/or other applicable College policy and the potential range of Sanctions, should the Student accept responsibility or be found responsible.
 2. **Inform about SCC Process:** The Case Administrator explains the SCC process to the Students, and answers any questions from the Student, and informs the Student that any facts volunteered by the Student may be used as evidence in support of action under the SCC in any later hearing or appeal.
 3. **Fact Finding:** If after being informed that any facts the student shares may be used in support of disciplinary action under the SCC, the Student wishes to discuss the case, the Case Administrator will document the information received, including exculpatory facts, and accept any records that the Student may provide in response to the allegations.
 4. **Facilitate Resolution:** Through full and informed discussion, the Case Administrator assists the Student in deciding whether or not to accept responsibility for the alleged misconduct or, in the alternative, to allow the SCC conduct process to continue.
- B. **Timing and Notice of Educational Conference:** A Student accused of misconduct is notified and afforded an Educational Conference within a reasonable time after allegations are made or sufficient facts are known to the Vice President for Student Affairs to appoint a Case Administrator to initiate a case. Generally, unless there are circumstances reasonably justifying a longer time period, this will occur within sixty (60) Days from the date the Vice President for Student Affairs receives the report or complaint of any alleged misconduct.
1. A minimum of five (5) Days' Notice will be given to the Student prior to an Educational Conference.

2. The Notice includes information on where to view the Student Code of Conduct and informs the Student of the following:
 - A. the date, time and location for the conference,
 - B. the fact that the Student is the subject of an SCC conduct case,
 - C. the specific factual misconduct allegation(s), and
 - D. the potential Charge(s).
 - E. the right to review, prior to the Educational Conference, the evidence collected as of that date relating to the alleged misconduct.
 3. Where a Student is properly notified of an Educational Conference and fails to either (1) request an alternate date/time or (2) appear and participate at the Educational Conference, the Case Administrator will document the failure to appear and proceed in accordance with the SCC.
- C. **Outcome of Educational Conference:** The Case Administrator documents the facts asserted and evidence submitted by the Respondent, and the outcome of the Educational Conference. The possible outcomes include:
1. **Respondent Rebutts/Case Dismissed:** The Student provides persuasive information refuting the alleged misconduct and the Case Administrator determines that there is insufficient evidence to support a finding that the Student violated the SCC, and the SCC case is dismissed.
 2. **Respondent Accepts Responsibility/Case Concluded:** The Student, after being fully informed of the allegations and the potential Sanctions, accepts responsibility for the alleged misconduct and commits to fulfill the proposed Sanction. The Respondent completes and signs a form provided by the Vice President for Student Affairs indicating acceptance of the proposed Charge and corresponding Sanction discussed in the conference, thereby concluding the conduct proceeding under this rule, with no right to appeal.
 3. **Case Proceeds:** When the Respondent does not accept responsibility or provides exculpatory information, the next phase involves issuance of a formal charge if supported by the evidence.

ASSESSMENT OF FACTS AND ISSUANCE OF FORMAL CHARGE

- A. **Evidence Collection:** If the matter is not resolved in the Educational Conference, the Case Administrator obtains reports from any other offices that investigated the allegations and if the matter was not formally investigated by another unit, conducts any necessary additional investigation to ensure a full understanding of the incident or event.
- B. **Assessment of Facts:** Once the relevant evidence (documents and witness statements) is available and complete, the Case Administrator assesses whether or not a violation of the SCC is supported by at least a Preponderance of the Evidence.
 1. If the evidence does not support the alleged violation, no formal Charge will be issued.
 2. If the evidence supports the alleged violation by at least a preponderance of the evidence, a formal Charge will be issued.
- C. **Issuance of Formal Charge:** The Case Administrator sends a formal Charge to the Respondent describing the alleged misconduct, the section of the SCC violated, and the range of Sanctions for said violations. The formal Charge may be combined with the Notice of the Hearing. The formal Charge must inform the Respondent of the right to schedule a time to review, before the hearing, the list of witnesses and any evidence that will be presented at the hearing.

PRE-HEARING PROCEDURES

Upon receipt of a Respondent's written request for a hearing on a formal Charge, the following pre-hearing procedures apply:

- A. **Designation of Hearing Officer:** The Vice President for Student Affairs designates the Hearing Officer for the SCC conduct case, provides the Hearing Officer with a copy of Charge determination, and gives Notice of the appointment to the Respondent and any Complainant. The appointment is subject to the following:
 1. A Hearing Officer may recuse themselves if they believe there is a conflict of interest sufficient to affect their ability to hear the case fairly and impartially. For example, a conflict of interest may result from a

- personal relationship with, or knowledge of the case relating to, the Complainant, Respondent or a witness.
2. A Complainant or Respondent may request a different Hearing Officer, based on facts indicating the potential for a conflict of interest or potential bias, by submitting a request in writing to the Vice President for Student Affairs, or if the conflict involves the Vice President for Student Affairs, Student Life's vice president for student success. An alternate Hearing Officer will be appointed when the facts are found to create a reasonable concern for potential bias.
- B. **Hearing Officer Duties:** The Hearing Officer's responsibilities include resolving pre-hearing procedural issues; convening and conducting the fact finding hearing; issuing a written decision based upon the Preponderance of the Evidence standard, informing the Respondent and any Complainant of the right to appeal; and organizing and preserving the hearing record. The Hearing Officer makes arrangements to create an audio recording of the hearing which becomes a part of the hearing record. The Hearing Officer may also arrange for a Notary Public to place the witnesses under oath during the hearing.
- C. **Resolution of Pre-Hearing Procedural Issues:** The designated Hearing Officer determines if the case is ready to proceed at the scheduled date and time. The Hearing Officer resolves pre-hearing issues and concerns raised by a party, and provides the Case Administrator and the Respondent the opportunity to provide input. Examples of issues that commonly are raised that should be resolved before the hearing include:
1. Confirmation that all potential conflicts of interest have been disclosed and addressed;
 2. Requests for reasonable accommodations based on disability;
 3. Requests for time extensions;
 4. Requests for procedural modifications in the interest of fairness or safety;
 5. The Respondent has been provided the opportunity to review the list of witnesses and the evidence that will be presented at the hearing;
- D. **Resolution of any issues relating to witness availability:** Case Administrators and Respondents are responsible to arrange for their respective witnesses to attend the hearing. If the witness is a Student or an SENMC employee and refuses to attend the hearing voluntarily, upon written request from the Case Administrator or the Respondent, the Vice President for Student Affairs or designee will issue an [SENMC DIRECTIVE TO APPEAR](#), to facilitate the witness' participation in person or by phone.

HEARING PROCEDURES

The hearing provides the opportunity for a neutral factfinder to evaluate the available evidence as presented by the Respondent, any Complainant who chooses to participate, and the Case Administrator (or other SENMC official) to determine whether or not the SCC violation(s) alleged in the Charge are supported by a Preponderance of the Evidence, and, where a violation is found, to review the Sanctions imposed by the Case Administrator.

- A. **Notice of Hearing:** Unless a shorter time is consented to by the parties, a minimum of ten (10) Days' Notice of the hearing date, time and location must be given to the Respondent, any Complainant, and to the Case Administrator.
- B. **Witnesses:** The following procedures will apply when witnesses are called by a party to the SCC conduct hearing:
 1. **Questioning of Parties:** In order to preserve the educational atmosphere and to avoid creation of an adversarial proceeding, questions for witnesses are submitted to and asked through the Hearing Officer.
 2. **Obligation to Testify:** Witnesses who are SENMC Students or employees must attend a hearing when directed by the Vice President for Student Affairs. Failure to attend may result in a separate employee or student disciplinary action for the uncooperative individual.
 3. **Testimonial Evidence:** The Hearing Officer may require witnesses to take an oath to tell the truth, administered by a Notary Public. The Hearing Officer may exclude the use of written witness statements if the lack of an opportunity to cross examine the witness in front of the Hearing Officer is deemed prejudicial. If a necessary witness is unavailable or cannot reasonably appear, and the Hearing Officer determines that the written or recorded statement regarding the events pertaining to the issue are more probative than prejudicial, then such written statements may be allowed. Upon request, the Hearing Officer will continue the hearing to allow a party to question the witness providing written or recorded testimony.
 4. **Exclusion of Witness from Proceeding:** The Respondent and Complainant, if any, are entitled to attend the hearing during all presentation of evidence. Other witnesses are required to wait outside the hearing

room until they are called to testify and are required to leave the hearing room once dismissed by the Hearing Officer.

- C. **Conduct of Hearing:** The Hearing Officer convenes the hearing at the designated date and time, and ensures that the proceeding is audio recorded, including the resolution of any pre-hearing issues. Before the presentation of the case commences, the Hearing Officer provides the parties with an overview of the hearing process to the parties.
1. **Resolution of Pre-Hearing Issues.** The Hearing Officer asks parties if all pre-hearing issues have been resolved. If they have not been, the Hearing Officer addresses these issues first. If resolution of a prehearing issue will substantially impact the hearing process or outcome, the hearing should be re-set to another date and time while the parties are still present.
 2. **Opening Statements.** The Hearing Officer provides each party an equal opportunity to present a brief opening statement to describe their position and the evidence they will present that supports their position relative to the Charge or the proposed Sanction. Opening statements are not required, may be limited in time by the Hearing Officer, or may be waived the parties altogether.
 3. **Evidence in Support of Determination.** The Hearing Officer calls first on Case Administrator, or the alternate SENMC official, to present evidence and call witnesses in support of the determination on the Charge and the imposed Sanction. Respondent is given the opportunity to submit questions related to the evidence or witnesses presented by the Case Administrator, to be asked through the Hearing Officer.
 4. **Rebuttal.** The Hearing Officer calls on Respondent to present evidence including personal testimony and the testimony of witnesses to rebut the Charge, evidence presented by Case Administrator, or proposed Sanction. The Case Administrator is given the opportunity to submit questions related to the evidence or witnesses presented by the Respondent, to be asked through the Hearing Officer.
 5. **Hearing Officer Questioning.** The Hearing Officer may ask any question of any party or witness relating to the Charge, the evidence, or the proposed Sanction.
 6. **Evidentiary Issues.** The hearing is not a legal proceeding and the rules of evidence used by courts do not apply to SCC hearings. The Hearing Officer has discretion to make decisions about the relevance or admissibility of evidence, however, the exclusion of evidence should be rare and only to address possible prejudice or improper conduct by a party. If evidence is excluded, a party may summarize on the record the anticipated testimony or proffered evidence and its relevance to the case.
 7. **Closing Statements.** The Hearing Officer provides each party an equal opportunity to present a closing statement to summarize or comment on the evidence presented and how it supports their position relative to the Charge and the proposed Sanction. Closing Statements are not required, may be limited in time by the Hearing Officer, or may be waived the parties altogether.
- D. **Decision by Hearing Officer:** Within five (5) Days from the date the hearing was concluded, the Hearing Officer will issue the written decision to the Respondent with factual findings and imposing a sanction, if appropriate. The Hearing Officer decision will comport with the following:
1. **Findings of Fact:** The decision memo or letter must clearly identify the Hearing Officer's findings of fact in support of the decision.
 2. **Decision to Dismiss:** If the Hearing Officer does not find the Respondent responsible, the decision must state that the Charge is dismissed, and no conduct record results.
 3. **Sanction Review:** If the Hearing Officer finds the Respondent responsible, the Hearing Officer will also review and impose appropriate Sanction(s), taking into consideration any Sanction previously proposed or imposed, the evidence presented by the Respondent.
 4. **Appeal Rights:** The Hearing Officer's decision must inform the Respondent and the Complainant, if any, of their right to appeal the decision as provided below.
 5. **Time Deadlines:** If the Hearing Officer needs more than time to issue the decision, a time extension may be requested.
- E. **Maintenance of Hearing Record:** The Hearing Officer organizes and preserves the record of the fact finding hearing, including pre-hearing correspondence and notices, the audio recording, and exhibits or other evidence, labelled by the party who introduced it. The hearing record is transferred to the Vice President for Student Affairs and is maintained as required by the state's record retention laws and SENMC policy.

- A. **Notice of Appeal; Time Limit:** A Respondent or a Complainant may appeal the Hearing Officer’s decision by sending a Notice of Appeal in writing to the Vice President for Student Affairs, within five (5) Days from receipt of the Hearing Officer’s determination in a fact finding hearing. The Vice President for Student Affairs submits the Notice of Appeal to the SENMC official designated to serve as the Appeal Officer, and ensures that each party receives a copy of the Notice of Appeal.
- B. **Grounds for Appeal/Standard of Review:** The purpose of the appeal process is to provide a limited, final review based on the hearing record, to determine if there was a substantial miscarriage of justice in the resolution of the case. To avoid summary dismissal, the appealing party must assert at least one of the following grounds for appeal, and establish that, but for the asserted grounds, a different outcome would have resulted.
1. **Procedural error:** Significant procedural error occurred in the processing of the case that resulted in a substantial likelihood that the outcome was affected.
 2. **Conflict of Interest or Bias:** Objective facts demonstrate that a decision-maker was biased or had a conflict of interest of such significance that a reasonable person would not believe that the decision maker could be objective in making the decisions regarding the case.
 3. **Arbitrary or Capricious:** The record does not reveal evidence from which a reasonable person could find that the Student engaged in the alleged misconduct by a Preponderance of the Evidence; accordingly, the decision appears to be arbitrary or capricious.
 4. **New Evidence:** New significant evidence was discovered that was not reasonably available or discoverable at the time of the hearing, which presents a substantial likelihood that it would have affected the decision.
 5. **Nature/Level of Sanction:** The level or nature of the Sanction imposed is not appropriate for the level or nature of the violation the Respondent is found responsible for.
- C. **Summary Dismissal:** The Appeal Officer determines if the Notice of Appeal was timely submitted, and whether the Notice sufficiently states appropriate grounds for review of the hearing decision. If the Notice of Appeal is not timely or does not provide any description of how one of the required grounds for appeal applies to their SCC conduct case, the appeal is summarily dismissed.
- D. **Appeal Review:** If the appeal is accepted for a record review, the following procedures will apply:
1. The Appeal Officer notifies the Vice President for Student Affairs, the Respondent and the Complainant, if any, that the appeal is accepted for review.
 2. The Vice President for Student Affairs ensures that the hearing record is transmitted to the Appeal Officer within three (3) days of receiving the notification.
 3. The Appeal Officer reviews the hearing record, including the evidence submitted by the parties, any relevant policies or law, and the arguments raised in the Notice of Appeal and any response submitted by the non-appealing party.
 4. Within twenty (20) Days from the date of receipt of the SCC hearing record, the Appeal Officer issues a final appeal decision based upon evidence in the record. The decision may uphold, modify or reverse the decision of the Hearing Officer, or in extraordinary circumstances, if necessary to ensure a just and impartial resolution, may remand the matter for a new hearing. The decision of the Appeal Officer is final.
 5. The Appeal Officer provides Notice of the decision to the Respondent, the Complainant (if any) and the Vice President for Student Affairs. The Appeal Officer assembles the appeal record and transfers both the hearing record and the appeal record to the Vice President for Student Affairs for record retention purposes.
 6. The Vice President for Student Affairs is responsible for taking necessary steps to implement the decision of the Appeal Officer.

SECTION I – GENERAL DESCRIPTION

Part I.1: Purpose and Overview

- A. Overview:** SENMC strives to cultivate an academic environment in which student scholarship thrives and is subject to rigorous academic standards. This rule sets the essential expectation for academic honesty for students. This rule provides definitions and roles/responsibilities, and addresses general process issues such as confidentiality, protection from retaliation, avoidance of conflict of interest, timeliness, types of sanctions, and level of Evidence required to prove an academic integrity violation.
- B. Companion Rule (Section II) Provides Procedures:** This rule must be read in conjunction with **Section II – Procedures**, which provides the specific procedures by which allegations of student academic misconduct will be investigated and resolved. Those procedural steps include: initial response upon information indicating a violation of academic integrity, fact-finding investigation, evaluation of the facts and determination of level of sanction, presentation to student for acceptance of responsibility or request for hearing, hearing and decision and opportunity for a final review if a Level 2 Sanction is proposed. Sections I, II and appendices are collectively referred to as the Student Academic Code of Conduct. (See **Appendix – B**, for flowchart diagramming the code’s procedural steps).

Part I.2: Notice To Students Regarding Academic Requirements

The Student Academic Code of Conduct is published in the Faculty Handbook and Student Handbook of SENMC. At the beginning of each academic semester or session for each course or academic program, faculty members provide a syllabus or program handbook with expectations for academic performance required by their course or program. Each student is required to comply with the Student Academic Code of Conduct, applicable ethical and other standards required by the specific discipline, as well as the specific requirements stated on each course syllabus or program handbook.

Part I.3: Expectation of Honesty In Academic Matters

SENMC students are expected to maintain high academic, ethical, and professional standards of conduct, which requires honesty in all academic matters. Academic dishonesty may take a variety of forms, including but not limited to those listed below. (See **Appendix – C**).

- A. Cheating or Assisting to Cheat:** Cheating, knowingly assisting another in committing an act of cheating, having knowledge of cheating by others and not reporting it, or other form of academic dishonesty. Cheating as used in the Student Academic Code of Conduct includes but is not limited to deceiving, tricking, defrauding, and/or otherwise taking unfair or unethical advantage of a situation to benefit someone’s grade, academic standing or status.
- B. Misrepresentation:** Misrepresentation, including non-disclosure when disclosure is required, in the completion of applications or other college records. An example of this would be concealment by a student of the fact they had attended another college or college, with associated failure to cause the registrar of that institution to submit the required transcript, whether or not credit was earned.
- C. Plagiarism:** The use of another person’s work without acknowledgment, making it appear to be one’s own.
 - 1. Any ideas, words, pictures, or other intellectual content taken from another source must be acknowledged in a citation that gives credit to the source.

2. The prohibition of plagiarism applies irrespective of the origin of the material, including the Internet, another person's work, unpublished materials, or oral sources.
 3. Intentional and unintentional instances of plagiarism are considered instances of academic misconduct.
- D. Unauthorized Access to or Alteration of Academic Records:** Unauthorized changing of grades on an examination, in an instructor's grade book, or on a grade report; or unauthorized access to academic computer records.
- E. Unauthorized Possession of Academic Material:** Unauthorized possession of examinations, any library resources, laboratory materials, or other course-related materials.

Part 1.4: Definitions

- A. Academic Integrity Investigator (AI Investigator):** A faculty/program director/advisor who initiate the process for resolving alleged student academic misconduct. The AI Investigator for an alleged Course/Program Level Academic Misconduct (see Definition F below) will be the involved faculty member/designee, who may be assisted by the department chair or other academic administrators. The AI Investigator for an alleged College Level Academic Misconduct (see Definition E below) will be appointed by the Office of Student Services.
- B. Academic Misconduct Report Form:** A checklist provided by the Office of the provost and senior vice president for academic affairs for use by the AI Investigator to document the allegations, the findings and the outcome in matters of alleged academic misconduct (See Appendix – A).
- C. Beyond a Reasonable Doubt:** Beyond a Reasonable Doubt is the evidentiary standard applied in criminal cases presuming the accused to be innocent unless the fact finder is satisfied beyond a reasonable doubt of the defendant's guilt. Beyond a Reasonable Doubt is a stricter burden of proof than Clear and Convincing Evidence, the standard to be applied in assessing whether or not the Student Academic Code of Conduct has been violated.
- D. Clear and Convincing Evidence:** Clear and Convincing Evidence is the standard of Evidence required by of the Student Academic Code of Conduct to prove an academic integrity violation. Clear and Convincing Evidence is that which makes it highly probable or reasonably certain that the alleged misconduct occurred. To prove a fact by Clear and Convincing Evidence requires Evidence more than a "Preponderance of the Evidence" and less than "Beyond a Reasonable Doubt". The Evidence must instantly tilt the scales in the affirmative when weighed against the Evidence in opposition.
- E. College Level Academic Misconduct:** College Level Academic Misconduct is academic misconduct other than Course/Program Level Academic Misconduct. It pertains more generally to the student's general academic standing and may include allegations such as falsification of college records, misrepresentation regarding previous transcripts or degrees or forgery. For College Level Academic Misconduct, the registrar or designee will be responsible as the AI Investigator.
- F. Course/Program Level Academic Misconduct:** Course/Program Level Academic Misconduct is that which would affect a student's academic standing in a course or academic program, and may include allegations such as plagiarism on a course assignment, cheating on an exam, or alteration of a faculty member/academic administrator's grade book. For Course Level Academic Misconduct, the faculty member or appropriate academic administrator associated with the course or academic program will be responsible as the AI Investigator.
- G. Day:** When a time limit refers to "Day", it refers to college faculty work days rather than calendar Days (Monday through Friday), and excludes college closures.
- H. Evidence:** Evidence is the proof presented by the involved parties in support of their respective positions which the fact finder(s) assess for reliability and credibility. The Evidence takes a variety of forms and may consist of:
1. Documentation,
 2. Testimony from the involved party or from witnesses, based on personal knowledge or professional expertise,
 3. Video or audio recording, or
 4. Other relevant information.

- I. **Level I Sanction:** Level I sanctions are intended for first time violations and for less serious (e.g., unintentional) breaches of academic integrity. Level I sanctions are limited to one or more of the following:
 - 1. Verbal warning issued in coordination with the Academic Conduct Officer, to ensure the student signs the Academic Misconduct Report Form, acknowledging receipt of the warning, and for central documentation;
 - 2. Requirement to re-do an academic assignment;
 - 3. Imposition of a failing grade on an assignment; or
 - 4. Reduction of final grade in course by one letter grade.
- J. **Level II Sanction:** Level II sanctions are imposed for repeat violations and more serious breaches of academic integrity by undergraduate students. Level II sanctions are limited to one or more of the following:
 - 1. Written reprimand issued in coordination with the Academic Conduct Officer, to ensure the student signs the Academic Misconduct Report Form, acknowledging receipt of the warning, and for central documentation;
 - 2. Imposition of a failing grade in the course;
 - 3. Disciplinary probation for a specified time period;
 - 4. Disciplinary suspension for a specified time period;
 - 5. Disciplinary dismissal for a specified time period; or
 - 6. A notation of academic misconduct on the student's official transcript.
- K. **Preponderance of the Evidence:** Preponderance of the Evidence is an evidentiary standard in some civil cases and is a lower burden of proof than Clear and Convincing Evidence, the standard to be applied in assessing whether or not the Student Academic Code of Conduct has been violated. New Mexico law defines Preponderance of the Evidence as the greater weight of the Evidence, or that something is more likely true than not true.
- L. **Resolution Meeting:** An informational meeting scheduled by the Academic Conduct Officer once the facts and an appropriate sanction have been determined, to allow the parties to discuss the findings, any additional or disputed facts, and to explore whether or not the student wishes to accept responsibility and the sanction proposed, or whether the matter needs to be set for a hearing for disputed facts to be resolved by the Hearing Panel.
- M. **Student Academic Code of Conduct:** Section I and Section II together constitute the SENMC Student Academic Code of Conduct.

Part I.5: Roles and Responsibilities

- A. **Academic Conduct Officer (ACO):** An individual designated by SENMC. The duties will include:
 - 1. Providing procedural guidance relating to matters involving alleged academic misconduct to students, faculty and academic administrators, the registrar or designee and any hearing official charged with responsibility pursuant to the Student Academic Code of Conduct.
 - 2. facilitating the hearing process;
 - 3. Other duties related to the administration of the Student Academic Code of Conduct.

If the ACO becomes the Academic Integrity Investigator in a student academic misconduct allegation, the ACO is to be recused and whose duties will be transferred to the Vice President for Academic Affairs while the case is open.

- B. **Academic Integrity Investigator (AI Investigator):** Upon noticing a possible student academic misconduct, the AI Investigator timely (See **Section II** Part II.2.C) submits the Academic Misconduct Report Form to the ACO to initiate the procedure for resolving the allegation as defined in **Section II** of the Student Academic Code of Conduct. It is the responsibility of the AI Investigator to coordinate with the ACO and to fairly and promptly find the facts in accordance with the Student Academic Code of Conduct.

- C. Hearing Panel:** Three members (one academic administrator, one faculty member and one student) appointed by the Vice President for Academic Affairs conduct an administrative hearing when alleged academic misconduct is contested. For cases involving Level 1 Sanctions, the Hearing Panel issues the final decision.
- D. Student:** Each student has a responsibility to report any observed or reasonably suspected academic misconduct to the relevant faculty member or academic administrator or to the Academic Conduct Officer, as well as a duty to cooperate in any investigative or administrative proceeding as may be requested or required by those charged with administering the Student Academic Code of Conduct.
- E. Student Advisor:** A person chosen by the accused student to provide consultation, guidance and/or support to the student through the various procedural steps outlined in the Student Academic Code of Conduct. If the student needs assistance in identifying someone to serve as advisor, the ASSENMC will designate someone to serve in such capacity on the student's behalf. The student advisor must not actively advocate or participate in the proceedings.
- F. Vice President for Academic Affairs (VPAA):** The VPAA selects the members of the Hearing Panel and provides the final administrative review of Level 2 academic misconduct matters, based on the record received from the Hearing Panel. In case there is a conflict of interest that involves in the Academic Conduct Officer, the VPAA assumes the duties of the ACO.

Part 1.6: Good Faith and Protection From Retaliation

All individuals involved in the processes outlined in the Student Academic Conduct Code must act with honesty of intention when reporting, investigating and taking administrative action relating to alleged violations. Individuals who believe they are being retaliated against because they have in good faith reported a suspected violation, investigated a claim of academic dishonesty, cooperated in an investigation, testified or provided other Evidence during a hearing, conducted a hearing, imposed or proposed a sanction, issued a determination or decision, or otherwise taken action authorized by the Student Academic Code of Conduct, must report the retaliation promptly. If the claim is against a student, it should be reported to the Student Services. If the claim is against a faculty member or other employee, it should be reported to Human Resources. Allegations of retaliation will be investigated independently and objectively; corrective and/or disciplinary action will be administered as warranted by the findings.

Part 1.7: Timeliness

All Investigators and other officials with responsibility under the Student Academic Code of Conduct will perform their duties in a timely manner, which may include seeking an extension of time. The first request for an extension by either party will generally be granted by the Academic Conduct Officer. Second or subsequent requests for time extension from a party may be granted by the Academic Conduct Officer with consent from the other party, or when reasonable cause is shown. If the AI Investigator, any hearing official or the Academic Conduct Officer reasonably requires an extension of time, a notice will be sent to the parties, informing of the extended date by which the action will be taken, with weekly status reports until the action is concluded. All time extensions and status reports will be documented by the Academic Conduct Officer for the record.

Part 1.8: Confidentiality

An allegation of academic dishonesty is a serious matter, and may cause harm to a student's prospective academic or professional career. The internal investigation, hearing processes, and sanctions imposed, if any, will be administered using discretion and kept confidential on a "need to know" basis. Any college representative or student who becomes privy to the matter must maintain confidentiality. If other students are involved (e.g., as a witness), they will be instructed to maintain confidentiality. See Also **Section II**, Part II.2.A. (Anonymous Reports).

Part I.9: Fairness and Avoidance of Conflict of Interest

- A. **Fairness Generally:** SENMC officials will perform their duties required by the Student Academic Code of Conduct in a thorough and impartial manner. No individual involved in an alleged violation of the Student Academic Code of Conduct shall seek to directly or indirectly influence the outcome or obtain relief from an SENMC official.
- B. **Resolution of Perceived and Actual Conflicts of Interest:** As early as possible in the process, actual and perceived conflicts of interest should be disclosed or otherwise brought to the attention of the Academic Conduct Officer or VPAA, if the conflict involves the Academic Conduct officer. If a person alleged to have a conflict of interest will not voluntarily recuse themselves from an official role or duty, a decision will be made by the Academic Conduct Officer or VPAA, as appropriate, to ensure a fair hearing process. The issue to be decided will be whether a reasonable person would believe that the facts presented would render the person accused of having the conflict to be unable to serve impartially. If an individual recuses themselves or is excused, alternate Hearing Panel members will be appointed by the VPAA, or if it involves the Academic Conduct Officer or VPAA, the Campus President will designate an alternate, respectively.

SECTION II – PROCEDURES TO RESPOND TO ALLEGATIONS OF STUDENT ACADEMIC MISCONDUCT

Part II.1: Purpose and Overview

- A. **Vice President for Academic Affairs:** The VPAA as the chief academic officer for Southeast New Mexico College delegates the responsibility for holding students accountable in instances involving student academic misconduct to the official identified in the Student Academic Code of Conduct.
- B. **Companion Rule (Section I) – General Description:** This rule must be read in conjunction with **Section I – General Description**, which sets the essential expectation for academic honesty throughout the college system, provides definitions, roles and responsibilities, and addresses general process issues such as confidentiality, protection from retaliation, avoidance of conflict of interest, timeliness, types of sanctions, and level of Evidence required to prove an academic integrity violation. Sections I, II and appendices are collectively referred to as the Student Academic Code of Conduct.
- C. **Overview of Section II Procedures:** This procedure applies when faculty, academic administrators or the College Student Records Office officials observe, suspect or receive a third party report about possible academic misconduct. It provides a fair, expeditious and streamlined process by which allegations of academic misconduct will be resolved. See **Appendix - B**, a flowchart which diagrams the procedural steps, including initial response, fact-finding investigation, evaluation of the facts and determination of level of sanction, presentation to student for acceptance of responsibility or request for hearing, and the hearing and final review processes through final decision.

Part II.2: Initial Response to Allegation

- A. **Anonymous Reports:** Anonymous complaints must be investigated. The anonymity of the reporter may affect the ability to investigate, but does not preclude an investigation. Reporters may be assured that confidentiality will be maintained to the extent possible; however, due to the need to interview witnesses and report to supervisors, absolute confidentiality is not possible. All college personnel and students involved in investigative, disciplinary, hearing or final review processes are required to maintain confidentiality. See *Also* **Section I**, Part I.8 (Confidentiality).

- B. **Determination of AI Investigator:** To determine who should investigate an alleged occurrence of academic misconduct will depend upon whether it occurs in the context of a course or academic program, or whether it occurs more generally within the college. See **Section I**, Part I.4, Definitions F and E. Typically, the faculty member in coordination with academic administration will investigate, because the majority of the cases involve Course/Program Level Academic Misconduct.
- C. **Use of Academic Misconduct Report Form:** The Academic Misconduct Report Form is to be used by the AI Investigator to facilitate the investigation and subsequent administrative action. (See **Appendix – A**). No later than five Days (see **Section I**, Part I.4 Definition G) of learning of a possible academic misconduct, the AI Investigator should document the pertinent facts and allegations on the form and confidentially transmit a copy of the partially completed form to the Academic Conduct Officer. If the AI Investigator does not initiate the process of resolving allegations of academic misconduct by using the Academic Misconduct Report Form within five Days learning the possible academic misconduct, the allegation may be dismissed.
- D. **Notification to Student:** Unless one of the exceptions in the subsections below applies, the Academic Conduct Officer will notify the involved student(s) about the allegations either in person or via secure official SENMC email. Notice (in the form of the partially completed Academic Misconduct Form) will be given no later than five Days from the Academic Conduct Officer’s receipt of the allegations from the AI Investigator. The notice must refer the student to this policy.
1. Notice need not be provided to the student if the Academic Conduct Officer concludes that even if the allegations asserted on the academic misconduct form were true, that the facts would not constitute a violation of academic integrity. In such circumstances, the Academic Conduct Officer will close the matter and notify the AI Investigator, and forward the documentation to the VPAA.
 2. If the Academic Conduct Officer concludes that due to the nature of the allegations, notification to the involved student(s) would impede the investigation (e.g., Evidence might be destroyed, Evidence of collusion might be compromised). In such circumstances, the Academic Conduct Officer will coordinate with the AI Investigator and provide notice with sufficient time for the student to be able to respond to the allegations during the investigation.
- E. **Notification to VPAA:** When an investigation is commenced or at an appropriate time thereafter (see D.2 immediately above), the Academic Conduct Officer will inform the VPAA that that a case involving a student is pending.

Part II.3: Fact Finding Investigation

- A. **Each Case is Different:** Depending upon the nature of the allegations and complexity of each case, the time required for each investigation will vary. Complex cases may involve the gathering of documentation, interviewing third parties, assessing witness credibility, consulting with experts in the pertinent field, or pursuing other methods and techniques aimed at discovering relevant Evidence. Other cases may not be complex, nor involve an abundance of Evidence.
- B. **Expeditious Investigation and Resolution:** It is intended that these matters will be resolved as expeditiously as possible, typically within 15 Days after the AI Investigator informs the Academic Conduct Officer of the violation of academic integrity. Time extensions may be sought, particularly for complex cases, pursuant to **Section I**, Part I.7.
- C. **Interview of Student During Investigation:** At the appropriate time(s), depending upon the nature of the case, the charges and the evidence will be discussed with the student, to give the student an opportunity to provide additional facts, including identification of witnesses not yet interviewed who may have relevant information.

Part II.4: Evaluation of Facts And Determination of Appropriate Sanction

- A. **Evidentiary Standard:** Clear and Convincing Evidence must be found to conclude that a violation of academic integrity has occurred. (See **Section I**, Part I.4, Definitions D and H.)
- B. **Determination of Appropriate Level of Sanction:** The level of sanction for an offense substantiated by an investigation will depend on the severity of the offense. An offense is considered more serious when it is a second or subsequent offense. Level I sanctions are imposed for lesser offenses. Level II sanctions are imposed for serious offenses, including repeat offenses.
1. The AI Investigator and Academic Conduct Officer must confer about the investigative findings and discuss whether they support a finding of an academic integrity violation, and if so, what type of sanction would be appropriate. If they do not reach consensus, the Academic Conduct Officer jointly with the AI Investigator will contact the VPAA for guidance.
 2. If it is concluded that the facts do not support a finding of an academic integrity violation by Clear and Convincing Evidence, the matter will be closed and the Academic Conduct Officer will record the final disposition of the matter as “allegations not substantiated/case closed” on the Academic Misconduct Report Form. The Academic Conduct Officer will send a copy of the form to the student, with an invitation to meet to discuss, at the student’s discretion. Neither the fact of an investigation nor the lack of finding will be reflected on the student’s official academic record.
 3. If it is concluded that the facts support a finding of an academic integrity violation by Clear and Convincing Evidence, the AI Investigator will complete the Academic Misconduct Report Form indicating the facts found and the Level I Sanction to be imposed, or the Level II Sanction being proposed, attach copies or reference the supporting evidence (e.g., documentation or description of anticipated witness testimony), and send to the student, with a duplicate copy to the Academic Conduct Officer. The student must be informed that Level I Sanctions will be imposed (unless otherwise agreed at the Resolution Meeting), in contrast with Level II Sanctions which are proposed pending final resolution. **The student is required to respond on a form provided by the Academic Conduct Officer indicating one of the following:**
 - a. The student accepts the findings and the sanction [*case will be closed and sanction imposed*];
 - b. The student accepts the findings, but contests the sanction [*case will be set for Resolution Meeting*];
 - c. The student contests the findings, but accepts the sanction despite not agreeing with the factual findings [*case will be closed and sanction imposed*]; or
 - d. The student contests both the findings and the sanction [*Level I sanction will be imposed unless timing for imposition is otherwise modified during the Resolution Meeting; Level II sanction remains proposed and case will be set for Resolution Meeting*].
 4. If the student does not submit the written response within 10 Days, the Academic Conduct Officer will send the parties a notice of Resolution Meeting.
 5. If either party does not appear for the Resolution Meeting and absent emergent or other circumstances beyond the person’s control, the Academic Conduct Officer will close the matter in favor of the individual who appeared for the Resolution Meeting.

Part II.5: Resolution Meeting

The purpose for the Resolution Meeting is to bring the parties together to discuss the facts which support the finding of an academic integrity violation and the sanction, findings and sanction, explore possible resolution, and inform about the next steps in the process.

- A. **Mutual and Final Resolution:**
1. If after discussion, the student elects to accept responsibility for the findings and the sanction, or disputes the facts yet accepts the sanction, a resolution will be documented on the Academic Misconduct Report Form or a supplement thereto, and must be signed by the parties.
 2. If as a result of the discussion, the student provides evidence not available previously during the investigation or other mitigating facts that warrant modification to the findings or to the sanction, this will be documented by addendum to the Academic Misconduct Report Form. If the student accepts the sanction after modification to either the findings or to the sanction, the parties shall sign the addendum indicating their approval for the matter to be closed without further hearing.
- B. **Partial Mutual Resolution:** If the addendum modifying the Academic Misconduct Report Form as indicated above only partially resolves the dispute, the addendum signed by the parties must clarify the remaining issues to be heard.
- C. **Level I Sanction or Findings Contested:** If the findings or a Level I Sanction is contested, the Academic Conduct Officer will set the matter for hearing. Additionally, the Academic Conduct Officer may consider and grant any specific request that might be made relating to the timing or logistics of the imposition of the Level I Sanction, after hearing the position of each party relative to such request.
- D. **Level II Sanction or Findings Contested:** If the findings or a Level II Sanction is contested, the Academic Conduct Officer will set the matter for hearing.
- E. **Coordination regarding Hearing Date:** If the matter is contested, before the Resolution Meeting is adjourned, the Academic Conduct Officer will obtain the parties' availability for the hearing to be set with a Hearing Panel.
-

Part II.6: Hearing to Contest Findings or Sanction

- A. **Notice of Hearing:** The Academic Conduct Officer will send notice of the hearing to the student and to the AI Investigator within ten Days of the Resolution Meeting, to take place no later than twenty Days from the date of that meeting, unless agreed to otherwise by the parties. The notice of hearing must be delivered via secure official SENMC email, or as otherwise agreed to by the parties. The notice must identify the date, time and location for the hearing. It must also identify the members of the Hearing Panel by name and job title, to facilitate early resolution of conflicts of interest.
- B. **Pre-Hearing Exchange of Evidence:** No later than 5 Days prior to the hearing, the parties must electronically submit to the Academic Conduct Officer and to the other party a list of witnesses and copies of the documentation they intend to present at the hearing. The Academic Conduct Officer will distribute to the Hearing Panel. If either party needs assistance in obtaining the cooperation of a witness who is either a student or an employee, the Academic Conduct Officer will work with the VPAA to ensure that the witness is notified and arrangements made for the witness to attend the hearing. Telephonic or other electronic participation should be permitted for the convenience of the witness.
- C. **Hearing must be Recorded:** The Hearing Panel and the Academic Conduct Officer must coordinate to ensure that the Evidence presented by all parties is preserved for the record, by audio or other method of recording. Documents should be identified for the record by the party who submitted the evidence. The college is not responsible to produce transcripts of the hearings, but the Academic Conduct Officer will provide a copy to the parties upon request.
- D. **Burden of Proof:** The burden of proving the academic conduct violation by Clear and Convincing Evidence is on SENMC. The AI Investigator or other academic investigator, on behalf of SENMC, must present the Evidence to the Hearing Panel first. Time will be reserved to allow SENMC to rebut Evidence presented by the student. The Hearing Panel must allot sufficient time to each party to present their case, and may set reasonable limitations as needed to maintain order and to complete the hearing in a reasonable amount of time, based on the complexity of each case.

- E. **Presentation of Evidence by the Parties:** The parties may each present evidence to the Hearing Panel in the form of documentation, witness testimony, their own testimony, as well as in the form of questions to the other party relating to their evidence or testimony or questions to the witnesses called by the other party. The Hearing Panel may but is not required to ask questions of the parties and the witnesses. Student Advisors (See **Section I**, Part I.5.E.) must not actively advocate during the hearing.
- F. **Maintaining Order During Hearing:** The Hearing Panel members, or Hearing Panel chair if one is identified, or the Academic Conduct Officer are authorized to take action to maintain order and decorum during the hearing, and may recess as may be necessary or requested by the parties.
- G. **Deliberations Outside Presence of Parties:** At the conclusion of the hearing, the parties will be excused, and the Hearing Panel will deliberate and reach a majority decision. Absent a time extension (See **Section I**, Part I.7), the Hearing Panel will issue its decision in writing within ten Days following the date of the hearing.
 - 1. If the Hearing Panel finds an academic integrity violation, the decision must describe the Clear and Convincing Evidence in the record which supports the panel's findings and the sanction. A sanction imposed or proposed and contested by the student shall not be increased in severity by the Hearing Panel.
 - 2. If the Hearing Panel finds insufficient evidence to support the charges, the Hearing Panel must describe the lack of Clear and Convincing Evidence. If the Hearing Panel finds insufficient evidence to support the charge and a Level I Sanction had already been imposed, the Hearing Panel must direct that the sanction be reversed. (Level II Sanctions should not have been imposed yet.)
- H. **Decision Final for Level I Sanction:** For Level I Sanctions (See **Section I**, Part I.4. Definition I.), the Hearing Panel's decision is final.
- I. **Decision with Level II Sanction Must Advise of Right to Final Review:** In cases where the Hearing Panel imposes a Level II sanction (See **Section I**, Part I.4. Definition J.), the decision must provide a reference to the parties' right to seek a final review of the findings or sanction consistent with Part II.7 below.

Part II.7: Right to Final Review of Level II Sanction by Vice President for Academic Affairs

- A. **Initiation of Final Review:** A student or the AI Investigator may request a final review by the Office of the provost and senior vice president for academic affairs in matters involving Level II Sanctions by submitting a request for final review, attaching a copy of the Hearing Panel's decision, to the VPAA within 5 Days after receipt of the decision. A copy of the request for final review must also be sent to the Academic Conduct Officer and to the other party.
- B. **ACO Assembles Hearing Record for VPAA:** Upon receipt of the request for final review, the Academic Conduct Officer will assemble the hearing record (the Academic Misconduct Form, documentation presented by the parties and the recording of the hearing) and deliver to the VPAA. If the Academic Conduct Officer cannot provide the record within ten Days after receipt of the request for final review, the parties and the provost or designee must be notified about the need for additional time, and must notify all parties in writing when the hearing record has been delivered.
- C. **Vice President for Academic Affairs Review and Final Decision:** The VPAA will review the hearing record and issue a written final decision on behalf of the college within 20 Days after the date of receipt of the hearing record, absent notification to the parties that an extension of time is necessary, in which case the parties will be kept apprised of the status on a weekly basis until the final decision is issued. The VPAA or designee may uphold, reverse or modify the Hearing Panel's decision, based on Clear and Convincing Evidence in the record or based on substantial procedural error having the potential to materially affect the outcome of the hearing. The final decision will be issued to the parties, with a copy to the Academic Conduct Officer, confidentially via hand-delivery or secure official SENMC email and U.S. Mail.

Part II.8: Implementation of Sanctions; Internal and External Reporting Duties

- A. **Timing for Imposition of Level II Sanctions:** Level II Sanctions will be not be imposed until after the hearing and any final review has been completed. In the event the sanction involves a suspension or dismissal, implementation of the sanction may be deferred to the end of a semester, at the discretion of the VPAA.
- B. **Administrative Action Pending Completion of Sanction:** The student must comply with any sanction imposed by acceptance of responsibility at the Resolution Meeting or by imposition after hearing and/or final review. College officials may take administrative action necessary to ensure that the terms of the sanction are completed before the student will be permitted to continue formal studies or extracurricular activities at SENMC (register for next semester, receive certificates or diplomas etc.)
- C. **Impact of Allegation/Investigation on Pending Studies:** Unless the disciplinary sanction specifically provides for an interim suspension for campus safety reasons, the pendency of an investigation or proceedings under the Student Academic Conduct Code will not prevent a student from attending classes they are currently enrolled in or completing extracurricular commitments.
- D. **Findings Recorded in Student Services:** A finding of an academic integrity violation becomes part of the student's educational record maintained by the Office of Student Services.
- E. **ACO Reports Final Outcome to VPAA:** The Academic Conduct Officer will report the final outcome of each academic conduct matter to the VPAA.

Part II.9: Requests Based on Newly Discovered Evidence

- A. **Requests Based on Alleged New Evidence:** In addition to the provision at Part II.5.B above, whereby new evidence may be brought to the AI Investigator's attention during the Resolution Meeting and result in amendment to the Academic Misconduct Report Form, if a party claims to have discovered new evidence relevant to the case after the completion of the investigation or other step in the proceedings which the party claims would have altered the outcome reached as of that point, it will be submitted to the Academic Conduct Officer, along with a specific request for action (e.g., request to re-open investigation, to re-open hearing or to set aside final decision).
- B. **Review by ACO:** The Academic Conduct Officer will consider whether or not that evidence reasonably should have been discovered previously, and whether the proffered evidence would have materially altered the outcome. The Academic Conduct Officer will allow the other party to provide a position statement on the request. After consideration of the position of each party, the Academic Conduct Officer is authorized to decide the appropriate procedural response and may consult with the VPAA prior to issuing a response to the parties.
- C. **ACO Determines Relief:** If the Academic Conduct Officer determines that the evidence proffered was not reasonably discoverable during the investigation, and is not likely to materially alter the outcome, the Academic Conduct Officer may direct that the matter be stayed pending re-opening the investigation, re-convening the hearing. or conducting a new hearing, depending upon the circumstances, to consider the additional evidence.

SENMC POLICY MANUAL – SECTION F – STUDENT SERVICES AND CONDUCT

Policy references from the Southeast New Mexico College (SENMC) Policy Manual, Section F – Student Services and Conduct, available on the SENMC website at senmc.edu/policies/index.html, are noted below where related to the content. Please refer to the manual for more information as needed.

EQUAL OPPORTUNITY AND NON-DISCRIMINATION – POLICY 200

SENMC is committed to equal opportunities for its students. Students will not be illegally discriminated against or treated unequally in violation of the law. If a student is concerned about discrimination or unequal treatment then he or she should seek assistance through the campus Title IX coordinator or as further set forth in SENMC policies or student handbook.

SEXUAL HARASSMENT PROHIBITION – POLICY 200

SENMC does not tolerate sexual harassment in any form. Offenders will be disciplined appropriately. For general policy purposes, sexual harassment may be described as unwelcome sexual advances, requests for sexual favors, harassment due to sexual preference or orientation, and other physical and verbal behavior of a sexual nature where:

- Submission to sexual conduct is made either an explicit or implicit term or condition of student's employment or education;
- Submission to or rejection of sexual conduct is made by a student as the basis for academic or employment decisions affecting the student; or
- When sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature have the purpose or effect of unreasonable interference with a student's academic or professional performance or creates an intimidating, hostile, or demeaning employment or educational environment.

Students who feel they has been sexually harassed should promptly report such incidents without fear of reprisal to the SENMC Vice President for Student Affairs who serves as the Title IX Coordinator. To make a report, call the Title IX Coordinator at (575) 234-9220, email vpss@senmc.edu, or visit room 111 of the main building. All such reports, whether written or made orally, will be seriously reviewed. Confidentiality cannot be guaranteed but will be maintained to the extent possible. The circumstances, the nature, and the context in which the sexual harassment allegedly occurred will be investigated. Inquiries about the law and about compliance may also be directed to the Office for Civil Rights, United States Department of Education, phone: (800) 421-3481, email: ocr@ed.gov.

CLERY ACT – POLICY 300

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998 ("Clery Act") is a federal law requiring institutions of higher education that receive federal funding to collect and publish statistics about reports of certain crimes that occur on or adjacent to campus, or in other areas owned or controlled by the institution and frequently used by students.

In addition, institutions are required to adopt and publish policies related to campus safety and security. The purpose of this policy is to ensure the College's compliance with the requirements of the Clery Act. Any changes in the Clery Act requirements will supersede the relevant provisions of this policy. To view the complete policy, please visit the SENMC website at senmc.edu.

DRUG-FREE CAMPUS – POLICY 400

SENMC is a drug-free campus. Drug and alcohol abuse on campus poses a serious threat to the health and welfare of faculty, staff, and students; impairs work and academic performance; jeopardizes the safety and well-being of other students and members of the general public; and conflicts with the responsibility of SENMC to foster a healthy atmosphere for the pursuit of education and service. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited on the premises of SENMC, including but not limited to its campus grounds, facilities, vehicles, or any activity held on the College premises. As a condition of enrollment, all students of SENMC shall abide by the terms of the Drug-Free Campus Policy.

Students and employees engaged in unlawful possession, distribution, or use of controlled substances may be subject to expulsion or termination of employment and referral for prosecution. Discipline and legal sanctions will be imposed accordance with these policies along with all applicable local, state, and federal laws. SENMC may provide referral services to those requesting assistance with a drug and/or alcohol addiction. For inquiries, students and staff should contact Honor Medina, LMFT, at honor@senmc.edu.

FAMILY RIGHTS AND PRIVACY ACT (FERPA) – POLICY 500

The Family Educational Rights and Privacy Act (FERPA), codified at 20 U.S.C. §1232 (g), protects the privacy of SENMC students' educational records, absent (1) the student giving proper written consent for disclosure or (2) circumstances which meet one of the exceptions in the law warranting disclosure without prior consent. This rule is intended to provide guidance to the various SENMC entities to assist them in protecting students' right of privacy consistent with FERPA and corresponding regulations published in 34 CFR Part 99.

FERPA also provides students and eligible parents the right to access and review educational records as well as the right to seek amendment and/or supplement the student's Education Records in the event they are alleged to be inaccurate, misleading, or otherwise in violation of the student's rights. This rule provides the rules and procedures by which SENMC System students and eligible parents may invoke these rights, and notice of how to file a complaint should they believe their right under FERPA are not being honored.

APPENDICES

Appendix A: Academic Misconduct Report Form

Appendix B: Flowchart for Procedures Resolving Alleged Student Academic Misconduct

Appendix C: Examples of Academic Misconduct



Academic Misconduct Report Form

Academic Integrity (AI) Investigator (*Printed Name*) _____ Dept. _____

AI Investigator E-mail Address _____ Phone _____

Course No. / Title (*if applicable*) _____ Date _____

Student's Name (*Print*): _____ Student ID # _____

Description of Alleged Misconduct (*attach addendum as needed*) _____

Summary of Findings (*attach addendum as needed*) _____

AI Investigator/ACO Decision about Level of Sanction to be Imposed or Proposed:

Level I Sanction _____ Level II Sanction _____

The AI Investigator and involved student are to initial below on the lines accurately reflecting the disposition of the Resolution Meeting, and then sign at the bottom of the form. The Academic Conduct Officer (ACO) serves the role as a neutral informational resource regarding process for both parties, and will facilitate the accurate completion of this form.

INITIALS:

_____ The student has been notified of the findings, supporting evidence and Level I Sanction to be imposed.

_____ The student accepts responsibility for the findings and the Level I Sanction and does not request a hearing to contest the matter.

_____ The student contests the findings or the Level I Sanction being imposed and requests a hearing. The Level I Sanction will _____ will not _____ be imposed pending the hearing and decision by Hearing Panel.

_____ The student has been notified about the findings, supporting evidence and proposed Level II Sanction.

_____ The student accepts responsibility for the findings and the Level II Sanction and does not request a hearing to contest the matter.

_____ The student contests the findings or the proposed Level II Sanction and requests a hearing. *[Note: Absent a basis for an interim suspension, A Level II Sanction is not to be imposed pending the hearing and decision by Hearing Panel and any subsequent request for final review.]*

_____ The parties have discussed the evidence in support of the findings and mutually agree to modify the findings or the sanction as follows (attach addendum as needed):

<i>ACO completes: The student has requested a hearing.</i> <input type="checkbox"/>	<i>The student has not requested a hearing.</i> <input type="checkbox"/>
<i>(Comments:)</i>	

By their signatures below, the parties and the Academic Conduct Officer hereby confirm that the above is an accurate description of what transpired during the Resolution Meeting.

_____ AI Investigator Name Printed	_____ AI Investigator Signature	_____ Date
_____ Student Name Printed	_____ Student Signature	_____ Date
_____ ACO Name Printed	_____ ACO Signature	_____ Date

ACO DOCUMENTS FOR EACH CASE:

Date ACO received notice of allegation From the AI Investigator: _____

Date notice of alleged breach of AI and investigation given to student: _____ and explanation, if notice delayed based on exception (attach addendum as needed): _____

Date notice sent to student that complaint failed to allege AI violation or evidence did not support finding of AI violation (with offer to meet, at the student's discretion): _____

Date of Resolution Meeting: _____

Date of Hearing with Hearing Panel: _____

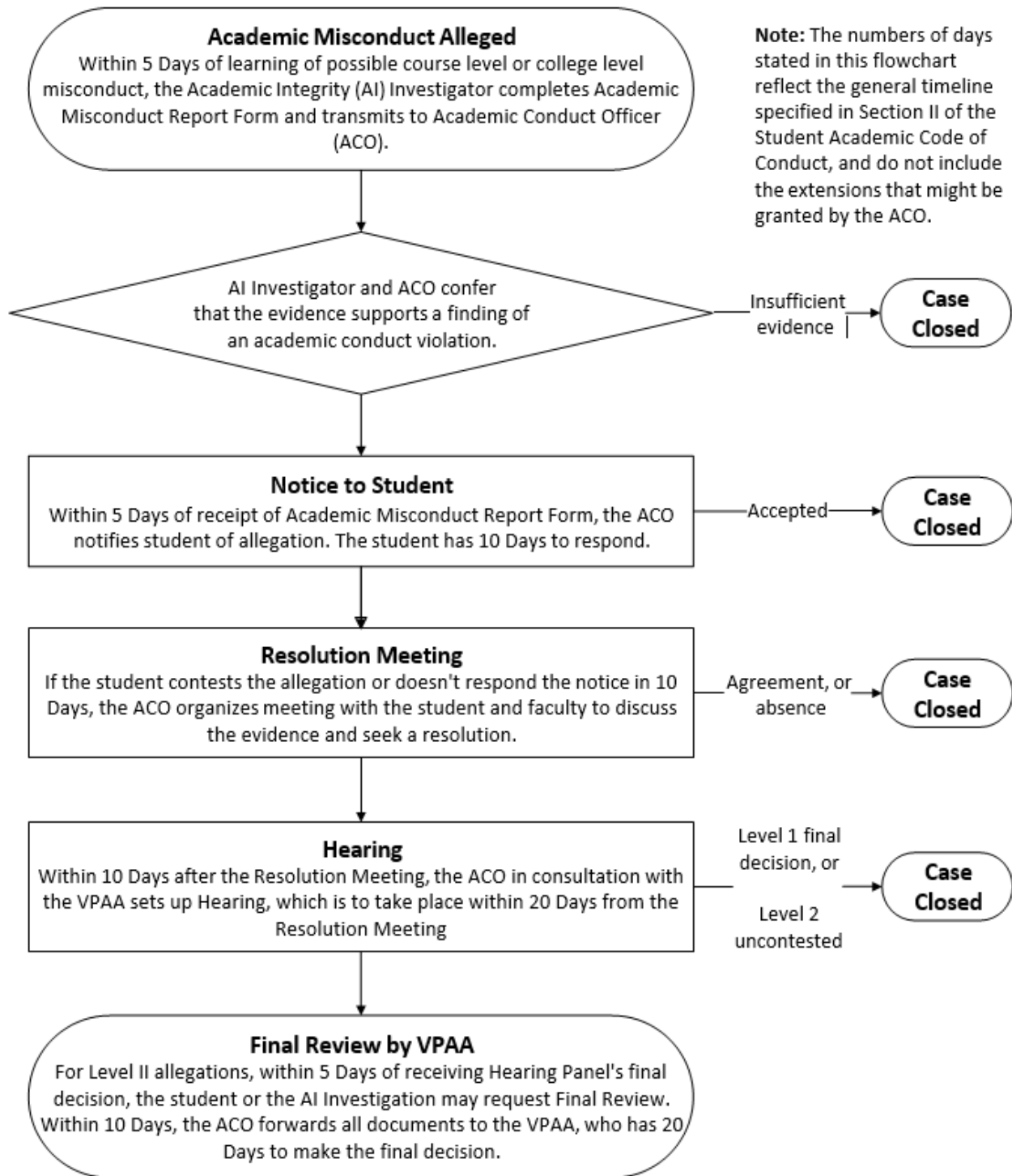
Date Request for Final Review Received: _____

Date Hearing Record Assembled for Final Review and Delivered to Office of VPAA: _____

Date of VPAA's Final Decision: _____

Final Outcome (attach addendum as needed): _____

APPENDIX B: FLOWCHART FOR PROCEDURES RESOLVING ALLEGED STUDENT ACADEMIC MISCONDUCT



Examples of Student Academic Misconduct

This list serves as a guide to students, faculty, and administrators for use in determining whether a particular action or attempted action would be considered a breach of academic integrity. This list is for illustrative purposes and is not exhaustive.

Cheating

- Copying or attempting to copy from others during an exam or on an assignment.
- Communicating answers with another person during an exam.
- Preprogramming a calculator to contain answers or other unauthorized information for exams.
- Using an electronic device (cell phone, camera) to capture, transmit or receive information during an examination when such usage is prohibited by course or instructor policy.
- Using unauthorized materials (prepared answers, written notes, or concealed information) during an exam.
- Allowing others to do an assignment or portion of an assignment for you, including the use of a commercial term-paper service.
- Submission of the same assignment for more than one course without prior approval of all the instructors involved.
- Collaborating on an exam or assignment with any other person without prior approval from the instructor.
- Taking an exam for another person or having someone take an exam for you.
- Creating multiple accounts for an online homework system (one to get the answers, the second one to enter the answer and receive credit)

Plagiarism

Plagiarism is defined as use of intellectual material produced by another person without acknowledging its source, for example:

- Wholesale copying of passages from works of others into your homework, essay, term paper, or dissertation without acknowledgment.
- Use of the views, opinions, or insights of another without acknowledgment.
- Paraphrasing of another person's characteristic or original phraseology, metaphor, or other literary device without acknowledgment.

Course Materials

- Removing, defacing, or deliberately keeping from other student's library materials that are on reserve for specific courses.
- Contaminating laboratory samples or altering indicators during a practical exam, such as moving a pin in a dissection specimen for an anatomy course.
- Selling, distributing, website posting, or publishing course lecture notes, handouts, readers, recordings, or other information provided by an instructor, or using them for any commercial purpose without the express permission of the instructor.

False Information and Representation, Fabrication or Alteration of Information

- Furnishing false information in the context of an academic assignment.
- Failing to identify oneself honestly in the context of an academic obligation.
- Fabricating or altering information or data and presenting it as legitimate.
- Providing false or misleading information to an instructor or any other college official.

Theft or Damage of Intellectual Property

- Sabotaging or stealing another person's assignment, book, paper, notes, experiment, project, electronic hardware or software.
- Improper access to, or electronically interfering with, the property of another person or the college via computer or other means.
- Obtaining a copy of an exam or assignment prior to its approved release by the instructor.

Alteration of College Documents

- Forgery of an instructor's signature on a letter of recommendation or any other document.
- Submitting an altered transcript of grades to or from another institution or employer.
- Putting your name on another person's exam or assignment.
- Altering a previously graded exam or assignment for purposes of a grade appeal or of gaining points in a re-grading process.