

Student Code of Conduct

2007 - 2009

Through its academic offerings and support services, CNM provides the opportunity for learning. Taking advantage of the opportunity is the student's responsibility.

The College gives equal consideration to all applicants for admission. The appropriate facilities and services of CNM shall be available to enrolled students. Any student in good standing with CNM has the right to register for and attend any class for which he or she has met the prerequisites and placement requirements.

Students are expected to be fully acquainted with all published policies and procedures of CNM and will be held responsible for compliance with them. In addition to this handout, policies are published in the CNM Catalog, in the Student Handbook, in some department handbooks, especially in the Health Occupations Department, and in some course syllabi.

I. INTRODUCTION

A. Purpose—The freedom of individuals to inquire, study, evaluate and gain new understanding and maturity is essential and must be protected against suppression. Dissent plays a vital part in the role of the Institute. However, freedoms cannot be protected or exercised in a College that lacks order and stability. Students at all Central New Mexico Community College (CNM) campuses and learning centers have an obligation to uphold the laws of the larger community of which they are part.

The intent of this Code is to ensure that students at CNM neither lose their rights nor escape the responsibility of citizenship. While the activities covered by the laws of the larger community and those covered by CNM's rules may overlap, it is important to note that the community's laws and CNM's rules operate independently and that they do not substitute for each other. CNM may pursue enforcement of its own rules whether or not legal proceedings are under way or in prospect, and may use information from third-party sources (such as law enforcement agencies and the courts) to determine whether the College's rules have been broken. Membership in the CNM community does not exempt anyone from local, state or federal laws, but rather imposes the additional obligation to abide by all of CNM's regulations. It is the personal responsibility of every member of the campus community not only to protect his/her own rights, but to respect the rights of others and to behave in a manner conducive to learning and/or living in an educational environment.

Just as individuals within the community have a responsibility to adhere to a code of prescribed behavior, the institution assumes the obligation of clearly codifying and fairly enforcing same. CNM upholds the belief that those who

do not conform to established standards set forth in this Code of Conduct must be held accountable for their actions. Therefore, the purpose of the Code of Conduct is to inform the student body of the rules and regulations that are essential to the normal operation of CNM.

- B. Definition of Student** – For the purpose of application of this Code of Conduct, “student” means any person enrolled or taking a course at CNM, which includes all campuses and all other CNM instructional locations, and any student organization recognized by CNM. Any person who is not officially enrolled, admitted to or registered with CNM for a particular term but who is, has been or intends to be a student is considered a student. Students who violate the Code of Conduct can expect prompt and deliberate adjudication, whether or not they choose to be present or remain at CNM. Furthermore, if a decision has been made within the disciplinary process which impacts a person who is not currently enrolled, he/she still remains subject to the determination upon re-enrollment. Students are responsible for maintaining their current address with CNM. The address on record will be deemed the appropriate address for delivery of correspondence from the Office of Student Judicial Affairs.
- C. Students' Rights and Responsibilities** – By enrolling at CNM, a student accepts responsibility for compliance with all local, state and federal laws and with CNM's regulations while retaining the rights guaranteed under the Constitutions of the United States and the state of New Mexico. A student alleged to have engaged in any misconduct shall have the right of due process and appeal as delineated in this Code. The College expects all students to show respect for the rights of others and for authority, to protect private and public property, to carry out contractual obligations and to take responsibility for their own actions and the actions of their guests.
- D. Student Organizations** – A student organization and its officers and members may be held collectively and individually responsible when violations of this Code by those associated with the organization occur and when such violations are authorized, encouraged, directed, tolerated, supported by or committed on behalf of the organization. For purposes of the interpretation and administration of the Code of Conduct, the term “student” shall also mean “student organization.”

II. ADMINISTRATION OF DISCIPLINE

The responsibility of administering the discipline system is delegated by the president of CNM to the vice president for student services for non-academic discipline and to the vice president for instructional services for academic discipline. In turn, these

officers may delegate authority to other groups or individuals for handling violations of the Student Code of Conduct. All non-academic Student Code activities shall be monitored by the Dean of Students to ensure fairness and consistency. All discipline sanctions imposed College-wide will be reported to the Dean of Students for record-keeping purposes.

The College attempts to handle discipline matters at the lowest possible level by recognizing a variety of hearing officers. Each hearing officer is a CNM official who is an administrator, faculty member or staff member. Hearing officers adjudicate cases when violations are alleged. The hearing officer is authorized to exercise active control over the proceedings in order to elicit relevant information, to avoid needless consumption of time and to prevent the harassment or intimidation of witnesses.

Disciplinary regulations at CNM are set forth in writing in order to give students general notice of prohibited conduct. These rules and regulations should be read broadly and are not designed to define prohibited conduct in exhaustive terms. It is recognized by CNM that students are adults and are expected to obey the law and take personal responsibility for their conduct. A student is therefore subject to two sources of authority: civil-criminal authority and CNM's authority.

Violation of any municipal ordinance, law or regulation of the State of New Mexico or law or regulation of the United States which may cause harm or endangerment to self or others or somehow compromises the educational mission of the College may result in disciplinary action. The College does not normally take disciplinary action for off-campus violations, but it retains the right to act in special cases. Disciplinary action imposed by CNM may precede, and be in addition to, any penalty that might be imposed by an off-campus authority.

When charged with a violation, a student has the right to notice of the violation and an opportunity to be heard. For infractions where suspension, dismissal or expulsion may be imposed, a student will have additional rights as set forth in § IV.C.W, below.

Charged students may decide what and how much information they will provide during a disciplinary conference or hearing. The procedures to be followed in matters of student misconduct are outlined in the following sections.

III. ACADEMIC DISHONESTY

Any student suspected of academic dishonesty will be subject to the investigative and disciplinary process outlined in the Academic Dishonesty Policy found on page 363 of the 2006-2007 CNM Catalog and on page 50 in the 2006-2007 Student Handbook.

IV. NON-ACADEMIC MISCONDUCT: ALL STUDENTS

A. Person and/or Groups Involved in Non-academic Discipline Cases

1. Dean of Students - The Dean of Students Office (or his/her designee such as the Director of Student Life and Discipline) will dispose of any non-academic misconduct violations referred by the vice president for student services or other CNM officials, and also has responsibility for maintaining all student records relating to student non-academic misconduct. Within this capacity, the Dean of Students (or designee) serves as a resource person for administrators, faculty, staff and students to promote consistency throughout the College community in adjudicating cases of student non-academic

misconduct. The Dean of Students also can act as a hearing officer and may appoint other hearing officers.

- 2. Hearing Committee** – Either the Dean of Students or the Director of Student Life and Discipline may hear discipline issues or may refer the issue to a CNM Hearing Committee. The committee hears non-academic misconduct issues referred to it by the Dean of Students. Two administrative and/or faculty members and one student member are required for each Hearing Committee.
- 3. Vice President for Student Services** – The Vice President for Student Services will hear any appeals from decisions of the Dean of Students, the Director of Student Life and Discipline, or a Hearing Committee.

B. What Constitutes Non-Academic Misconduct

The following constitute violations for which students and student organizations are subject to disciplinary action. These are not designed to be all-inclusive, but offer examples of the types of prohibited conduct:

DISRUPTION VIOLATIONS

1. Participation in an unauthorized campus demonstration which disrupts the normal operations of CNM and infringes on the rights of other members of the CNM community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area; intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular, on campus.
2. Unauthorized mass action, obstruction or disruption of classes or CNM events, removal or defacement of library or other CNM materials or properties, participation in commercially sponsored solicitation, behaviors that violate federal, state or local ordinances.
3. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other CNM activities, including its public-service function on or off campus, or other authorized non-CNM activities, when the act occurs on CNM premises.
4. Any intentional interference with or obstruction of any institutional activity, program, event or facilities, including the following: any unauthorized occupancy of institution or institutionally controlled facilities or blockage of access to or from such facilities; interference with the right of any institution member or other authorized person to gain access to any institution or institutionally controlled activity, program, event or facilities; or any obstruction or delay of a campus security officer, fire fighter or any institution official in the performance of his or her duty.
5. Obstruction of the free flow of pedestrian or vehicular traffic on CNM premises or at CNM sponsored or supervised functions.
6. Any violation of federal, state or local law not otherwise prohibited herein, if such directly affects CNM's educational function.

PERSON VIOLATIONS

1. Actual or threatened physical injury to any person (including self) on CNM owned or controlled property or at a CNM sponsored or supervised function or conduct that endangers the health, safety or personal well being of a person.
2. Engaging in individual or group conduct that is violent (including sexual misconduct, attempted suicide or threats of either), abusive, indecent, unreasonably loud or similar

disorderly conduct that infringes upon the privacy, rights or privileges of others or disturbs the peace or the orderly process of education on campus.

3. Hazing, defined as an act which endangers the mental or physical health or safety of a student or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization.
4. Harassment or abuse directed toward individuals or groups may include at least the following forms: the use or threat of physical violence, coercion, intimidation and verbal harassment and abuse. Harassment and abuse may be discriminatory. Although all forms of harassment and abuse - both discriminatory and non-discriminatory - are equally prohibited, CNM's commitment to non-discrimination means that discriminatory harassment may be punished more severely than non-discriminatory forms of harassment.
5. Sexual abuse, including but not limited to sexual harassment, coercion and threats or use of force.
6. Any actual or threatened non-consensual sexual act.
7. Harassment or acts of insensitivity or intolerance toward individuals/groups, including groups defined by race, creed, national origin, disability, sexual orientation and veteran status.
8. Verbal or written abuse, which is likely to cause another person humiliation, stress, psychological harm or which is harassing in nature.
9. Public display of literature, films, pictures or other material that, depicts or describes sexual conduct in a patently offensive way and lacks serious literary, artistic, political or scientific value.

PROPERTY VIOLATIONS

1. Attempted or actual theft of and/or damage to property of CNM or property of a member of the CNM community or other personal or public property.
2. Any graffiti or other act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring or unauthorized use of property belonging to the institution including, but not limited to, fire alarms, fire equipment, elevators, telephones, institution keys, library material and/or safety devices, walls, floors and ceilings.

FALSEHOODS/IDENTIFICATION VIOLATIONS

1. Forgery, counterfeiting, alterations or misuse of any CNM record, document or identification card.
2. Knowingly furnishing false information to CNM personnel or member of any hearing board acting in performance of their duties or the failure to provide CNM personnel with adequate information upon request.
3. Making a false report concerning a fire, bomb or other emergency.
4. Failure to possess at all times valid identification and/or failure to present ID to CNM officials upon proper request. Failure to comply with directions of CNM officials, faculty, staff or law enforcement officer acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.
5. Intentionally and falsely accusing a CNM employee or another student of a wrongdoing.

SAFETY VIOLATIONS

1. Unauthorized use, possession or storage of any weapon or explosive (including fireworks) on CNM premises or at CNM sponsored activities.
2. Tampering with fire extinguishers, fire alarm boxes or smoke or heat detectors anywhere on CNM property.
3. Creating a fire, safety or health hazard.
4. Ejecting any objects from windows, roofs or balconies of CNM buildings.
5. Students are not permitted on the roofs of CNM buildings.

COMPUTER VIOLATIONS

1. Unauthorized entry into or alteration of any CNM computer records or violation of the CNM Technology Use Policy.
2. Violation of the New Mexico Computer Crimes Act, including intentional and unauthorized access, alteration, damage, copying or destruction of any computer system or data.
3. Theft or abuse of computer time, including but not limited to:
 - a. Unauthorized entry into a file, to use, read or change the contents or for any other purpose.
 - b. Unauthorized transfer of a file.
 - c. Unauthorized use of another individual's identification and password.
 - d. Use of computing facilities to interfere with the work of another student, faculty member or CNM official.
 - e. Use of computing facilities to send obscene, abusive, or threatening messages.
 - f. Use of computing facilities to interfere with normal operation of the CNM computing system.

ENTRY/USE VIOLATIONS

1. Entry into or use of any building, facility, room or other CNM property/grounds without authorized approval. This also includes the unauthorized possession or use of CNM keys, lock combinations or other access codes.
2. Entering or attempting to enter any social event or other event without proper credentials for admission (e.g., ticket, identification card or invitation).
3. Unauthorized use of CNM telephones for long-distance calls.

LEGAL VIOLATIONS

1. Unlawful possession, use, distribution or sale of any narcotic or dangerous drug as defined by the statutes of the state of New Mexico.
2. Violation of federal, state or local law on CNM premises or at CNM sponsored or supervised activities.
3. Possession or consumption of alcoholic beverages in contradiction of state law and/or CNM policy.
4. The violation of local, state or federal criminal statutes shall be in violation of this code, whether or not such violation is prosecuted by public officials. CNM may refer such violations to appropriate law enforcement agents.
5. The use or possession of equipment, products or material used or intended for use in manufacturing, growing, using or distributing any drug or controlled substance.
6. Participation in illegal gambling activities on CNM owned or controlled property or at a function identified with CNM.
7. Embezzling, defrauding or procuring any money, goods or services under false pretenses.

FINANCIAL VIOLATIONS

1. Failure to make satisfactory settlement for any debts to CNM.
2. Issuing a check on campus knowing that it will not be honored when presented for payment.

GENERAL VIOLATIONS

1. Violation of published CNM policies, rules or regulations.
2. Soliciting or selling in violation of the solicitation policy.
3. Having an animal on campus in violation of CNM policy.
4. Dispersing litter in any form onto the grounds or facilities of the campus.
5. Unauthorized use of cell phones, pagers and other electronic equipment in classrooms and laboratories.
6. Unauthorized use of sirens, loudspeakers and other sound amplification equipment.
7. The use of roller blades, skateboards, or scooters on CNM property.
8. Smoking inside CNM buildings.
9. Parking bicycles outside of designated areas.
10. Drinking and eating in classrooms, laboratories and libraries.
11. Bringing children to classes, labs or other instructional activities or to judicial affairs hearings.

STUDENT DISCIPLINE VIOLATIONS

Abuse of the student disciplinary system, including but not limited to:

1. Failure to obey the summons of the Dean of Students, a disciplinary body, or other CNM official.
2. Falsification, distortion or misrepresentation of information before a hearing officer or committee.
3. Disruption or interference of the orderly conduct of a disciplinary proceeding.
4. Initiation of a disciplinary proceeding knowingly without cause.
5. Attempting to discourage an individual's proper participation in or use of the disciplinary system.
6. Attempting to influence the impartiality of a member of a disciplinary body prior to and/or during the course of the disciplinary proceeding.
7. Harassment (verbal or physical) and/or intimidation of a member of a disciplinary body prior to, during and/or after a judicial proceeding.
8. Failure to comply with the sanction(s) imposed under the Student Code.
9. Influencing or attempting to influence another person to commit an abuse of the disciplinary system.

C. Non-academic Discipline Process

All alleged violations of non-academic rules and regulations contained herein will be referred to the Dean of Students' Office. Any alleged violation should be reported as soon as possible after the violation occurs. Upon violation of any of the provisions of this Code of Conduct during class or other CNM activity, CNM faculty and staff may remove the student from the class or other CNM activity for the remainder of that class/activity period, and shall promptly notify the Dean of Students as to the action taken and the reason(s) therefore. Upon submission of the alleged violation to the Dean of Students' Office, the following procedures will apply.

1. For behavior for which a sanction other than suspension, dismissal or expulsion may be imposed, after referral to the

Dean of Students or his/her representative and investigation by the Dean or representative (at his/her discretion), the Dean (or representative) will provide:

- a. Oral or written notice of the charges against the student, and
 - b. An opportunity for the student to admit or deny the allegations in conference with the Dean or his/her representative. If the student denies the allegations, the student is entitled to an explanation of the evidence against the student and will be given an opportunity in the conference to rebut the charges.
 - c. As a result of the investigation and conference with the student, any of the following actions may be taken:
 - i. The charges may be dismissed as unfounded or for lack of evidence;
 - ii. The student may admit responsibility for violating the Code of Conduct and a sanction will be imposed; or
 - iii. The Dean of Students or representative will deem the student responsible for Code of Conduct violations, based on a preponderance of the evidence, and an appropriate sanction will be imposed.
2. For behavior for which suspension, dismissal or expulsion may be imposed, after referral to the Dean of Students and after any investigation by the Dean or his/her representative, the Dean or representative will establish a hearing date to occur as soon as practicable, or within ten (10) days of imposition of any interim suspension, and will provide:
 - a. Written notice of the charges against the student;
 - b. Written notice of the date, time and place of hearing;
 - c. An opportunity for the student to personally participate in the hearing and to admit or deny the charges against the student.

If the student admits the charges, discipline will be imposed.

If the student denies the charges, the student will be entitled to:

 - i. An explanation of the evidence against the student;
 - ii. The right to question witnesses in a manner determined by the Dean of Students or the Hearing Committee;
 - iii. The right to examine, in advance of the hearing, documentation submitted relating to the charges;
 - iv. The right to present a defense at the hearing;
 - (a) The student may call his/her own witnesses and present relevant information or documentation;
 - (b) The student may have legal counsel, or other advisor, present at the hearing, but such counsel or advisor may not participate in the hearing.
 - v. A tape recording of the hearing shall be made. The tape recording is CNM property.
 - d. As a result of the investigation and hearing, one of the following actions may be taken:
 - i. The charges may be dismissed as unfounded or for lack of evidence;

- ii. The student may admit responsibility for violating the Code of Conduct and appropriate sanctions may be imposed; or
 - iii. The Hearing Committee will deem the student responsible for Code of Conduct violations based upon a preponderance of the evidence and appropriate sanctions may be imposed.
- e. The student will be notified of the discipline imposed, either orally following the hearing or sent in writing within five (5) working days of the hearing.

D. Non-Academic Discipline Appeal Process

Students receiving a discipline decision from the Dean of Students or a Hearing Committee may request an appeal. Any such request must be made in writing to the Vice President of Student Services within three (3) working days after notification of the decision.

1. Contents of the Appeal Request.

The appeal request must include:

- a. The name of the individual/organization requesting the appeal;
- b. The disciplinary action being appealed and the date the disciplinary action took place;
- c. The grounds for the requested appeal. The appeal must be based on one or more of the following grounds:
 - i. Procedural or prejudicial error was committed. The specific errors alleged must be stated;
 - ii. The facts upon which the decision was based included inaccurate information. The inaccurate information appealed from must be stated;
 - iii. Specific information presented at the hearing/disciplinary conference is objectionable. The reason for the objection must be stated (i.e. why specific information should not have been considered);
 - iv. Information not offered at the hearing/disciplinary conference is now available. The reason why the information was not offered during the original hearing/disciplinary conference must be stated;
 - v. The sanction imposed is excessive or inappropriate. The reason for believing this must be stated.

2. Decision on Appeal:

- a. Upon review of the appeal, the Vice President of Student Services, or his/her designee, may take any of the following actions:
 - i. Deny the appeal request.
 - ii. Grant the appeal request and refer the matter to the Dean of Students for reopening of the hearing/conference to allow reconsideration of the original decision and/or the sanctions imposed. In the event of such referral, the Vice President of Student Services (or his/her designee) will provide a written rationale for the referral, in accordance with one or more of the grounds for appeal detailed above.
- b. Except as required to explain the basis of new information, an appeal shall be limited to review of

the tape recording of the most recent official hearing and supporting documents.

- c. Any review of the sanction(s) in a non-academic discipline process may not result in more severe sanction(s) for the accused student/organization. On review, the sanction may remain as originally determined or may be reduced.

V. DISCIPLINARY ACTIONS AND SANCTIONS

A. Student Sanctions

The following list is not designed to be all-inclusive, but offers examples of the more severe sanctions that may be imposed upon an individual student for infraction of regulations.

1. Disciplinary Probation - This sanction is an official warning that the student's conduct is in violation of CNM regulations or local, state and/or federal laws. Students placed on disciplinary probation are deemed to be not in good standing with CNM. The duration of the probationary period, and conditions imposed, shall be set by the Hearing Officer or Hearing Committee and shall be in proportion to the seriousness of the misconduct. Duration will be at least 30 days, but may be extended indefinitely. Depending on the circumstances and at the discretion of the hearing officer(s), additional stipulations may be enforced. These additional stipulations may be, but are not limited to, withholding of transcript or degree; suspension of rights and privileges; suspension of eligibility to participate in official extracurricular activities; restitution; and referral-for counseling. During the probationary period, reported violations of the Code of Conduct or conditions of the probation will result in further sanctions which will be more severe than like sanctions for students not on-probation. This action may include, but is not limited to, extension of the probationary period, the addition of other restrictions or conditions to the probationary agreement, suspension, dismissal, expulsion and notation on the student's transcript.

A student who has been placed on indefinite disciplinary probation may petition to have the probation lifted. This petition will not be acceptable if submitted sooner than one calendar year from the date the probation began. Students must petition through the Dean of Students Office. The Dean of Students or the CNM Discipline Committee reviews the petition and makes a recommendation to the Vice President for Student Services or designee, whose decision is final.

2. Disciplinary Suspension - Disciplinary suspension is the disenrollment of a student from CNM for a defined period of time. Most suspensions will last a minimum of one full term. However, the length of the suspension shall be at the discretion of the Hearing Committee. Students may reenter CNM at the conclusion of the suspension.

3. Dismissal - Dismissal is the disenrollment of a student for an indefinite period of time and includes a "minimum timeframe." In most cases the minimum timeframe is one year, which means the student may not petition to reenter CNM for at least one year. Extended minimum timeframes may also be defined. The length of the dismissal shall be at the discretion of the Hearing Committee. Students seeking to reenter CNM after completion of the minimum timeframe may do so only by consent of the Vice President of Student Services. Requests for reentry must be submitted in writing.

4. Expulsion - Expulsion is the disenrollment of a student whereby the student is not eligible for readmission to CNM. A permanent notation of expulsion will be placed on the student's transcript.

B. Interim Suspension - In certain circumstances, the Dean-of Students or designee may impose; an immediate, short-term suspension pending further investigation and hearing. In such cases, the Dean or representative will establish a hearing date to occur as soon as practicable, and in any event within ten (10) working days of imposition of any interim suspension.

1. Interim suspension may be imposed only 1) to protect the safety and well-being of members of the CNM community or preservation of CNM property; 2) to protect the student's own physical or emotional safety and well-being; or 3) if the student poses a definite threat of disruption to or interference with the normal operations of CNM.
2. During the interim suspension, the student shall be denied access to the campus (including classes) and/or all other CNM activities or privileges for which the student might otherwise be eligible, as the Dean of Students may determine to be appropriate.

C. Student Organization Sanctions

The following are possible sanctions that may be imposed upon a student organization for infraction of regulations:

1. Disciplinary Probation - This sanction is an official warning that the organization's conduct is in violation of CNM regulations or local, state and/or federal laws. Organizations placed on disciplinary probation are deemed to be not in good standing with CNM. The duration of the probationary period and conditions imposed shall be in proportion to the seriousness of the misconduct. Duration will be at least 30 days, but may be extended indefinitely. Depending on the circumstances, and at the discretion of the Dean of Students, additional stipulations may be enforced. These additional stipulations may be, but are not limited to, suspension of rights and privileges, suspension of eligibility to participate in official extracurricular activities and restitution for damages.

During the probationary period, reported violations of the Code of Conduct or conditions of the probation will result in further sanctions which will be more severe than the sanctions for student organizations not on probation. These sanctions may include, but are not limited to, extension of the probationary period, the-addition of other restrictions or conditions to the probationary agreement, or suspension or termination of CNM recognition/charter.

The organization may return to a status of good standing with CNM at the conclusion of the probationary period, assuming all conditions have been satisfied, and upon gaining approval from the Dean of Students.

2. Suspension of CNM Charter or Recognition – This sanction may be imposed when the organization's conduct is in violation of CNM's regulations or local, state and/or federal laws. Pursuant to this sanction, the organization's charter or recognition with CNM, along with all privileges afforded a recognized student organization, is withdrawn for a specified period of time, pursuant to the procedure outlined in § IV.C, supra. Any suspension of charter or recognition imposed will last a minimum of one full calendar year. As with disciplinary probation, additional conditions may be attached and further disciplinary action may result if conditions are not met. Reinstatement of any organization's charter/recognition can only

be granted by the Vice President of Student Services after the period of suspension when all conditions of the suspension have been met.

3. Termination of CNM Charter or Recognition - This sanction may be imposed when the organization's conduct is deemed to be in violation of CNM's regulations or local, state and/or federal laws, pursuant to the procedures outlined in § IV.C, supra. This sanction will result in the immediate withdrawal of the organization's charter or recognition with CNM, along with all privileges afforded a chartered/recognized student organization. The organization will not be eligible for reinstatement of its charter or recognition for a minimum of five (5) years. Reinstatement of an organization's charter or recognition may only be granted by the Vice President of Student Services

VI. INTERPRETATION

Any question of interpretation regarding the Student Code of Conduct shall be referred to the Dean of Students or his/her designee for final determination.

VII. AMENDMENTS AND/OR REVISION TO THE CODE OF CONDUCT

Recommendations for changes related to the non-academic discipline process will be referred to the Dean of Students. The Dean of Students reviews the Code of Conduct as needed and recommends changes to the Vice President for Student Services.

VIII. STATEMENT OF LIMITATIONS

No student or student organization shall be subject to disciplinary procedures due to alleged violation of CNM's regulations unless procedures are initiated within one year from the time the alleged misconduct occurred or was made known to the Dean of Students, whichever occurs later. The one-year period of limitation, as referred here, will apply only while the student is enrolled at CNM. If the disciplinary procedures cannot be completed for reasons beyond the control of CNM, a time limitation will not be imposed.

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II. ADMINISTRATION OF DISCIPLINE

The responsibility of administering the discipline system is delegated by the president of CNM to the vice president for student services for non-academic discipline and to the vice president for instructional services for academic discipline. In turn, these

officers may delegate authority to other groups or individuals for handling violations of the Student Code of Conduct. All non-academic Student Code activities shall be monitored by the Dean of Students to ensure fairness and consistency. All discipline sanctions imposed College-wide will be reported to the Dean of Students for record-keeping purposes.

The College attempts to handle discipline matters at the lowest possible level by recognizing a variety of hearing officers. Each hearing officer is a CNM official who is an administrator, faculty member or staff member. Hearing officers adjudicate cases when violations are alleged. The hearing officer is authorized to exercise active control over the proceedings in order to elicit relevant information, to avoid needless consumption of time and to prevent the harassment or intimidation of witnesses.

Disciplinary regulations at CNM are set forth in writing in order to give students general notice of prohibited conduct. These rules and regulations should be read broadly and are not designed to define prohibited conduct in exhaustive terms. It is recognized by CNM that students are adults and are expected to obey the law and take personal responsibility for their conduct. A student is therefore subject to two sources of authority: civil-criminal authority and CNM's authority.

Violation of any municipal ordinance, law or regulation of the State of New Mexico or law or regulation of the United States which may cause harm or endangerment to self or others or somehow compromises the educational mission of the College may result in disciplinary action. The College does not normally take disciplinary action for off-campus violations, but it retains the right to act in special cases. Disciplinary action imposed by CNM may precede, and be in addition to, any penalty that might be imposed by an off-campus authority.

When charged with a violation, a student has the right to notice of the violation and an opportunity to be heard. For infractions where suspension, dismissal or expulsion may be imposed, a student will have additional rights as set forth in § IV.C.W, below.

Charged students may decide what and how much information they will provide during a disciplinary conference or hearing. The procedures to be followed in matters of student misconduct are outlined in the following sections.

III. ACADEMIC DISHONESTY

Any student suspected of academic dishonesty will be subject to the investigative and disciplinary process outlined in the Academic Dishonesty Policy found on page 363 of the 2006-2007 CNM Catalog and on page 50 in the 2006-2007 Student Handbook.

IV. NON-ACADEMIC MISCONDUCT: ALL STUDENTS

A. Person and/or Groups Involved in Non-academic Discipline Cases

1. Dean of Students - The Dean of Students Office (or his/her designee such as the Director of Student Life and Discipline) will dispose of any non-academic misconduct violations referred by the vice president for student services or other CNM officials, and also has responsibility for maintaining all student records relating to student non-academic misconduct. Within this capacity, the Dean of Students (or designee) serves as a resource person for administrators, faculty, staff and students to promote consistency throughout the College community in adjudicating cases of student non-academic

misconduct. The Dean of Students also can act as a hearing officer and may appoint other hearing officers.

- 2. Hearing Committee** – Either the Dean of Students or the Director of Student Life and Discipline may hear discipline issues or may refer the issue to a CNM Hearing Committee. The committee hears non-academic misconduct issues referred to it by the Dean of Students. Two administrative and/or faculty members and one student member are required for each Hearing Committee.
- 3. Vice President for Student Services** – The Vice President for Student Services will hear any appeals from decisions of the Dean of Students, the Director of Student Life and Discipline, or a Hearing Committee.

B. What Constitutes Non-Academic Misconduct

The following constitute violations for which students and student organizations are subject to disciplinary action. These are not designed to be all-inclusive, but offer examples of the types of prohibited conduct:

DISRUPTION VIOLATIONS

1. Participation in an unauthorized campus demonstration which disrupts the normal operations of CNM and infringes on the rights of other members of the CNM community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area; intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular, on campus.
2. Unauthorized mass action, obstruction or disruption of classes or CNM events, removal or defacement of library or other CNM materials or properties, participation in commercially sponsored solicitation, behaviors that violate federal, state or local ordinances.
3. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other CNM activities, including its public-service function on or off campus, or other authorized non-CNM activities, when the act occurs on CNM premises.
4. Any intentional interference with or obstruction of any institutional activity, program, event or facilities, including the following: any unauthorized occupancy of institution or institutionally controlled facilities or blockage of access to or from such facilities; interference with the right of any institution member or other authorized person to gain access to any institution or institutionally controlled activity, program, event or facilities; or any obstruction or delay of a campus security officer, fire fighter or any institution official in the performance of his or her duty.
5. Obstruction of the free flow of pedestrian or vehicular traffic on CNM premises or at CNM sponsored or supervised functions.
6. Any violation of federal, state or local law not otherwise prohibited herein, if such directly affects CNM's educational function.

PERSON VIOLATIONS

1. Actual or threatened physical injury to any person (including self) on CNM owned or controlled property or at a CNM sponsored or supervised function or conduct that endangers the health, safety or personal well being of a person.
2. Engaging in individual or group conduct that is violent (including sexual misconduct, attempted suicide or threats of either), abusive, indecent, unreasonably loud or similar

disorderly conduct that infringes upon the privacy, rights or privileges of others or disturbs the peace or the orderly process of education on campus.

3. Hazing, defined as an act which endangers the mental or physical health or safety of a student or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization.
4. Harassment or abuse directed toward individuals or groups may include at least the following forms: the use or threat of physical violence, coercion, intimidation and verbal harassment and abuse. Harassment and abuse may be discriminatory. Although all forms of harassment and abuse - both discriminatory and non-discriminatory - are equally prohibited, CNM's commitment to non-discrimination means that discriminatory harassment may be punished more severely than non-discriminatory forms of harassment.
5. Sexual abuse, including but not limited to sexual harassment, coercion and threats or use of force.
6. Any actual or threatened non-consensual sexual act.
7. Harassment or acts of insensitivity or intolerance toward individuals/groups, including groups defined by race, creed, national origin, disability, sexual orientation and veteran status.
8. Verbal or written abuse, which is likely to cause another person humiliation, stress, psychological harm or which is harassing in nature.
9. Public display of literature, films, pictures or other material that, depicts or describes sexual conduct in a patently offensive way and lacks serious literary, artistic, political or scientific value.

PROPERTY VIOLATIONS

1. Attempted or actual theft of and/or damage to property of CNM or property of a member of the CNM community or other personal or public property.
2. Any graffiti or other act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring or unauthorized use of property belonging to the institution including, but not limited to, fire alarms, fire equipment, elevators, telephones, institution keys, library material and/or safety devices, walls, floors and ceilings.

FALSEHOODS/IDENTIFICATION VIOLATIONS

1. Forgery, counterfeiting, alterations or misuse of any CNM record, document or identification card.
2. Knowingly furnishing false information to CNM personnel or member of any hearing board acting in performance of their duties or the failure to provide CNM personnel with adequate information upon request.
3. Making a false report concerning a fire, bomb or other emergency.
4. Failure to possess at all times valid identification and/or failure to present ID to CNM officials upon proper request. Failure to comply with directions of CNM officials, faculty, staff or law enforcement officer acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.
5. Intentionally and falsely accusing a CNM employee or another student of a wrongdoing.

SAFETY VIOLATIONS

1. Unauthorized use, possession or storage of any weapon or explosive (including fireworks) on CNM premises or at CNM sponsored activities.
2. Tampering with fire extinguishers, fire alarm boxes or smoke or heat detectors anywhere on CNM property.
3. Creating a fire, safety or health hazard.
4. Ejecting any objects from windows, roofs or balconies of CNM buildings.
5. Students are not permitted on the roofs of CNM buildings.

COMPUTER VIOLATIONS

1. Unauthorized entry into or alteration of any CNM computer records or violation of the CNM Technology Use Policy.
2. Violation of the New Mexico Computer Crimes Act, including intentional and unauthorized access, alteration, damage, copying or destruction of any computer system or data.
3. Theft or abuse of computer time, including but not limited to:
 - a. Unauthorized entry into a file, to use, read or change the contents or for any other purpose.
 - b. Unauthorized transfer of a file.
 - c. Unauthorized use of another individual's identification and password.
 - d. Use of computing facilities to interfere with the work of another student, faculty member or CNM official.
 - e. Use of computing facilities to send obscene, abusive, or threatening messages.
 - f. Use of computing facilities to interfere with normal operation of the CNM computing system.

ENTRY/USE VIOLATIONS

1. Entry into or use of any building, facility, room or other CNM property/grounds without authorized approval. This also includes the unauthorized possession or use of CNM keys, lock combinations or other access codes.
2. Entering or attempting to enter any social event or other event without proper credentials for admission (e.g., ticket, identification card or invitation).
3. Unauthorized use of CNM telephones for long-distance calls.

LEGAL VIOLATIONS

1. Unlawful possession, use, distribution or sale of any narcotic or dangerous drug as defined by the statutes of the state of New Mexico.
2. Violation of federal, state or local law on CNM premises or at CNM sponsored or supervised activities.
3. Possession or consumption of alcoholic beverages in contradiction of state law and/or CNM policy.
4. The violation of local, state or federal criminal statutes shall be in violation of this code, whether or not such violation is prosecuted by public officials. CNM may refer such violations to appropriate law enforcement agents.
5. The use or possession of equipment, products or material used or intended for use in manufacturing, growing, using or distributing any drug or controlled substance.
6. Participation in illegal gambling activities on CNM owned or controlled property or at a function identified with CNM.
7. Embezzling, defrauding or procuring any money, goods or services under false pretenses.

FINANCIAL VIOLATIONS

1. Failure to make satisfactory settlement for any debts to CNM.
2. Issuing a check on campus knowing that it will not be honored when presented for payment.

GENERAL VIOLATIONS

1. Violation of published CNM policies, rules or regulations.
2. Soliciting or selling in violation of the solicitation policy.
3. Having an animal on campus in violation of CNM policy.
4. Dispersing litter in any form onto the grounds or facilities of the campus.
5. Unauthorized use of cell phones, pagers and other electronic equipment in classrooms and laboratories.
6. Unauthorized use of sirens, loudspeakers and other sound amplification equipment.
7. The use of roller blades, skateboards, or scooters on CNM property.
8. Smoking inside CNM buildings.
9. Parking bicycles outside of designated areas.
10. Drinking and eating in classrooms, laboratories and libraries.
11. Bringing children to classes, labs or other instructional activities or to judicial affairs hearings.

STUDENT DISCIPLINE VIOLATIONS

Abuse of the student disciplinary system, including but not limited to:

1. Failure to obey the summons of the Dean of Students, a disciplinary body, or other CNM official.
2. Falsification, distortion or misrepresentation of information before a hearing officer or committee.
3. Disruption or interference of the orderly conduct of a disciplinary proceeding.
4. Initiation of a disciplinary proceeding knowingly without cause.
5. Attempting to discourage an individual's proper participation in or use of the disciplinary system.
6. Attempting to influence the impartiality of a member of a disciplinary body prior to and/or during the course of the disciplinary proceeding.
7. Harassment (verbal or physical) and/or intimidation of a member of a disciplinary body prior to, during and/or after a judicial proceeding.
8. Failure to comply with the sanction(s) imposed under the Student Code.
9. Influencing or attempting to influence another person to commit an abuse of the disciplinary system.

C. Non-academic Discipline Process

All alleged violations of non-academic rules and regulations contained herein will be referred to the Dean of Students' Office. Any alleged violation should be reported as soon as possible after the violation occurs. Upon violation of any of the provisions of this Code of Conduct during class or other CNM activity, CNM faculty and staff may remove the student from the class or other CNM activity for the remainder of that class/activity period, and shall promptly notify the Dean of Students as to the action taken and the reason(s) therefore. Upon submission of the alleged violation to the Dean of Students' Office, the following procedures will apply.

1. For behavior for which a sanction other than suspension, dismissal or expulsion may be imposed, after referral to the

Dean of Students or his/her representative and investigation by the Dean or representative (at his/her discretion), the Dean (or representative) will provide:

- a. Oral or written notice of the charges against the student, and
 - b. An opportunity for the student to admit or deny the allegations in conference with the Dean or his/her representative. If the student denies the allegations, the student is entitled to an explanation of the evidence against the student and will be given an opportunity in the conference to rebut the charges.
 - c. As a result of the investigation and conference with the student, any of the following actions may be taken:
 - i. The charges may be dismissed as unfounded or for lack of evidence;
 - ii. The student may admit responsibility for violating the Code of Conduct and a sanction will be imposed; or
 - iii. The Dean of Students or representative will deem the student responsible for Code of Conduct violations, based on a preponderance of the evidence, and an appropriate sanction will be imposed.
2. For behavior for which suspension, dismissal or expulsion may be imposed, after referral to the Dean of Students and after any investigation by the Dean or his/her representative, the Dean or representative will establish a hearing date to occur as soon as practicable, or within ten (10) days of imposition of any interim suspension, and will provide:
 - a. Written notice of the charges against the student;
 - b. Written notice of the date, time and place of hearing;
 - c. An opportunity for the student to personally participate in the hearing and to admit or deny the charges against the student.

If the student admits the charges, discipline will be imposed.

If the student denies the charges, the student will be entitled to:

 - i. An explanation of the evidence against the student;
 - ii. The right to question witnesses in a manner determined by the Dean of Students or the Hearing Committee;
 - iii. The right to examine, in advance of the hearing, documentation submitted relating to the charges;
 - iv. The right to present a defense at the hearing;
 - (a) The student may call his/her own witnesses and present relevant information or documentation;
 - (b) The student may have legal counsel, or other advisor, present at the hearing, but such counsel or advisor may not participate in the hearing.
 - v. A tape recording of the hearing shall be made. The tape recording is CNM property.
 - d. As a result of the investigation and hearing, one of the following actions may be taken:
 - i. The charges may be dismissed as unfounded or for lack of evidence;

- ii. The student may admit responsibility for violating the Code of Conduct and appropriate sanctions may be imposed; or
 - iii. The Hearing Committee will deem the student responsible for Code of Conduct violations based upon a preponderance of the evidence and appropriate sanctions may be imposed.
- e. The student will be notified of the discipline imposed, either orally following the hearing or sent in writing within five (5) working days of the hearing.

D. Non-Academic Discipline Appeal Process

Students receiving a discipline decision from the Dean of Students or a Hearing Committee may request an appeal. Any such request must be made in writing to the Vice President of Student Services within three (3) working days after notification of the decision.

1. Contents of the Appeal Request.

The appeal request must include:

- a. The name of the individual/organization requesting the appeal;
- b. The disciplinary action being appealed and the date the disciplinary action took place;
- c. The grounds for the requested appeal. The appeal must be based on one or more of the following grounds:
 - i. Procedural or prejudicial error was committed. The specific errors alleged must be stated;
 - ii. The facts upon which the decision was based included inaccurate information. The inaccurate information appealed from must be stated;
 - iii. Specific information presented at the hearing/disciplinary conference is objectionable. The reason for the objection must be stated (i.e. why specific information should not have been considered);
 - iv. Information not offered at the hearing/disciplinary conference is now available. The reason why the information was not offered during the original hearing/disciplinary conference must be stated;
 - v. The sanction imposed is excessive or inappropriate. The reason for believing this must be stated.

2. Decision on Appeal:

- a. Upon review of the appeal, the Vice President of Student Services, or his/her designee, may take any of the following actions:
 - i. Deny the appeal request.
 - ii. Grant the appeal request and refer the matter to the Dean of Students for reopening of the hearing/conference to allow reconsideration of the original decision and/or the sanctions imposed. In the event of such referral, the Vice President of Student Services (or his/her designee) will provide a written rationale for the referral, in accordance with one or more of the grounds for appeal detailed above.
- b. Except as required to explain the basis of new information, an appeal shall be limited to review of

the tape recording of the most recent official hearing and supporting documents.

- c. Any review of the sanction(s) in a non-academic discipline process may not result in more severe sanction(s) for the accused student/organization. On review, the sanction may remain as originally determined or may be reduced.

V. DISCIPLINARY ACTIONS AND SANCTIONS

A. Student Sanctions

The following list is not designed to be all-inclusive, but offers examples of the more severe sanctions that may be imposed upon an individual student for infraction of regulations.

1. Disciplinary Probation - This sanction is an official warning that the student's conduct is in violation of CNM regulations or local, state and/or federal laws. Students placed on disciplinary probation are deemed to be not in good standing with CNM. The duration of the probationary period, and conditions imposed, shall be set by the Hearing Officer or Hearing Committee and shall be in proportion to the seriousness of the misconduct. Duration will be at least 30 days, but may be extended indefinitely. Depending on the circumstances and at the discretion of the hearing officer(s), additional stipulations may be enforced. These additional stipulations may be, but are not limited to, withholding of transcript or degree; suspension of rights and privileges; suspension of eligibility to participate in official extracurricular activities; restitution; and referral-for counseling. During the probationary period, reported violations of the Code of Conduct or conditions of the probation will result in further sanctions which will be more severe than like sanctions for students not on-probation. This action may include, but is not limited to, extension of the probationary period, the addition of other restrictions or conditions to the probationary agreement, suspension, dismissal, expulsion and notation on the student's transcript.

A student who has been placed on indefinite disciplinary probation may petition to have the probation lifted. This petition will not be acceptable if submitted sooner than one calendar year from the date the probation began. Students must petition through the Dean of Students Office. The Dean of Students or the CNM Discipline Committee reviews the petition and makes a recommendation to the Vice President for Student Services or designee, whose decision is final.

2. Disciplinary Suspension - Disciplinary suspension is the disenrollment of a student from CNM for a defined period of time. Most suspensions will last a minimum of one full term. However, the length of the suspension shall be at the discretion of the Hearing Committee. Students may reenter CNM at the conclusion of the suspension.

3. Dismissal - Dismissal is the disenrollment of a student for an indefinite period of time and includes a "minimum timeframe." In most cases the minimum timeframe is one year, which means the student may not petition to reenter CNM for at least one year. Extended minimum timeframes may also be defined. The length of the dismissal shall be at the discretion of the Hearing Committee. Students seeking to reenter CNM after completion of the minimum timeframe may do so only by consent of the Vice President of Student Services. Requests for reentry must be submitted in writing.

4. Expulsion - Expulsion is the disenrollment of a student whereby the student is not eligible for readmission to CNM. A permanent notation of expulsion will be placed on the student's transcript.

B. Interim Suspension - In certain circumstances, the Dean-of Students or designee may impose; an immediate, short-term suspension pending further investigation and hearing. In such cases, the Dean or representative will establish a hearing date to occur as soon as practicable, and in any event within ten (10) working days of imposition of any interim suspension.

1. Interim suspension may be imposed only 1) to protect the safety and well-being of members of the CNM community or preservation of CNM property; 2) to protect the student's own physical or emotional safety and well-being; or 3) if the student poses a definite threat of disruption to or interference with the normal operations of CNM.
2. During the interim suspension, the student shall be denied access to the campus (including classes) and/or all other CNM activities or privileges for which the student might otherwise be eligible, as the Dean of Students may determine to be appropriate.

C. Student Organization Sanctions

The following are possible sanctions that may be imposed upon a student organization for infraction of regulations:

1. Disciplinary Probation - This sanction is an official warning that the organization's conduct is in violation of CNM regulations or local, state and/or federal laws. Organizations placed on disciplinary probation are deemed to be not in good standing with CNM. The duration of the probationary period and conditions imposed shall be in proportion to the seriousness of the misconduct. Duration will be at least 30 days, but may be extended indefinitely. Depending on the circumstances, and at the discretion of the Dean of Students, additional stipulations may be enforced. These additional stipulations may be, but are not limited to, suspension of rights and privileges, suspension of eligibility to participate in official extracurricular activities and restitution for damages.

During the probationary period, reported violations of the Code of Conduct or conditions of the probation will result in further sanctions which will be more severe than the sanctions for student organizations not on probation. These sanctions may include, but are not limited to, extension of the probationary period, the-addition of other restrictions or conditions to the probationary agreement, or suspension or termination of CNM recognition/charter.

The organization may return to a status of good standing with CNM at the conclusion of the probationary period, assuming all conditions have been satisfied, and upon gaining approval from the Dean of Students.

2. Suspension of CNM Charter or Recognition – This sanction may be imposed when the organization's conduct is in violation of CNM's regulations or local, state and/or federal laws. Pursuant to this sanction, the organization's charter or recognition with CNM, along with all privileges afforded a recognized student organization, is withdrawn for a specified period of time, pursuant to the procedure outlined in § IV.C, supra. Any suspension of charter or recognition imposed will last a minimum of one full calendar year. As with disciplinary probation, additional conditions may be attached and further disciplinary action may result if conditions are not met. Reinstatement of any organization's charter/recognition can only

be granted by the Vice President of Student Services after the period of suspension when all conditions of the suspension have been met.

3. Termination of CNM Charter or Recognition - This sanction may be imposed when the organization's conduct is deemed to be in violation of CNM's regulations or local, state and/or federal laws, pursuant to the procedures outlined in § IV.C, supra. This sanction will result in the immediate withdrawal of the organization's charter or recognition with CNM, along with all privileges afforded a chartered/recognized student organization. The organization will not be eligible for reinstatement of its charter or recognition for a minimum of five (5) years. Reinstatement of an organization's charter or recognition may only be granted by the Vice President of Student Services

VI. INTERPRETATION

Any question of interpretation regarding the Student Code of Conduct shall be referred to the Dean of Students or his/her designee for final determination.

VII. AMENDMENTS AND/OR REVISION TO THE CODE OF CONDUCT

Recommendations for changes related to the non-academic discipline process will be referred to the Dean of Students. The Dean of Students reviews the Code of Conduct as needed and recommends changes to the Vice President for Student Services.

VIII. STATEMENT OF LIMITATIONS

No student or student organization shall be subject to disciplinary procedures due to alleged violation of CNM's regulations unless procedures are initiated within one year from the time the alleged misconduct occurred or was made known to the Dean of Students, whichever occurs later. The one-year period of limitation, as referred here, will apply only while the student is enrolled at CNM. If the disciplinary procedures cannot be completed for reasons beyond the control of CNM, a time limitation will not be imposed.