



5.25 – SSCC Consequences for Violation



arp.nmsu.edu/5-25

PART 1: STUDENT CONDUCT RECORD v080519

- A. **No “Conduct Record”:** Students found “not responsible” after a hearing or after appeal, or whose SSCC conduct case is otherwise dismissed by the Case Administrator, do not have an official “SSCC conduct record”. The documentation associated with the SSCC conduct case is maintained by the Dean of Students or designee, in accordance with applicable state record retention laws and NMSU policy, but is not reportable as a conduct record.
- B. **“Conduct Record”:** If a Student is found responsible and sanctioned in an SSCC conduct proceeding, this finding results in an official “conduct record” that is accurately disclosed to third parties when disclosure is legally authorized by the subject Student or when required by law.
- C. **Preservation of SSCC Conduct Case Record:** The documentation from each step in the SSCC conduct process (investigation, Educational Conference, hearing and appeal) is maintained in a case file by the Dean of Students or community college designee. The case file includes copies of correspondence, Notices, and segregated sections for hearing and appeal records, if any. Attorney-client privileged material is not part of the SSCC case file.
- D. **Transcript Notation for Certain Sanctions:** A Sanction of suspension or dismissal, or the withholding or revocation of a degree or diploma, is permanently noted on the Student’s official transcript or, in the case of a Student Organization, on its official charter or other appropriate recognition of status documentation.

PART 2: TYPES OF SANCTIONS

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

- A. **Documented Verbal Warning:** A verbal warning is used for less serious and first time SSCC 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 NMSU 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 NMSU Community. Individual Respondents may remain enrolled or re-enroll while on this status.
- D. **Restricted NMSU Privileges or Activities:** Under this Sanction, a Respondent is restricted from specified NMSU privileges or participation in NMSU activities for either a certain time period or indefinitely. Examples include restrictions on access to equipment, athletic functions, student union, libraries, parking lots, NMSU 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 NMSU 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 SSCC. 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 NMSU Accounts Receivable.
- F. **Service to NMSU:** The Respondent is required to complete a specified number of hours of service at an NMSU campus, or in furtherance of NMSU 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 NMSU 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. **Change or Revocation of Housing Assignment:** The Respondent is required to (a.) relocate to a new NMSU Housing assignment; (b.) leave NMSU Housing for a specified period of time; or (c.) leave NMSU Housing permanently.
- J. **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.

- K. **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 NMSU policy, the suspension previously deferred is effectuated in accordance with “Suspension” below.
- L. **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 NMSU 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.
- M. **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 NMSU 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.
- N. **Withholding or Revocation of Academic Award:** Upon approval from the campus president, NMSU 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 Regents, a degree or diploma already conferred may be revoked.

PART 3: 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 SSCC 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 NMSU privileges, suspension or dismissal, then the time period will clearly be stated, and to the extent feasible, will correspond to the NMSU academic schedule (e.g. semesters, compressed course schedule).

PART 4: 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 dean of students or community college designee to have the Sanction lifted in accordance with the process below.

- A. **Petition Requirements:** The petition should explain why NMSU may expect the Respondent's conduct to comport with the SSCC 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.
- B. **Other Factors Considered:** Other factors to be considered include:
1. 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;
 2. the academic accomplishments and status of the Respondent;
 3. the best interest of the involved parties and of the institution of NMSU.
- C. **Review of Denial of Petition:** If the petition is denied, the Respondent may seek a final review from the vice president of student success who will review the same factors before rendering a final decision.
- D. **Time Limitation on Future Petitions:** If denied by the vice president of student success, the Respondent may not petition again for another two years.

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- L. **Suspension:** The ~~Respondent~~ Respondent's enrollment is ~~required to leave NMSU and not be enrolled, or charter recognized, 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 NMSU 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. ~~See ARP 16.21 No Trespass Directive Restricted Campus Access).~~
- M. **Dismissal:** The Respondent is ~~required to leave NMSU~~ dismissed from all courses, and denied re-admission for ~~an indefinite~~ a period of ~~time 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 NMSU 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.
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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.
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- A. Petition Requirements: The petition should explain why NMSU may expect the Respondent's conduct to comport with the SSCC 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.
- B. Other Factors Considered: ~~Other~~ factors to be considered ~~in rendering the decision on the petition~~ include:
 - ~~B.1.~~ 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;~~ the best interest of the involved students and of the institution of NMSU.
 2. the academic accomplishments and status of the Respondent;
 3. the best interest of the involved parties and of the institution of NMSU.
- C. Review of Denial of Petition: If the petition is denied, the Respondent may ~~appeal to~~ seek a final review from the vice president of student success who will review the same factors before rendering a final decision.
- D. Time Limitation on Future Petitions: If denied by the vice president of student success, the Respondent may not petition again for another two years.