

Appendix ARP 5.11-A Procedures for Resolving Alleged Student Academic Misconduct (Effective Aug. 13, 2018)

*days are business days

ACADEMIC MISCONDUCT ALLEGED: Within 5 days* of learning of possible course level or university level misconduct, [ARP 5.10 Part 4. D.; 5.11 Part 2. D.], the Academic Integrity (AI) Investigator completes Academic Misconduct Report Form (Form) and transmits to Academic Conduct Officer (ACO). [ARP 5.11 Part 2. C.]

NOTICE TO STUDENT BY ACO: Unless an exception applies (ARP 5.11 Part 2 E.), within 5 days* of receipt of Form, the ACO notifies student of allegation and imminent investigation [ARP 5.11, Part 2 E.]

FOLLOW THE FACTS: The ACO consults with General Counsel to determine appropriate process as the ACO is advising AI. [ARP 5.11 Part 2. D.] The AI Investigator conducts fact finding investigation, with guidance as needed from ACO. [ARP 5.11 Part 3.]

See ARP 5.15 for Degree Revocation or Expulsion; ARP 11.03 - Addressing Allegations of Misconduct in Research

POST- INVESTIGATION THROUGH THE INFORMAL MEETING: AI Investigator and ACO confer.

- AI Investigator and ACO agree there is not Clear and Convincing Evidence to support a finding of an AI violation: Matter is closed. Student is notified; and any Level I Sanction (if already imposed) is reversed. [ARP 5.11 Part 4. C.] OR
- AI Investigator and ACO agree Clear and Convincing Evidence supports a finding of an AI violation and jointly agree on appropriate sanction. ACO notifies student. Level I Sanction may be imposed. Level II Sanction cannot be imposed until after all steps in hearing and appeals process complete. [ARP 5.11 Part 4. D. - G.] If the student accepts findings and sanction: Matter is closed.
- If AI Investigator and ACO don't reach consensus on findings or sanction, they confer with appropriate dean(s) for direction before proceeding. [ARP 5.11 Part 4 B.]
- If student contests findings or sanction, or does not attend the Informal Meeting after it is noticed, the ACO sets the matter for hearing with a Hearing Panel - finds out parties' availability dates for hearing before they leave Informal Meeting.

CASE CLOSED

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PRE-HEARING COORDINATION

- ACO sends Notice of Hearing within 5 days* after Informal Meeting and convenes Hearing Panel to hear case within 20 days* after Informal Meeting. [ARP 5.11 Part 6 A. and B.]
- Parties exchange evidence packets and witness lists no later than 5 days* prior to hearing and provide copy to ACO who distributes to Hearing Panel members. [ARP 5.11 Part 6 C.]

PARTIES PRESENT TO 3 MEMBER HEARING PANEL

- Hearing Panel hears evidence presented by the parties and decides whether or not there is Clear and Convincing Evidence supporting a finding of academic misconduct. [ARP 5.11 Part 6. E. - H.]
- The Hearing Panel's decision must be issued within 10 days* after the hearing.
- For Level I sanctions, the Hearing Panel's Decision is final. [ARP 5.11 Part 6 I.]
- For Level II sanctions, the Hearing Panel's decision must advise the parties of right to seek a final review (based on the hearing record) from the EVP/Provost or designee. [ARP 5.11 Part J.]

CASE CLOSED

STUDENT REQUESTS FINAL REVIEW OF MATTER INVOLVING LEVEL II SANCTION

- Within 5 days* after receipt of Hearing Panel's decision, parties may submit a Request for Final Review to the Office of the EVP/Provost, copy to ACO and other party. [ARP 5.11 Part 6. J. and Part 7. A.]
- ACO has 10 days* to assemble the hearing record and deliver to EVP/Provost. [ARP 5.11 Part 7 B.]
- EVP/Provost or designee reviews record and issues decision upholding, modifying or reversing the Hearing Panel's decision w/i 20 days* after receipt of hearing record. [ARP 5.11 Part 7. C.]
- Final Decision is sent to parties, and copied to ACO, who has additional reporting obligations.

CASE CLOSED

AFTER HEARING AND FINAL REVIEW (IF ANY) IS COMPLETE:

1. Level II sanctions are imposed.
2. Suspensions and dismissals may be deferred to end of semester at discretion of EVP/Provost.
3. Pending the student's completion of the sanction, NMSU may administratively prohibit student's registration, continuing participation in studies or Student Life activities.
4. ACO reports final outcome to dean(s), registrar for update to educational records and Dean of Students for NMSU reporting obligations.