



Student Disciplinary Action and Conduct Procedure for Failure to Comply with the Administrative Mandate

Required Covid-19 Testing or Covid-19 Vaccination Documentation

The Student Social Code of Conduct (SSCC) is authorized by the Regents of New Mexico State University (NMSU) as set forth in the Regents Policy Manual (RPM) 5.20. Rules 5.20 through 5.26 of the Administrative Rules and Procedures of NMSU (ARP) collectively constitute the SSCC, which clarifies student rights and responsibilities, and the role of Student Life, overseen by the Dean of Students.

The Dean of Students oversees student conduct matters for the NMSU system, including its community colleges, through the NMSU Vice President for Student Success. Any requirement to be fulfilled by the department of the Dean of Students under the SSCC may be addressed by the Dean of Students, or Dean of Student's designee at any campus.

The following guidance is issued to clarify provisions for disciplinary action when a student fails to comply with the Administrative Mandate on Required Covid-19 Vaccination or Weekly Testing for Covid-19.

The Vaccination and Testing Mandate

16.32 COVID19 Health and Safety Protocols

(Issued on August 3, 2021)

All NMSU system students* and employees at all campuses and offices have the choice to either provide proof of vaccination or proof of a weekly negative COVID-19 test beginning Sept. 30, 2021.

NMSU students will be required to:

1. **Upload** proof of Covid-19 Vaccination to <https://vaxtrax.nmsu.edu/>
OR;
2. **Submit** evidence of weekly testing for Covid-19 after Sept. 30, 2021 (first test result due Oct. 7th, 2021) to <https://vaxtrax.nmsu.edu/>
OR;
3. Be enrolled completely in online classes and access online resources*.

*To enroll in online classes, you should talk to your academic advisor to see how this may impact your degree plan. Not all classes that are in person are offered in an online format. **Students who are solely taking classes online and are not utilizing on-campus resources will not have to submit a vaccination record or test weekly.***



NMSU COVID-19 – FALL `21 TESTING CALENDAR

Below are important dates to keep in mind.

Sept 30	Proof of vaccination must be uploaded to VAX/TEST Website or begin testing process.
Oct 4 (Monday)	Recommended weekly testing date
Oct 7 (Thursday)	* Due Date - Weekly Covid-19 test report will run Friday
Oct 11 (Monday)	Recommended weekly testing date
Oct 14 (Thursday)	* Due Date - Weekly Covid-19 Test Results
Oct 18 (Monday)	Recommended weekly testing date
Oct 21 (Thursday)	* Due Date - Weekly Covid-19 Test Results
Oct 25 (Monday)	Recommended weekly testing date
Oct 28 (Thursday)	* Due Date - Weekly Covid-19 Test Results
Nov 1 (Monday)	Recommended weekly testing date
Nov 4 (Thursday)	* Due Date - Weekly Covid-19 Test Results
Nov 8 (Monday)	Recommended weekly testing date
Nov 11 (Thursday)	* Due Date - Weekly Covid-19 Test Results
Nov 15 (Monday)	Recommended weekly testing date
Nov 18 (Thursday)	* Due Date - Weekly Covid-19 Test Results
** TESTS ARE NOT REQUIRED FOR UPLOAD DURING FALL BREAK **	
<i>Students are encouraged to test before they travel for the Thanksgiving holiday/Fall Break to protect family and reduce community spread.</i>	
Nov 29 (Monday)	Recommended weekly testing date
Dec 2 (Thursday)	* Due Date - Weekly Covid-19 Test Results
TESTS ARE NOT REQUIRED FOR UPLOAD DURING FINALS	
<i>Students are encouraged to test before they travel for the holiday/winter break to protect family and reduce community spread.</i>	
* Test results reports will be run and reviewed on Fridays each week.	
<i>Students who fail to comply with the NMSU Covid Safe Practices (i.e. vaccination or weekly testing, self-reporting and/or quarantine/isolation requirements) will be referred to the Student Conduct Process.</i>	



Students who fail to comply with the NMSU Covid Safe Practices (i.e. vaccination or weekly testing, self-reporting and/or quarantine/isolation requirements) will be referred to the Student Conduct Process. Adjudication for violations of NMSU policy is done through the Office of Student Conduct and Community Standards within the Department of Student Life. Sanctions for violations of the Covid-19 testing requirement are outlined below and may result in a student facing sanctions up to suspension from NMSU for the semester.

Violation & Sanctions for COVID-19 Vaccination & Testing Requirement	
Below are the sanctions for students who do not provide proof of a Covid-19 vaccination <u>AND</u> fail to document their negative testing status weekly.	
1st Missed Test	Written Warning
2nd Missed Test	Conduct Probation through end of current semester
3rd Missed Test	Deferred Suspension through end of current semester
4th Missed Test	Suspension through end of current semester
<p><i>* An administrative conduct hearing will be held to determine if those that had more than one missed sanction should be found in violation. If found not in violation, no sanction will be imposed.</i></p> <p><i>** Students found in violation of more severe Covid-19 Policies could see an accelerated disciplinary process and more severe sanctions, including interim suspension, based off of the impact to the community.</i></p>	

Students who are suspended for the semester due to a 4th missed test or more severe Covid-19 violation will be administratively withdrawn from their classes. Students will not receive a refund for any classes that they are administratively withdrawn due to conduct sanctions.

Suspension from the University will result in termination of student employment, including graduate student contracts. For students who have Fall 2021 financial aid resources, future eligibility for such aid may be impacted. For questions about eligibility, please contact the Financial Aid Office at <http://fa.nmsu.edu>



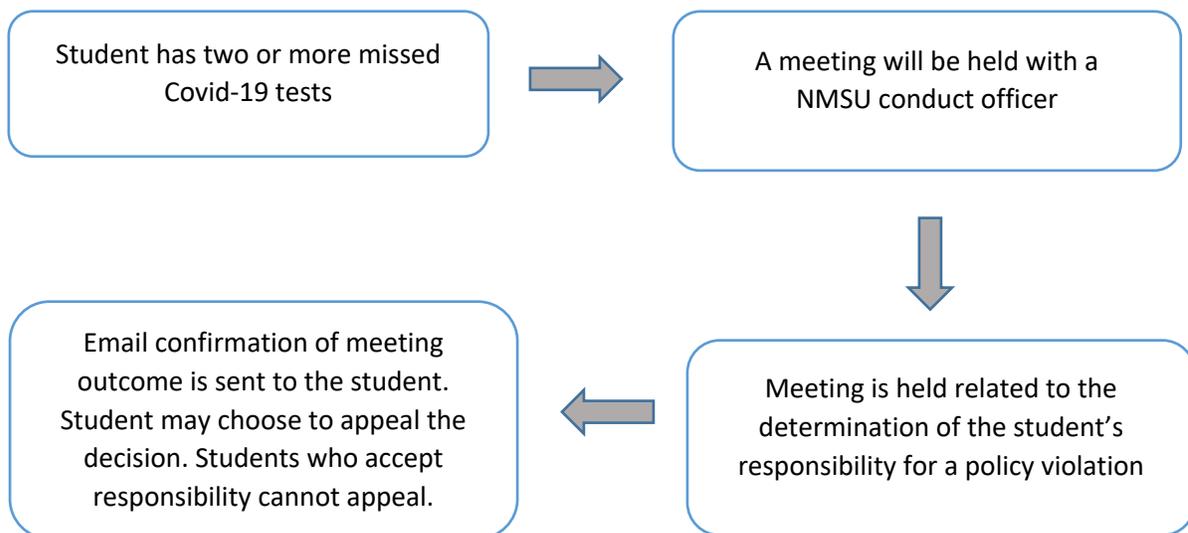
Students who **are suspended will not** be permitted to continue living on campus in NMSU owned housing. This includes Tom Fort, Sutherland Village, Cervantes and other Family Housing Units.

Students suspended for the remainder of the semester may enroll in classes for Spring 2022 and future semesters at the discretion of the University. Further violations of the Student Social Code of Conduct and policy describe herein may result in further disciplinary action including suspension and expulsion.

A student will start each semester with **zero** missed Covid-19 tests, regardless of disciplinary action taken in the semesters prior. This includes those students who have been suspended from NMSU for missed Covid-19 tests.

The Student Conduct Process

- A. This document will be posted on the NMSU Student Handbook and NMSU's Pandemic Action Website – <http://now.nmsu.edu>.
- B. Students will be notified of this policy via their NMSU email including potential disciplinary action for any missed required testing
- C. Any students who miss more than one mandatory test report will go through the student conduct process outlined below.



If a student has more than one missed test, they will be charged with **ARP 5.22 AC. Violation of NMSU Policy**. The student will be notified of a meeting date, time, and location at least 5 business days in advance of the meeting with a conduct officer assigned by the Office of Student Conduct & Community Standards. Information about



the meeting and options to accept responsibility or contest the charges will be sent in the appointment notification letter.

At any time before and/or during the meeting, a student may accept responsibility for the charges, sanction, and waive their right to a hearing and appeal. If a student chooses to deny responsibility for violating the Covid Safe Practices policy in the first meeting will have an administrative hearing scheduled with a different conduct officer. Failure to respond or appear for a meeting will result in additional charges and/or a decision may be made in absentia based on the information available at the time of the hearing.

A student conduct hearing will afford the student an opportunity to address the charges, and present information. The student will be notified of the decision at the end of the hearing, and confirmed via NMSU email. The decision letter will state if the student was found responsible or was found not responsible. If found responsible, information as to appeal procedures will be stated in the letter.

Students choosing to appeal a decision must complete an online request within 5 business days of the hearing. The appeal will be administratively reviewed by the Vice President of Student Success. The appeal party must assert at least one of the following grounds for appeal and establish that a different outcome would have resulted if it were not for the grounds:

- i. Procedural error
- ii. Conflict of Interest or Bias
- iii. Arbitrary or Capricious
- iv. New evidence
- v. Nature/Level of Sanction

More information about the process for appealing a hearing decision will be in the determination letter or can be found at [5.26 – SSCC Conduct Case Procedures](#).

** Students enrolled in NMSU online courses only are exempt from the vaccine and testing protocols, provided that they do not live on campus and will not visit campus at any time to fulfill program requirements or participate in campus activities.*