



**BE BOLD.** Shape the Future  
**Division of Student Success  
& Enrollment Management**

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**Required Covid-19 Testing or Covid-19 Vaccination Documentation**  
**Student Disciplinary Action and Conduct Procedure for**  
**Failure to Comply with the Covid-19 Health & Safety Protocols**

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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 (not employed by NMSU) fails to comply with the Administrative Mandate on Required Covid-19 Vaccination or Weekly Testing for Covid-19. NMSU employment expectations and actions related to [Covid-19 Health & Safety Protocols](#) are addressed by [ARP 16.32](#).

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**The Vaccination and Testing Mandate**

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**16.32 COVID19 Health and Safety Protocols**

**All NMSU system students have the choice to either provide proof of vaccination with booster or proof of a weekly negative COVID-19 test.**

In accordance with Executive Order 14042 on Ensuring Adequate COVID Safety Protocols for Federal Contractors and the follow-up guidance released Sept. 24 by the Safer Federal Workforce Task Force, all NMSU system employees (*including student employees*) must provide proof of vaccination by January 4, 2022.

**NMSU students are required to:**

1. **Upload** proof of Covid-19 Vaccination with booster by Feb. 9th, 2022 to <https://crimsonconnection.nmsu.edu/> or <https://vaxtrax.nmsu.edu/>  
**OR ;**
2. **Submit** evidence of weekly testing for Covid-19 after Feb. 9th, 2022 to <https://crimsonconnection.nmsu.edu/>  
**OR ;**
3. Be enrolled completely in online classes and access online resources.

*\* To enroll in online classes, you are encouraged to 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.***

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**See the Spring 2022 Covid-19 Testing Calendar  
for recommended testing date information.**

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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.

<b>Violation &amp; Sanctions for COVID-19 Vaccination &amp; Testing Requirement</b>	
<b>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.</b>	
<b>1st Missed Test</b>	Written Warning
<b>2nd Missed Test</b>	Conduct Probation through end of current semester
<b>3rd Missed Test</b>	Deferred Suspension through end of current semester
<b>4th Missed Test</b>	Suspension through end of current semester

*\* 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.*

*\*\* 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.*

Students who are suspended for the semester due to a 4<sup>th</sup> 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.

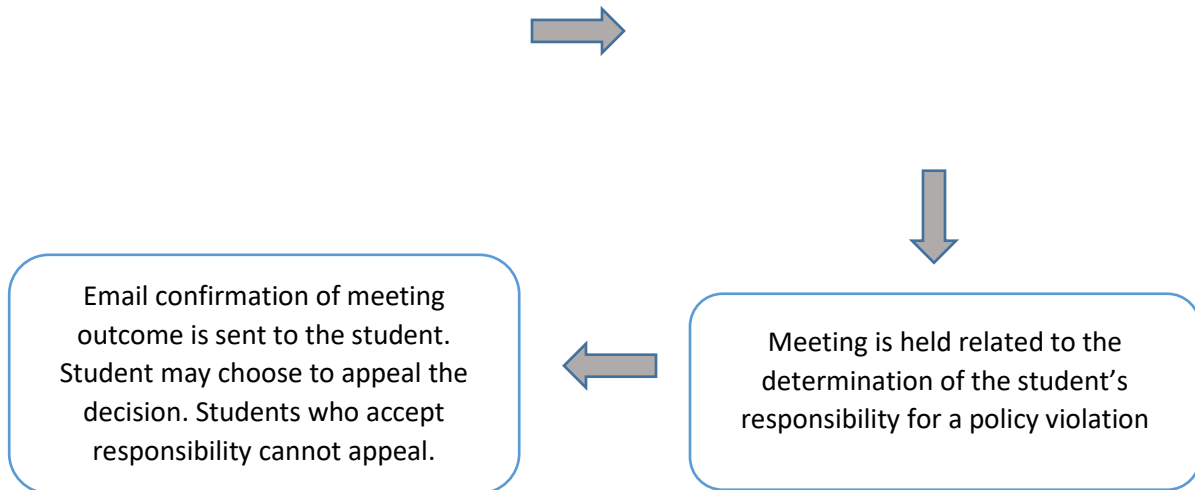
A student will start each semester with **zero** missed Covid-19 tests, regardless of disciplinary action taken in the semesters prior. This includes those students who have been suspended from NMSU for missed Covid-19 tests.

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### **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](#).