

## **Academic Disruptive Behavior Policy**

### **Purpose**

Western New Mexico University promotes teaching and learning environments that are respectful of everyone's right to a high-quality, disruption-free experience whether courses are in-person, hybrid, or online. Faculty have the responsibility and authority to effectively manage their course environments in all settings. Faculty should establish, communicate, and enforce reasonable rules of academic behavior and decorum via the syllabus and academic discussion. Students with or without disabilities need to adhere to reasonable behavioral standards. Students with disabilities should discuss their accommodation requests with the Student Accessibility Services Office.

This policy is not intended to discourage appropriate academic expression, discussion, or disagreement, but to promote respectful interactions. This policy applies to face-to-face, hybrid, and online learning environments including laboratories, clinicals, internship placements, physical and virtual office spaces, verbal, written, and online communication, and all other academic activities. The consequences of disruptive behavior will be determined by the nature, severity and/or frequency of the behavior, based on the discretion and judgment of the impacted faculty member. As a general matter, the faculty member or University will attempt to correct disruptive behavior through the disciplinary steps outlined in this policy, but there is no promise of progressive discipline and the faculty member and University have full discretion to proceed with progressive discipline or to omit any and all steps in the progressive discipline process, as circumstances warrant.

Nothing in this policy is intended to preclude or supplant individual department rules for ethical or other expected conduct.

### **Definition of disruptive academic behavior**

Disruptive behavior is prohibited.

Disruptive behavior or disruptive academic behavior is defined as an act that is disorderly, that might include but is not limited to behavior that disrespects, disrupts, harasses, coerces, abuses, and/or might threaten or harm property or person, so that it interferes with an orderly academic environment, teaching process, or learning function.

Examples include, but are not limited to:

- Failing to respect the rights of other students to express their viewpoints
- Constant questions or interruptions that interfere with instruction
- Inordinate or inappropriate demands for time and attention
- Overt inattentiveness that detracts from the learning environment
- Creating excessive noise
- Use of obscenities
- Making/receiving personal phone calls
- Leaving class frequently in the absence of notice and good cause

- Distracting side conversations
- Interrupting other speakers or speaking out without being recognized
- Refusal to comply with reasonable faculty instructions
- Intentionally undermining the authority or expertise of the faculty member or integrity of the course curriculum

More extreme examples of disruptive behavior include, but are not limited to:

- Verbal or physical threats or harassment
- Physical violence
- Intoxication
- Angry or rude outbursts
- Written or verbal abuse (e.g. using profanities or insults, being unreasonably critical of others, etc.)
- Refusal to comply with WNMU or state and federal guidelines related to WNMU health and safety

### **Limitation of Policy**

This policy addresses disruptive student behavior in academic contexts as defined here and generally applies to a particular classroom or course of instruction, with consequences for violations mainly related to the particular course in which the disruption occurs. Other types of student behavior issues are addressed in the Student Code of Conduct and the Student Conduct Review Process as outlined in the WNMU Student Handbook. Notwithstanding the foregoing, disruptive academic behavior may also violate the Student Code of Conduct and the University may address the behavior under this Policy and the Student Code of Conduct.

Speech or expressive behavior protected by student free speech rights guaranteed by the U.S. and New Mexico Constitutions is not disruptive behavior. The expectation at the University is that students must maintain appropriate behavior regardless of their viewpoints. This policy applies to disruptive actions or speech by students that negatively impacts the educational environment, and does not apply to prohibit the expression of any particular views or opinions of any individuals or groups that does not disrupt the educational process.

### **Learning Environment Management**

This policy acknowledges the need for protection of academic freedom in all learning environments, for faculty authority in course management, and for faculty and student safety in academic environments.

### **Due Process**

This policy respects faculty and student rights to due process in any event emanating from disruptive student behavior in all learning environments.

### **Process**

Any instance in which disruptive behavior appears to compromise the safety of or is threatening to faculty, staff, or student(s) shall result in immediate dismissal of the student from the course by the faculty member.

If the student refuses to leave the physical classroom voluntarily, and/or in the event of imminent danger to person or property, Campus Police will be called, and immediate removal shall result. ***In this instance, an incident report, accessible through Mustang Express, must be completed.***

Extreme, severe, or persistent behavior shall result in temporary or permanent dismissal from the course regardless of academic setting. ***In this instance, an incident report, accessible through Mustang Express, may be completed.***

Temporary or Permanent dismissal may occur without the progressive disciplinary steps outlined below.

### **Progressive Disciplinary Steps:**

Progressive discipline is not required but, in general may follow the steps outlined herein to correct disruptive academic behavior. It is possible, given the severity and circumstances of the incident, that a first-time violation may result in the most serious consequences.

### **Warning**

Disruptive academic behavior may result in an immediate verbal or written warning by the faculty member followed by a formal written warning provided to the student within 24 hours of when the faculty member becomes aware of the infraction.

The written warning shall contain written documentation of the following:

1. A description of the behavior that is in violation of the policy
2. A description of the expected corrective actions that the student must enact
3. A description of further consequences for the student if they fail to take corrective action
4. A copy of this Academic Disruptive Behavior Policy

The student should acknowledge receipt of the written warning in writing within 1-3 WNMU business days of receiving the written warning. The student may write a response, if desired, to explain any context surrounding their behavior that they feel is important to acknowledge and whether they agree or disagree with the warning and/or agree to adjust their behavior as recommended.

### **Temporary Dismissal**

Disruptive academic behavior may result in the temporary dismissal of the student from the course if in-person, or removal of the student's ability to participate in an online course. A student who has been temporarily dismissed or suspended from a classroom or from participation in an online course must communicate with the faculty member and chair or associate dean of the department by meeting in-person, by videoconference, by telephone, or

in writing, and receive approval, prior to returning to in-person class or resuming participation in an online course.

For cases where the student is temporarily dismissed from course:

1. The student will be immediately dismissed from the course or suspended from participation in an online course by the faculty member. The faculty member will notify the online course administrator to change the student's participant status in the course.
2. The faculty member shall document the behavior and report the incident to their chair or associate dean within 24 hours of the temporary dismissal.
3. The faculty member shall provide written notice of temporary dismissal to the student within 24 hours of temporary dismissal from the course.
4. The notice of temporary dismissal shall contain written documentation of the following:
  - a. A description of the behavior that is in violation of the policy
  - b. A description of the expected corrective actions that the student must enact
  - c. A description of further consequences for the student if they fail to take corrective action
  - d. A copy of this Academic Disruptive Behavior Policy
5. The student must acknowledge receipt of the notice of temporary dismissal in writing, in person, by videoconference, or by telephone within 1-3 WNMU business days of receiving the written notice addressed to the faculty member and chair or associate dean of the department. The faculty member or chair or associate dean of the department will determine the medium of the communication and it is expected that the student will engage in a meaningful discussion regarding the disruptive behavior. The student shall not return to in-person class or resume participation in an online course until approved by the faculty member or chair or associate dean of the department following the steps outlined herein, which shall occur following the meaningful discussion. The student may write a response, if desired, to explain any context surrounding their behavior that they feel is important to acknowledge and whether they agree or disagree with the warning and/or agree to adjust their behavior as required prior to returning to the next in-person class or resuming participation in an online course. Assignments missed during this period will be accepted at the discretion of the faculty member.

A student may request a third party agreeable to both the faculty member and themselves to assist in resolving their difference with the faculty member. They can do so by contacting the faculty member and the chairperson or associate dean of the department housing the course in which the event occurred.

## **Permanent Dismissal**

In the event of a request for permanent removal from the course, the faculty member shall notify the chair or associate dean of the department in which the course is housed who shall then notify the chair or associate dean of the student's major department, the dean of their college, the Vice President for Academic Affairs and copy Executive Administrative Assistant of the Academic Affairs, and the Vice President of Student Affairs. In the event of permanent dismissal as a result of an incident of extreme disruptive behavior that is deemed a potential threat to the health, safety, or wellbeing of students, faculty, or staff, WNMU campus police will be called and an incident report form shall be completed. A student who has been permanently dismissed from the course shall be withdrawn resulting in a W or F on the student's transcript.

For cases where the student is requested to be permanently removed from the course:

1. The student will be immediately dismissed from the course or suspended from participation in an online course by the faculty member. The faculty member will notify the online course administrator to change the student's participant status in the course.
2. Within 24 hours of dismissal from the course, a formal written notice shall be sent by the faculty member to the student and shall contain the following:
  - a. A description of the behavior that is in violation of the policy
  - b. A notification that the faculty member seeks to permanently dismiss the student from the course
3. The student will remain in temporary dismissal status pending a hearing by a review panel convened at the request of the chair or associate dean of the department housing the course within 3 WNMU business days from the date of the notice. The panel shall include three faculty members from the Discipline Committee.
4. Subject to approval by the Review Panel, a student brought before the Review Panel has the right to invite a third party to provide support. The student must notify the Review Panel at least 24 hours prior to the meeting of the student's intent to bring a third party support person. This third party does not have the right to speak on behalf of the student at the hearing. Within 3 WNMU business days of the written notice, a hearing shall be convened by the review panel where the student is provided the opportunity to hear evidence against them and may rebut that evidence. If the student's behavior was perceived as sufficiently threatening or severe, either party may invoke the right to a separate interview or may submit written testimony to allow for fact finding by the panel.
5. The review panel will make a final determination within 1 WNMU business day of the conclusion of the hearing and will provide their decision in writing to the faculty member, the student, the chair or associate dean of the department, and the dean of the college.
  - a. If the decision to remove is upheld, the student is permanently dismissed from the course.

The chair or associate dean of the department in which the course is housed will notify the registrar in writing that the hearing has occurred and the decision to remove the student from the course has been upheld.

The review panel will determine whether the student will receive a W or F, depending on the time frame of the infraction as well as other pertinent factors involved in the case. The review panel will notify the registrar of its decision.

The review panel, in its discretion, will also develop a plan and/or conditions for the student to re-take the course in the future and/or assist the department chair/associate dean in which the course is housed in finding an alternate course to be substituted.

The registrar will remove the student from the course and the student will receive a grade of W or F per the review panel's decision.

- b. If the decision to remove is not upheld, an agreement between the faculty member and student is facilitated by the hearing officer(s) before the student is allowed back into the course.

### **Right to Appeal**

The student may appeal the decision of the review panel in writing outlining the rationale for appeal to the University Provost within 2 WNMU business days of the review panel's decision. The Provost will provide a decision within 3 WNMU business days of receiving written notice of appeal. The decision of the Provost is final.

The professor may appeal the decision of the review panel in writing outlining the rationale for appeal to the University Provost within 2 WNMU business days of the review panel's decision. The Provost will provide a decision within 3 WNMU business days of receiving written notice of appeal. The decision of the Provost is final.

### **Retaliation Prohibition**

WNMU will not tolerate retaliation against faculty, students, or staff involved in an Academic Disruptive Behavior complaint. Complaints of retaliation should be reported to the Vice President of Academic Affairs.

### **Retention of Records**

Records pertaining to academic disruptive behavior shall be held in the Office of Academic Affairs.

### **Persistent Misconduct**

If a student repeatedly disrupts the learning environment and has received sanctions under this policy of W or F from two courses previously, the third W or F may result in expulsion from WNMU. The foregoing is not intended to preclude or limit WNMU's right to seek expulsion

of a student whose disruptive behavior is serious enough to warrant expulsion, notwithstanding a lack of prior violations of this policy. The procedures for imposing an expulsion shall be as set forth in the Student Handbook.