

## Expedited Disciplinary Action and Conduct Procedure for Student Failure to Comply with the Administrative Mandate on Required COVID-19 Vaccination

To protect the University community in response to COVID-19, President of the University of New Mexico Garnett Stokes authorizes and enacts an expedited disciplinary action and student conduct procedure for student failure to comply with the Administrative Mandate on Required COVID-19 Vaccination.

The University of New Mexico Regents' Policy Manual Section 4.2 Student Code of Conduct requires that "The University will take disciplinary action against students for conduct which adversely affects the University's educational function, disrupts community living on campus, interferes with the rights of others to pursue their education, conduct their University duties and responsibilities, or participate in University activities, when the offensive conduct occurs on University premises or at University-sponsored events, or when an offense which occurs off campus is such that failure to take disciplinary action is likely to interfere with the educational process or the orderly operation of the University, or endanger the health, safety, or welfare of the University community." When students do not comply with the Administrative Mandate on Required COVID-19 Vaccination, they adversely affect the health, safety, and welfare of the University community and, in doing so, adversely affect the University's educational function. Failure to comply with the Administrative Mandate requires that the University take disciplinary action.

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. This expedited disciplinary action and student conduct procedure protects student grievance and appeal per Faculty Handbook D175 and D176 and the "Student Code of Conduct" in the Student Pathfinder.

Students who fail to comply with the Administrative Mandate on Required COVID-19 Vaccination by September 30, 2021 must elect, beginning October 1, 2021 and before October 8, 2021 at 11:59 PM: Submission of medically validated COVID-19 tests weekly, with the frequency subject to change based on public health needs, with sample collected in the seven (7) days prior to submission of test results, to the UNM Vaccine Verification site. The first test results must be submitted by Friday, October 8, 2021 at 11:59 PM. Students who elect regular COVID-19 testing will not be disenrolled for Fall 2021 but will receive a registration hold for future semesters, effective Friday, October 8, 2021. This hold will prevent non-compliant students from enrolling for Spring 2022 and beyond. See information on COVID-19 testing, below.

Students who fail to comply with the Administrative Mandate on Required COVID-19 Vaccination by September 30 2021 (see "Failure to comply," below) and do not elect submission of medically validated COVID-19 tests in response to an e-mail from the UNM Vaccination Verification site will be disenrolled from the University on or after November 5, 2021 and will receive a registration hold preventing future enrollment.

Disenrollment from the University will result in termination of student employment, including graduate student contracts. For students who have Fall 2021 financial aid resources (e.g. scholarships, loans, grants and/or work study), future eligibility for such aid may be impacted. Semester withdrawals can affect future financial aid eligibility. For questions regarding eligibility, please contact the Student Financial Aid Office.

The process described herein applies to all UNM students, main, branch, and HSC, but HSC students have additional obligations as members of the health care community to achieve vaccination earlier and may be subject to earlier disciplinary action under this special obligation.

Students who withdraw or are disenrolled after the regular refund deadline for their course type will not be eligible for tuition and fee refunds. Note also that textbooks and course materials purchased through the University Bookstore are also nonrefundable.

In addition, students who withdraw or are disenrolled will not be permitted to continue residency in University of New Mexico owned campus housing. Students may receive a partial refund on housing managed by University of New Mexico and meal plan contracts depending upon the date of withdrawal or disenrollment. Residents of Casas del Rio and Lobo Village are not eligible for a partial refund of housing fees because their contracts are with American Campus Communities and not the University of New Mexico.

Students who have not received notification of approval or denial of a request for exemption by September 30, 2021 will not be subject to disciplinary action until fourteen (14) days after notification is sent to the student.

Students who are not vaccinated or who do not have an approved exemption will not be allowed to enroll at the University of New Mexico in Spring 2022. This registration hold may be extended to Summer 2022 and future semesters as well, at the discretion of the University.

**Failure to comply** with the Administrative Mandate on Required COVID-19 Vaccination includes the following categories:

1. failure to upload valid documentation of COVID-19 vaccination by the deadline of September 30, 2021;
2. failure to request an appropriate exemption with required documentation by the deadline of September 30, 2021;
3. failure to upload documentation of first vaccination within fourteen (14) days after notification that an exemption has not been granted;
4. for students with approved exemptions, repeated failure to submit regular medically validated documentation of COVID-19 test at the required frequency;
5. for students who elect COVID-19 testing beginning October 8, 2021, repeated failure to submit medically validated documentation of COVID-19 test.

The record of compliance or failure to comply through upload of appropriate documentation of vaccination, exemption, and/or testing is maintained in the UNM Vaccination Verification Site system.

**Students who receive a positive COVID-19 test** must [self-report immediately](#) and begin self-isolating following the [NM Department of Health Self-Isolating Guidelines](#).

**COVID-19 Testing:** COVID-19 testing for students who elect testing after October 1, 2021 will be weekly, with the frequency subject to change based on public health needs. The sample must be collected in the seven (7) days prior to submission of test results to the UNM Vaccine Verification site. Tests must be validated by a laboratory or medical provider and must be [viral tests](#) with samples collected from the nose or mouth. The State of New Mexico provides free at-home testing with in partnership with Vault Medical Services: <https://learn.vaulthealth.com/nm/>. These tests must be taken under medical observation in a virtual visit and then mailed to the Vault laboratories. In addition, appointments for COVID-19 tests are available in a variety of locations, see <https://cvprovider.nmhealth.org/directory.html>. SHAC is not available for testing for this testing of asymptomatic students; their clinical capacity is reserved for students who are sick. As of September 1, 2021, testing was free in the State of New Mexico, but any ultimate costs for testing (including transportation and mailing) will be borne by the student receiving the test. Students should retain records of appointments or mailing and submit these records to the vaccination verification site in cases in which they have not received test results on time for weekly upload. In such cases, students should upload test results as soon as they receive them. Repeated failure to submit test results by the date identified in the test result request sent to the student will result in disciplinary action, including possible disenrollment.

## Procedure

### I. Notice

A. This document will be posted on UNM's <https://bringbackthepack.unm.edu>. Further, UNM students and parents of UNM students who are minors, excluding dual credit and concurrent enrollment high school students, will receive notice of this document via the listserv of the UNM Parent and Family Association.

B. Students will receive a minimum of weekly e-mail notification of potential disciplinary action via the UNM vaccination verification site throughout September.

C. Students who have failed to comply with the Mandate by 11:59 PM on September 30, will receive daily notice beginning October 1, 2021 and until October 8, 2021. The notice will communicate that the student has failed to provide appropriate documentation to comply with the Mandate, and must do one of the following:

1. elect test submission and begin submission before 11:59 PM October 8, 2021 of medically valid negative COVID-19 test results on a weekly basis or other frequency determined by UNM in response to public health needs;
2. provide valid documentation of having received the COVID-19 vaccine before 11:59 PM on October 8, 2021.

Notices will also communicate that students who do not respond with “C.1” or “C.2,” above, by October 8, 2021 will be disenrolled from the University, will receive a registration hold for Fall 2021, intersession 2021 and Spring 2022, and potentially future terms, and that the cost of testing is the student's responsibility.

D. After October 8, 2021, students who have failed to comply with the Mandate will receive e-mail notification of one of the following:

1. pending disenrollment, registration hold, and information on right to appeal;
2. election of testing and reminder to submit medically valid documentation of COVID-19 test results every week; notice of registration hold, and notice that disenrollment will be the consequence of failure to submit weekly valid test results;
3. requirement to upload documentation of receipt of COVID-19 vaccine; notice that registration hold and regular testing requirement is in effect until uploaded information is validated and vaccination (including second shot) is complete.
4. status of exemption request, reminder of testing requirements for students with approved exemptions, reminder of requirements for a student whose request for exemption has been denied.

## II. Student Right to Appeal

A. A student may file a written appeal within ten (10) working days of October 8, 2021, or subsequent date, notice of pending disenrollment and registration hold relative to failure to comply with the Administrative Mandate on COVID-19 Vaccination. For notices sent on October 8, 2021, the deadline for submission of appeal is October 22, 2021. The written appeal must be in the body of an e-mail sent from the student's UNM e-mail account and must include banner identification number. The appeal must describe how the student has in fact met the requirements of the Administrative Mandate on COVID-19 Vaccination. E-mail appeals should be sent to [mandateappeals@unm.edu](mailto:mandateappeals@unm.edu).

B. Written appeals submitted to [mandateappeals@unm.edu](mailto:mandateappeals@unm.edu) will be reviewed within ten (10) working days of receipt by a select committee appointed by the President. For students who have been notified of pending disenrollment and registration hold by October 8, 2021, no appeals will be considered after November 5, 2021.

The select committee will review appeals and provide one or two of the following decisions:

1. removal of registration hold for Spring 2022;
2. affirmation of enrollment for Fall 2021;
3. denial of appeal and affirmation of disenrollment and registration hold, with disenrollment effective November 5, 2021, or on completion of select committee review of appeal.

C. A student may file a written appeal to the Board of Regents within ten (10) days of receipt of decision by the select committee. The written appeal of the decision must be in the body of an e-mail sent from the student's UNM e-mail account and must include banner identification number. E-mail appeals to the Board of Regents should be sent to [mandateappeals@unm.edu](mailto:mandateappeals@unm.edu).

D. The Board of Regents will decide whether to hear student appeals at the next regular meeting of the Board.

Only written appeals to the [mandateappeals@unm.edu](mailto:mandateappeals@unm.edu) email address will be considered.