

# ANNUAL CLERY REPORT

2021



THE UNIVERSITY OF NEW MEXICO

## 2021 UNM ANNUAL SAFETY FIRE AND SECURITY REPORT

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## PURPOSE OF THE ANNUAL SECURITY AND FIRE SAFETY REPORT (ASFSR)

The Clery Act requires all colleges and universities across the country to publish an annual safety report by October 1 of each year. This report informs the respective campus communities of Clery reportable crime statistics for the past three years and contains institutional policies and programs that pertain to sexual misconduct, safety, and crime prevention. Doing so informs the entire University of New Mexico (UNM) Main Campus community – including current and prospective faculty, staff, and students – of UNM’s safety features and the Clery Crime Statistics that have been reported at UNM. The Annual Security and Fire Safety Report (ASFSR) is published and distributed by UNM via email to all current faculty, staff, and students each year as part of Clery Act requirements. The ASFSR can also be found on the UNM Campus Safety website, via the [campus safety link](#). The ASFSR is also available in print form upon request from the Office of Compliance, Ethics, and Equal Opportunity (CEEEO), located at 609 Buena Vista NE, Albuquerque, NM 87106.

The information in this report also includes UNM West/UNM Health Sciences Rio Rancho Campus (Rio Rancho Campus). The 40,000 square foot building, located at 2600 College Blvd. NE, in Rio Rancho, NM and houses general-purpose classrooms, a computer lab, a common area, quiet study space and office space, including meeting areas for community groups. The Rio Rancho Campus does not maintain any residential facilities, nor does it have its own campus police.

For the purposes of the Clery Act, the Rio Rancho Campus is considered a “Separate Campus” by the Department of Education because it meets the following:

- UNM owns or controls the site.
- It is not reasonably geographically contiguous with the main campus.
- It has an organized program of students; and
- There is at least one person on site acting in an administrative capacity

### I. Preparing the ASFSR

Each year, the ASFSR is prepared by the Clery Compliance Officer, with the assistance of the UNM Police Department ([UNMPD](#)) and the Clery Committee for UNM Main Campus. Through the combined efforts of these individual entities, an annual review of the following is used to put together UNM’s ASFSR:



- A review of applicable policies required as part of the ASFSR.
- An inventory of crime prevention and educational programming efforts offered by UNM for the campus community.
- A review of the reporting avenues available to the UNM Community to report crimes at UNM; and
- A reconciliation and review of the Crime and Fire Statistics that are required pursuant to the ASFSR.

Additionally, as required by the U.S. Department of Education, the Clery Compliance Officer stays updated on any new initiatives or compliance information to be placed in the ASFSR.

## COMPILING CRIME STATISTICS AND CRIME REPORTING

The Crime Statistics included in this ASFSR are reported through one of the following entities:

- UNM Police Department ([UNMPD](#)) (UNM Main Campus Only)
- Rio Rancho Police Department (RRPD) (Rio Rancho Campus Only)
- Campus Security Authorities (CSAs) who handle the majority of conduct referrals at UNM, which include UNM Hospital Security, UNM Residence Halls, ACC Properties, and the [Dean of Students](#) Office. CSAs not in the previous categories report crimes through the CSA Reporting form, which is found after logging into the [CSA Member Profile](#) in the upper right of the [UNMPD](#) website home page.
- Campus Surveys are also sent on an annual basis to all CSAs and applicable local law enforcement officials (according to UNM's Clery Geography), as determined by the Clery Compliance Officer, [UNMPD](#), and the Clery Committee. CSAs generally include the following:
  - Any individual(s) who has responsibility for campus security, but who does not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property).
  - Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
  - An official of an institution who has significant responsibility for student and campus activities, such as:
    - [Dean of Students](#)
    - Athletics Director, team coach, or faculty advisor to a student group
    - Student Resident Advisor or professional staff member in the UNM Residence Halls

- Greek Life Coordinator or Student Activities Coordinator

The intent of including non-law enforcement personnel as CSAs acknowledges that many people, students, are hesitant about reporting incidents to the police but may be more inclined to report to other campus-affiliated individuals.

Examples of individuals who DO NOT meet the criteria for being CSAs include a faculty member who does not have any responsibility for student and campus activities beyond the classroom, clerical staff, custodians, maintenance personnel, and cafeteria staff.

#### **I. Where Should UNM Community Members Report Clery Crimes?**

It is **preferred** that UNM students who are the victim of, or witness to, any crime on the UNM Main Campus accurately and promptly report incidents to UNMPD (505-277-2241). Should an incident occur at the Rio Rancho Campus, students should accurately and promptly report to RRPD (505-891-7226). Whether an individual is on the UNM Main Campus or on the Rio Rancho Campus, you can also report to one of UNM's Anonymous/Statistical Reporting Sites, which include:

- LoboRESPECT Advocacy Center: 505-277-2911
- LGBTQ Resource Center: 505-277-5248
- Women's Resource Center (WRC): 505-277-3716

These centers are designated advocacy and support sites for those students who have experienced all types of crimes or violence, including sexual misconduct. Students who utilize these centers may talk with anonymity to individuals employed at these centers. These centers will only report the nature, date of report, and general location of the incident to the Clery Compliance Officer, who is located within the UNM Compliance Office.

UNM faculty and staff who are the victim of, or witness to, any crime or incident at the UNM Main Campus are encouraged to accurately and promptly report to UNMPD (505-277-2241). Should an incident occur on the Rio Rancho Campus, it would be reported to RRPD (505-891-7226).

Regardless of UNM Main Campus or Rio Rancho Campus affiliation, UNM faculty, staff, students or campus visitors can always report an incident to the Office of Compliance, Ethics, and Equal Opportunity (CEEO) (505-277-5251). All members of the UNM

community – including faculty, staff, students, and visitors – can report hate crimes, sexual misconduct, stalking, domestic violence, dating violence, and other discrimination-based incidents to any professional staff member employed by [CEEQ](#).

The following list identifies all agencies to which individuals can report crimes and which are provided to the Clery Compliance Officer for statistical reporting purposes:

- [UNMPD](#) (505-277-2241). All members of the UNM community including faculty, staff, students and visitors can report crimes to UNMPD.
- The local city or state police departments, including the county sheriff's department, if an individual is not located on the UNM Main Campus.
- UNM Hospital Security (505-272-2160). All members of the UNM community – including faculty, staff, students, and visitors – can report crimes to UNM Hospital Security.
- Office of Compliance, Ethics and Equal Opportunity ([CEEQ](#)) (505-277-5251). All members of the UNM community – including faculty, staff, students, and visitors – can report hate crimes, sexual misconduct, stalking, domestic violence, dating violence, other discrimination-based incidents, and any other violation of civil rights to any professional staff member within [CEEQ](#).
- [Dean of Students](#) Office (505-277-3361). All members of the UNM community – including faculty, staff, students, and visitors – can report crimes to the Student Conduct Officer or [Dean of Students](#).
- [Student Activities Center](#) (SAC) (505-277-4706). Students can report crimes to a professional staff member with the UNM Greek Life Office, to the Director of SAC, or Assistant Director of SAC.
- Athletics Department. Student athletes can report crimes to any coach.
- UNM Residence Halls. Students can report crimes to any Residence Advisor (RA) or to any member of the Residence Life Professional Staff.
- American Campus Community (ACC) Properties. Students can report crimes to a Residence Advisor (RA) or to any member of the ACC Professional Staff.
- Student Group Faculty or Staff Advisor of a Student Group. Students can report crimes to their faculty advisor to a student group.
- [Global Education Office](#) or [National Student Exchange Office](#). Students can report crimes to an exchange advisor or coordinator.

## II. **Anonymous, Confidential and Voluntary Reporting**

UNM encourages all individuals to report crimes to law enforcement. However, when a crime victim or witness at the UNM Main Campus or the Rio Rancho Campus is unable or chooses not to report to law enforcement, that individual can voluntarily make a confidential report, that will be included as a statistic in the ASFSR, by using one of the following reporting avenues:

### A. **Anonymous, Confidential and Voluntary Reporting Sites**

A person who reports a Clery crime to a counselor at one of these sites will not have that information shared beyond the counselor, unless there is a health and/or safety issue that legally permits sharing beyond a counselor:

Student Health  
and Counseling  
(SHAC)

505-277-3136

Professional counselors [SHAC](#) are not CSAs, thus crime reports made to counselors by UNM students are not disclosed by these counselors to [UNMPD](#) or the Clery Act Compliance Office for inclusion in the ASFSR. However, [SHAC](#) professional counselors are required, when informed about crimes involving students, to inform the student being counseled of the procedures for reporting crimes to law enforcement, a CSA, or the Office of Compliance, Ethics, and Equal Opportunity ([CEEEO](#)). SHAC professional counselors are also required to inform students of voluntary confidential reporting options at designated advocacy and support sites.

Counseling and  
Referral Services  
(CARS)

505-277-6868

[CARS](#) professional counselors are not CSAs, so that crime reports made to counselors by staff or faculty are not disclosed to [UNMPD](#) for inclusion in the ASFSR. Should an employee wish to report [CARS](#) counselors can refer to UNPMD or [CEEEO](#), so that an incident meeting the definition of a Clery Crime can be added to the ASFSR. CARS professional counselors are also



required to inform staff or faculty of voluntary confidential reporting options at designated advocacy and support sites.

## **B. Anonymous, Confidential and Voluntary Statistical Reporting Only Sites**

A person who voluntarily reports Clery crimes to one of the following sites will not be identified and will remain anonymous unless consent is given to disclose their identity to the Clery Act Compliance Officer.

The following centers are designated advocacy and support sites for those students who have experienced all types of crimes or violence including sexual misconduct. Students who utilize these centers may talk with anonymity to individuals employed at these centers. However, these centers will report the nature, date of report and general location of the incident to the Clery Compliance Officer in the UNM Compliance Office.

- Learning Environment Office (UNM Health Sciences Center): 505-272-7867
- LGBTQ Resource Center: 505-277-5428
- LoboRESPECT Advocacy Center: 505-277-2911
- Vassar House (North Campus students): 505-277-3716
- Women's Resource Center: 505-277-3716

The following departments are designated for faculty and staff who have experienced all types of crimes or violence, including sexual misconduct. Faculty and staff who utilize these departments may talk with anonymity to individuals employed in these departments. However, these centers will report the nature, date of report, and general location of the incident to the Clery Compliance Officer in the UNM Compliance Office.

### Ombuds Services for Staff

(505) 277-2993

Ombuds Services for Staff and Faculty supplements existing compliance and formal reporting channels by offering a place where faculty and staff can talk privately about building communication and collaboration. They provide a variety of informal services to assist employees in preventing and/or resolving any workplace conflicts efficiently and effectively. They work with faculty and

Ombuds Service  
For Faculty  
505-277-3212

staff and their supervisors or coworkers. They listen respectfully and emphasize collaboration and fair consideration of all sides of an issue.  
<https://ombudsfac.unm.edu/> [ombudsfac@unm.edu](mailto:ombudsfac@unm.edu)

### C. Confidential and Voluntary Online or Telephone Reporting Sites

If information from any of the initial three reporting sites listed below that have a report on what may be a Clery reportable crime, will be shared with the Clery Act Compliance Officer by UNMPD or by one of the investigative agencies that handles these EthicsPoint reports. The only way to make an anonymous report to [UNMPD](#) is to utilize the initial three reporting sites.

- UNMPD's [Anonymous Tip or Incident Form](#)
- [UNMPD](#) Phone Line: 505-277-2241. Individuals can make anonymous calls to this phone number, to report any type of crime
- Any member of the UNM community may also report an anonymous tip to [UNMPD](#) through the [LoboGuardian Application](#) on their smart phone. To access the application an individual will need to search and download the Rave Guardian Application in the Apple App Store or the Google Play Store. Users can find more assistance for downloading this application through [UNM FastInfo](#).
- [EthicsPoint](#) Compliance hotline: 1-888-899-6092 or [online](#).

### D. Not Reporting Crimes

Victims of crimes have the right not to report crimes to the local authorities or other departments; however, UNM encourages all crime victims to accurately and promptly report any incident to one of the Advocacy Centers. Alternatively, students may also report to [SHAC](#) and UNM employees may report to [CARS](#). Individuals of the UNM community are encouraged to reach out to one of these areas, so they can get the assistance needed, find out about supportive UNM resources that are available, and to understand more about the investigative options, should an individual elect to have the incident investigated.

## III. Crimes That Must be Reported

The following crimes must be reported under the Clery Act:

Murder and non-negligent manslaughter	Negligent manslaughter
Sex offenses (rape, fondling, incest, statutory rape)	Robbery
Aggravated assault	Burglary
Motor vehicle theft	Arson
Liquor law arrests	Liquor law referrals for disciplinary action
Drug law arrests	Drug law referrals for disciplinary action
Weapons violations	Dating Violence
Domestic violence	Stalking

All Hate Crimes noted by category of bias (race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, or disability) must be reported under the Clery Act and include the following:

Murder and non-negligent manslaughter	Negligent manslaughter
Sex offenses (rape, fondling, incest, statutory rape)	Robbery
Aggravated assault	Burglary
Motor vehicle theft	Arson
Larceny – theft	Simple assault
Intimidation	Destruction, damage, or vandalism to property

#### IV. **Reporting to and Overview of the UNM Police Department**

UNMPD is open 24 hours a day, 365 days a year to respond to the UNM Community needs. All UNMPD officers are required to meet state certification standards mandated by the New Mexico Department of Public Safety. The UNM Board of Regents (Section 29-5-2 NMSA 1978) commissions UNMPD officers. They have full power of peace officers on campus, including the authority to enforce all applicable laws, ordinances, and campus traffic regulations, and the authority to arrest. UNMPD officers are also cross-commissioned countywide by the Bernalillo County Sheriff, which means that UNMPD officers have jurisdiction both on and off campus and throughout the entire Bernalillo County area; however, UNMPD and the Albuquerque Police

Department ([APD](#)) have a written agreement that UNMPD patrol all UNM leased or owned property on the UNM main campus, while [APD](#) patrols other areas outside of the UNM Main Campus. UNMPD utilizes interoperable radio communications and can communicate with police, fire, and UNM Hospital during emergencies.

UNMPD investigates complaints of on-campus criminal activity, working closely with the Bernalillo County Second Judicial District Attorney's Office to ensure effective prosecution. UNMPD also patrols and provides law enforcement services to the Greek letter organization and student housing areas. In addition [APD](#), UNMPD has a similar written agreement with the Rio Rancho Police Department ([RRPD](#)) concerning law enforcement and criminal investigations activities. By statute, the New Mexico State Police has jurisdiction to arrest and enforce state laws within the entire state of New Mexico, which includes the UNM Main Campus and the Rio Rancho Campus.

[UNMPD](#) routinely collaborates with [APD](#), the [Bernalillo County Sheriff's Office](#), [RRPD](#), the Albuquerque Aviation Police Department, the [New Mexico State Police](#), and a variety of federal agencies, both on-campus and in areas within proximity to the campus. Inter-agency collaboration routinely facilitates multi-agency law enforcement presence on campus at large-scale special events, such as football games and student graduations.

In an emergency, an individual may dial 911 or (505) 277-2241. The 911 system can automatically trace the location of all calls, which enables officers to respond even when a caller cannot provide the location. Dialing 911 from a campus telephone, automatically puts a caller in contact with the [UNMPD](#). If a cell phone is used to dial 911, the call will be received by [APD](#), but will then be transferred to [UNMPD](#) for an on-campus emergency. Outside of the Albuquerque metro area, a 911 call will be received by the appropriate law enforcement agency where the 911 system is utilized.

To accommodate the deaf and hard of hearing special telephones providing emergency services for these individuals are placed at various locations on the UNM campus. [UNMPD](#) is equipped and trained on a 24-hour service Telephone Device for the Deaf (TDD), at (505) 277-0888.

Blue Light Emergency telephones, which are direct lines to the [UNMPD](#) dispatch, are located throughout the UNM campus. The emergency telephone is activated by pressing the red button. A UNMPD dispatcher will answer the telephone promptly, and an individual can relate the nature of the emergency. Additionally, a blue light over the telephone will flash for the duration of the



call to assist emergency personnel in locating the caller. To report non-emergencies an individual may call (505) 277-2241. Emergency telephones will not enable calls other than to the UNMPD dispatcher as an EMERGENCY and are labeled accordingly.

Crimes committed off the UNM Main Campus should be reported to the appropriate police agency ([APD](#), [Bernalillo County Sheriff's Office](#), etc.). Under New Mexico law, the original entry police report must be made available for review by the public upon request. Supplemental police reports detailing the investigation, and including the names of the accused and witnesses, are not available for public inspection during the police investigation. Following the closure of the police investigation, UNMPD maintains confidentiality of the information in the supplemental police reports to the extent allowed by law.

## **V. Daily Crime Log**

UNMPD maintains a Daily Crime Log of all crimes reported by CSAs on the UNM Main Campus, which includes the following information:

- Date and Time Crime Reported
- Incident Type
- Location of Incident
- Disposition

The information in this log will not include any personal identifying information about the victim.

## **VI. Campus Security Overview – Rio Rancho Campus**

The Sandoval Regional Medical Center (SRMC) security team is responsible for 24/7 patrol of the Rio Rancho Campus. Rio Rancho Campus Staff also have access to duress buttons at specified locations in the instance that the SRMC Security is needed. The law enforcement agency that has arrest authority, jurisdiction and responds to the Rio Rancho Campus is the [RRPD](#), which differs from UNM Main Campus. [UNMPD](#) does not have arrest authority at the Rio Rancho Campus. However, the Rio Rancho Campus community receives the same training on safety and crime prevention as UNM Main Campus community does.

## **VII. Off Campus Students and Student Organization Reporting of Crimes**

There are no known UNM Student organizations that operate, own, or control any off-site facilities. However, there are several recognized student groups at UNM. It is possible at some point during the year that virtually all the recognized student groups hold some type of meeting or event at an off-campus venue. Off-campus law enforcement, should it be needed, would fall to the police agency that has primary jurisdiction. In most cases, this would be the Albuquerque Police Department.

When a UNM student is involved in an off-campus offense, the law enforcement agency that has primary jurisdiction handles the case. UNMPD may assist with an off-campus investigation by the local, county, state or federal agency that has primary jurisdiction. APD does not routinely notify UNMPD of incidents that involve students who live off campus, but within APD's jurisdiction.

Some UNM students live in off-campus apartments that are within proximity to the campus. APD has primary jurisdiction in these areas. UNMPD responds to incidents that are close to the campus when requested by APD.

## **EMERGENCY NOTIFICATION PROCESSES**

UNM is required, as appropriate, to issue Emergency Notifications (Alerts) or Timely Warnings (Advisories) to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998 (Clery Act). See [UAP 2745 \("Clery Act Compliance"\)](#). Current processes are being reviewed to add to the Emergency Control Policy.

### **I. Emergency Notification (Lobo Alert)**

Emergency Notifications (Lobo Alerts) notify the campus community, including the Rio Rancho Campus, of any significant emergency or dangerous situation occurring on campus that involves an immediate threat to the health or safety of students or employees. If UNMPD determines and verifies that a situation is an immediate threat to the health and safety of students or employees, it will without delay initiate the Lobo Alert notification system if warranted. The content of any alert notification will consider the safety of the UNM community.

Once an officer receives information of an emergency, the officer-in-charge contacts the on-call UNMPD Command Staff official. Utilizing an Advisory and Alert Assessment Form, the on-call UNMPD official determines if the significant emergency or dangerous situation involves an immediate threat to the health or safety of the UNM community. The UNMPD Command Staff individual will make the determination to activate an Emergency Notification (Lobo Alert). The deciding factor to start the notification process will be that the emergency is an immediate threat to the safety of the UNM Community, such as the examples included later in this segment. The on-call UNMPD Command Staff official will utilize the assistance of the University Emergency Manager and may use the assistance of the University Communications and Marketing Department (UCAM) in creating the wording of the message for the UNM community. This message will include safety precautions to take, where the problem exists and what areas to avoid keeping themselves safe. UNMPD in collaboration with first responders will make an assessment if only a segment (based on whether the range of the threat is isolated to a specific area of campus) of the campus needs to act and that information will be included within the e-mail notification sent out to all individuals with a un.m.edu e-mail address. The UNM Communications Director will notify, as appropriate, the local news media and inform the local community via UNM's social media accounts.

UNMPD provides Emergency Notifications (Alerts) to the campus community via text messaging, email, UNM's website, and, as appropriate, an audible siren system advising to shelter in place. The Rio Rancho Campus will utilize the same process as UNM Main Campus to notify their respective campus of their emergency notifications, with the exception of the audible siren system. Emergencies should be reported to UNMPD or the RRPD for UNM Rio Rancho Campus Students, by calling 911.

Some examples of Emergency Notifications (Alerts) are:

- Approaching extreme weather
- Hostile threat
- Bomb threat
- Explosion, fire, or gas leak
- Serious health-related outbreak
- Riot
- Terrorist incident

In instances where issuing a notification would compromise efforts to assist a victim, suppress the emergency, respond to the emergency, or mitigate the emergency are not subject to the emergency notification requirement.

## **II. Emergency Drills, Testing and Evacuation Procedures**

### **A. Emergency Management at the Rio Rancho Campus**

UNM's Office of Emergency Management assists departments and campuses with developing, maintaining, and implementing emergency operations plans, developing and conducting exercises, hazard and risk education, and building partnerships with external response agencies. The Office of Emergency Management is responsible for assisting with and coordinating the University's overarching mitigation, preparedness, response, and recovery programs.

Each campus within the UNM system maintains an emergency management program. Within the context of these programs, each campus develops and distributes emergency response procedures to students and employees. These procedures are maintained and distributed in a variety of ways. Some campuses post the information in hallways and classrooms; others have this information available on their website. In addition to website access, pamphlets and brochures with emergency response information are available from UNMPD for the main campus and the campus security office for the Rio Rancho Campus.

### **B. Drills, Exercises, and Training**

To ensure the campus's emergency management plans remain current and actionable, campuses conduct at least one exercise annually. These exercises include, but are not limited to tabletops, drills, functional, or full-scale. The campuses conduct after-action reviews of all emergency management exercises. The Office of Emergency Management works with each campus location to develop exercises and scenarios and then schedules and coordinates these events with local, state, and federal response agencies, as well as stakeholders.

In conjunction with at least one emergency management exercise each year, the campus will notify the appropriate campus community of the exercise and remind the community of the University's Lobo Alert System and emergency response procedures.



### C. Testing of the Emergency Notification (Alert)

Testing of the Emergency Notification system occurs periodically, as follows:

- The UNM siren system, email, text, social media, and UNM webpages will be tested on scheduled bases once every semester to test functionality. These tests are announced prior to each test.
- UNM will conduct an emergency exercise once every four years using alternating locations across campus, which will include first responders who would typically respond to emergencies.
- UNM will conduct tabletop exercises of emergency responses every year, with the exception of the year that the live exercise is implemented.
- UNM will evaluate these exercises upon their completion to analyze effectiveness and evaluate the goals outcome of each test.

### III. Enrollment for Lobo Alerts

All faculty, staff and students are automatically enrolled into receiving Lobo Alerts. If a student did not provide a mobile phone number on their application or changes their mobile phone number, they may update their information at the [Lobo Alerts website](#) to continue to receive the text message alerts. UNM Community members can also sign up for Lobo Alerts through the [UNM Guardian app website](#).

## TIMELY WARNING PROCESSES

When a Clery Act crime is committed within UNM's Clery geography, including incidents on the Rio Rancho Campus, and the situation poses a serious or continuing threat, the Emergency Manager or UNMPD will issue a Timely Warning (Advisory) to promote safety and aid in the prevention of similar crimes on campus. The Timely Warning (Advisory) includes appropriate information as soon as it becomes available, such as location, crime, description of subject (if known), and any other pertinent details. Additional updates may be issued as the situation evolves.

To warrant a Clery Act Timely Warning (Advisory), an incident must:

- Involve a Clery Act crime;

- Occur within the Clery Geography, which includes:
  - On-campus (buildings on the UNM Main Campus)
  - Non-campus (buildings not reasonably contiguous to the UNM Main Campus, but are leased or owned by UNM)
  - Public property (public property that is immediately adjacent to the UNM Main Campus)
- Be reported to a campus security authority or local police authority; and
- Represent a serious or continuing threat to the students and employees on campus. For example, alleged suspect(s) of a Clery-related crime, who may still be on campus and have not been apprehended, could potentially pose a serious and continued threat to the UNM Community.

Once a Clery Act incident is reported, the UNMPD officer-in-charge contacts the on-call UNMPD Command Staff official. Utilizing an Advisory and Alert Assessment Form, the on-call UNMPD Command Staff official determines if the Clery Act crime is within the Clery Geography and represents a “serious or continuing threat” to students and employees. Once the determination of a serious and continued threat has been made, the on-call Command Staff individual will utilize the assistance of the University Emergency Manager and activate the Timely Warning (Lobo Advisory). The on-call UNMPD Command Staff individual may use the assistance of University Communications and Marketing (UCAM) in creating the wording of the message for the UNM community.

A decision on the issuance of a timely warning and to what segment of the UNM Community to advise is made on a case-by-case basis in light of all the facts surrounding a crime, including:

- The location of the crime
- The seriousness or violent nature of the crime
- Whether there is still a continued threat to the UNM Community
- The nature of the threat, whether it is a general or specified threat

The Timely Warning is distributed via the UNM Lobo Alert system, which includes an initial text alert sent out to all members of campus, who have not opted out of receiving the text, followed by an e-mail notification to all individuals who have a UNM e-mail address or members of the community who have signed up through the community site. The UNM Communications Director will notify, as appropriate, the local news media and social media to inform the community outside of UNM. A Timely Warning (Advisory) might not be issued if it could compromise the apprehension of a suspect.

## **I. Emergency and Timely Warning Communication Avenues**

UNM utilizes the following methods for providing Emergency Notification (Alert) and Timely Warning (Advisory) notices:

- UNM E-Mail: To provide faculty, staff, and students with Emergency Notifications (Alerts) and Timely Warnings (Advisories)
- UNM Web Page: To provide information about Emergency Notifications (Alerts) and Timely Warnings (Advisories)
- Lobo Alerts (an emergency texting system): To provide information about Emergency Notifications (Alerts) and Timely Warnings (Advisories); all UNM employees and students are automatically enrolled in this system
- UNM Sirens (strategically placed warning sirens): To warn the campus community of a current or impending emergency situation; an active siren alert signals to community members to shelter in place and look for further information through Lobo Alerts, UNM E-mail, or the UNM Web Page

## **SECURITY AND ACCESS TO THE UNM MAIN CAMPUS**

As part of our safe campus initiatives building access is limited after hours. Classrooms and other nonresidential buildings on campus are generally open during regular business hours, when class is in session, and for special events. Access to these buildings after hours is only granted to those with key or card access to the respective building. Persons authorized to remain in the building after hours are required to have proper identification at all times. Police and security personnel conduct frequent internal and external checks of all buildings on campus.

Key fob access is provided for the UNM Residence Halls (Alvarado, Coronado, Hokona, Laguna/DeVargas, Lobo Rainforest, Redondo Village Apartment and Santa Clara) and the American Campus Community Residence Hall (Casa Del Rio). The UNM Residence Halls (Student Residence Center Apartments –SRC) has key access to its perimeter doors, with key fob access to individual rooms. Additionally, UNM Residence Halls have student security staff who monitor the perimeter doors and parking lot areas of the residence halls. Student security staff are also in direct radio contact with [UNMPD](#) and are also available to escort students to the residence hall area of campus.

Access to UNM's American Campus Communities Residence Hall (Lobo Village) is gained through an access gate for vehicles and key fob access for residents' apartments. Lobo Village uses a third-party security company where they have security in place at the gate and roaming security from 10 p.m. to 6 a.m.

Entry to Student Family Housing is controlled by code access through an electronic gate. Security guards are on duty during the evening hours to protect the safety and security of the complex and residents. Apartments are accessed via key access to each unit.

UNM maintains seven Residence Hall complexes on campus. Residence Hall perimeter doors are secured, and entry is controlled by key fob access or by keys. Each complex has evening on-duty staff to respond to resident needs and the Student Residence Center (SRC) Desk is open 24 hours, seven days a week and serves as a service and emergency contact point for residents.

Resident Advisors are available in each unit to assist students. Students living in the residence halls are briefed on UNM Residence Hall policies, fire safety information, and on crime prevention techniques at orientation/floor meetings held for residents at the start of each semester. Further information may be obtained from the [Residence Hall Handbook](#).

UNM is concerned about the safety/security considerations and maintenance of its campus facilities. Each fall semester, UNM performs a Safety Walk, where students, faculty, and staff members evaluate the lighting and other safety hazards around the UNM Main Campus. Results of this walk are submitted to the appropriate offices on our campus, so offices can work to rectify any issues.

Key UNM personnel, including [UNMPD](#), are represented on committees that plan new buildings and the security utilized in the planning of those buildings for both UNM Main and the Rio Rancho Campus. The UNM Facilities Management Department routinely evaluates the maintenance and safety of its buildings periodically throughout the year. Additionally, the UNM Facilities Management Department responds to safety and security hazards, such as broken windows or lighting concerns, through an [online service request](#).

**I. [Security and Access of Campus Facilities to the Rio Rancho Campus](#)**

The Rio Rancho Campus is open to students and guests between 8 a.m. and 9:30 p.m. Monday-Friday and is closed on Saturdays and Sundays. Building hours occasionally vary and are based on the course schedule for the current term. Sandoval Regional Medical Center (SRMC) security staff provide regular patrols for the Rio Rancho Campus.

A student who experiences sexual violence or misconduct on the Rio Rancho Campus or off-campus in Rio Rancho should contact the Rio Rancho Police Department (RRPD) at 505-891-7226. If it is an emergency, dial 911. The Rio Rancho Campus strongly encourages individuals who have experienced sexual violence or misconduct to report the incident to law enforcement. Students may contact the UNM Office of Compliance, Ethics, and Equal Opportunity at 505-277-5251 to report an assault for administrative action or for assistance in contacting law enforcement to make a report.

A student seeking assistance with changes to their academic situation due to experiencing sexual violence or misconduct should contact the Title IX Coordinator at 505-277-5251, the UNM Dean of Students Office at 505-277-3361, or may seek confidential support and assistance with academic changes from the LoboRESPECT Advocacy Center at 505-277-2911. The UNM Dean of Students Office is also responsible for administering the Student and Visitor Codes of Conduct.

## **PROCEDURES TO FOLLOW IF A CRIME OF SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE OR STALKING (SEXUAL MISCONDUCT) HAS OCCURRED**

The following information can be obtained in writing from the LoboRESPECT Advocacy Center and through the UNM Sexual Misconduct and Assault Response Team (SMART). Additionally, the LoboRESPECT Advocacy Center will assist students through these processes, should they want assistance.

### **I. First Steps to Consider**

- Get to a safe place.
- Preserve all physical evidence of the assault, even if you are unsure whether you want to report the crime.
- Don't shower or wash clothing.
- Save all text messages, emails, social media postings (taking screenshots can be helpful) or anything else that might relate to the assault, or that might be helpful later in reconstructing a timeline of events.

- Write down the names of people who might have seen you immediately before or after, as it is easy to forget names or locations.
- Even if you do not want to participate in the investigative process now, you might later change your mind, so it is helpful to preserve as much information as possible. This also may be helpful in obtaining a restraining order.
- Evidence in relation to a criminal complaint or a disciplinary process is extremely vital in making an objective determination as to whether a policy violation occurred. Preserving evidence may assist in proving that an alleged criminal offense occurred.
- **Obtain a forensic exam to preserve evidence.** UNMPD or the local police authority can provide transportation, even if you do not want to file a police report!
- **Go to a nearby hospital or medical center for medical attention (medical services are offered upon conclusion of a forensic exam)**
- **Call a trusted friend, family member, or someone else who can provide emotional support.**
- **Contact a resource center to help you navigate your options**
- **Contact a University Survivor Advocate**

*For help 24 hours a day, contact the LoboRESPECT Advocacy Center / 505-277-2911*

## II. Getting Medical Attention

- **Albuquerque Sexual Assault Nurse Examiner (SANE)** 505-884-SANE (7263) (24-hr dispatch)
  - Off Campus. Located at 625 Silver Ave SW, Albuquerque, NM
  - 24-hour free medical and forensic exams by trained sexual assault nurses including emergency contraception, treatment for sexually transmitted infection, evidence collection, forensic photography, and follow-up services.

UNMPD can provide transportation, even if you do not want to file a police report! ***SANE may be able to collect evidence within 5 days of an assault.***

## III. Reporting Sexual Misconduct (Including Dating Violence, Domestic Violence and Stalking)

Although the University strongly encourages all members of the community (faculty, staff, and students) to immediately report sexual misconduct to law enforcement, survivors have a choice to make such a report, or can decline to involve the police.

Whether or not anonymity is requested, the publicly available record keeping maintained about sexual violence and misconduct will not include personally identifying information about the victim of any sex crime. If information needs to be shared, it will be on a need-to-know basis, and as authorized under University Administrative Policy and applicable federal and state law. However, should a survivor wish to report an incident of Sexual Misconduct, the following resource chart can be utilized.

REPORTING INCIDENTS OF VIOLENT CRIMES INCLUDING SEXUAL MISCONDUCT	
<p><b>Criminal Reporting Options</b>, should you wish to pursue the incident criminally:</p> <ul style="list-style-type: none"> <li>- UNMPD: 505-277-2241 or 911 if an emergency. Utilize if conduct occurs on UNM's main campus.</li> <li>- RRPD: 505-891-7226 or 911 if an emergency. Utilize if conduct occurs on the Rio Rancho Campus.</li> <li>- Anonymous Report to UNMPD</li> <li>- You may decline to notify law enforcement.</li> </ul>	<p><b>Administrative/Disciplinary Reporting Option</b>, should you wish to pursue an administrative or disciplinary complaint.</p> <p>Contact the Office of Compliance, Ethics and Equal Opportunity (CEEEO) at 505-277-5251 or by e-mail at <a href="mailto:oeounm@unm.edu">oeounm@unm.edu</a></p> <ul style="list-style-type: none"> <li>- CEEEO only investigates incidents; it does not determine whether the conduct occurred, and it does not issue disciplinary sanctions.</li> <li>- You may decline to notify CEEEO.</li> </ul>

<p><b>Confidential Reporting and Advocacy Options</b> if you are unsure how you want to proceed.</p> <ul style="list-style-type: none"> <li>- <a href="#">LoboRESPECT Advocacy Center</a>: 505-277-2911 (all UNM Students)</li> <li>- <a href="#">LGBTQ Resource Center</a>: 505-277-5428 (all UNM Students)</li> <li>- Women's Resource Center (<a href="#">WRC</a>): 505-277-3716 (assists all UNM students, regardless of gender)</li> <li>- <a href="#">Vassar House</a>: 505-277- 3716 (North Campus students)</li> <li>- <a href="#">Learning Environment Office</a>: 505-272-7867 (HSC students)</li> <li>- <a href="#">UNM Ombuds for Staff Services</a>: 505-277-2993 (all UNM faculty and staff)</li> </ul>	<p><b>Counseling and Medical Reporting Options</b>, for medical assistance, counseling, and examinations.</p> <ul style="list-style-type: none"> <li>- <a href="#">Counseling and Referral Services (CARS)</a> 505-272-6868 (counseling for faculty and staff)</li> <li>- <a href="#">Sexual Assault Nurse Examiner (SANE)</a>: 505-884-7263 (medical exams for cases of sexual violence for the entire UNM community)</li> <li>- <a href="#">Student Health and Counseling (SHAC)</a>: 505-277-3136 (counseling for students)</li> </ul>
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#### IV. **Faculty, Student, and Staff Supportive Measures**

Supportive measures will be provided in writing to the complainant (victim), regardless of whether the complainant (victim) chooses to report the crime to [UNMPD](#), local law enforcement, or otherwise make a report to the University ([CEEO](#) or [Dean of Students, Human Resources or the Provost's Office or other overseeing academic unit](#)). Supportive measures are provided if requested and reasonably available regardless of a report to law enforcement. The information provided in writing to victims of sexual misconduct, whether the offense occurred on or off campus, can be found in the addendum at the end of this report and includes the following:

- Importance of preserving evidence
- Reporting options
- Confidentiality and confidential reporting
- Seeking medical attention
- Investigative process
- Police reporting options



- Rights of parties
- How to request supportive measures

Supportive measures may include advocacy, counseling, medical services, academic and housing adjustments, legal and immigration resources, and no contact directives.

UNM will also maintain as confidential as law permits, any accommodations or supportive measures provided to the complainant, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide accommodations or supportive measures. As a matter of practice, the advocacy centers or Office of Compliance, Ethics, and Equal Opportunity will provide written notification via e-mail to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available to parties bringing forward a concern and to respondents, both within and outside the UNM community. Supportive measures are designed to protect the educational experience and safety of all involved, as well as the greater UNM Community. UNM will maintain the confidentiality of these supportive measures, as required by law. Protective and supportive measures may be temporary or permanent in nature.

The [LoboRESPECT Advocacy Center](#), with the assistance of [Dean of Students](#) Office and guidance from the Title IX Coordinator, has the authority to implement interim safety measures for students, as an administrative investigation is underway to ensure the safety of the campus community as a whole. The Title IX Coordinator, [LoboRESPECT Advocacy Center](#), and the [Dean of Students](#) Office will determine the necessity for and scope of any Interim Safety Measure prior to the completion of the University's investigation. During Interim Safety Measures, the University will strive to continue to allow involved students to obtain access to their education with minimal interference, if possible.

#### **A. Student Supportive Measure Resources**

Students have a number of agencies that can assist them with Supportive Measures, which will be provided to them in writing. Additionally, students can seek supportive measures at any point after an allegation, by contacting the following offices:

- [Dean of Students](#): 505-277-3361
- [Learning Environment Office](#): 505-272-7867
- [LGBTQ Resource Center](#): 505-277-5428

- [LoboRESPECT Advocacy Center](#): 505-277-2911
- [Office of Compliance, Ethics, and Equal Opportunity/Title IX Coordinator](#): 505-277-5251
- [Vassar House](#): 505-277-3716
- [Women's Resource Center](#) 505-277-3716

The above resources and offices can assist students as follows:

- Assistance in communicating with law enforcement and/or administrative investigative resources on campus
- Assistance in accessing counseling or health care resources both on and off the UNM campus
- Academic accommodations, which may include working with professors regarding absences and completion of coursework
- Course accommodations, which may include changing course sections or a complete withdrawal should a student wish to separate from UNM
- Assistance with the Financial Aid and Scholarships Office to help the student continue their financial assistance at UNM
- Assistance with on-campus housing, such as temporary or permanent room relocation of an affected party, navigation of housing contracts, and other potential housing needs
- Assistance communicating with supervisors for on-campus jobs, regarding work schedules and absences
- Assistance in creating safety strategies for the student
- Assistance with visa or immigration status, should there be a potential for impact on those status
- Assistance in modifying parking on campus
- Potential to impose interim suspensions on students or employees who are Respondents
- Assistance with no contact directives. Students can request that another person not contact them directly or through other channels. In addition to a no contact directives, students may also work with UNMPD or an advocacy center should they elect to pursue legal action for an order of protection. Violations of no-contact directives are handled by the [Dean of Students](#) Office, while violations are restraining orders are handled by [UNMPD](#).
- The involvement of CSAs, CEEEO, or law enforcement is the discretion of the victim. Victims are informed of their option to notify on-campus and/or local police, to be assisted by CSAs in the notification of law enforcement, and to obtain an order of protection (civil), no contact order, restraining order (criminal), or similar order issued by a criminal, civil, tribal court, or UNM.

## B. Employee Supportive Measures

Employees can work through several agencies that are provided to all victims of Sexual Misconduct, and specifically can work with the following areas:

- |   |  |
|---|--|
| Counseling and<br>Referral Services<br>(CARS)<br><br>505-272-6868 | <ul style="list-style-type: none"><li>- Provides safe and confidential setting in which clients may freely discuss concerns to promote emotional healing</li><li>- Will assist in developing safety plan options for staff and faculty</li><li>- Offers assistance in identifying specific resources, University offices, and/or policies for guidance in addressing client's situation</li><li>- Offers assistance in developing options for reporting alleged violation of law or policy to appropriate personnel</li></ul>  |
| <br>UNM Ombuds for<br>Staff Services<br><br>505-277-2993          | <ul style="list-style-type: none"><li>- Offers confidential, neutral, informal, and independent assistance in the form of one-on-one visits in which an ombudsperson listens – without judgment – in order to help a visitor gain deeper understanding to a situation and their options. While an ombudsperson may listen and provide a visitor with information, the visitor is solely responsible for deciding what actions to take.</li><li>- Offers assistance in identifying specific resources, University offices, and/or policies for guidance in addressing the visitor's situation. This includes direction on how to obtain a no contact directive.</li><li>- Offers assistance in developing options for reporting alleged violations of law or policy to appropriate personnel.</li></ul> |

Office of  
Compliance,  
Ethics and Equal  
Opportunity

- Non-punitive individualized services offered, as appropriate and reasonably available, without fee or charge to parties before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to education programs, activities, or employment opportunities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or UNM's educational environment, or deter harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. UNM will maintain as confidential any supportive measures provided to parties, to the extent that maintaining such confidentiality does not impair UNM's ability to provide the supportive measures. The Title IX Coordinator and/or Director of Equal Opportunity are responsible for coordinating the effective implementation of supportive measures, as appropriate.

The above resources and offices can assist employees as follows:

- Assistance in communicating with law enforcement and/or administrative investigative resources on campus.
- Assistance in accessing counseling or health care resources both on and off the UNM campus.
- Work accommodations, which may include working with managers for the completion of essential work functions.
- Assistance with on-campus housing, such as temporary or permanent room relocation of an affected party, navigation of housing contracts, and other potential housing needs.
- Assistance in communicating with supervisors for on-campus jobs, regarding work schedules and absences.
- Assistance with creating safety strategies for the employee.

- Assistance with visa or immigration status, should there be a potential for impact on those status.
- Assistance in modifying parking on campus.
- Assistance with no contact directives. Employees can request that another person not contact them directly or through other channels. Employees may also work with UNMPD or an advocacy center should they elect to pursue a civil order of protection, in addition to a no contact directive. Violations of no-contact directives are handled by the Dean of Students Office, while violations of protective orders are handled by UNMPD.

### **Investigative and Disciplinary Procedures**

The UNM Office of Compliance, Ethics, and Equal Opportunity (CEEO) has the responsibility of investigating all matters of sexual misconduct, (sexual harassment, sexual assault, domestic violence, dating violence, and stalking) for faculty, staff and students. CEEO's new Discrimination Grievance Procedure (effective August 14, 2020) documents how the CEEO investigative process works. The DGP describes the UNM hearing process for determining whether a UNM policy violation occurred, as well as the sanctioning process if a policy violation is determined. If a policy violation is substantiated, the Hearing Officer will coordinate with Human Resources (for staff), the Office of the Provost (for faculty), and the Dean of Students Office (for students and visitors) to provide sanctions that are appropriate and consistent with the findings. Sanctions can include the following:

- Faculty: warning, censure, suspension without pay, dismissal (NOTE: as of publication date, the Faculty Disciplinary Process for sexual misconduct has not been finalized and will use the CEEO Discrimination Claims Procedure in place prior to August 14, 2020 and is documented in further detail on pages 44 -47 of this report.)
- Staff: letter for improvement, written warning, probation, suspension, termination
- Students: verbal warning, written warning, probation, suspension, expulsion, dismissal, ban from campus
- Students in Housing: above the sanctions listed for Students, could additionally include housing reassignment, restricted from certain areas of housing, or contract termination
- Visitor: probation, ban from certain areas of campus, ban from campus

CEEO and the Hearing Officer will assure the following:

- Their actions will be prompt, fair, and neutral throughout the investigation and hearing process.

- A prompt, fair, and impartial process from the initial investigation to the final result, to include those involved with the responsibility to determine appropriate discipline/sanctioning.
- Will offer resources for supportive measures throughout the process (as described in the Resource Guide noted earlier in this report).
- Will notify both parties simultaneously in writing of the results of any determination, which includes appeal rights, changes to the results, and once the results become final.
- Investigative and disciplinary procedures will be conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking, as well as how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. The officials also receive annual training on substantive and procedural matters to ensure the safety of participants and uphold the rights of parties.

## **CEO DISCRIMINATION GRIEVANCE PROCEDURE**

The University of New Mexico (“UNM”) is committed to creating and maintaining a community that is free from all forms of discrimination, including harassment, differential treatment, failure to accommodate, and retaliation for participation in civil rights protected activity. UNM has policies that prohibit all forms of discrimination and retaliation, and specifically prohibiting all forms of sexual harassment, a form of gender discrimination that is prohibited by state and federal law. The prohibition includes sexual violence, which is considered a severe form of sexual harassment.

UNM is committed to providing equal access to educational and employment opportunities for all individuals. UNM considers the following as protected statuses:<sup>1</sup>

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<sup>1</sup> Title VII of the Civil Rights Act of 1964 (“Title VII”) prohibits discrimination on the basis of race, religion, sex (gender), color, or national origin. The Pregnancy Discrimination Act (PDA) is an amendment to Title VII. Discrimination on the basis of pregnancy, childbirth, or related medical conditions constitutes unlawful sex discrimination under Title VII. Title IX of the Education Amendments of 1972 (“Title IX”) prohibits discrimination on the basis of sex (gender) in any educational program or activity receiving federal financial assistance. Both the Rehabilitation Act of 1973 at Sections 503 and 504 and the Americans with Disabilities Act of 1990 prohibit discrimination against qualified individuals with disabilities. Title IV of the Civil Rights Act of 1964 prohibits discrimination on the basis of sex in public schools and colleges. The New Mexico Human Rights Act of 1978 and its amendments

- Age
- Ancestry
- Color
- Disability
- Ethnicity
- Gender
- Gender identity
- Genetic information
- Medical condition
- National origin
- Pregnancy
- Race
- Religion
- Sex
- Sexual orientation
- Spousal affiliation
- Veteran status

The Office of Compliance, Ethics and Equal Opportunity (CEEEO) is the independent, impartial, and neutral campus entity designated to ensure compliance with all UNM policies that apply to civil rights, including investigations of any allegations of civil rights violations. When investigating a formal complaint of allegations of civil rights violations, CEEEO acts as a neutral body for the purpose of gathering facts and evidence and then prepares a report at the conclusion of its investigation, as described herein. CEEEO has no decision making or sanctioning authority. Once CEEEO finalizes a report after an investigation into alleged civil rights violations, CEEEO refers the matter to the appropriate UNM office, which will ultimately determine whether a university policy has been violated. CEEEO staff treats all parties with respect and approaches each case impartially and equitably. CEEEO reports directly to the UNM President’s Office to maintain optimal independence and impartiality.

In fulfilling the dual tasks of educating and providing public service, UNM shall demonstrate leadership in remedying discrimination and providing equal opportunities in employment and education. CEEEO, acting under the authority of University Policies [2720](#), [2740](#), [2750](#), [2310](#), [2215](#), [3110](#), [3210](#), [3790](#), and Board of Regents [Policy 2.3](#), may take necessary action to prevent, correct, and educate in relation to behavior that violates UNM policies or impacts the academic or work environment.

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prohibit discrimination in employment on the basis of race, age, religion, national origin, sexual orientation, gender identity, spousal affiliation, ancestry, sex, physical or mental disability, and serious medical condition. The Age Discrimination in Employment Act of 1974 (as amended in 1986) abolished mandatory retirement based on age and prohibits discrimination in employment against individuals age 40 and over. Title VI of the Civil Rights Act of 1964 prohibits discrimination in student programs on the basis of race, color, and national origin. The Equal Pay Act of 1983 prohibits discrimination in salary and wages on the basis of sex (gender). The Uniformed Services Employment and Reemployment Rights Act of 1994 (“USERRA”) is a federal law that establishes rights and responsibilities for uniformed service members and their civilian employers. Vietnam Era Veterans’ Readjustment Assistance Act, as amended (“VEVRAA”) prohibits federal contractors and subcontractors from discriminating in employment against protected veterans, and requires employers to take affirmative action to recruit, hire, promote, and retain these veterans.

Leadership in CEEO includes the Director of CEEO (who is also the ADA Coordinator), the Associate Director, Compliance Coordinator, Clery Coordinator and the Title IX Coordinator.

CEEEO’s grievance procedures do not restrict rights guaranteed under the First and Fourth Amendments to the U.S. Constitution nor the Due Process Clause of Fifth and Fourteenth Amendments to the U.S. Constitution. CEEEO complies with the Family Educational Rights and Privacy Act (“FERPA”).

This CEEEO Discrimination Grievance Procedure (“DGP”) outlines the method CEEEO uses when processing complaints alleging violations of UNM policy. Some of the complaints brought under this procedure may also contain allegations that qualify as violations of criminal statutes. As stated above, CEEEO only processes alleged policy violations; it does not process alleged crimes. All persons who believe they have been the victim of a crime may report such crime to law enforcement at any time. **CEEEO does NOT independently report alleged crimes to law enforcement except in limited circumstances, such as harm to a minor.**

#### **DGP DEFINITIONS**

Actual Knowledge	Notice of sexual harassment or allegations received by CEEEO or the Title IX Coordinator regarding discrimination, including sexual harassment.
Advisor	A person chosen by a party or provided by UNM who acts as an advocate for the party during a UNM administrative hearing, if applicable. An Advisor acts as a party’s representative during a hearing for the purpose of conducting cross-examination of witnesses and the opposing party.
COA	Confirmation of Allegations. A Complainant’s written statement of the allegations they are making against a Respondent or Respondents.
Complainant	The person or persons filing a complaint with CEEEO.



COR	Confirmation of Response. A Respondent's written statement in response to a Complainant's COA.
Differential Treatment	Occurs when a protected class of people – whether an individual or a group – are treated differently than similarly situated individuals who are not in the protected class, due to their membership in the protected class.
Discrimination	Conduct based on protected class that excludes a person(s) from participation in, denial of benefits of, treats the person(s) differently than similarly situated individuals who are not in the protected class, or otherwise adversely affects the terms of condition of the person(s)'s employment, education, living environment, or participation in a UNM program or activity. Harassment (including hostile environment and quid pro quo) and differential treatment are forms of discrimination.
Education Program and Activity	Locations, events, or circumstances where UNM exercises substantial control over both the Respondent and the context in which harassment or discrimination occurs, and also includes any building owned or controlled by a student organization that is officially recognized by UNM.
Evidence	Evidence consists of, but is not limited to: eyewitness documents, records, statements, photos, video, security footage, audio recordings, social media, emails, text messages, cellular records, police reports, and any other information that would assist the investigator in finalizing a report.
Exculpatory Evidence	Evidence which tends to show that a Respondent is not responsible for an alleged policy violation.

Failure to Report	Responsible employees under <u>University Administrative Policy 2740</u> are required to report allegations of known or suspected violations of <u>University Administrative Policy 2740</u> or of gender discrimination to CEEO and/or the Title IX Coordinator with 24 hours or as soon as reasonably practicable. Per <u>University Administrative Policy 2720</u> , supervisors are required to report allegations of known or suspected violations of UNM's civil rights policies to CEEO. Failure to report to CEEO within a reasonable timeframe could be considered a failure to report and a violation of University Administrative Policy.
Final Determination	The Hearing Officer's conclusion by a preponderance of the evidence deciding whether alleged conduct occurred and whether that conduct violates UNM policy.
Formal Complaint	A document filed by a Complainant or signed by the Title IX Coordinator or CEEO alleging discrimination, including sexual harassment against a Respondent pursuant to <u>University Administrative Policy 2740</u> , and requesting that CEEO investigate the allegations of discrimination or harassment.
Hearing	The adjudicatory process that takes place after CEEO has concluded its investigation of an alleged civil rights policy violation.
Hearing Coordinator	The individual responsible for coordinating a hearing among the parties, Advisors, witnesses, and other hearing participants.
Hearing Officer	The individual responsible for evaluating the evidence presented by the parties at a hearing and issuing a subsequent determination as to whether a civil rights policy violation occurred.

Hostile Environment	Conduct sufficiently serious (severe/pervasive) and objectively offensive so as to deny or limit a person's ability to participate in or benefit from UNM's programs, services, opportunities, or activities, or conduct that has the purpose or effect of unreasonably interfering with a person's employment or education.
Inculpatory Evidence	Evidence which tends to show that a Respondent is responsible for an alleged policy violation.
Informal Resolution	An informal process where CEEO does not conduct an investigation, and the allegations in the complaint are therefore neither corroborated nor contested. An informal resolution is not disciplinary in nature and must be agreed to by both parties before proceeding. In cases where a violation of <u>Policy 2740</u> is alleged to have occurred, two conditions must exist: 1) both parties must agree to an informal resolution; and 2) the alleged conduct must not have been committed by a UNM employee against a student.
Investigative Report	The final report issued at the conclusion of a formal investigation, which includes: Complainant's statement(s), Respondent's statement(s), witness statements, documentary evidence, and threshold record to be used in an evidentiary hearing.
Jurisdiction	Occurs when the circumstances of a complaint are such that CEEO is authorized by UNM Policy to investigate or remedy those circumstances or allegations.

Post-Closure Action	Informal action that may be taken after the closure of an investigation that does not proceed to a live hearing which is designed to stop alleged conduct and prevent its recurrence.
Preponderance of the Evidence	The relevant evidence gathered during an administrative investigation that demonstrates it is more likely than not that a policy violation occurred.
Protected Class or Status	A trait or association recognized by law or policy as protected against unlawful discrimination. UNM recognizes the following as protected statuses: age, ancestry, color, ethnicity, gender identity, gender, sex, genetic information, medical condition, national origin, physical or mental disability, pregnancy, race, religion, sexual preference, spousal affiliation, and veteran status.
Remedies	To be provided to a Complainant when a Respondent is found to have violated UNM policy. Remedies are designed to maintain the Complainant's equal access to education and may include the same individualized services described as supportive measures herein. Remedies for a Complainant are not, however, required to be non-disciplinary or non-punitive for the Respondent and need not avoid burdening the Respondent.
Respondent	The person or persons responding to a complaint filed with CEEU.
Retaliation	Any action taken in order to seek an adverse academic or employment result against any individual or group of individuals opposing discrimination, filing a complaint, reporting alleged discrimination, participating in a civil rights investigation, or filing an external civil rights complaint.

Support  
Person

A support person is any person of a Complainant or Respondent's choosing who attends CEEO interviews and helps to guide the party through the CEEO process. A support person cannot participate in CEEO interviews; rather, they act as a second set of ears for the Complainant and Respondent. A support person **CANNOT** be a potential witness in the CEEO investigation that the Complainant or Respondent is involved in, nor can they be someone in the Respondent's supervisory chain. A support person cannot participate in an evidentiary hearing, if applicable.

Supportive  
Measures

Non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to education programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or UNM's educational environment, or deter harassment.

Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

UNM will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality does not impair UNM's ability to provide the supportive measures.

	The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.
Third-Party Report	A report filed by someone other than the party affected by civil rights violations, including a responsible employee, witness, or other individuals with knowledge or information regarding potential civil rights violations.
Title IX	Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex or gender in any educational program or activity receiving federal financial assistance. Title IX violations include: sex/gender discrimination, sexual harassment, stalking, dating violence, domestic violence, and intimate partner violence, or any other form of sexual violence.
Unaffiliated	When a party is referred to as “unaffiliated,” it means that they do not have a direct relationship to UNM as a student, faculty, staff member, or contractor.
Union Representative	A union representative is a person from a party’s employment/labor union who may attend CEEO interviews and help guide the party through the CEEO process. A union representative cannot participate in CEEO interviews; rather, they act as a second set of ears for the party.
Witness	Any person who may have knowledge of the evidence in an investigation or complaint.

## I. NOTIFICATION AND CORRESPONDENCE WITH CEEO

CEEEO generally sends official notifications and other documentation to individuals via email to official UNM email addresses; if the individual does not have a UNM email address, it is sent to an email address provided by the individual. Individuals may request that CEEEO use an alternative email address or a different method of contact, but unless and until this request is made,

CEEO sends all correspondence using this method. Requests that CEEO send communications to an email address other than a UNM email address must be made in writing via email to [oeounm@unm.edu](mailto:oeounm@unm.edu).

If an individual prefers to receive correspondence by mail, that preference and the individual's preferred mailing address must be specified in writing and delivered either by email to [oeounm@unm.edu](mailto:oeounm@unm.edu), by mail to CEEO's mailing address at 1 University of New Mexico, MSC05 3150, Albuquerque, NM 87131-0001, or by hand delivery to the CEEO office during regular business hours at 609 Buena Vista Dr. NE, Albuquerque, NM 87106.

All CEEO correspondence sent to an individual by email is deemed received on the date the email is sent. All correspondence sent by mail from CEEO is deemed received by the recipient **three (3) business days** after the postage date.

## **II. RETALIATION**

It is the policy of UNM to foster an environment where faculty, staff, and students may raise civil rights claims without fear of retaliation or reprisal. All members of the UNM community have a right to redress for perceived violations of their civil rights. It is contrary to UNM policies (under 2720(13) and 2740(4)) to retaliate against any individual(s) for asserting their civil rights or for reporting civil rights related misconduct, including sexual misconduct. These rights include but are not limited to: notifying UNM (faculty, staff) of civil rights concerns; filing a claim of discrimination; participating as a witness in an investigation; declining to participate in an investigation; or responding to allegations of civil rights violations. Retaliation or reprisal against any participant in an investigation will not be tolerated by UNM. Retaliation against a person who seeks assistance from CEEO is grounds for a subsequent civil rights claim. are grounds for a subsequent civil rights claim.

## **III. TIME FRAME**

Individuals who believe their civil rights have been violated at UNM or in a UNM program should file a complaint within **180 calendar days** from the most recent alleged discriminatory incident. This time frame may be extended due to the severity and/or pervasiveness of the allegations (such as sexual violence), allegations of a continuing pattern of conduct, or as determined by CEEO.

## **IV. REPORTING CONCERNS; TYPES OF COMPLAINTS**

Any person may report discrimination, including those below, to contact CEEO if they observe, experience, become aware of, or encounter conduct they believe may be related to civil rights violations:

- UNM Students
- UNM Staff
- UNM Applicants
- Former UNM Employees or Students
- UNM Student Employees
- UNM Faculty
- Visitors to UNM
- Parents and Guardians of Applicants or Students

Reports of potential civil rights violations can be made through any of the following means:

- Complete and submit an online CEEO complaint form;
- Email ([oeounm@unm.edu](mailto:oeounm@unm.edu)), fax (505-277-1356), or mail a written document describing the concerns;
- Complete the online UNM EthicsPoint Hotline Complaint Form;
- Make an appointment with a CEEO employee;
- Walk-in at CEEO's office during regular business hours; or
- Call CEEO's office at 505-277-5251.

There are different types of complaints that may be made to CEEO under this DGP, as outlined below.

#### **A. Informal Complaint from Complainant**

A Complainant may file an informal complaint of discrimination or harassment to seek supportive measures and as a means of obtaining information regarding their rights and the CEEO formal grievance procedure as described in Section VI. Once informed, the Complainant may decide to initiate the formal grievance process. An informal complaint, however, will not activate the formal grievance process, meaning a formal investigation and live hearing will not occur.

The informal complaint should include:



1. The Complainant's name and preferred contact information, as well as their affiliation with UNM (student, staff, faculty, applicant, or visitor to UNM);
2. The Respondent's name and contact information, and whether the Respondent is a student, staff, faculty, or UNM visitor;
3. The Complainant's protected status under which the alleged discrimination or harassment has occurred;
4. The civil rights category to which the Complainant believes the allegations belongs (i.e., sexual harassment or misconduct, discrimination, harassment, failure to accommodate, retaliation, etc.); and
5. The reasoning for the civil rights category identified and the Complainant's protected status (as defined on page 34).

Upon receipt of the informal complaint, the following will occur:

1. CEEEO will reach out to the Complainant with resources to address their concerns. These resources are specific to the Complainant's role at UNM (student, staff, or faculty) and outline access to groups on and off campus to assist the Complainant with the impacts that alleged discrimination has had on them;
2. CEEEO will offer the Complainant opportunity to request supportive measures;
3. CEEEO will advise the Complainant of their right to file a formal complaint and information regarding the formal grievance procedure.

Complainants may provide the required information orally or in writing. CEEEO may contact persons who submit complaints in order to discuss the details of the concerns and obtain additional factual information.

#### **B. Formal Complaint from Complainant**

A Complainant may file a formal complaint of discrimination and/or sexual harassment that triggers the formal grievance procedure set forth in Section VI. See Section VI(A) for more information regarding formal complaints.

The formal complaint shall:

1. Be filed utilizing the CEEO formal complaint form (If the complaint is received verbally or via a third-party report, the Complainant elects a formal complaint process by utilizing the CEEO form);
2. Be signed and dated by the Complainant;
3. Include Respondent's name and contact information (if known), and whether the Respondent is a student, staff, faculty, or UNM visitor;
4. Include Complainant's protected status, which the person claims as the basis for the alleged discrimination or harassment;
5. Include the civil rights category to which the Complainant believes the allegations belong (i.e., sexual harassment, violence, or misconduct, discrimination, harassment, failure to accommodate, retaliation, etc.);
6. Include the reasoning for the civil rights category identified and the Complainant's protected status (as defined on page 35 & 36 herein);
7. Identify the UNM program, activity, or location where the alleged conduct occurred; and
8. Indicate whether the alleged conduct occurred in the United States.

A Complainant who files a formal complaint with CEEO will have the opportunity to seek supportive measures.

### **C. Third-Party Reports and Reports from Responsible Employees; Failure to Report**

CEEEO receives reports from third-party reporters, responsible employees (as defined by UNM Policy 2740), or others who have information regarding potential civil rights violations. In these cases, the third-party report may lack the detail present in a Complainant's direct report. In such cases, CEEEO may reach out to the individual(s) the third-party reporter identifies as having experienced the civil rights violation or other witnesses the third-party reporter identifies for more information. CEEEO will evaluate and accept third-party reports to determine if the report is sufficiently detailed to accept jurisdiction and constitute actual knowledge of a complaint. In all cases where reports are received from third parties, CEEEO will reach out to the alleged Complainant to discuss the report, determine the alleged Complainant's need for supportive measures, and how they wish to proceed.

#### **1. Failure to Report**

When CEEEO receives information that a UNM employee with reporting responsibilities, pursuant to University Policies 2720 and 2740, has failed to report allegations of known or suspected policy violations in a timely fashion, CEEEO will initiate the following process.

Depending upon the nature of the FTR, CEEEO may issue a memorandum or proceed with additional fact-finding processes. If an FTR is a singular occurrence, an FTR memorandum will be sent to the Respondent (the person who failed to report to CEEEO under UNM Policies) and their supervisor. This memorandum serves as a reminder of the responsible employee's duties as outlined in University Policies 2720 and 2740, and is not disciplinary or punitive. No CEEEO investigation is conducted and no hearing is held.

In cases where there are multiple instances of FTR or when an FTR could result in significant harm to the campus or member(s) of the campus community, CEEEO will notify the Respondent (the person who failed to report to CEEEO under UNM Policies) of the information that CEEEO has related to the FTR in writing, and will provide Respondent **five (5) business days** to respond to the FTR allegations, by either providing a verbal or written statement. See Section VI(C)(3)(b).

CEEEO will review all relevant documents and interview any witnesses, if available and necessary, to determine if Respondent failed to report in relation to their duties, position, and responsibility under UNM policy. This information will be gathered into a Draft Investigative Report and provided to Respondent for review. Respondent will have **five (5) business days** from the date of the Draft Investigative Report to provide additional, factual, relevant information. CEEEO will then prepare a memorandum stating whether the information gathered demonstrates a violation of policy (POLICY VIOLATION or NO POLICY VIOLATION) and will provide the memorandum to Respondent. **There is no live hearing associated with an FTR investigation;** the determination of a policy violation is made by the CEEEO investigator. Respondent will have the same opportunity to appeal per the process outlined in Section X herein. After the appeal window closes, CEEEO will provide the FTR memorandum to Respondent's supervisor and the appropriate sanctioning authority on campus.

#### **D. Anonymous Reports**

Individuals who report to CEEO may choose to do so through anonymous means, such as through UNM's anonymous compliance hotline. CEEO's ability to conduct a full investigation into the alleged discrimination may be limited in this circumstance. Similarly, an individual who reports discrimination anonymously may have only limited protection from retaliation. Additionally, complete anonymity can never be guaranteed, as the specific allegations in a complaint may make the anonymous reporter identifiable. See Section XI.

**E. Report Filed by the Title IX Coordinator or CEEO**

Based on information CEEO and/or the Title IX Coordinator receives, the Title IX Coordinator or CEEO may exercise their authority to initiate a formal complaint and investigation on behalf of UNM, regardless of the cooperation or involvement of a Complainant or affected party.

**F. False Reports**

In the event CEEO receives clear and credible information demonstrating that a Complainant or other filing party has submitted a false report, CEEO will investigate as outlined herein against the party alleged to have filed a false report. A person who is determined to have filed a false report is subject to the sanctions and discipline outlined in Section VIII. JURISDICTION.

**G. Jurisdiction Generally**

CEEEO reviews discrimination complaints to determine whether it is authorized to address them. CEEEO's jurisdiction is generally limited to conduct that occurs on UNM property or within UNM education activities, programs, sponsored events, or functions. In some cases, however, CEEEO may assert jurisdiction when the complaints are alleged to impact the campus environment or a staff, faculty, or student's work or academic environment.

CEEEO will take no action on any complaint filed with CEEEO unless it has jurisdiction over one of the parties involved and the subject matter as described in greater detail below:

1. **The parties involved.** CEEEO investigates policy violations. Therefore, the policy alleged to have been violated must apply to at least one of the persons involved in the issue raised with CEEEO.
2. **The subject matter of the allegations underlying the complaint.** CEEEO has jurisdiction to investigate alleged policy violations regarding civil rights. For CEEEO to have jurisdiction to investigate a complaint, the allegations must state facts that, taken in the light most favorable to the Complainant, qualify as an alleged violation of one or more of UNM's policies. If the allegations in the complaint do not allege sufficient facts demonstrating that one of UNM's civil rights policies have been violated, then CEEEO may not be able to accept jurisdiction. As noted above, CEEEO may take informal action related to allegations that do not, as alleged, violate UNM policy; therefore, UNM and CEEEO encourage anyone who has any concerns related to civil rights at UNM to bring their concerns to CEEEO.

To make a jurisdictional determination, CEEEO may also consider:

1. Previous and contemporaneous reports or violations against Respondent;
2. Pattern of behavior;
3. Severity of the allegations;
4. Use of weapons, drugs, or coercion;
5. Physical threats or violence;
6. The power dynamic between the parties involved;
7. Where the incident(s) took place;
8. The impact on the parties;
9. Whether multiple parties were impacted.

#### **H. Jurisdiction of Complaints Subject to University Administrative Policy 2740**

In order to accept jurisdiction in cases of alleged sexual harassment as defined in University Administrative Policy 2740, the alleged incident must have occurred in UNM's education program or activity, which includes physical locations and events over which UNM exercises substantial control, over both the Respondent and the context in which the sexual harassment occurs. This includes any building owned or controlled by a student organization that is officially recognized by UNM. Additionally, at

the time of the alleged conduct, the Complainant must be participating or attempting to participate in UNM's educational programs or activities. Complaints filed under University Administrative Policy 2740 must have occurred in the United States.

#### **I. Formal Complaint**

A Complainant may file a formal complaint of discrimination and/or sexual harassment to initiate the formal grievance procedure outlined in this section.

The Complainant shall use the CEEO formal complaint form to file a formal complaint and shall sign and date the same. A Complainant who files a formal complaint will have the opportunity to seek supportive measures.

#### **J. Notice**

Upon receipt of a formal complaint of discrimination as described in Section VI(A), CEEO will notify the parties of the following:

1. A formal complaint has been received;
2. The ability to informally resolve the complaint if the parties agree (except in cases where a UNM employee is alleged to have sexually harassed a student);
3. A notice of the allegations including the identities of relevant participants;
4. The specific policy or policies that Respondent is alleged to have violated;
5. The date and location of the incident, if known;
6. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
7. Inform the parties that they may have an Advisor of their choice during any subsequent hearing, including an attorney at their own expense, if they choose;
8. Advise the parties of UNM policies prohibiting false statements. See UNM Student Code of Conduct, Section 2.3; University Administrative Policy 2720, Section 12; University Administrative Policy 2740.
9. Inform the parties about retaliation as described in University Policies 2720(13) and 2740(4);;
10. Provide notice of any additional allegations that arise after the initial notice to the parties; and

11. State the purpose of all investigative interviews with a party, with enough time for the party to prepare for the interview.

## **K. Process Options**

After a Complainant files a formal complaint as outlined in Section IV(C) and the parties are provided with notice, the following process options are available:

### **1. Withdraw the Complaint**

A Complainant may elect to withdraw their complaint at any time after bringing concerns to CEEO. If Complainant chooses to withdraw the complaint, Complainant will be required to sign a form verifying this decision; a written request by the Complainant will meet this requirement. A Complainant is still eligible to seek supportive measures as described in the Definitions section of this DGP.

Even if a Complainant withdraws their complaint, CEEO reserves the right to continue its inquiry into the concerns in order to ensure compliance with UNM policy and related state and federal regulations. Within **five (5) business days** of either receiving Complainant's notice of withdrawal or CEEO's final attempt at communication with Complainant, CEEO will notify Complainant if any further action will be taken regarding their complaint. CEEO may act as deemed appropriate to ensure a working and learning environment free from harassment and discrimination.

If, after a withdrawal by Complainant, CEEO determines it will not proceed with the formal process and investigation, it will dismiss the complaint and notify the parties of the dismissal and justification. *See* Section VI(C)(3)(e)(i).

### **2. Informal Resolution**

An informal resolution is a path designed to eliminate the alleged discriminatory or harassing conduct, prevent recurrence, and remedy the effects of any conduct in a manner that ensures compliance, along with the safety and welfare of the campus community. The purpose of an informal resolution is to inform Respondents that allegations have been made against them and to make them aware of UNM policies and behavioral expectations. This is an informal process where an investigation is not

conducted and the allegations in the complaint are therefore neither corroborated nor contested. An informal resolution is NOT disciplinary in nature. **An informal resolution will not be offered to facilitate a resolution for allegations that a staff or faculty member sexually harassed a student.**

A Complainant may elect to proceed with an informal resolution after filing a formal complaint in all cases. In order for an informal resolution to proceed in cases involving allegations of Policy 2740 violations, both parties must agree with this option. If the parties do not agree, CEEO will proceed to a formal investigation as outlined in Section VI(C)(3).

An informal resolution does not follow a pre-determined process. Rather, CEEO consults with the parties and then proceeds with a solution that prevents recurrence of the alleged conduct. Examples of informal resolutions include, but are not limited to:

- Meet with Respondent to discuss the allegations and UNM policies;
- Meet with Respondent and Respondent's supervisor separately if the allegations regard a work environment;
- Meet with Respondent and supervisor or other authority figure together;
- Provide training or engage in other collaborative processes as deemed appropriate by CEEO;
- Initiate the ADA reasonable accommodation process in cases where a failure to accommodate has been alleged;
- Provide information and discuss reasonable accommodations for pregnancy/lactation;
- Dialogue about the issues to improve the environment or remedy the effects of the alleged conduct; or
- Refer the parties back to a supervisor or other appropriate party for remedial action and monitoring of the work and/or academic environment. The supervisor will notify CEEO of the actions taken to address the work and/or academic environment.

After an informal resolution occurs, CEEO sends follow-up correspondence to Respondent and/or to Respondent's supervisor or other authority figure (if applicable), documenting what action was taken by CEEO. CEEO notifies Complainant of the action taken and, when appropriate, follows up with the parties regarding Complainant's initial concerns for **sixty (60) days**, to ensure the conduct at issue has stopped. At the conclusion of the sixty (60) day period, CEEO will close the case. CEEO may modify monitoring periods on a case-by-case basis.



Informal resolutions may not be appropriate for all forms of conduct prohibited by UNM policies. **Informal resolutions may not be an available procedural option when CEEO determines that an informal process is not appropriate based on the severity or pervasiveness of allegations.** In those instances, CEEO may proceed with a formal investigation, which can lead to an evidentiary hearing before a Hearing Officer. *See* Section VI(C)(3)(f).

## 2. Formal Investigation

The investigation is a neutral process during which CEEO gathers evidence directly related to the allegations in the formal complaint from the parties, any witnesses they identify, any witnesses CEEO identifies, and from any other source. The parties are encouraged to provide any and all evidence and witnesses they deem relevant to their case and should consider submitting evidence that is described in the Definitions section of this document. As described in greater detail in the subsections below, each party will have the following opportunities during a CEEO investigation:

- Be interviewed by the investigator;
- Review their own statements prior to the statement being included in an Investigative Report and distributed to the other party.
- Provide evidence to the investigator;
- Suggest witnesses to be interviewed by the investigator;<sup>2</sup> and
- Propose questions to be asked of witnesses and parties.

If additional allegations are identified during the investigation, the investigator shall provide additional notice to the Respondent pursuant to Section VI(B) above. The Respondent will have the opportunity to provide additional information in response to any new allegations.

### a. Complainant Meeting

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<sup>2</sup> Neither CEEO nor the Hearing Officer consider statements by witnesses which attest to a party's character. Any witnesses suggested by the parties should provide relevant evidence specific to the allegations in the complaint.

Typically, as part of the formal investigation, CEEO engages in an interview process with Complainant to determine the specific allegations Complainant requests CEEO to investigate. This interview process may consist of multiple meetings, if needed.

During the interview, CEEO will describe the investigative process, the rights and responsibilities of the parties, and UNM's policy prohibiting retaliation. Complainant will provide a statement to the investigator – whether verbal or written – outlining the specific allegations they are making against Respondent(s). If Complainant provides a verbal statement, CEEO will draft a written Confirmation of Allegations (COA) and provide it to Complainant within **two (2) business days** of the initial Complainant meeting. Complainant will have **two (2) business days** after receiving the COA to confirm its accuracy and then sign and return to CEEO. When the interview process is complete, Complainant has returned the COA, and the specific allegations of policy violation(s) have been identified for investigation, CEEO will simultaneously notify Complainant and Respondent within **two (2) business days** which allegations have been accepted for investigation, which type of discrimination the Complainant has identified, and which University policies the Respondent is alleged to have violated.

#### **b. Respondent Meeting**

If a formal investigation is elected, CEEO schedules a meeting with Respondent. Prior to meeting with Respondent, CEEO will provide Respondent with written notice and information that constitutes the complaint, including the protected status, the type of discrimination, and a summary of allegations raised by the Complainant. During this meeting, CEEO describes the investigation process, the rights and responsibilities of all parties, and UNM's policy prohibiting retaliation.

At the initial meeting, CEEO notifies Respondent of the nature and scope of Complainant's allegations and the UNM policy(ies) Complainant alleges Respondent violated. During the meeting, Respondent may provide a statement to the investigator – whether verbal or written – in which Respondent addresses the allegations raised by Complainant and answers questions posed by the investigator. If Respondent provides a verbal statement, CEEO will draft a written Confirmation of Response (COR) and provide it to Respondent within **two (2) business days** of the initial Respondent meeting. Respondent will have **two (2) business days** after receiving the COR to confirm its accuracy and then sign and return to CEEO.

#### **c. Evidence Gathering**

As part of its investigation, CEEO gathers information it deems relevant to the allegations and any defenses. The parties may submit any documentation they believe should be considered, as well as identify any witnesses they believe should be interviewed. Witnesses are given the opportunity to review a draft of their statement before the statement is included in the Investigative Report. The parties should submit any evidentiary items that are listed in the Definitions section herein, including electronic evidence such as social media posts, audio, text, and phone records. The parties should notify CEEO as soon as possible of any electronic evidence, such as recordings and social media, in order for CEEO to request and preserve the evidence.

CEEEO shall also identify evidence independently of the parties if CEEEO determines that such evidence may be relevant to its investigation. CEEEO may also receive information from other UNM offices as appropriate or review public sources, such as social media or public records.

CEEEO has sole discretion to determine which allegations it will investigate and the way it conducts any investigation. As such, CEEEO has sole discretion to determine the relevance of information to the investigation.

**CEEEO does not have subpoena power or other authority to compel document production or witness participation.** Document production and witness participation is therefore voluntary; however, UNM strongly encourages all members of the UNM community to participate in CEEEO investigations and provide information when CEEEO requests it pursuant to its role as investigator.

#### **d. Inspection and Review Process**

The parties will be provided equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

Prior to issuing a final Investigative Report, CEEO will send to each party and the party's support person, if any, the evidence subject to inspection and review in an electronic format. The parties will have **ten (10) business days** to submit a written response, including any **new, factual information which was not reasonably available to the parties prior to issuing the Investigative Report**, which the investigator will consider prior to completion. See Section VI(C)(3)(e)(ii) herein.

**e. Post-Investigation Steps**

At the conclusion of an investigation, CEEO will either dismiss the formal complaint or continue the investigatory process for further action if dismissal is not warranted.

**i. Dismissal Memorandum**

If the evidence gathered during an investigation indicates that no discriminatory or harassing behavior took place, the conduct described is not civil rights related, or does not fall within the jurisdiction of CEEO, it will issue a Dismissal Memorandum to the parties, summarizing its findings and justification for closing the complaint.

CEEEO will issue a Mandatory Dismissal, as required by Title IX of the Education Amendments of 1972, in cases that allege violation of University Administrative Policy 2740 when:

- Alleged conduct does not meet the definition of sexual harassment under University Administrative Policy 2740;
- The alleged conduct did not occur within UNM's education program or activity; or
- The alleged conduct occurred outside of the United States.

**If CEEEO issues a Mandatory Dismissal for an alleged violation of University Administrative Policy 2740, it may still proceed with a formal investigation under other applicable University policies.**

CEEEO will consider a Discretionary Dismissal in all cases as follows:

- Where a Complainant notifies CEEO or the Title IX Coordinator in writing that they want to withdraw the formal complaint or any allegations therein;
- Where the Respondent is no longer enrolled in or employed by UNM;
- Where specific circumstances prevent CEEO from gathering evidence sufficient for a decision-maker to reach a determination (e.g., alleged misconduct is not targeted at a specific individual; there is no nexus between alleged misconduct and a protected status).

Parties may appeal<sup>3</sup> a CEEO dismissal for one or more of the following reasons:

- Procedural irregularity that affected the outcome;
- New evidence that was not reasonably available when the determination of responsibility was made that could affect the outcome; or
- The Title IX Coordinator, investigator, or decision-maker had a general or specific conflict of interest or bias against the Complainant or Respondent that affected the outcome.

Even when it issues a Dismissal Memorandum, CEEO may determine that the academic and/or work environment requires some informal action, such as training or education for the parties or a department. In cases where post-investigative action is deemed appropriate, parties who need to know will be notified. This informal action may include:

- Referring the issue to a department/division or unit to address climate issues (CEEEO will require the department to provide CEEEO with information outlining the remedial action that was taken);
- An educational or other training opportunity conducted by CEEEO or other entity;
- Referral to another department on campus with authority to address the issues including the UNM Police Department, Dean of Students, Academic Affairs, or Human Resources.

## ii. Investigative Report

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<sup>3</sup> See Section X for the appeal filing process.

If dismissal of a formal complaint is not warranted, CEEO will create an Investigative Report. The Investigative Report will offer no opinion as to whether a policy violation occurred.

The Investigative Report will include: a citation to the policies alleged to have been violated; Complainant's statement; Respondent's statement; witness statements; all relevant evidence gathered in the investigation; the investigative steps taken; and a statement outlining the reason for any delay in an investigation.

The Investigative Report shall:

- Objectively state all relevant evidence, including both inculpatory and exculpatory evidence;
- Start from a premise that the Respondent did not engage in the discriminatory conduct until a determination of responsibility is made at the conclusion of the grievance process by a preponderance of the evidence;
- Outline disputed and undisputed facts uncovered during the investigation, including any evidentiary anomalies or discrepancies.

At the request of a party or witness, or at its discretion, CEEO will exclude and redact from the report content falling into one of the following categories:

- Prior Sexual History. Generally, an individual may exclude evidence of their own prior sexual history with anyone other than a party;
- Mental Health Treatment and/or Diagnosis. Generally, an individual may exclude evidence of their own mental health diagnosis and/or treatment;
- Sensitive Personal Identifying Information and Medical Records. Sensitive personal identifying information, such as Social Security numbers and irrelevant information contained in medical records, will be excluded;
- Irrelevant Information. Information that is not relevant to the investigation or the policy violations alleged will not be included in the Investigative Report.

The investigator will also exclude and redact content that is impermissible under applicable law. Exclusions and redactions will be noted and thereby become part of the investigative record.

In order to protect the integrity of the CEEO investigation, no documents or records are released to the Complainant or Respondent until the Investigative Report is issued. The Investigative Report contains a description of the documents and records CEEO gathers during its investigation and which the Hearing Officer may use to determine whether UNM policy was violated.

After the Investigative Report is issued, the parties will have **ten (10) business days** to submit any new, relevant, factual information to be included in the Investigative Report. The response may include corrections or clarifications to the party's own statement, questions for the other party or witnesses, along with any additional evidence or witnesses **not reasonably available to the parties prior to issuing the Investigative Report**. This new information will be included as part of the record in the Investigative Report, which will be issued to the parties within **five (5) business days** of having received the parties' responses to the Investigative Report.

The Investigative Report will then be compiled and forwarded to the UNM Hearing Coordinator to begin the grievance hearing process. Thereafter, CEEO will close the investigative file and provide notice to the parties of the same.

Mandatory Dismissals for an alleged violation of University Administrative Policy 2740 that are investigated under other applicable University policies that adjudicate incidents of dating violence, domestic violence, sexual assault, and stalking involve the same steps, timeliness, and decision-making processes as investigations involving University Administrative Policy 2740 as described in the Office of Compliance, Ethics, and Equal Opportunity's Discrimination Grievance Procedure.

#### **f. Grievance Hearing Process**

A live hearing presided over by a Hearing Officer will be held to adjudicate the formal complaint and CEEO investigation. Upon the request of either party, the hearing may be conducted by videoconference with the parties in separate rooms. At all times, however, all participants – including the parties, Advisors, witnesses, and decision-maker – must be able to see and hear each other.

The Hearing Officer has extensive training in Title IX procedures as well as all applicable evidentiary requirements, standards of proof, and relevant state and local laws. The Hearing Officer is tasked with reaching a determination by applying a preponderance of the evidence standard, which is the standard utilized in all UNM hearing processes.

The hearing process is determined by the Hearing Officer.

## **V. OTHER MATTERS RELEVANT TO THE FORMAL GRIEVANCE PROCESS**

### **A. General Statement of Investigation Timelines**

CEEO attempts to complete investigations in a timely manner, generally concluding within **sixty (60) calendar days** of notifying the parties that CEEO is initiating a formal investigation; however, some investigations may take additional time depending upon the complexity of the claim(s) and other extenuating circumstances. When there are factors that extend the normal time frame, the parties are notified of the extension and CEEO documents the reasons for the extension. Similarly, when circumstances dictate that any of the timelines specifically identified herein be extended, CEEO notifies the parties and documents the reasons for the extension.

If a party requires an extension of any time limits applying to them as stated herein, they should submit a request to the investigator as soon as they learn of the need for an extension and state the reason for the request. If good cause for an extension is provided, CEEO may grant the request. If a request is granted, CEEO will notify the parties of the length of the extension and the reason provided for the extension.

In investigations where there is also a criminal investigation by a law enforcement agency, the CEEO process will run concurrently with such an investigation. CEEO may grant temporary delays reasonably requested by law enforcement for evidence gathering and preservation.

### **B. Responsibilities of the Parties**



All persons involved in a CEEO investigation are encouraged, and all UNM employees are required, to preserve all information and tangible material relating to alleged discriminatory or harassing conduct. Examples of evidence include, but are not limited to: electronic communications, photographs, video and/or audio recordings, clothing, and medical information.

At all stages of a CEEO investigative and hearing process, UNM students and employees are expected to provide truthful information to investigators, hearing coordinators, and hearing officers. Making false representations to the University is prohibited under policy and applies to all UNM community members. See UNM Student Code of Conduct, Section 2.3; University Administrative Policy 2720; University Administrative Policy 2740.

All UNM students, staff, and faculty who participate in a CEEO investigation and any subsequent hearing are encouraged to keep investigation and hearing information confidential during the investigation and hearing in order to maintain the integrity of the process.

#### **C. Modification of the Formal Investigation Process**

CEEEO may elect to deviate from standard process when facts or situations require it. Any deviation from standard reports will be described in detail in the Investigative Report and will include the reasoning for this deviation. Examples include, but are not limited to:

1. Unaffiliated Respondents. If the Respondent is unaffiliated with UNM or becomes unaffiliated with UNM, CEEEO may continue the formal investigation and issue an Investigative Report.
2. Hiring Challenges. CEEEO may accept a hiring challenge based on protected status, where the complaint demonstrates a potentially disparate impact on Complainant. In these situations, CEEEO may elect to name a department, division, unit, or office as Respondent and review the hiring process, procedure, candidate pool, or hiring outcome. In these situations, CEEEO may not name a specific Respondent and will issue only a Final Report, similar to a climate investigation described herein. See Section IX.
3. Failure to Report. See Section IV(C)(1).

#### **D. Advisors, Support Persons, and Union Representation**

Complainants and Respondents are encouraged to bring a support person of their choice to provide guidance during the CEEO process, including the investigatory stage. A support person may be any person who is not a party or potential witness in the case or a supervisor of one of the parties; their role is to assist the party in navigating UNM's administrative processes. Support person roles may vary based upon the specific needs of the party.

In the event a CEEO investigation advances to a hearing, the parties are required to have an Advisor of their choice. The Advisor assists the party during the hearing stage, including conducting cross-examination of the opposing party and witnesses.

If the party has union representation, the party has a right to request that a union representative be present at any meeting with CEEO. If the party feels it is necessary to have a union representative during the interview, the party may ask to stop the interview at any time. The party will be given **three (3) business days** to obtain a union representative and reschedule the interview.

The parties may be accompanied by their respective support person to any CEEO meeting or interview. The support person is allowed to ask questions regarding CEEO's process but is **not** allowed to answer questions posed to the parties, to present arguments or evidence, or otherwise participate directly in the investigation. A support person shall make themselves reasonably available for all aspects of the CEEO grievance process. CEEO will review and grant good cause extensions as it deems necessary and, on a case, -by-case basis; scheduling conflicts alone generally do not constitute good cause. Parties are encouraged to utilize UNM's on-campus resources.

CEEEO will communicate directly with the parties unless the parties indicate otherwise in writing. If a party wishes CEEEO to communicate directly with a support person, the party must sign a release and describe the parameters of CEEEO's communication with the support person. If the party is a student, the student must sign a FERPA waiver provided by CEEEO.

Advisors and/or support persons shall not share FERPA-protected or other confidential information learned through the CEEEO process. Advisors and/or support persons shall not engage in harassment or retaliation of any person or party. Support persons will be asked to sign a Confidentiality Agreement to protect the integrity of the CEEEO grievance process and investigation.

## **VI. SANCTIONS AND REMEDIES**

CEEEO does not have sanctioning or disciplinary authority. If the Hearing Officer's final determination is that a policy violation has occurred, the Hearing Coordinator will send a copy of the Investigative Report and the Hearing Officer's Final Determination to the parties, their Advisors, and CEEEO as outlined in the hearing procedure.

Investigative Reports and Final Determinations may also be shared with others who have a legitimate business reason to be advised of the determination, including but not limited to: National Institutes of Health (NIH), National Science Foundation (NSF), UNMPD, Student Conduct, Residence Life, the Clery Compliance Officer, Greek Life, and Athletics. CEEEO will determine what information and what officials must be advised of the Hearing Officer's findings in order to remedy the effects of discriminatory conduct and to prevent its recurrence.

The Title IX Coordinator or Student Conduct Officer may submit a written statement regarding aggravating and mitigating factors to the sanctioning authority, including whether the Respondent was previously found to have violated University Administrative Policy.

Sanctions can range from a verbal warning to expulsion or termination of employment.

If the Respondent is determined to have violated University Administrative Policy 2740, the Title IX Coordinator may provide the Complainant with remedies that are separate from the Respondent's sanction. Remedies are designed to maintain the Complainant's equal access to the academic and/or work environment. Remedies may include extending supportive measures as defined in this DGP. Remedies are not required to be non-disciplinary or non-punitive for the Respondent and need not avoid burdening the Respondent. Remedies are confidential and are not shared with the Respondent except to ensure the remedy is carried out.

## **VII. CLIMATE ASSESSMENTS; DEPARTMENTAL INVESTIGATIONS; CONSOLIDATED COMPLAINTS**

### **A. Climate Assessment**

As an equal opportunity employer and an equal educational opportunity institution, UNM is legally obligated to provide and maintain an atmosphere free from discrimination. UNM must respond appropriately to all reports of discrimination. Such response may include investigating claims and taking appropriate corrective action even when there are no individuals standing in the roles of Complainant and/or Respondent as described herein.

If CEEEO receives reports of alleged violation(s) of UNM policy, including but not limited to, alleged discriminatory actions, and those reports include allegations of violations that may affect multiple individuals within one department, CEEEO may exercise its authority to conduct a civil rights-related climate assessment to address any actual or potential harm, and remedy any effects of that harm.

Climate assessments may be initiated at CEEEO's or the Title IX Coordinator's sole discretion when the totality of allegations in one or multiple reports or claims of discrimination indicates that a discriminatory environment may exist within a department. Under such circumstances, UNM stands as the Complainant in the matter. A Dean of an academic area or Director of a unit may also request that CEEEO conduct a climate assessment. Under such circumstances, the Department stands as the Complainant in the matter. In all such cases, CEEEO, defines the scope of the assessment if one is to occur. Climate assessments will generally not be conducted when there are active investigations or inquiries into alleged misconduct by a particular Respondent or Respondents, but may be pursued after those active investigations are resolved. If CEEEO determines that a climate assessment should be initiated while a separate investigation is ongoing, it will conduct the assessment so as not to interfere with the active investigation.

Once CEEEO determines jurisdiction of a climate assessment, CEEEO notifies the department Director or Chair that jurisdiction has been accepted, indicates the investigator assigned, and seeks to schedule a meeting with the department Director or Chair to discuss the process, the rights and responsibilities of the parties, UNM's prohibition against retaliation, and provide an overview of the allegations of civil rights violation(s) that have been raised.

At the conclusion of its assessment, CEEEO issues a Climate Report that contains information on the allegations, witness statements, and all relevant evidence gathered during the investigation. CEEEO provides the Climate Report to the appropriate

Chair or Director. Those who receive the Climate Report have **ten (10) business days** to provide comment, response, or new, factual information.

After CEEO has received new, factual information, or when the deadline has passed with no response, CEEO writes a Final Climate Report which includes the information from the Climate Report, and any new information submitted. The Final Climate Report does not result in the issuance of a finding of responsibility; rather, the investigator will indicate whether the assessment revealed that there is a climate of discrimination or harassment in the department.

A copy of the Final Climate Report is forwarded to the Chair or Director and their supervisor, as well as higher level departments if deemed appropriate, such as the Office of the Provost or Human Resources. A meeting is then scheduled between the Chair or Director, their supervisor, the CEEO Director and/or Title IX Coordinator to determine a solution for stopping the harassment or discrimination if any is determined to exist, addressing the harm the discrimination and harassment has caused, and preventing its recurrence. CEEO and the department may collaborate with other campus departments or community resources to effectuate remedial action.

Because there is no finding of responsibility in a climate assessment, there is no opportunity for either a hearing or appeal by the Chair or Director of the department in which the climate assessment is conducted.

#### **B. Consolidated Complaints; Cross-Claims**

Where there are several complaints against a Respondent by more than one Complainant, CEEO will consolidate those complaints into one investigation when possible. In order to consolidate multiple complaints into one investigation, the complaints must arise out of the same set of facts or circumstances.

In instances where parties to an investigation each have a claim against the other – a cross-claim – that is jurisdictional to CEEO, the investigator assigned to the first report will also investigate the second report simultaneously. The cross-claims will be consolidated into one investigation. This is done to ensure a timely investigation, as well as save time for parties and witnesses to the investigation. In addition, this allows for the ultimate live hearing following an investigation to address both parties' claims, preventing the need for an additional hearing.

### **C. Departmental Investigation**

A departmental investigation is one in which CEEO or the Title IX Coordinator stand in as the Complainant in a formal investigation in which there are multiple complaints against one Respondent.

Unlike the consolidated complaint process outlined in Section IX(B), a departmental investigation is held where there are multiple complaints against one Respondent, but the complaints **do not** arise from the same set of facts or circumstances. In this type of case, the occurrence of multiple complaints may be sufficient to indicate a pattern of acts that, in the aggregate, could violate UNM policy. Under such circumstances, CEEO may determine that a departmental investigation is warranted even though the individual complaints giving rise to the departmental investigation are not accepted as jurisdictional.

When CEEO determines that a departmental investigation is the appropriate procedural option, it will follow the investigative process as outlined in Section VI(C)(3), as applicable.

### **D. Hearings with Multiple Complaints against One Respondent**

In instances where there are multiple complaints involving the same Respondent but which CEEO cannot consolidate the complaints, the cases may be adjudicated in one hearing at the discretion of the Hearing Officer.

## **VIII. APPEALS OF HEARING OFFICER FINDINGS**

Parties may appeal a determination issued by the Hearing Officer as follows:

### **A. Appeals to the President**

A party may appeal a Hearing Officer's Final Determination to the President of the University of New Mexico within **seven (7) business days** of the date of the Final Determination's issuance.

The President will consider an appeal only if it alleges one or more of the following extraordinary circumstances:

1. Procedural irregularity that affected the outcome
2. New evidence that was not reasonably available when the determination of responsibility was made that could affect the outcome; or
3. The Title IX Coordinator, investigator, or decision-maker had a general or specific conflict of interest or bias against the Complainant or Respondent that affected the outcome.

The appeal must clearly state which one (or more) of these grounds for appeal is alleged. No other grounds for appeal will be considered other than what is initially stated.

Appeals to the President must be received by the Office of the President within **seven (7) business days** of the date the Final Determination was issued. Exceptions to this time limit will only be considered on a case-by-case basis with sufficient justification provided by the individual seeking the exception. Appeals that are not received by the stated deadline will be denied unless an exception to the appeal time limit is granted by the President.

Appeals may be submitted electronically through an online form or via email to [unmpres@unm.edu](mailto:unmpres@unm.edu); by mail to MSC05 3300, Scholes Hall, Suite 144, 1 University of New Mexico, Albuquerque, NM 87131; or by hand-delivery to the Office of the President at Scholes Hall, Suite 144. Emailed appeals will be considered received by the Office of the President on the date and time they are sent. Appeals sent by mail will be considered received by the Office of the President as of the date of postmark on the document. Hand-delivered appeals will be considered received by the Office of the President when a representative of the Office physically accepts delivery of the document and notes the date and time of receipt thereon. Appeals that are not submitted as outlined in this paragraph may be denied without consideration.

If an individual files an appeal of a Final Determination, CEE0 and the Hearing Officer will be informed of the appeal. The Hearing Coordinator will notify the other interested parties that an appeal has been filed. The party who is not filing an appeal will be given **five (5) business days** to submit an impact statement to the Hearing Coordinator for consideration. If an appeal alleges that CEE0 or the Hearing Officer have not followed proper procedures, those parties will be given the opportunity to respond to the allegation.

Best efforts shall be made to issue a decision with **twenty (20) business days** after the appeal is received. If the appeal is considered, the President may decide to uphold the Final Determination in its entirety or may remand all or part of the appealed determination to the Hearing Officer or CEEO for additional proceedings or investigation. Written notice of the President decision will be provided to the appealing party, the Hearing Officer, and CEEO. All other parties will be simultaneously notified of the decision by the Hearing Coordinator.

If the President denies an appeal of the Final Determination or upholds that Final Determination without change, the Hearing Officer and Coordinator may take whatever further action they deem is warranted on the matter, including but not limited to forwarding its Final Determination to appropriate disciplinary bodies or administratively closing the matter.

#### **B. Appeals to the Board of Regents**

Under Regents Policy Manual, Section 1.5: Appeals to the Board of Regents, the Board of Regents has the discretion to review the President's decision on an appeal of the Final Determination. An appeal may be submitted to the Board of Regents ONLY AFTER the President's review and decision is issued. A person wishing to appeal a decision to the Board must submit a written petition to the Board through the President of the University. The petition must be filed with thirty (30) days from the date the decision being appealed was rendered. The petition must describe the decision being appealed and the basis for the appeal. The Board of Regents has sole discretion to determine whether the appeal will be considered. The Board shall render its final decision in writing to the Complainant and Respondent within ninety (90) days from the date the appeal was filed unless a delay is requested by one of the parties and approved by the President of the Board. Additional information on appeals to the Board of Regents can be found at <https://policy.unm.edu/regents-policies/section-1/1-5.html>.

### **IX. CONFIDENTIALITY**

UNM strives to respect individuals' privacy and requests for confidentiality to the extent permitted by state and federal laws. However, UNM has an obligation to investigate and resolve civil rights claims. To meet this obligation, UNM may be required to share information with persons who have a legitimate business need on a need-to-know basis. For example, those who are responsible for determining whether UNM policies have been violated or those sanctioning individuals found to have violated UNM policy have a legitimate need to know the factual findings made by the Hearing Officer. Those who manage the processes



for appeals of the Hearing Officer's factual findings have a legitimate need to know the details of CEEO's investigation and/or need to review the evidence underlying a finding.

Upon request, the institution will disclose the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of any crime of violence or a non-forcible sex offense to the alleged victim.

While UNM strives to respect the confidentiality and privacy of all parties involved in the process, UNM **cannot under any circumstances** guarantee confidentiality unless required to do so by law. Examples of situations in which confidentiality cannot be maintained include, but are not limited to:

1. Parties (Complainant and Respondent) have a right to examine and respond to all the evidence gathered by CEEO. While CEEO maintains information protected by FERPA, parties may be able to view FERPA-protected information;
2. When UNM is required by law to disclose information (such as in response to a legal process or a request for information under the New Mexico Inspection of Public Records Act);
3. When disclosure of information – such as the identity of witnesses, sources of information – is necessary for conducting an effective and fair investigation, such as allowing for cross examination questions or providing facts and documentation to parties;
4. Communicating with managers, supervisors, deans, chairs, and HR agents on a need-to-know basis, in order for them to effectively manage the work and/or academic environment;
5. For the purpose of implementing supportive measures pursuant to Title IX; or
6. When confidentiality concerns are outweighed by UNM's obligation to protect the safety or rights of others.

CEEEO cannot grant anonymity to a person pursuing a formal investigation, as these cases may result in a live hearing before a Hearing Officer to determine if policy has been violated. For more information about the rights of individuals participating in processes related to alleged gender discrimination, please refer to University Administrative Policy 2740.

CEEEO cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in that capacity, or assisting in that

capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the party provides voluntary, written consent to do so as part of the grievance process.

## **I. FACULTY DISCIPLINARY PROCESS**

This process applies to all faculty misconduct, including allegations of Sexual Misconduct, including Sexual Assault, Dating/Domestic Violence, and Stalking) Faculty who are found to be in violation of this policy may be subject to disciplinary action as provided in the Faculty Handbook Policy C07 ("Faculty Disciplinary Policy"), which states:

1. The university encourages a supportive problem-solving approach to workplace problems, but the university recognizes that misconduct may require disciplinary action. The university normally uses progressive discipline to address possible misconduct. Progressive discipline is intended to be corrective, not punitive in nature. It is designed to provide faculty with notice of deficiencies and an opportunity to improve. However, some violations of policies and procedures, or continued negative behavior, may be of such serious nature that suspension without pay or discharge pursuant to Faculty Handbook policies may be appropriate.
2. Any member of the faculty, including any serving as an academic administrator, who violates a published university policy may be subject to warning, censure, suspension without pay, or dismissal. Teaching or research assistants in their faculty capacity are considered faculty members for purposes of this Policy.
  - a) "**Warning**" means an oral reprimand or expression of disapproval.
  - b) "**Censure**" means a written reprimand or expression of disapproval, which should include an explanation of the nature of the misconduct, and the specific action to be taken by the faculty member and/or chair to correct the problem, including mentoring, if appropriate, and a statement that further disciplinary action could occur should the problem persists.
  - c) "**Suspension without pay**" means disciplinary suspension without regular salary for a stated period of time.
  - d) "**Dismissal**" means termination of employment (see Faculty Handbook Sections B.5.3, B.6.4.3, and B.5.4).
3. The procedures specified in this policy provide for the consideration and determination of proposed disciplinary actions against faculty members short of dismissal. Consideration and determination of disciplinary actions that may result in a proposed dismissal of a tenured faculty member, or dismissal of an untenured faculty member prior to expiration of his or

her contract term, are governed by sections B.5.3, B.6.4.3, or B.5.4, respectively, of the Faculty Handbook and are not covered by these procedures.

4. In the case of allegations against a faculty member that appear to be within the scope of another specific University policy involving discrimination, sexual harassment, sexual assault, dating violence, domestic violence or stalking, the same investigative procedure will apply as described in the CEEO's Discrimination Grievance Procedure. If the chair of the faculty member is required to make a disciplinary determination after an investigation and finding from another University body (CEEO/Hearing Officer), this faculty disciplinary process will be followed in determining the appropriate discipline.
5. References to the department chair in this policy also include the program director or associate or vice dean in a non-departmentalized school or college. If allegations are made against a department chair or other administrator, the next higher academic authority shall perform the functions assigned in this Policy to the chair, and the provisions shall be modified as appropriate. Any individual(s) bringing an allegation of faculty misconduct to the chair's attention is protected by, and subject to, the University's policy on reporting misconduct (UBPPM section 2200, Whistleblower Protection and Reporting Suspected Misconduct and Retaliation).
6. In all cases other than those set forth in paragraphs 3 and 4 above, if a member of the faculty is alleged to have violated a policy of the university, the department chair shall provide the faculty member a written notice explaining the nature and specific content of the alleged violation, together with a copy of this policy, and shall discuss the alleged violation with the faculty member. The written notice shall be given to the faculty member within ninety (90) days of the chair learning of the apparent violation of policy. The faculty member may be accompanied by one person in a meeting with the chair. The faculty member and the chair shall notify each other at least two working days prior to the scheduled meeting who, if anyone, will be accompanying them at the meeting. The chair should issue a written report within five (5) working days after the meeting summarizing the discussion with the faculty member, keep a copy in the faculty member's file, and send a signed copy to the faculty member. Before, during or after the meeting, the chair may ask the faculty member to respond in writing to the notice and present any relevant written material within a reasonable time specified by the chair. Likewise, the faculty member shall be free to submit any materials reasonably desired on his/her own volition, no later than five (5) working days after meeting with the chair unless the chair grants additional time in writing. The matter may be concluded at this point by the mutual consent of all parties.

7. The department chair or the faculty member may initiate conciliation proceedings at any time prior to the chair's decision by contacting the Ombuds Dispute Resolution Services for Faculty program as provided in Section C345 with notice to the other parties. Conciliation may be undertaken if both parties agree.
8. If a mutually agreeable resolution (with or without conciliation) is not achieved, the department chair shall make a decision in the matter and communicate it to the faculty member in writing within ten (10) working days after meeting with the faculty member or the termination of conciliation efforts if they are unsuccessful, whichever is later. The faculty member shall have ten (10) working days from receipt of the written decision to submit a written request for review by the appropriate dean, who will issue a written decision concerning whether the chair's decision is upheld, modified or reversed. Prior to making a decision, the dean shall meet with the department chair and the faculty member, and their representatives if desired, together or separately, and shall receive and consider any documents the parties wish to submit. Documents shall be submitted within five (5) working days of the faculty member's request for review. If formal conciliation has not been attempted previously, the dean may refer the matter to Ombuds Dispute Resolution Services for Faculty. The dean will communicate his/her decision to the parties in writing within ten (10) working days after meeting with the faculty member or the termination of conciliation efforts if they are unsuccessful, whichever is later.
9. If the faculty member does not agree with the dean's action, he/she may submit a written request for review by the Provost or Chancellor within five (5) working days of receipt of the dean's decision. The Provost/Chancellor will decide the matter on the record unless he/she determines that it would be helpful to meet with the parties, together or separately. Within ten (10) working days after receipt of the complete record or after meeting with the parties, whichever is later, the Provost/Chancellor shall uphold, modify or reverse the dean's decision by written notice to the parties. The Provost/Chancellor may seek an advisory investigation and opinion from the Faculty Ethics Committee. The decision of the Provost/Chancellor is subject to discretionary review by the President or Board of Regents if requested by the faculty member.
10. If the chair, after meeting with the faculty member and considering all materials submitted pursuant to section 6, proposes to suspend the faculty member without pay, the chair shall meet with the dean to review the matter. If the proposal is supported by the dean after meeting with the chair and the faculty member, the faculty member is entitled to a faculty peer hearing. The faculty member shall send such a request to the Provost/Chancellor within five (5) working days of receipt of the dean's determination.

11. If a faculty peer hearing is requested as provided in this Policy, the chair of the Faculty Ethics Committee will arrange for a hearing before two members of that committee from outside the faculty member's department, chosen by the Faculty Ethics Committee, and one uninvolved department chair from a different school or college chosen by the Provost/Chancellor. The hearing will be held as soon as reasonably possible and shall be conducted according to the university's Dispute Resolution Hearing Procedures. The University Secretary's office shall make arrangements for the hearing. Hearings shall be recorded and shall be private unless both parties agree that the hearing be open. The hearing panel may uphold or reverse the proposal to suspend the faculty member without pay. If the panel's decision is to reverse the proposal, the panel may direct the chair and dean to impose a lesser disciplinary measure. The panel's decision may be reviewed on the record by the Provost/Chancellor, but the panel's decision shall not be reversed or modified except in the case of clear error, which shall be detailed in writing by the Provost/Chancellor. The decision of the Provost/Chancellor is subject to discretionary review by the President or Board of Regents if requested by the faculty member.
12. The faculty member may bring a complaint before the Committee on Academic Freedom and Tenure (AF&T) if he/she believes the matter or its handling is within the jurisdiction of the Committee. The Committee will determine whether the matter is within its jurisdiction and, if so, shall handle the matter under the Policy on Academic Freedom and Tenure. Normally, review by the AF&T Committee should be sought after the determination by the Provost/Chancellor. If the faculty member pursues the matter before the AF&T Committee, AF&T shall accept the facts as determined by the faculty peer hearing, if one was held.
13. If the final determination is that no misconduct occurred, efforts shall be undertaken to the extent possible and appropriate to fully protect, restore, or maintain the reputation of the faculty member.
14. These procedures do not supersede Appendix VIII to Part B of the Faculty Handbook, concerning the Faculty Ethics Committee, and a faculty member who believes that he/she has been improperly accused of unethical behavior may bring the matter to the attention of the Ethics Committee under Appendix VIII after determination by the Provost/Chancellor.

## MISSING STUDENT NOTIFICATION PROCEDURES

UNM takes student safety very seriously. To this end, and in compliance with the Higher Education Opportunity Act of 2008, the purpose of this policy is to provide procedures for reporting, investigating, and making emergency notifications regarding any residential student of UNM who, based on the facts and circumstances known to UNM, has been determined to be missing.

For purposes of this policy, a residential student of UNM is a student who is currently enrolled and resides in on-campus housing or on campus in a privately owned Greek Letter Organization.

#### **I. Student Contact Information**

All residential students have the opportunity to identify an individual who will be contacted by UNM within 24 hours of the determination that the student is missing. The contact person may be a parent, legal guardian, or other person of the student's choosing. If the student is under 18 years of age and is not emancipated, UNM must also notify a parent or legal guardian within 24 hours of the determination that the student is missing. Student contact information is held confidential and is accessible only to authorized UNM officials and law enforcement involved in a missing person investigation. Students living in UNM residence halls can register their confidential contact information, or make any changes to previously registered information, through Residence Life and Student Housing 505-277-2606. Students living in the ACC Properties (Casas del Rio 505-277-1619 and Lobo Village 505-925-5575) can register their confidential contact information, or make changes to previously registered information, through their respective residence hall front desk. Students residing in any Greek Letter Organization can register their confidential contact information through the Greek Life Office of UNM Student Activities Center 505-277-4706. Students are responsible for ensuring that their contact information is current and accurate.

UNM students, employees or other individuals who have reason to believe that a residential student is missing should immediately report their concerns to UNMPD 505-277-2241, within 24 hours of determination that a student is missing. If the Residence Life and Student Housing Office, Greek Life Office, or other department receives a report of a missing student, UNMPD should be notified immediately of this report. UNMPD will, as appropriate, engage staff from Residence Life and Student Housing and other UNM departments in immediate efforts to locate the student.

These efforts may include but are not limited to:

- Contacting the student via their telephone and/or email;
- Checking the student's residence;

- Determining if the student has been in class or used their UNM ID card;
- Checking with roommates, friends, and others who may have relevant information.

If these efforts are unsuccessful in locating the student, UNMPD will inform the Dean of Students that the student is missing and the following will occur:

- The Dean of Students, or designee, will notify the student's designated missing person contact within 24 hours of being informed by UNMPD that the student is missing.
- If the missing student is under the age of 18 and is not emancipated, the Dean of Students, or designee, must notify the student's custodial parent or legal guardian within 24 hours of being informed by UNMPD that the student is missing.
- UNMPD will notify any other law enforcement agencies within 24 hours, as appropriate, for purposes of coordinating the investigation and continuing efforts to locate the student.
- The Dean of Students will initiate actions deemed appropriate under the circumstances in the best interest of the missing student. For example, contacting the student's instructors may occur if necessary or beneficial in the situation to the student and/or instructors.

## UNM WEAPONS POLICY

With very few exceptions, employees, students, and visitors are not permitted to use or possess weapons on any part of the campus. A weapon includes but is not limited to: firearms; ammunition; other dangerous weapons, substances, or materials; and bombs, explosives, or incendiary devices.

Any person failing to comply will become subject to appropriate disciplinary and/or criminal action. The UNM Weapons Policy is printed in its entirety in The UNM Pathfinder, which is available in the Dean of Students Office (Student Services Center). The Pathfinder is also available online at <http://pathfinder.unm.edu/>.

There are certain items that are allowed on the UNM Main Campus for self-defense purposes, which include:

- Pepper Spray. Members of the UNM community may carry pepper spray (oleoresin capsicum) in a container no larger than 2.5 ounces, with a concentration of oleoresin capsicum of no more than 10%, for self-defense purposes.

- Stun Guns. Maximum amperage of 5 milliamps for self-defense purposes.

## POLICY ON ILLEGAL DRUGS & ALCOHOL

### I. **The Drug-Free Schools and Communities Act Amendments of 1989 (amends original law passed in 1986)**

This law requires institutions receiving federal financial assistance to establish drug and alcohol abuse prevention programs for students and employees. This includes, at minimum, the following:

#### **A. Create/Maintain a campus alcohol and other drug policy which contains information on:**

- Standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by employees and students on its property or as part of its activities.
- A description of applicable legal sanctions under local, state, or federal law for the unlawful possession or distribution of illicit drugs and alcohol;
- A description of health risks associated with the use of illicit drugs and the abuse of alcohol;
- A description of available drug or alcohol counseling, treatment, or rehabilitation or re-entry programs;
- A clear statement of the disciplinary sanctions that the institution will impose on employees and students and a description of termination of employment and referral for prosecution for the unlawful possession, use, or distribution of illicit drugs and alcohol. Disciplinary sanctions may also include completing an appropriate rehabilitation program.

#### **B. The institution must distribute this policy to all students, faculty, and staff annually. NOTE: Until recently, the U.S. Department of Education interpreted this to require the policy be sent via printed documents through campus mail. The use of electronic distribution is now considered appropriate given:**

- The email is distributed to all students, staff, and faculty, and,
- The policy appears in the text of the email and not as an attachment

#### **C. The institution has adopted and implemented an alcohol and other drug prevention program**

#### **D. The institution must conduct a biennial report review of the program's effectiveness, implement changes, if needed, and ensure that the disciplinary sanctions are consistently enforced.**



## **II. The University of New Mexico Drug Free Campus Policy**

This Policy on Illegal Drugs and Alcohol is adopted pursuant to federal laws and because UNM is committed to an environment for the pursuit of its educational mission free of drugs and the illegal use of alcohol. Drug and alcohol abuse on campus poses a serious threat to the health and welfare of faculty, staff and students; impairs work and academic performance; jeopardizes the safety and wellbeing of other employees, students and members of the general public; and conflicts with the responsibility of UNM to foster a healthy atmosphere for the pursuit of education, research and service. Federal and State laws relating to controlled substances and alcohol are enforced by UNMPD. The university enforces the state of New Mexico underage drinking laws and therefore does not permit the possession or consumption of alcoholic beverages by people under the age of twenty-one. Illegal uses of alcohol include, but are not limited to: serving, buying or drinking alcohol by a minor; assisting a minor or an intoxicated person to get alcohol; selling alcohol without a license and driving while under the influence.

This policy covers all property owned, used, leased or controlled by UNM, or any other site where official University business is being conducted. "Controlled substances" means those substances in Schedules I through V of section 202 of the Controlled Substances Act, 21 U.S.C. 812, and implementing regulations, 21 CFR 1308.11-1308.15. Controlled substances include, but are not limited to, marijuana, cocaine (including "crack"), amphetamines, heroin, PCP, hallucinogens, and certain prescription drugs. Illegal uses of alcohol include, but are not limited to, serving, buying, or drinking alcohol by a minor; assisting a minor or an intoxicated person to get alcohol; selling alcohol without a license and driving while under the influence. This policy is not intended to supersede or negate any existing policies on substance abuse, student or employee discipline, or any additional requirements imposed on The University of New Mexico or its students, faculty or staff by federal or state law.

## **III. Policy Statement**

The unlawful manufacture, distribution, dispensing, possession or use of controlled substances or alcohol on UNM property or as part of any of its activities by any member of the UNM community faculty, staff or students strictly prohibited.

As a condition of continued registration and enrollment, any student of UNM shall abide by this policy. Violation of this policy shall result in disciplinary action, up to and including expulsion. Sanctions shall be set based upon numerous factors, including but not limited to the severity of the offense, the amount of harm created, the student's prior disciplinary record, and sanctions

imposed in recent years for similar offenses. In determining sanctions, the Student Conduct Officer should assess each case individually and use professional judgment when weighing facts including any aggravating or mitigating factors that may exist to determine the most appropriate sanction for the development of the student and the common good and safety of the University community.

Sanctions for Code of Conduct violations shall not be implemented until the conclusion of the President-level appeal. Sanctions for violations of University Administrative Policy 2720 or University Administrative Policy 2740 shall not be implemented until the exhaustion of the appellate process, including the Regents-level discretionary appeal.

For more detailed information, students should refer to the Student Code of Conduct and related policies printed in *The UNM Pathfinder* (<http://pathfinder.unm.edu>) and/or contact the Dean of Students Office.

UNM's response to any violation of this policy may include, as a total or partial alternative to disciplinary action, a requirement that the employee or student participate satisfactorily in an approved substance abuse treatment or rehabilitation program as a condition of continued employment or registration/enrollment. Any employee engaged in the performance of work under a federal contract or grant is required, as a condition of employment, to notify his/her supervisor if he or she is convicted of a criminal drug statute violation occurring in the workplace within five days of such conviction. The supervisor shall notify the University Counsel's Office. Failure of the employee to notify the supervisor shall be grounds for disciplinary action.

In recognition of the dangers of substance abuse in the workplace, UNM shall maintain alcohol and drug free awareness programs to inform members of the University community about the issues and risks of substance abuse, and about counseling and treatment resources. The university shall assign responsibility for such awareness programs to specific administrative entities, which shall be provided sufficient resources to develop and maintain the programs. As a matter of policy, any referral, treatment, awareness or primary prevention programs established by the University shall play no role in enforcing or instituting possible disciplinary action.

## **I. Legal Sanctions for the Unlawful Possession or Distribution of Illicit Drugs and Alcohol**

The penalties for even the most minor violations of the Liquor Control Act can include fines of up to \$300, confiscation of property and imprisonment for up to seven months. More serious violations carry greater penalties, with larger fines and longer imprisonment terms.

Driving, using machinery after drinking, or using drugs creates the risk that the user may injure or kill someone. This can result in criminal felony charges. Driver's license revocation and vehicle impoundment are also possible consequences of driving while under the influence of liquor or drugs in addition to state mandatory criminal sentencing sanctions. The minimum blood alcohol levels at which drivers' licenses are revoked in New Mexico are .02% for those under 21 and .08% for those 21 and over. All drivers in New Mexico are presumed to be intoxicated at the .08% level.

In drug-related cases, a court can render decisions that permanently suspend eligibility for federal benefits, including financial aid. A criminal record can seriously hurt educational and career opportunities.

Penalties for illegal drug use can include significant fines and imprisonment. Penalties for the illegal sale of drugs are greater and may include property confiscation. Alternative penalties for illegal drug or alcohol use may also include mandatory community service. Violation of laws by a foreign national may result in deportation.

As required by federal regulations, the following charts (figures 1 and 2 are included in the appendix of this report) detail federal and state sanctions for the unlawful possession or distribution of illicit drugs.

## **II. Health Risks Associated with Use of Illicit Drugs and the Abuse of Alcohol**

Science demonstrates that excessive alcohol consumption and abuse of illicit drugs can lead to certain types of cancer, pathological changes in the liver, brain, heart and muscle, which can lead to disability and death, addiction, birth defects, shortened life span, stomach ulcers phlebitis, varicose veins, and other health problems. Alcohol and drugs are also a major factor in homicides, assaults, rapes, suicide, family and date violence. Alcohol is significantly involved in all types of accidents - motor vehicle, home, industrial, and recreational. Unintended pregnancies and sexually transmitted diseases are often associated with alcohol or other drug abuse, as well as relationship, academic or work problems.

For more information on the possible effects and health risks associated with the use of illicit drugs and alcohol, contact the Student Health Center Health Education Program at 505-277-1074 or the UNM Campus Office of Substance Abuse Prevention at 505-277-2795. Information on the possible effects and health risks associated with the use of illicit drugs and controlled substances is also contained in the Policy on Illegal Drugs and Alcohol that appears on page 53 of the 2007-2008 UNM Pathfinder.

**Campus Resources for Faculty and Staff:**

If you are concerned about your own, an employee's or a colleague's alcohol or drug use, contact the CARS program. The intent of CARS is not to intrude into the private lives of university employees, rather to provide services for those who choose to request help with their problems. Contact with CARS is confidential within the limits of applicable law and ethical guidelines. Individual assessments, short-term counseling, consultation and referrals are available. CARS also offers presentations on a variety of topics, voluntary mediation services, group crisis intervention, and team building.

**CARS** (Counseling, Assistance & Referral Service) 505-272-6868.

**University Hospital** employees may contact CARS directly (505-272-6868) or call Human Resources (272-0942) for information about available counseling & referral resources.

**Campus Resources for Students:**

If you are concerned about alcohol or other drug use of yourself or another, please contact the Student Health Center or the Campus Office of Substance Abuse Prevention. Confidential consultants, individual assessments and education are available.

**Student Health and Counseling (Counseling Services) – 505-277-3136**

**Campus Office of Substance Abuse Prevention – 505-277-2795**

**Other Campus and Community Resources:**

<b>AGORA Crisis Center</b>	<b>505-277-3013</b>
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<b>NM Council on Alcoholism and Drug Dependence</b>	<b>505- 256-8300</b> (For intervention services and information on community treatment resources and recovery groups, e.g. AA, ACOA, Al-Anon, Rational Recovery, Women for Sobriety)
<b>Suicide Prevention Emergency Service (24 hours)</b>	<b>505-247-1121</b>
<b>University Hospital Emergency Dept.</b>	<b>505-272-2411</b>
<b>UNM Center on Alcoholism, Substance Abuse and Addictions (CASAA)</b>	<b>505-925-2300</b>
<b>UNM Department of Psychology Clinic</b>	<b>505-277-5164</b>
<b>UNM Employee Health Promotion Program</b>	<b>505-272-4460</b>
<b>UNM Employee Occupational Health Services</b>	<b>505-272-2517</b>
<b>UNM Mental Health Center, Crisis Unit</b>	<b>505-272-2800</b>
<b>UNM Women's Resource Center</b>	<b>505-277-3716</b>

#### **IV. SEX OFFENDER REGISTRATION**

In accordance with the Campus Sex Crimes Prevention Act of 2000 (CSPA), UNMPD provides a website link to the New Mexico Department of Public Safety for law enforcement agency information concerning registered sex offenders. The CSPA requires institutions of higher education to inform the campus community where law enforcement information about registered sex offenders may be obtained. It also mandates that sex offenders who are required to register in a State must also give notice to each institution of higher education in that State at which the person is employed, carries on a vocation, or is a student. Additionally, the New Mexico Sex Offender Registration and Notification Act requires a convicted sex offender who is employed by, enrolled at, volunteering with or carrying on a vocation at an institution of higher education to register with the university's law enforcement department, the university registrar, the county sheriff for the county in which the higher education institution is located, in addition to registering with the county sheriff for the county in which the sex offender resides.

Registration at UNM is administered by UNMPD (Hokona Hall, 2500 Campus Blvd NE) or the Registrar's Office (Student Support & Services Center, 1155 University Blvd. SE) via an online registration form.

A list of registered sex offenders is available online from the New Mexico Department of Public Safety or by calling the Bernalillo County Sheriff's Office at 505-468-7100.

## EDUCATIONAL PROGRAMS AND CAMPAIGNS FOR ALCOHOL/DRUG USE, DATING VIOLENCE, DOMESTIC VIOLENCE, HEALTHY RELATIONSHIPS, SEXUAL VIOLENCE AND STALKING

UNM Main Campus and the Rio Rancho Campus are committed to educating members of its campus community through a number of ongoing campaigns, educational and awareness programs. UNM prohibits all acts of violence on campus, including Dating Violence, Domestic Violence, Sexual Violence and Stalking. Current campaign and programmatic efforts reflect that the university as a whole is an affirmative consent campus, as defined within Administrative Policy #2740. All incoming students receive the following mandatory training, which are the primary prevention and awareness programming for students:

### I. Grey Area Training

This training module is an in-person and interactive training for students that is approximately 1.5 hours in length, and held annually during new student orientation, which includes:

- Sexual misconduct prevention and risk reduction of dating violence, domestic violence, sexual assault and stalking. The program achieves educational goals by aiding students to be empowered about their safety on the UNM Main and Rio Rancho Campuses.
- States that sexual discrimination, which includes dating violence, domestic violence, sexual assault and stalking are prohibited acts.
- Reporting Options – including entities that are anonymous and those individuals that are mandatory reporters.
- Discusses the importance of “consent” and how it is defined, which is:
  - Consent requires a clear affirmative act or statement by each participant to each sexual act within a sexual interaction. Relying solely on non-verbal communication can lead to miscommunications about one’s intent. Confusion or ambiguity may arise at any time during a sexual interaction. Therefore, it is essential that each participant makes clear willingness to continue at each progression of sexual interaction.

- Discusses positive and safe bystander information such as:
  - Using Humor
  - Group Intervention
  - Distraction
  - Using “I” Statements
- Defines Sexual Violence terms, such as sexual assault, stalking and relationship violence.

***(Definitions for VAWA related terms, as described in University Administrative Policy (UAP) 2740 and New Mexico State Statutes, can be found on pages 102-103 of this report)***

## **II. Intersections: Preventing Discrimination and Harassment**

- UNM is committed to educating members of its campus community through a number of ongoing educational and awareness programs. All employees must complete this mandatory training on an annual basis, which is the primary prevention and awareness programs for faculty and staff.
- This educational module raises awareness on the various topics of discrimination, harassment and sexual violence. Intersections include animated scenarios, skill practices, UNM policies and resources, sound and closed caption (CC) capability.
- The training is one hour in length for both faculty and staff, and includes:
- Coverage of sexual misconduct, specifically prevention and risk reduction of dating violence, domestic violence, sexual assault and stalking. The program achieves educational goals by aiding employees and faculty to be empowered about their safety on the UNM Campus.
- States that sexual discrimination, which includes dating violence, domestic violence, sexual assault and stalking are prohibited acts
- Coverage of Reporting Options – including entities that are anonymous and those individuals that are mandatory reporters
- Discusses the importance and meaning of “consent” pursuant to UNM Administrative Policy #2740
- Discusses positive and safe bystander information such as:
  - Using Humor
  - Group Intervention
  - Distraction

- Using I Statements
- Defines Sexual Violence terms, such as sexual assault, stalking and relationship violence

## GENERAL CAMPUS CRIME PREVENTION AND SECURITY AWARENESS PROGRAMS

In addition to the Grey Area and Intersections trainings that specifically address incidents of sexual misconduct (including dating violence, domestic violence, sexual assault and stalking), UNM offers information about safety and security awareness/prevention programs that are available to the UNM campus community, as well as crime prevention services and tips. This information is designed to keep faculty, staff, and students safe at UNM. Information about these ongoing no cost services is given out to new students at their incoming orientation. Every year UNM faculty and staff must complete Annual Basic Safety Training via Learning Central, an online platform. Upon hire all staff and faculty receive safety information at new employee orientation.

### I. Protect the Pack

This is UNM's campaign to promote a number of safety related items, including being a good bystander and protecting fellow students by "Protecting the Pack" – a play on protecting other students (Lobos).

### II. Campus Safety Week

Campus Safety Week is a week of programming that occurs annually during Campus Safety Awareness Month (September), which includes programs for the entire UNM Community like:

- Sexual Assault Awareness Programs, that include prevention and bystander information
- Campus Safety Walk – where students evaluate the safety of UNM's Campus at night
- Coffee with a Cop – an opportunity for all UNM Community members to have coffee with UNMPD officers and ask questions of UNMPD. UNMPD informs the campus community during these events about:
  - Primary Crime Prevention programs on Campus
  - Safety related questions that are applicable to our campus community



- Safe Zone Training – where UNM Community members can understand how to be an ally, use of appropriate terminology, and understanding different types of hate, negativity and phobias.
- Safe Spaces and Racial & Intersectional Microaggressions (RIMA) workshop – To explore the experiences of BIPOC<sup>4</sup> persons with disabilities, and LGBTQIA undergraduate and graduate students at UNM, and design appropriate interventions to enhance UNM’s inclusive climate.

- <sup>[1]</sup> Black, Indigenous and people of color, to include the Asian/API, Latinx/Hispano, and/or two or more races

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### III. Campus Office of Substance Abuse Prevention

Program (Risk Reduction)	Target Audience	Frequency
E-Chug	Students at Risk with Alcohol Use	Annually
Diary of a Lady Lobo (Healthier alternatives to drinking while partying)	UNM Women Students	Annually
Campaign (Prevention and Awareness)	Target Audience	Frequency
Social Norms (Educating students about social drinking and partying)	All UNM Students	Annually

### IV. Greek Life Office

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<sup>4</sup> Black, Indigenous and people of color, to include the Asian/API, Latinx/Hispano, and/or two or more races

<b>Program (Risk Reduction)</b>	<b>Target Audience</b>	<b>Frequency</b>
Greek Life Leadership Summit (Liability of hosting events and Sexual Assault reporting)	All UNM Greek Leadership	Occurs every Spring
Greek Life New Member Summit (Identifies Hazing behavior)	All UNM Greek Members	Occurs every September

**V. LoboRESPECT Advocacy Center**

<b>Campaign (Prevention and Awareness)</b>	<b>Target Audience</b>	<b>Frequency</b>
Not on My Campus (Promotes Sexual Assault response and education)	UNM Community	Annually (It is a Campaign)
Consent. Get It. (Promotes importance of getting Consent)	UNM Community	Annually (It is a Campaign)
Protect the Pack (Promotes safe	UNM Community	Annually (It is a Campaign)

bystander intervention)		
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**VI. Office of Compliance, Ethics and Equal Opportunity**

<b>Campaign (Prevention and Awareness)</b>	<b>Target Audience</b>	<b>Frequency</b>
Know Your Title IX (Tabling)	UNM Community (Faculty, Staff and Students, including prospective students)	During New Student Orientation each Summer

**VII. Student Health Center**

<b>Program (Awareness and Prevention)</b>	<b>Target Audience</b>	<b>Frequency</b>
Condom Mint Program (STI Transmission Awareness)	UNM Community (Faculty, Staff and Students)	Weekly distribution- 20 different locations  Annual April STI Awareness Event  Social Media campaigns during awareness days.

<p>Workshops and Presentations</p> <p>Workshops and presentations on a variety of topics are held for students during Fall/Spring semesters. Additional workshops can be done upon request. Topics can include, but are not limited to, Healthy Relationships, Stress Management, etc.</p>	<p>UNM Students, Faculty and Staff</p>	<p>Workshops- Throughout the Fall/Spring semesters and as requested</p> <p>Presentations- New Student Orientations, New Faculty Orientations, etc. and as requested.</p>
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### VIII. UNM Residence Halls

Program (Awareness and Education – Primary Prevention)	Target Audience	Frequency
Multiple Educational Programs	UNM Residence Hall Students	Programs Occur Annually (Typically, upon the start of fall and spring semesters and are available upon request)

### IX. Active Bystander Intervention

A bystander is a person who observes conflict or unacceptable behavior. The observed behavior may be serious or minor, one-time or repeated, but the bystander knows that the behavior is harmful or likely to create a hostile situation. This person may be in a position to discourage, prevent, or interrupt unacceptable behavior. The bystander has two options: to remain a passive bystander or become an active bystander. A passive bystander is one who observes but does not intervene in any way.

Steps to becoming an Active Bystander:

1. Notice a situation that is out of the ordinary. Does your "gut" tell you something is wrong?
2. Ask yourself if I could play a role here?
  - a. If nobody intervenes, what will likely happen?
  - b. Is someone else better equipped to respond?
  - c. What would be my purpose of responding?
3. Assess your options for providing help. Use your words; do not use violence to end violence.
4. Determine the potential risk(s) of acting
  - a. Are there risks to myself and/or others?
  - b. Is there a low-risk option?
  - c. Assess how risk could be reduced?
5. Determine how to implement your choice(s) safely. Examples of safe bystander interventions:
  - Come up with an excuse to separate your friend from the situation
  - Ask friends to assist when a situation seems to be going poorly
  - Come up with some distraction if a situation is not going well

The aforementioned educational programs, trainings, and strategies are designed to reduce the risk associated with dating violence, domestic violence, sexual assault, and stalking for students, staff, and faculty.

## **X. Definitions**

Awareness/Education Programs: These are programs designed by UNM to create more awareness and education about sexual misconduct, domestic violence, dating violence and stalking.

Bystander Intervention: These are programs or campaigns, which inform our UNM campus community of ways to intervene safely and positively in situations that may have potential for becoming unsafe situations.

Consent: Is an affirmative informed decision to willingly engage in mutually agreed upon sexual activity.

Ongoing Prevention and Awareness Campaigns: These are marketing pushes to make our UNM Campus Community more aware about sexual misconduct, domestic violence, dating violence and stalking.

Primary Prevention Programs: These are programs designed to educate our campus community about preventing sexual misconduct, domestic violence, dating violence and stalking.

Risk Reduction: Provides options to decrease perpetration and bystander inaction, while increasing empowerment for victims in order to promote safety and to help individuals and community members address conditions that facilitate violence and can help reduce the risk of being assaulted.

## CRIME PREVENTION SERVICES AND RISK REDUCTION TIPS KEEPING YOU SAFE AT UNM MAIN CAMPUS

The following is a list of services UNM provides for the entire UNM community. These services are discussed at New Student Orientation and New Employee Orientation.

### Alarm System:

We operate a computerized intrusion and fire alarm system to monitor most facilities throughout campus to enhance personal and building security.

### Bicycle Registration:

[UNMPD](#) strongly recommends that everyone operating a bicycle at UNM have it registered. Registration is free and valid for four years. Bicycles can be registered by completing an online form available from the [UNMPD](#) website.

### Blue Light Emergency Phones:

Tall blue emergency phones are located throughout campus. A UNM student or visitor can press the red button on these emergency phones to be in immediate voice contact with UNMPD and to set off the Blue Light on top of the Emergency Phone pole.

Campus Escort Service:

UNMPD offers escort services to anyone needing an escort from an on-campus location to another on campus location 24 hours, 7 days a week. Off campus escorts are not provided. For escort service, call 505-277-2241.

Campus Safety Website:

The Campus Safety Website has various safety tips and features for our UNM community, including a link to Campus Safety 101 <http://campussafety.unm.edu/index.html>

Crime Prevention Materials:

Free brochures and other documents regarding crime prevention are available at UNMPD and other campus locations.

Lobo Guardian:

Is a mobile app that increases user safety by creating a virtual safety network of friends and family. With this app you can set a safety timer and status, communicate with UNMPD, and report a tip to UNMPD. To get the app visit <http://loboguardian.unm.edu/>.

Lost and Found:

UNMPD operates the main lost and found service for the University.

Parking & Transportation Services (PATs):

Parking and Transportation Services provides lighted shelters at bus stops and offers a reliable shuttle bus system throughout the campus from remote parking areas. For additional information, call 505-277-1938.

Victim/Witness Assistance Program:

Contact 505-841-7020

Note: Preventing Harassment and Discrimination include the ongoing programs for students listed above.

## REDUCING YOUR RISK AT UNM

- The UNM Community is encouraged to be responsible for their own safety and to potentially assist with the security of others. Risk reduction choices are not presented in a way to victim blame, but to assist in empowering an individual so that they can be safe, lessen the potential to be a victim of a crime, and promote the safety of others.
- The following is a list of suggestions to help to reduce individual risk on the UNM Campus:
- We want all individuals to feel empowered to say something if you see something on campus that makes you feel uneasy or unsafe, by making sure you let someone know about it (such as the UNM Campus Police, [CEEEO](#), or [Dean of Students](#) Office), so UNM can take action to address the concerns
- Walk with others at night or use the Campus Escort Service
- Should you bring a bike to campus, lock your bike with a U-Lock and take any easily removable items from your bike with you
- Do not leave personal items or valuables unattended
- Do not open doors for strangers or invite strangers into the Residence Halls
- Do not prop open the door of the Residence Halls
- If driving a vehicle to campus, use an anti-theft deterrent device and do not leave items in plain sight of others who may be walking by your car
- If utilizing headphones or earbuds, keep the volume low enough to enable awareness of your surroundings
- Do not give your personal information to untrusted sources, either in person, over the phone, or online
- Always report suspicious activity to the UNM Campus Police by calling 505-277-2241

***As Lobos, remember to “Protect the Pack”***

## FIRE SAFETY REPORT



In accordance with the Higher Education Opportunity Act of 2008, UNM is providing mandatory fire safety information as part of this Annual Report. Detailed data for all on-campus student-housing facilities can be found in Table 4 at the end of this Annual Report.

UNM's Safety & Risk Services Department maintains information on reports of fires and fire alarms in university-owned Residence Halls and Student Family Housing. All of the Greek Letter Organizations are owned by their respective Greek organization, rather than UNM. The [Student Activities Center](#) collects information about fires occurring in Greek housing from the individual organizations.

## **I. Reporting Fires**

Should a fire occur, residents should evacuate the building immediately and report the fire immediately to UNMPD by calling 505-277-2241. Residents may also report fires directly to the fire department by calling 911 or to the UNM Student Residence Center desk, by contacting 505-277-9203.

In the event a fire has already occurred, individuals must report the fire to the following corresponding area, depending on where the fire occurred:

- Resident Life & Student Housing Director – Wayne Sullivan (505) 277-2383
- Resident Life & Student Housing Manager – Scott Dotson (505) 277-8248
- Lobo Village (Area Manager) – Jessika Griego-(505) 925-5575
- Casa Del Rio (Manager) – Marcos Romero- (505) 277-1619
- Lobo Rainforest (Hall Director) – Marcos Chavez-Martinez: (505) 277-1522
- Student Family Housing (Area Coordinator) – Rebecca Tankson: (505) 277-5896
- UNM Safety & Risk Services – (505) 277-2753

Residence hall/apartments conduct four fire drills each academic year (typically one per semester). When a fire alarm sounds in the event of a fire drill or an actual fire, residents in all UNM Residence Halls (including Student Family Housing) and ACC Properties must follow established building evacuation procedures as outlined below:

- Follow all instructions given by residence life staff, UNMPD, or emergency personnel.
- Close all room windows and open draperies.
- Grab a blanket or towel to prevent smoke inhalation.
- Leave ceiling lights in room on.
- Leave as quickly as possible and proceed to nearest designated exit.
- Lock room door and take room key with you.
- Use emergency exits only if it is truly an emergency or fire.
- Exit the building.

UNM strives to educate residential students about fire safety. Resident Advisors and professional staff members attend training provided by UNM's Safety & Risk Services Department on responding to emergencies, including fires. The training includes how to evacuate the halls and use the fire extinguishers located in residence halls and apartments. All students living in residence halls and apartments attend mandatory meetings each semester with their Resident Advisors to review fire safety materials and Resident Advisors discuss fire evacuation plans for their specific residence halls. UNM Safety & Risk Services provided fire extinguisher training for both professional staff and Resident Advisors as well as housing maintenance staff.

## **II. Fire Safety Policies and Rules (UNM Residence Life)**

Students who live in UNM residence halls and apartments are part of an academic community that has community standards to promote the safety and well-being of all residents. The community standards include rules for fire safety, some of which are explained below, and described in more detail in the complete Residence Hall Handbook.

Smoking: Smoking is not permitted anywhere in the residence halls or apartments. UNM is a tobacco-free campus and smoking is prohibited in all University property except for a number of specifically designated outdoor areas.

Open flames: Open flames are prohibited in the residence halls and apartments. Students are not allowed to burn or possess candles, incense, kerosene lamps, lighter fluid, propane, or charcoal in their rooms.

Cooking and electrical appliances: Residence Hall and apartment students may bring and use in their rooms a microwave (800 watts or less), hot pot, coffee maker, rice cooker, and hot air popcorn popper. Appliances with a visible heating element or which use hot oil (e.g., toasters, toaster ovens, George Forman grills) are prohibited. Possession of unauthorized cooking or

heating appliances may result in disciplinary action, including imposition of a fine if use damages the room or apartment. Halogen lamps are prohibited in residence halls and apartments because they pose a fire hazard.

The Residence Life Handbook requires that all electrical appliances, cords, and products be listed with National standards. The Guide also requires that all equipment be maintained in excellent working condition. Overloading electrical outlets is prohibited and only approved surge protective/circuit breakers are permitted.

### **III. Student Family Housing Additional Fire Safety Information**

The Student Family Housing (SFH) complex consists of 200 apartments located within a three-minute drive south of the main campus. Student Family Housing is designed for UNM students with spouses, domestic partners, or families. Student Family Housing has on-site management staff and Community Resident Assistants (CRA) who receive training in fire safety and evacuation procedures. Staff then communicates all fire safety and evacuation procedures to each apartment unit.

(Electrical Appliances, Open Flames and Smoking) Normal small electrical appliances are approved for use in Student Family Housing. Electric heaters and air conditioners and other large electrical appliances are not permitted. Student Family Housing prohibits the burning or possession of candles, incense, kerosene lamps, lighter fluid, propane, or charcoal in apartments or under covered patios. Student Family Housing is also a smoke-free environment so that residents and their visitors are not allowed to smoke in apartments, or on porches, patios, balconies, and adjacent areas. See the Residence Hall Handbook for more details.

At Student Family Housing, fire alarms for each apartment can be activated by using the pull station located in the breezeways and laundry rooms. You can also report a fire or emergency by contacting the SFH Office during business hours, the CRA on Duty and UNMPD.

### **IV. American Campus Communities (ACC) Property Additional Fire Safety Information**

Lobo Village and Casas del Rio are owned and managed by American Campus Community (ACC), in partnership with Residence Life & Student Housing. Tables 2 and 3 show Fire Statistics for UNM Student Residential Facilities and includes information about Lobo Village and Casas del Rio. Students residing in either of these complexes can look to ACC's lease and resident handbook for information on rules and policies about fire safety. Additionally, these properties send safety information to

their residents electronically during move-in, to inform students of all safety expectations and procedures during their stay in these residence halls.

(Electrical Appliances, Open Flames, and Smoking) Space heaters and other similar appliances are prohibited in both ACC Properties. Appliances that use excessive amounts of electricity and/or create excessive heat are prohibited. The use of candles or other burning or smoking devices (including hookahs and shishas) are prohibited in both complexes. Lobo Village permits smoking inside designated apartments and in designated outside areas. Casas del Rio does not permit smoking anywhere on property. Neither Lobo Village nor Casas del Rio permits smoking inside their respective clubhouse, office areas or amenities. Residents with questions can contact the Lobo Village or Casas del Rio offices.

## **V. GREEK HOUSING**

UNM's Greek Letter Organizations (GLO) is comprised of 24 fraternity and sorority chapters. Of those 24 chapters, six chapters own and manage chapter houses where members of the fraternity or sorority may reside. These GLO's are within the UNM campus but they are neither owned nor managed by the University. Chapter houses are owned by the Greek organizations. All of the fraternity and sorority chapters that own houses are affiliates of their respective national Greek Letter Organizations, which set rules and policies governing chapter houses.

These rules vary from chapter to chapter, but:

- All have fire extinguishers
- Have restrictions on live flame candle use
- Have restrictions on certain electric appliances

Chapter houses are required to be inspected annually by the Albuquerque Fire Department and must conduct one fire drill each semester. The UNM Student Activities Center collects reports of fires occurring in Greek housing. In 2019, no reported fires occurred in any Greek Letter Organizations.

Information about fire safety in the six fraternity and sorority chapter houses where UNM Greek students resided can be found at the end of this report in Tables 4 and 5.

## **VI. Training and Future Improvements for Fire Safety**

UNM's Safety & Risk Services Department (SRS) continually evaluates the need for improvements in all aspects of the campus fire safety program. It is the intent of SRS to provide an environment that addresses the issues of fire and life safety for students, visitors, volunteers, faculty and staff. To that end, SRS plans to implement the following fire safety initiatives:

- Provide timely, consistent and effective inspections and testing of building Fire Alarm and Fire Suppression Systems by establishing procedures for conducting and documentation of the required inspections and testing in TMA
- Provide fire safety information at Welcome Back Days
- Actively review remodel and new construction plans to ensure compliance with current fire code.

## **UNIVERSITY OF NEW MEXICO CAMPUS CRIMES**

The following tables contain statistics for Clery crimes that have occurred within UNM Main and the Rio Rancho Campus Clery reportable geography and has been gathered from the Clery Act Coordinator, [UNMPD](#), Campus Security Authorities (CSAs) and Surveys sent to local law enforcement agencies. The data encompasses the following information within UNM's Clery Geography, as defined by the Clery Handbook unless otherwise noted.

### **I. Clery Reportable Crimes (UNM Main Campus and the Rio Rancho Campus)**

Murder/Non-Negligent Manslaughter – is defined as the willful (non-negligent) killing of one human being by another.

Negligent Manslaughter – is defined as the killing of another person through gross negligence.

Rape – is the penetration, no matter how slight, of the vagina or anus, with anybody part or object, or oral penetration by a sex organ or another person, without the consent of the victim. This offense includes the rape of both males and females. Rape is the reported crime, regardless of the age of the victim, if the victim did not consent or if the victim was incapable of

giving consent. If the victim consented, the offender did not force or threaten the victim, and the victim was under the statutory age of consent, the crime reported is Statutory Rape.

Fondling - is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

Incest – is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape – is sexual intercourse with a person who is under the statutory age of consent.

Robbery - is the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault – is an unlawful attack by one person upon another for inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

Burglary – is the unlawful entry of a structure to commit a felony or a theft. This category does include thefts from automobiles.

Motor Vehicle Theft – is the theft or attempted theft of a motor vehicle.

Arson – is any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

## **II. Violence against Women's Act (VAWA) Definitions for Domestic Violence, Dating Violence and Stalking (UNM Main Campus and the Rio Rancho Campus)**

### **Domestic Violence:**

A felony or misdemeanor crime of violence committed by:

- A current or former spouse or intimate partner of the victim or
- A person with whom the victim shares a child in common
- A person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred
- Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred

#### **Dating Violence:**

Is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

#### **Stalking:**

Is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

For the purpose of this definition –

Course of conduct means – two or more acts, including but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

Reasonable person means – a reasonable person under similar circumstances and with similar identities to the victim.

Substantial emotional distress means – significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

### **III. Unfounded Crimes**

Crimes that UNMPD have found to be baseless or false through investigation by their department. Only UNMPD can unfound a crime. Other Clery Reported incidents may have been found not to occur through other investigatory agencies, but still must be classified as a Clery Reported Crime on the UNM Crime Statistics

### **IV. New Mexico State Law Definitions of Domestic Violence, Dating Violence, Sexual Violence (Sexual Assault) and Stalking**

Domestic Violence - Under state law, domestic violence is defined as felony and misdemeanor crimes under the New Mexico Crimes Against Household Members Act. Crimes included under the New Mexico Crimes Against Household Members Act are assault, aggravated assault, assault with intent to commit a violent felony, battery and aggravated battery. A “household member” is a spouse, former spouse, parent, present or former stepparent, present or former parent-in-law, grandparent, grandparent-in-law, a co- parent or a child, or a person with whom someone has had a continuing personal relationship. Cohabitation is not necessary to be deemed a household member under the Act. In addition, under the New Mexico Family Violence Protection Act, violation of a court-issued order or protection granted to protect an individual who has experienced sexual violence or misconduct or domestic abuse is a misdemeanor crime.

Dating Violence – Under New Mexico Crimes Against Household Members Act, someone with whom a person has a dating or intimate relationship is considered to be a household member. Any of the felony and misdemeanor crimes enumerated as domestic violence in the Crimes Against Household Members Act are also crimes when committed against someone with whom the offender has a dating or intimate relationship.

Sexual Violence - Sexual violence refers to physical sexual acts perpetrated with force or coercion against a person’s will; or where a person has not given consent as defined in this policy or is unable to consent due to the use of alcohol or drugs,



disability, or age. It may include sexual assault, forcible fondling, or any other conduct of a sexual nature that is nonconsensual. Sexual violence is a crime.

- Rape/sexual assault: non-consensual sexual intercourse (either vaginal or anal) with a penis, vagina, tongue, finger, or any object.
- Non-consensual oral sex: non-consensual contact between one person's mouth and the genitals or anus of another person.
- Sexual contact/battery: non-consensual touching, kissing, or fondling of another person in a sexual way, whether the person is clothed or unclothed; or forcing someone to touch another in a sexual way.
- Sexual coercion: the act of using pressure, alcohol or drugs, or force to have *sexual* contact with someone against the individual's will and includes persistent attempts to have *sexual* contact with someone who has already refused.

Stalking – Under New Mexico law, “stalking” is defined as knowingly pursuing a pattern of conduct, without lawful authority, directed at a specific individual when the person intends that the pattern of conduct would place the individual in reasonable apprehension of death, bodily harm, sexual assault, or restraint of the individual or another individual. “Aggravated stalking” consists of stalking perpetrated by a person who knowingly violates a court order, including an order of protection, or when the person possesses a deadly weapon or when the victim is under sixteen years of age.

**V. UNM Campus Geography includes the following areas as defined below:**

On Campus Property - Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and

Any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor). This would include most buildings on UNM's Main, North and South Campuses.

Non-Campus Property - Any building or property owned or controlled by a student organization that is officially recognized by the institution; or Any building or property owned or controlled by an institution that is used in direct support of, or in relation

to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution. This would include buildings not located reasonably contiguous to UNM, such as Mesa Del Sol, student groups or teams staying at a location for more than one night and off-site courses taught away from UNM, just to name a few examples.

Public Property - All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus. Public property for UNM is the surrounding streets like Central, University, Lomas, Girard and the sidewalks right on the other side of these streets, but does not include incidents that occur within a business, such as the Frontier Restaurant.

Residential Facilities (On Campus Student Housing) - Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility. This includes all UNM Residence halls, including Student Family Housing and both ACC Properties, Casa De Rio and Lobo Village.

**Table 1 – UNM Main Campus – Clery Crime Statistics (2020, 2019, and 2018)**

Crime Classifications	On Campus Property			Non-Campus Property	Public Property	Total Crime Statistics
	On Campus Student Housing		On Campus Total			
Murder/Non-Negligent Manslaughter	2020	0	0	0	0	0
	2019	0	0	0	1	1
	2018	0	0	0	0	0
Negligent Manslaughter	2020	0	0	0	0	0
	2019	0	0	0	0	0
	2018	0	0	0	0	0
Rape	2020	6	9	0	0	9
	2019	17	23	0	0	23
	2018	14	24	0	0	24
Fondling	2020	2	6	0	0	6
	2019	2	14	0	1	15
	2018	1	11	2	0	13
Incest	2020	0	0	0	0	0
	2019	0	0	0	0	0
	2018	0	0	0	0	0
Statutory Rape	2020	0	0	0	0	0
	2019	0	0	0	0	0
	2018	0	0	0	0	0

Robbery	2020	0	5	0	0	5
	2019	0	2	0	0	2
	2018	0	5	0	2	7
Aggravated Assault	2020	4	11	0	0	11
	2019	2	17	0	4	17
	2018	1	10	1	6	17
Motor Vehicle Theft	2020	1	41	0	0	41
	2019	0	76	0	0	76
	2018	0	129	4	0	133
Arson	2020	0	4	0	0	4
	2019	1	1	0	0	1
	2018	0	1	0	0	1
Burglary	2020	13	41	2	0	43
	2019	15	50	0	0	50
	2018	9	35	1	0	36
Liquor Law Arrest	2020	0	3	0	0	3
	2019	0	15	0	0	15
	2018	1	20	0	0	20
Drug Arrest	2020	0	0	0	0	0
	2019	0	1	0	0	1
	2018	0	6	0	0	6
	2020	0	4	0	0	4
	2019	2	2	0	0	2

Illegal Weapons Arrest	2018	0	3	0	0	3	
	Clery Crime Statistics (2020, 2019 and 2018)						
Crime Classifications	On Campus Property		Non-Campus Property	Public Property	Total Crime Statistics		
	On Campus Student Housing	On Campus Total					
VAWA Clery Crimes							
Dating Violence	2020	2	7	0	0	7	
	2019	17	30	0	0	30	
	2018	6	16	0	0	16	
Domestic Violence	2020	2	8	0	0	8	
	2019	1	12	0	0	12	
	2018	7	13	2	1	16	
Stalking	2020	12	21	0	0	21	
	2019	9	45	0	0	45	
	2018	4	36	0	0	36	

<b>Referrals for Disciplinary Action</b>						
<b>Liquor Law Referrals</b>	<b>2020</b>	73	73	0	0	73
	<b>2019</b>	199	199	0	0	199
	<b>2018</b>	190	191	0	0	191
<b>Drug Law Referrals</b>	<b>2020</b>	33	33	0	0	33
	<b>2019</b>	92	92	0	0	92
	<b>2019</b>	50	62	0	0	62
<b>Weapons Law Referrals</b>	<b>2020</b>	4	4	0	0	4
	<b>2019</b>	2	2	0	0	2
	<b>2018</b>	2	4	0	0	4

2020 Hate Crime Table			
Incident #	Incident Type	Hate Category	Location
Hate Incident #1	Intimidation	Religion	On Campus Student Housing
Hate Incident #2	Intimidation	Race	On Campus

Hate Incident #3	Destruction of Property or Vandalism	National Origin	On Campus Student Housing
<b>2019 Hate Crime Table</b>			
<b>Incident #</b>	<b>Incident Type</b>	<b>Hate Category</b>	<b>Location</b>
Hate Incident #1	Intimidation	Religion	On Campus Student Housing
Hate Incident #2	Intimidation	Ethnicity	On Campus
<b>2018 Hate Crime Table</b>			
<b>Incident #</b>	<b>Incident</b>	<b>Hate Category</b>	<b>Location</b>
Hate Crime #1	Battery	Gender	On Campus
Hate Crime #2	Intimidation	Race	On Campus Student Housing

Unfounded Crimes:

There were 0 unfounded crimes for 2020, 3 unfounded crimes for 2019, 1 unfounded crime for 2018.

**Table 2 - UNM On-Campus Residence Hall Housing Facility Fire Statistics – Calendar Years 2018, 2019 and 2020**

<i>Name/Address</i>	<i>Total Fires</i>			<i>Location</i>	<i>Cause</i>	<i># Of Injuries</i>	<i># Of Deaths</i>	<i>Value of Property</i>
	2018	2019	2020					
Alvarado Hall – 2800 Campus BLVD. NE	0	0	0	N/A	N/A	0	0	0

Casa Del Rio – 420 Redondo Dr. NE	0	0	0	N/A	N/A	0	0	0
Coronado Hall – 301 Girard BLVD. NE	0	0	0	N/A	N/A	0	0	0
DeVargas Hall – 2604 Campus BLVD. NE	0	0	0	N/A	N/A	0	0	0
Hokona Hall – 2500 Campus BLVD. NE	0	0	0	N/A	N/A	0	0	0
Laguna Hall – 2602 Campus BLVD. NE	0	0	0	N/A	N/A	0	0	0
Lobo Rainforest – 2700 Central Ave. NE	0	1	0	3 <sup>rd</sup> floor stairwell	N/A	0	0	0
Lobo Village – 1200 Avenida Cesar Chavez Blvd. SE	0	0	1	Lot west of Lobo Village	An unknown person started a small brush fire	0	0	\$500
Redondo Village Apartments (RVA) – 306 Redondo Dr. NE	0	0	0	N/A	N/A	0	0	0



Santa Clara Hall – 2600 Campus BLVD. NE	0	0	0	N/A	N/A	0	0	0
Student Family Housing – 961 Buena Vista SE	0	0	0	N/A	N/A	0	0	0
Student Residence Center (SRC) – 301 Redondo Dr. NE	0	0	0	N/A	N/A	0	0	0

## DESCRIPTION OF ON-CAMPUS STUDENT HOUSING FACILITIES FIRE SAFETY SYSTEMS

### Fire Safety System Descriptions

1. Battery operated smoke detectors in rooms and common areas
2. Centralized smoke detector system in common areas as well as bedrooms. Fire Suppression system is also in place throughout the house.
3. Local smoke alarms in dormitory rooms; manual pull stations at all exit doors; system smoke detectors in common areas. Activation of pull station or system detector reports to the Student Residence Commons and notifies Campus Police. No fire sprinklers.
4. Local smoke alarms in dormitory rooms; manual pull stations at all exit doors; system smoke detectors in common areas. Activation of pull station or system detector reports to the Student Residence Commons and notifies Campus Police. Fire sprinklers in basement only.
5. Full fire alarm system. In room, detectors ring local only with signal to SRC. Common areas full detection with Pull stations will activate general alarm and SRC desk as well as Campus Police. Partial sprinklers in basement tied to fire alarm system. Fire sprinkler system in basement only.
6. Local smoke detectors in rooms only, smoke detection in common areas activate general alarm. Alarm activation by sprinkler activation or SRC Commons notifies Campus Police. Includes fire sprinkler system. Apartments are fully sprinkled.
7. Local smoke detectors in apartments only; System smoke/heat detectors in unoccupied rooms. General alarm activation by common area smoke/heat detectors, sprinkler activation or SRC Commons notifies Campus Police. Includes fire sprinkler system. RVA is fully sprinkled.
8. Local smoke detectors in apartments only. System smoke/heat detectors in unoccupied rooms and in common areas and corridors. General alarm activation by common area smoke/heat detectors, sprinkler activation fire alarm pull station. Residence Hall is fully sprinkled. Fire Alarm notifies both UNM Campus Police Dispatch and the City of Albuquerque Emergency 911 Dispatch Center.
9. Smoke detector system in common areas, as well as bedrooms
10. Centralized smoke detector system in common areas as well as bedrooms. Fire Suppression system is also in place throughout the house. Pull stations in main hallways and common areas.
11. Centralized smoke detector system in common areas as well as bedrooms.

**Table 3 - UNM ON-Campus Residence Hall Housing – Fire Safety Systems**

<i>Name/Address</i>	<i>Fire Safety System</i>	<i>Fire Extinguishers</i>	<i># Of Fire Drills 2020</i>
Alvarado Hall – 2800 Campus BLVD. NE	3	Yes	4
Casa Del Rio – 420 Redondo Dr. NE	8	Yes	4
Coronado Hall – 301 Girard BLVD. NE	4	Yes	4
DeVargas Hall – 2604 Campus BLVD. NE	5	Yes	4
Hokona Hall – 2500 Campus BLVD. NE	5	Yes	4
Laguna Hall – 2602 Campus BLVD. NE	5	Yes	4
Lobo Rainforest – 2700 Central Ave. NE	8	Yes	4
Lobo Village – 1200 Avenida Cesar Chavez Blvd. SE	8	Yes	4
Redondo Village Apartments (RVA) – 306 Redondo Dr. NE	7	Yes	4
Santa Clara Hall – 2600 Campus	3	Yes	4

BLVD. NE			
Student Family Housing – 961 Buena Vista SE	1	Yes	4
Student Residence Center (SRC) – 301 Redondo Dr. NE	6	Yes	4

**Table 4 - UNM On-Campus Fraternity and Sorority Housing Facility - Fire Statistics 2018, 2019 and 2020**

<i>Name/Address</i>	<i>Total Fires</i>			<i>Date/ Time</i>	<i>Location</i>	<i>Cause</i>	<i># Of Injuries</i>	<i># Of Deaths</i>	<i>Value of Property</i>
	2018	2019	2020						
Alpha Tau Omega – 1717 Las Lomas Rd. NE	0	0	0				0	0	0
Chi Omega – 1810 Mesa Vista Rd. NE	0	0	0				0	0	0
Kappa Kappa Gamma	0	0	0				0	0	0

– 1620 Mesa Vista Rd. NE									
Pi Beta Phi – 1701 Mesa Vista Rd. NE	0	0	0				0	0	0
Pi Kappa Alpha – 700 University Blvd. NE	0	0	0				0	0	0
Sigma Chi – 1855 Sigma Chi Rd. NE	0	0	0				0	0	0

**Table 5 - UNM On-Campus Fraternity and Sorority Housing Facility - Fire Safety Systems**

<i>Name/Address</i>	<i>Fire Safety System</i>	<i>Fire Extinguishers</i>	<i># Of Fire Drills 2020</i>
Chi Omega – 1810 Mesa Vista Rd. NE	2	Yes	2
Kappa Kappa Gamma – 1620 Mesa Vista Rd. NE	10	Yes	2
Pi Beta Phi – 1701 Mesa Vista Rd. NE	11	Yes	2
Pi Kappa Alpha – 700 University Blvd. NE	11	Yes	2
Sigma Chi – 1855 Sigma Chi Rd. NE	2	Yes	2

**Table 6 – UNM Health Sciences Rio Rancho Campus (Formally UNM West) Clery Statistics (2020, 2019, 2018) \***

Crime Classifications		On Campus Property		Non-Campus Property	Public Property	Total Crime Statistics
		On Campus Student Housing	On Campus Total			
Murder/Nonnegligent Manslaughter	2020	0	0	0	0	0
	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2020	0	0	0	0	0

<b>Negligent Manslaughter</b>	<b>2019</b>	0	0	0	0	0
	<b>2018</b>	0	0	0	0	0
<b>Rape</b>	<b>2020</b>	0	0	0	0	0
	<b>2019</b>	0	0	0	0	0
	<b>2018</b>	0	0	0	0	0
<b>Fondling</b>	<b>2020</b>	0	0	0	0	0
	<b>2019</b>	0	0	0	0	0
	<b>2018</b>	0	0	0	0	0
<b>Incest</b>	<b>2020</b>	0	0	0	0	0
	<b>2019</b>	0	0	0	0	0
	<b>2018</b>	0	0	0	0	0
<b>Statutory Rape</b>	<b>2020</b>	0	0	0	0	0
	<b>2019</b>	0	0	0	0	0
	<b>2018</b>	0	0	0	0	0
<b>Robbery</b>	<b>2020</b>	0	0	0	0	0
	<b>2019</b>	0	0	0	0	0
	<b>2018</b>	0	0	0	0	0
<b>Aggravated Assault</b>	<b>2020</b>	0	0	0	0	0
	<b>2019</b>	0	0	0	0	0
	<b>2018</b>	0	0	0	0	0
<b>Motor Vehicle Theft</b>	<b>2020</b>	0	0	0	0	0
	<b>2019</b>	0	0	0	0	0
	<b>2018</b>	0	1	0	0	1
<b>Arson</b>	<b>2020</b>	0	0	0	0	0
	<b>2019</b>	0	0	0	0	0
	<b>2018</b>	0	0	0	0	0

<b>Burglary</b>	<b>2020</b>	0	0	0	0	0
	<b>2019</b>	0	0	0	0	0
	<b>2018</b>	0	0	0	0	0
<b>Liquor Law Arrest</b>	<b>2020</b>	0	0	0	0	0
	<b>2019</b>	0	0	0	0	0
	<b>2018</b>	0	0	0	0	0
<b>Drug Arrest</b>	<b>2020</b>	0	0	0	0	0
	<b>2019</b>	0	0	0	0	0
	<b>2018</b>	0	0	0	0	0
<b>Illegal Weapons Arrest</b>	<b>2020</b>	0	0	0	0	0
	<b>2019</b>	0	0	0	0	0
	<b>2018</b>	0	0	0	0	0

**UNM Health Sciences Rio Rancho Campus (Formerly UNM West) Clery Crime Statistics (2020, 2019 and 2018)**

<b>Crime Classifications</b>	<b>On Campus Property</b>		<b>Non-Campus Property</b>	<b>Public Property</b>	<b>Total Crime Statistics</b>
	<b>On Campus Student Housing</b>	<b>On Campus Total</b>			



VAWA Clery Crimes						
Dating Violence	2020	0	0	0	0	0
	2019	0	0	0	0	0
	2018	0	0	0	0	0
Domestic Violence	2020	0	0	0	0	0
	2019	0	0	0	0	0
	2018	0	0	0	0	0
Stalking	2020	0	0	0	0	0
	2019	0	0	0	0	0
	2018	0	0	0	0	0
Referrals for Disciplinary Action						
Liquor Law Referrals	2020	0	0	0	0	0
	2019	0	0	0	0	0
	2018	0	0	0	0	0
Drug Law Referrals	2020	0	0	0	0	0
	2019	0	0	0	0	0
	2018	0	0	0	0	0
Weapons Law	2020	0	0	0	0	0
	2019	0	0	0	0	0

**Referrals****2018**

0

0

0

0

0

\* UNM West/UNM Health Sciences Rio Rancho Campus numbers include numbers for the Sandoval Regional Medical Center (SRMC)

**2020 UNM Health Sciences Rio Rancho Campus (Formerly UNM West) Hate Crime Table**

Incident #	Incident Type	Hate Category	Location
No Hate Crimes Reported for UNM West			

**2019 UNM West/UNM Health Sciences Rio Rancho Campus Hate Crime Table**

Incident #	Incident Type	Hate Category	Location
No Hate Crimes Reported for UNM West			

**2018 UNM West/UNM Health Sciences Rio Rancho Campus Hate Crime Table**

Incident #	Incident	Hate Category	Location
No Hate Crimes Reported for UNM West			

**Hate Crimes** – There were no hate crimes for the UNM West/UNM Health Sciences Rio Rancho Campus for the past three years.

**FEDERAL DRUG TRAFFICKING PENALTIES (Figure 1)**

DRUG/ SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500 – 4999 gms mixture	<b>First Offense:</b> Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$2 million if an Individual, \$5 million if not an individual. <b>Second Offense:</b> Not less than 10 yrs, & not more than life. If death or serious injury, life in prison. Fine of not more than \$4 million if an individual, \$10 million if not an individual.	5 kgs or more mixture	<b>First Offense:</b> Not less than 10 yrs, & not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$4 million if an individual, \$10 million if not an individual. <b>Second Offense:</b> Not less than 20 yrs, & not more than life. If death or serious injury, life in prison. Fine of not more than \$8 million if an individual, \$20 million if not an individual. <b>2+ Prior Offenses:</b> Life in prison
Cocaine Base (Schedule II)	5 - 49 gms mixture		50 gms or more mixture	
Fentanyl (Schedule II)	40 - 399 gms mixture		400 gms or more mixture	
Fentanyl Analogue (Schedule I)	10 - 99 gms mixture		100 gms or more mixture	
Heroin (Schedule I)	100 - 999 gms mixture		1 kg or more mixture	
LSD (Schedule I)	1- 9 gms mixture		10 gms or more mixture	

Methamphetamine (Schedule II)	5 - 49 gms pure or 50 – 499 gms mixture		50 gms or purer, or 500 gms or more mixture	
PCP (Schedule II)	10-99 gms pure or 100 – 999 gms mixture		100 gm or more pure, or 1 kg or more mixture	

DRUG/ SCHEDULE	QUANTITY	PENALTIES
Other Schedule I & II Drugs (& any product containing Gamma Hydroxybutyric Acid)	Any amount	<b>First Offense:</b> Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than life. Fine \$1 million if an individual, \$5 million if not an individual.  <b>Second Offense:</b> Not more than 30 yrs. If death or serious injury, not less than life. Fine \$2 million if an individual, \$10 million if not an individual.
Flunitrazepam (Schedule IV)	1 gm or more	
Other Schedule III drugs	Any amount	<b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250, 000 if an individual, \$1 million if not an individual. <b>Second Offense:</b> Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual.
Flunitrazepam (Schedule IV)	30 – 999 mgs	
All other Schedule IV drugs	Any amount	<b>First Offense:</b> Not more than 3 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.

Flunitrazepam (Rohypnol) (Schedule IV)	Less than 30 mgs	<b>Second Offense:</b> Not more than 6 yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual.	
All schedule V drugs	Any amount	<b>First Offense:</b> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual. <b>Second Offense:</b> Not more than 2 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.	
DRUG	QUANTITY	1ST OFFENSE	2ND OFFENSE
Marijuana	1,000 kg or more mixture;	Not less than 10 yrs, not more than life. If death or serious injury, not less than 20 yrs, not more than life.	Not less than 20 yrs, not more than life. If death or serious injury,
	or 1,000 or more plants	Fine not more than \$4 million if an individual, \$10 million if not an individual.	mandatory life. Fine not more than \$8 million if an individual, \$20 million if not an individual.
Marijuana	100 kg - 999 kg mixture; or 100 – 999 plants	Not less than 5 yrs, or more than 40 yrs. If death or serious injury, not less than 20 yrs, not more than life. Fine not more than \$2 million if an individual, \$5 million if not an individual.	Not less than 10 yrs, not more than life. If death or serious injury, mandatory life. Fine not more than \$4 million if an individual, \$10 million if not an individual.
Marijuana	More than 10 kgs hashish; 50 – 99 kg mix. More than 1 kg of	Not more than 20 yrs. If death or serious injury, not less than 20 yrs, not more than life. Fine \$1 million if an individual, \$5 million if not an individual.	Not more than 30 yrs. If death or serious injury, mandatory life. Fine \$2 million if an individual,

	hashish oil; 50 – 99 plants		\$10 million if not an individual.
Marijuana	1 – 49 plants; less than 50 kg mixture	Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual	Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if not an individual
Hashish	10 kg or less		
Hashish Oil	1 kg or less		

**NM DRUG LAWS (§§ 30-31-1 - 30-31-41 NMSA 1978) - (Figure 2)**

<b>DRUG</b>	<b>CONDITIONS QUANTITY</b>	<b>PENALTY Prison Fines</b>
Methamphetamine PCP Rohypnol, GHB	Possession	18 mos. ≤ \$5,000 (4th degree Felony)
Methamphetamine PCP Rohypnol * GHB	1st Offense Trafficking (To sell, barter, give away, or distribute)	9 yrs. ≤ \$10,000 (2nd degree Felony)
Methamphetamine PCP Rohypnol, GHB	2nd or Subsequent Offense Trafficking	18 yrs. \$15,000 (1st degree Felony)
Cocaine/Heroin LSD, Other drugs	Possession	≤1 yr. \$500 – 1,000
Prescription Drugs	Possession	≤1 yr. \$500 – 1,000 (Higher for narcotics)
Cocaine/Heroin LSD, Other drugs	1st Offense Trafficking (To sell, barter, give away, or distribute)	≤ 3 yrs. ≤ \$5,000 (3rd degree Felony)
Prescription Drugs Cocaine/Heroin LSD, Other drugs	2nd or subsequent Offense Trafficking	9 yrs. \$10,000 (2nd degree Felony)

Marijuana	Possession, <1 oz. 1st offense Possession, 1-8 oz. 1st offense Possession, 8+ oz. 1st offense	≤ 15 days \$50-100 < 1 yr. \$100-1,000 18 mos. \$5,000
Marijuana	1st Offense Trafficking (To sell, barter, give away, or distribute)	18 mos. \$5,000 >100 lbs. = 3 yrs. \$5,000



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# Information and Resources for Individuals Affected by Sexual Misconduct

- Question the validity of their claims. A survivor's worst fear is not being believed.
- Make excuses for the perpetrator.
- Tell the survivor what to do. You instead can offer any of the resources found in this brochure.
- Minimize the abuse. It doesn't matter who committed the abuse or what type of abuse is experienced, all survivors need support.
- Question the timing, even if it has been months or years since the abuse

- CARs
- Ombuds Services

(For Faculty and Staff):

**The Confidential/Anonymous Advocacy Centers (For Students):**

- LobaRESPECT Advocacy Center
- Women's Resource Center
- LGBTQ Resource Center

Students may also report incidents to Student Health and Counseling (SHAC), where one would need to provide their name for record keeping purposes, but the incident will not be reported to any other source outside of the office.

rights including investigations of civil rights violations. The University has policies that prohibit all forms of discrimination and harassment, to include sexual harassment, a form of gender discrimination that is prohibited by state and federal law (including, but not limited to Title IX of the Education Amendments of 1972). Prohibited conduct under Title IX includes, but is not limited to, sexual assault, stalking, and domestic violence. Please visit [eo.unm.edu](http://eo.unm.edu).

**Manzanita Counseling Center**  
(For All UNM Community Members)  
505.277.7311 | [coe.unm.edu](mailto:coe.unm.edu) | FREE Short-term  
training counseling for all.

**Student Health and Counseling (SHAC)** 505.277.3136  
(24-hr number) | [shac.unm.edu](mailto:shac.unm.edu) |  
Low cost for eligible students counseling, crisis  
intervention and medical services.

505. 277.3716 | [wrcservices1972@unm.edu](mailto:wrcservices1972@unm.edu) |  
FREE Short-term Trauma-Informed counseling for  
students. Main and HSC based.

**Counseling and Referral Services (CARS)**  
(For Faculty and Staff)  
505. 272.6868 | [cars.unm.edu](mailto:cars.unm.edu) | FREE counseling  
services for eligible staff, faculty, and their spouses/  
partners and retirees.

**Domestic Violence Resource Center (For All UNM  
Community Members)** 505.248.3165 | [dvrc.org](http://dvrc.org) |  
Off Campus FREE counseling.

**Rape Crisis Center of Central New Mexico (For All UNM  
Community Members)** 505.266.7711 | [rapecrisiscnm.org](http://rapecrisiscnm.org) |  
FREE counseling for all, 24-hr hotline.

**Albuquerque Sexual Assault Nurse Examiner (SANE)**  
(For All UNM Community Members) 505.884.7263  
(24-hr dispatch) | Off Campus 24-hr free medical and forensic exams by trained nurses, emergency contraceptive, treatment for sexually transmitted infection, evidence collection, forensic photography and follow-up services.

**Student Health & Counseling (SHAC)**  
(For Students) 505.277.3136 (24-hr number) |  
shac.unm.edu | Counseling, crisis intervention, and medical services for eligible students. Can expedite referrals to SANE.

**LoboRESPECT Advocacy Center (For Students)**  
505.277.2911 | <https://loborespect.unm.edu/>  
**Accessibility Resource Center (For Students)**  
505.277.3506 | [arc.unm.edu/](http://arc.unm.edu/) | Academic assistance  
and accommodations for qualified students.  
**ADA Coordinator (For Faculty and Staff)**  
505.277.5251 | Assists with accommodations for  
Faculty and Staff.

**Albuquerque Bar Association Lawyer Referral Services** (For All UNM Community Members)  
505.243.2615 | [abqbar.org](http://abqbar.org)

**New Mexico Legal Aid**  
505.243.7871 | [newmexicolegalaid.org](http://newmexicolegalaid.org)

**Law Access New Mexico**  
505.998.4529

**Second Judicial District Court Self-Help Center**  
(For All UNM Community Members)  
505.841.6702 | [seconddistrictcourt.nmcourts.gov](http://seconddistrictcourt.nmcourts.gov)

**New Mexico Immigration Law Center**  
505.247-1023 | [nmilc.org](http://nmilc.org)

Victims may be concerned about confidentiality and their own privacy. Anonymous resources exist in order to provide a safe space for individuals to explore their options, learn about resources, and discuss concerns. Should an individual consult with one of the confidential/anonymous reporting locations listed below, the site is only required to report

Individuals experiencing harm have choices when it comes to informing the University of New Mexico about sexual misconduct. Individuals can submit anonymously, or with identifying information through the University's compliance hotline 1-888-899-6092 or file a report using the web-reporting tool, [umc.ethicspoint.com](http://umc.ethicspoint.com). Information in the Sexual Misconduct Report Form is used to

This brochure is designed to provide resources and steps following sexual misconduct. When a survivor shares or discloses an instance of abuse, recognize that the process can be extremely difficult and that you should be as supportive as possible. We encourage you to listen, believe and familiarize yourself with the resources detailed here. You are not expected to be an expert, counselor or investigator. Further guidance can be found at [jobrespect.unm.edu](http://jobrespect.unm.edu).



gather statistical data that the University is required to track and report. This report may not automatically trigger a formal complaint or investigation.

### CAMPUS/ADMINISTRATIVE INVESTIGATION

To initiate an OEO investigation, a formal complaint must be signed by the victim\*. Upon receipt of a formal complaint, the accused individual will be notified of the allegations. OEO has accepted jurisdiction to investigate. Additional information can be found in the Office of Equal Opportunity website or by speaking with the Title IX Coordinator. Both the complainant and the respondent will be informed in writing of the outcome. Advisors/Advocates are available to support students through the process of Title IX investigation.

In rare circumstances, the Title IX Coordinator may exercise their authority and file a formal complaint to initiate an investigation..

### RIGHTS OF THE PARTIES

During OEO's Discrimination Grievance Procedure following a report of sexual harassment, and prior to a final determination being made through an impartial hearing, the Complainant and Respondent have equal rights to be treated with respect, dignity, and sensitivity throughout the process; access to information on how the University will protect their confidentiality; and to present evidence or other information they feel relevant to the matter.

Following OEO's investigation, the hearing determination, and the imposition of sanction if applicable, the Complainant and Respondent have equal rights to seek a discretionary review through an established appellate process. Please see the *OEO Discrimination Grievance Procedure* for an overview of the appeal process.

### POLICE OPTIONS

Reporting to the police is not a requirement and individuals may decline to notify them. One may choose to report to campus law enforcement if the incident occurred on campus or local police if the incident off campus. Individuals can choose to pursue their complaint through the criminal justice system as well as seeking administrative support and/or conduct action. It is important to note that reporting to university administration/Title IX will not automatically launch a police report/investigation. Advocates can assist with arranging an initial police contact.

Should an individual need assistance in contacting the police, any of the advocacy centers will assist a student in doing so or Ombuds can assist faculty or staff in doing so.

### DOES THE NAME OF THE ALLEGED OFFENDER HAVE TO BE PROVIDED?

Individuals can choose whether to identify the alleged offender or not. In order for the University to pursue formal disciplinary action against that individual, the name must be revealed. If the individual chooses to not file a formal complaint, they do not need to name the individual.

### HOW LONG DO I HAVE TO FILE A REPORT REGARDING AN INCIDENT OF SEXUAL MISCONDUCT?

The University encourages individuals to immediately report incidents of sexual misconduct, but recognizes that individuals

specific time limit, we recommend reporting as soon as possible. Anonymous reporting locations are available to discuss your options without making a formal report.

### AMNESTY FROM DISCIPLINARY ACTION:

UNM grants amnesty to students who may have violated the Student Code of Conduct's prohibition on the use or possession of alcohol or drugs at the same time they experienced sexual violence or misconduct. Therefore, no drug or alcohol-related charges under the Student Code of Conduct are applied to students who report that they were using drugs or alcohol at the time they experienced sexual violence or misconduct. Additional information on the amnesty policy can be found in UNM Policy 2740.

For more information on disciplinary procedures and action, please review the following sites:

**Students:** [pathfinder.unm.edu/code-of-conduct.html](https://pathfinder.unm.edu/code-of-conduct.html)

**Staff:** <https://policy.unm.edu/university-policies/3000/3215.html>  
Faculty handbook.unm.edu

## Supportive Measures

The University of New Mexico supports individuals affected by sexual misconduct. UNM may implement Supportive Measures designed to preserve the individual's educational and/or work experience. Supportive measures are non-punitive individualized services that are reasonably available, including, but not limited to, a referral to counseling, housing changes, academic adjustments, etc.

### EXAMPLES OF MOST COMMONLY REQUESTED SUPPORT AT UNM

- Providing access and assistance in obtaining counseling services and necessary medical services including assistance in arranging an initial appointment, on/or off campus.
- Assistance in contacting community resources, such as The Rape Crisis Center of Central New Mexico, Albuquerque Sexual Assault Nurse Examiners (SANE) or other support services.
- Assistance in contacting legal resources such as New Mexico Legal Aid, or other legal resources.
- Guidance and support with filing a report through the University's Office of Equal Opportunity and/or through the criminal justice process.
- Assisting with Academic Accommodations. Advocates can support students by contacting faculty on their behalf, help coordinate support around coursework, assist with the Student Financial Aid/Scholarship Office to provide documentation on behalf of the student to facilitate any appeals process in the event financial aid or scholarships are at risk, seek availability of alternative course completion option, including, but not limited to the opportunity to change class schedules by transferring course sections or withdrawing without penalty.
- Assistance with Housing Support and Accommodations such as completing temporary or permanent changes to a room assignment, or other housing needs.
- No Contact Directives (NCD) For Students - the Dean of Students Office can impose a no contact directive that prohibits contact

not to have contact either with each other, in-person or through electronic communication. Advocates can also assist with filing orders of protection.

- No Contact Directives for Faculty and Staff - this can be done by contacting the Office of Equal Opportunity.

## Requesting Supportive Measures

### CONFIDENTIALLY

Confidential advocates that the LoboRESPECT Advocacy Center, Women's Resource Center, LGBTQ Resource Center, and Vassar House, work with individuals on a case-by-case basis to ensure access to education and safety on campus are not compromised. They explore all the rights and options without being required to report information to the UNM Title IX Coordinator.

### OEO

A survivor does not need to pursue an OEO investigation to access Supportive Measures. Contact OEO and schedule a time to discuss supportive measures.

## Steps to Consider

### EVIDENCE PRESERVATION AND TIMELY MEDICAL ATTENTION

Regardless of whether an incident of sexual misconduct is reported to the police or the University, it is strongly encouraged that individuals who have experienced sexual misconduct preserve evidence, as this can support legal options for them in the future. Below are suggestions for preserving evidence related to an incident of sexual misconduct. It is important to keep in mind that each suggestion may not apply in every incident:

### PRESERVING PHYSICAL EVIDENCE OF AN ASSAULT

Even if an individual is unsure whether they want to report an assault or pursue filing a complaint, it is important to preserve the evidence. Evidence is best collected as soon as possible, within at least the first 72 hours of the incident. To ensure evidence is preserved, we recommend that one does not shower following the incident. In addition, evidence can also be gathered through text messages, instant messages, and other communications all of which can be beneficial to investigators.

## Seeking Medical Attention

It is important to seek medical attention as soon as possible. Albuquerque SANE has trained professionals who can collect necessary physical and forensic evidence. Even if you do not opt for forensic evidence collection, health care professionals can treat injuries and take the necessary steps to address concerns of pregnancy and/or sexually transmitted infections. You can also seek medical care on campus at Student Health and Counseling or outside of the University. It is important to note that only SANE can collect forensic evidence.

For immediate assistance or if you are in danger call: 911 or reach campus Police at 505 277.2241.





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NEW MEXICO®